

WSR 13-02-004
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed December 19, 2012, 1:04 p.m., effective January 19, 2013]

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

Purpose: WAC 392-121-107 through 392-121-187 require updating to address changes resulting from recently passed legislative bills and revising the language to address current practice. A summarization of the changes is as follows:

- Limit the FTE that can be claimed for running start students to 1.20 FTE,
- Address the new June enrollment reporting requirement,
- Change the noon intermission to meal intermission to clarify this enrollment exclusion,
- Add city and county jails to list of institutional education entities,
- Remove the requirement for national guard program participation be limited to school districts only, and
- Allow the claiming of expelled students who have resumed enrollment.

Citation of Existing Rules Affected by this Order: Amending WAC 392-121-107, 392-121-108, 392-121-119, 392-121-122, 392-121-123, 392-121-124, 392-121-133, 392-121-136, and 392-121-187.

Statutory Authority for Adoption: RCW 28A.150.305.

Adopted under notice filed as WSR 12-21-135 on October 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 28, 2012.

Randy Dorn
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending WSR 09-06-038, filed 2/25/09, effective 3/28/09)

WAC 392-121-107 Definition—Course of study. As used in this chapter, "course of study" means those activities for which students enrolled pursuant to chapters 180-16, 180-51, 392-169, 392-134, and 392-410 WAC may be counted as

enrolled students for the purpose of full-time equivalent student enrollment counts.

(1) Course of study includes:

(a) Instruction - Teaching/learning experiences conducted by school district staff as directed by the administration and the board of directors of the school district, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time for meals.

(b) Alternative learning experience - Alternative learning experience provided by the school district in conformance with WAC 392-121-182.

(c) Instruction provided by a contractor - Instruction provided by a contractor in conformance with WAC 392-121-188.

(d) National guard - Participation in a national guard high school career training program for which credit is being given toward either required or elective high school credits pursuant to RCW 28A.300.165 and WAC 392-410-320. ~~((Such participation may be counted as a course of study only by the school district which the individual last attended.))~~

(e) Ancillary service - Any cocurricular service or activity, any health care service or activity, and any other services or activities, for or in which enrolled students are served by appropriate school district staff. The term shall include, but not be limited to, counseling, psychological services, testing, remedial instruction, speech and hearing therapy, health care services, and if such service is provided by the district, certificated contact time pursuant to RCW 28A.225.010 (4)(a) with students who are in a home-based instruction program. The term shall exclude all extracurricular activities and all other courses of study defined in this section. In conformance with WAC 392-134-025, school districts report the actual number of student contact hours of ancillary service for part-time, private school, and home-based students to the superintendent of public instruction.

(f) Work based learning - Training provided pursuant to WAC 392-410-315 and reported as provided in WAC 392-121-124.

(g) Running start - Attendance at an institution of higher education pursuant to RCW 28A.600.300 through 28A.600.400, chapter 392-169 WAC.

(h) Transition school - Participation in the University of Washington's transition school and early entrance program pursuant to RCW 28A.185.040, and chapter 392-120 WAC. Such participation shall be reported by the University of Washington and shall not be reported by a school district.

(i) Technical college direct funding - Enrollment at a technical college pursuant to RCW 28A.150.275 and WAC 392-121-187. Such participation shall be reported by the technical college and shall not be reported by a school district unless the technical college and the school district agree to have the school district report such enrollment.

(2) Course of study does not include:

(a) Home-based instruction pursuant to RCW 28A.225.010(4): Education programs provided by a parent which do not meet the requirements of WAC 392-121-182 cannot be claimed for state funding;

(b) Private school instruction pursuant to chapter 28A.195 RCW;

(c) Adult education as defined in RCW 28B.50.030(12);

(d) Instruction provided to students who do not reside in Washington state (RCW 28A.225.260);

(e) Enrollment in state institutions, i.e., state operated group homes, county juvenile detention centers, state institutions for juvenile delinquents, county and city adult jails, and state residential habilitation centers;

(f) Instruction preparing a student for the general education development (GED) test if such instruction generates state or federal moneys for adult education;

(g) Enrollment in education centers except as provided under contract with a school district pursuant to RCW 28A.150.305 and WAC 392-121-188;

(h) Enrollment in the Washington state school for the deaf and the Washington state school for the blind;

(i) Extracurricular activities including but not limited to before and after school activities such as classes, sports and other activities offered outside the regular curriculum or for which credit is not earned; or

(j) Attendance at universities, colleges, community colleges, or technical colleges of students not earning high school credit.

AMENDATORY SECTION (Amending WSR 10-12-037, filed 5/25/10, effective 6/25/10)

WAC 392-121-108 Definition—Enrollment exclusions. A person who qualifies for any of the exclusions set forth in this section shall not be counted as an enrolled student pursuant to WAC 392-121-106.

(1) Absences - Except as provided in (a) and (b) of this subsection, a student whose consecutive days of absence from school exceed twenty school days, or a part-time student that has not attended school at least once within a time period consisting of twenty consecutive school days, shall not be counted as an enrolled student until attendance is resumed. School days are defined as the regularly scheduled instructional days for the general population of the school or district the student is enrolled in, regardless of the student's individualized schedule.

(a) If there is a written agreement between the appropriate school official and a student's parent or guardian pursuant to RCW 28A.225.010 that the student's temporary absence is not deemed to cause a serious adverse effect upon the student's educational progress, the absent student may be counted as an enrolled student for up to two monthly enrollment count dates as specified in WAC 392-121-122.

(b) A student receiving home and/or hospital service pursuant to WAC 392-172A-02100 shall be counted as an enrolled student as provided in WAC 392-122-145.

(2) Dropouts - A student for whom the school district has received notification of dropping out of school by the student or the student's parent or guardian shall not be counted as an enrolled student until attendance is resumed.

(3) Transfers - A student who has transferred to another public or private school and for whom the school district has received notification of transfer from the school to which the student has transferred, from the student, or from the stu-

dent's parent or guardian shall not be counted as an enrolled student unless the student reenrolls in the school district.

(4) Suspensions - A student who has been suspended from school pursuant to WAC 392-400-260, when the conditions of the suspension will cause the student to lose academic grades or credit, shall not be counted as an enrolled student until attendance is resumed.

(5) Expulsions - A student who has been expelled from all school subjects or classes by the school district pursuant to WAC 392-400-275 or 392-400-295 shall not be counted as an enrolled student until such time as enrollment in a district program has resumed; a student who has been partially expelled, such as from a single school subject or class, by the school district pursuant to WAC 392-400-275 or 392-400-295 may be considered a part-time enrolled student.

(6) Graduates - A student who has met the high school graduation requirements of chapter 180-51 WAC by the beginning of the school year.

(7) Tuition - A student paying tuition including, but not limited to, students on an F-1 visa or students enrolled in a tuition-based summer school program.

(8) An institution student who is claimed as a 1.0 FTE by any institution as an enrolled student eligible for state institutional education support pursuant to chapter 392-122 WAC where the institution's count date occurs prior to the school district count date for the month. Where the count dates occur on the same date, the institution shall have priority for counting the student.

AMENDATORY SECTION (Amending Order 97-06, filed 10/27/97, effective 11/27/97)

WAC 392-121-119 Definition—Enrollment count dates. As used in this chapter, "enrollment count dates" means the fourth school day of September and the first school day of each of the ~~((eight))~~ nine subsequent months of the school year for all school districts including districts which commence basic education programs prior to September 1st. Exceptions are limited to the following:

(1) In school districts where not every school or grade follows the same calendar of school days, the calendar of an individual school or an entire grade level within a school may determine the monthly enrollment count date for that school or grade level within the school.

(2) The nine count dates for running start enrollment shall be the first school day of each month of October through June.

AMENDATORY SECTION (Amending WSR 08-04-009, filed 1/24/08, effective 2/24/08)

WAC 392-121-122 Definition—Full-time equivalent student. As used in this chapter, "full-time equivalent student" means each enrolled student in the school district as of one of the enrollment count dates for at least the minimum number of hours set forth in subsection (1) of this section, inclusive of class periods and normal class change passing time, but exclusive of ~~((noon))~~ meal intermissions: Provided, That each hour counted shall contain at least 50 minutes of instruction or supervised study provided by appropriate instructional staff. The purpose of recognizing "50 minute

hours" is to provide flexibility to school districts which utilize block periods of instruction so long as students are ultimately under the jurisdiction of school staff for the equivalent of 60 minute hours: Provided further, That the hours set forth below shall be construed as annual average hours for the purposes of compliance with this chapter.

(1) The minimum hours for each grade are as follows:

(a) Kindergarten: 20 hours each week, or 4 hours (240 minutes) for each scheduled school day;

(b) Primary (grades 1 through 3): 20 hours each week, or 4 hours (240 minutes) each scheduled school day;

(c) Elementary (grades 4 through 6): 25 hours each week, or 5 hours (300 minutes) each scheduled school day;

(d) Secondary (grades 7 through 12): 25 hours each week, or 5 hours (300 minutes) each scheduled school day.

(2) Except as limited by WAC 392-121-136, a student enrolled for less than the minimum hours shown in subsection (1) of this section shall be counted as a partial full-time equivalent student equal to the student's hours of enrollment divided by the minimum hours for the student's grade level set forth in subsection (1) of this section.

(3) The full-time equivalent of a student's running start enrollment pursuant to RCW 28A.600.300 through 28A.600.400 shall be determined pursuant to chapter 392-169 WAC. If a running start student is enrolled both in high school courses provided by the school district and in running start courses provided by the college, the high school full-time equivalent and the running start full-time equivalent shall be determined separately.

(4) The full-time equivalent of University of Washington transition school students shall be determined pursuant to chapter 392-120 WAC.

(5) The full-time equivalent of a student's alternative learning experience shall be determined pursuant to WAC 392-121-182.

AMENDATORY SECTION (Amending WSR 09-01-173, filed 12/23/08, effective 1/23/09)

WAC 392-121-123 Nonstandard school year programs. A student participating in a program of education occurring during ~~((June, July, or August-))~~ the nonstandard school year~~(s))~~ on a tuition-free basis may be claimed for state funding to the extent that the student was not claimed as a 1.0 AAFTE during the regular school year (September through ~~((May))~~ June), subject to the following:

(1) Eligible student FTE in a nonstandard school year program shall be claimed based upon the following:

(a) Enrolled hours based upon the standards in WAC 392-121-122 or 392-121-182.

(b) Credit based for student enrolled in a college program under WAC 392-121-188.

(c) A student enrolled in transition school or a running start program is not eligible for nonstandard school year funding.

(2) A district shall make month by month evaluation of the student to determine if the following conditions were met during the regular school year:

(a) The student was not home schooled or enrolled in a private school.

(b) The student was not claimed as a 1.0 FTE in a regular or institution education program.

(3) For each month in which the conditions of subsection (2) of this section are met, the district shall determine the amount of student FTE claimed for the student. To the extent the enrollment claimed is less than 1.0 FTE for each month, the school district may claim nonstandard school year FTE based upon the student enrollment in the nonstandard school year school program.

AMENDATORY SECTION (Amending WSR 07-23-026, filed 11/9/07, effective 12/10/07)

WAC 392-121-124 Full-time equivalent enrollment for work based learning. For work based learning provided pursuant to WAC 392-410-315, a student's full-time equivalent shall be determined as follows:

(1) For cooperative work based learning experience, in accordance with WAC 392-410-315 (1)(g), divide the student's hours of work experience for the month by two hundred; for example: Forty hours of cooperative work experience equals two tenths of a full-time equivalent ($40 \div 200 = 0.20$). For instructional work based learning experience, in accordance with WAC 392-410-315 (1)(f) and 296-125-043(4), divide the student's enrolled hours of work experience for the month by one hundred; for example: Twenty hours of instructional work experience equals two tenths of a full-time equivalent ($20 \div 100 = 0.20$). Enrollment exclusions in WAC 392-121-108 apply to instructional work based learning enrolled hours.

(2) Estimated or scheduled hours of cooperative work based learning experience may be used in determining a student's full-time equivalent on an enrollment count date: Provided, That the combined monthly hours reported for the school year shall not exceed the student's actual hours of cooperative work based learning experience documented on the student's work records and maintained by the school district for audit purposes. ~~((Instructional and cooperative work based learning experience during June of the regular school year shall be included in the May enrollment count.))~~

(3) Work based learning provided as part of a state-approved vocational education program qualifies for enhanced vocational funding and may be included in determining a student's vocational full-time equivalent enrollment.

(4) No more than three hundred sixty hours of cooperative work based learning may be claimed for funding for each credit a student pursues as reported on the student's transcript. No more than one hundred eighty hours of instructional work based learning may be claimed for funding for each credit a student pursues as reported on the student's transcript.

(5) Funding may be claimed only for work based learning hours that occur after the work based learning plan, work based agreement, program orientation and new employee orientation, as defined in WAC 392-410-315, are completed.

AMENDATORY SECTION (Amending WSR 09-03-052, filed 1/13/09, effective 2/13/09)

WAC 392-121-133 Definition—Annual average full-time equivalent students. As used in this chapter, "annual average full-time equivalent students" means the sum of the following:

(1) The annual total of full-time equivalent students enrolled on the (~~(nine)~~) ten enrollment count dates of the school year and reported to the superintendent of public instruction pursuant to WAC 392-121-122 divided by (~~(nine)~~) ten;

(2) Annual hours of ancillary service to part-time, private school, and home-based students reported pursuant to WAC 392-121-107 divided by 720 for grades kindergarten through third and 900 for grades fourth through twelfth; and

(3) Annual hours of eligible enrollment in nonstandard school year programs pursuant to WAC 392-121-123 divided by 720 for grades kindergarten through third and 900 for grades fourth through twelfth.

AMENDATORY SECTION (Amending WSR 10-13-020, filed 6/4/10, effective 7/5/10)

WAC 392-121-136 Limitation on enrollment counts. Enrollment counts pursuant to WAC 392-121-106 through 392-121-133 are subject to the following limitations:

(1) Except as provided in (a), (b) and (c) of this subsection, no student, including a student enrolled in more than one school district, shall be counted as more than one full-time equivalent student on any count date or more than one annual average full-time equivalent student in any school year.

(a) School districts operating approved vocational skills center programs during the summer vacation months may claim additional full-time equivalent students based upon actual enrollment in such vocational skills centers on the aggregate of enrolled hours based upon the fourth day of each summer session. Each district operating an approved vocational skills center program shall be entitled to claim one annual average full-time equivalent student for each 900 hours of planned student enrollment for the summer term(s) subject to the limitation in (c) of this subsection.

(b) Enrollment count limitations apply separately to a student's running start, skills center and high school enrollments and is limited to an overall maximum (~~(2.0)~~) 1.8 FTE.

(c) Subject to (b) of this subsection, a student enrolled in a skill center program during the regular school year may be claimed for up to a combined 1.6 full-time equivalent student. A student enrolled in running start during the regular school year may be claimed for up to a combined 1.2 full-time equivalent student. A student enrolled in high school and skills center for more than 1.0 FTE, can be claimed for a 0.2 running start FTE.

Each student may be claimed for a maximum of a 1.0 full-time equivalent for the skills center enrollment, a maximum of a 1.0 full-time equivalent for running start and a maximum of a 1.0 full-time equivalent for the student's high school enrollment subject to the overall (~~(1.6)~~) combined FTE (~~(maximum)~~) limitation in (b) of this subsection.

(2) Running start enrollment counts are limited as provided in chapter 392-169 WAC and specifically as provided in WAC 392-169-060.

(3) The full-time equivalent reported for a five year old preschool student with a disability is limited as provided in WAC 392-121-137.

(4) No kindergarten student, including a student enrolled in more than one school district, shall be counted as more than one-half of an annual average full-time equivalent student in any school year.

(5) A student reported as part-time on Form SPI E-672 shall not be reported by a school district for more than part-time basic education funding on that enrollment count date and the total enrollment reported by one or more school districts for basic education and on Form SPI E-672 must not exceed one full-time equivalent.

(6) Districts providing an approved state-funded full-day kindergarten program as provided in chapter 28A.150 RCW (from E2SSB 5841) may claim up to an additional 0.50 FTE based upon student enrolled hours in excess of the 0.50 FTE provided under subsection (4) of this section.

AMENDATORY SECTION (Amending WSR 09-06-038, filed 2/25/09, effective 3/28/09)

WAC 392-121-187 Technical college direct-funded enrollment. Enrollment in a technical college pursuant to an interlocal agreement with a school district as provided in RCW 28B.50.533 may be counted as course of study generating state moneys payable directly to the technical college as provided in this section.

(1) The technical college shall submit a written request to the superintendent of public instruction and for each school district whose students are to be claimed by the college shall provide a copy of the interlocal agreement signed by the school district superintendent and the technical college president or authorized officials of the school district and college.

(2) The technical college shall report enrolled students monthly (~~((October))~~) September through June) to the superintendent of public instruction pursuant to this chapter and instructions provided by the superintendent. A separate report shall be submitted for each school district whose students are reported. Reports of students eligible for state basic education support shall show the total number of students served and total nonvocational and vocational FTE students on the monthly count date. Reports shall also show the name of each student, hours of enrollment per week on the monthly count date, and the nonvocational and vocational full-time equivalent reported for the student on the count date. Technical colleges claiming direct state handicapped funding under the interlocal agreement shall also report the number of enrolled handicapped students by handicapping category on the count dates of October through (~~(May))~~) June pursuant to WAC 392-122-160 and chapter 392-172A WAC.

(3) The technical college shall report monthly to each school district whose students are served pursuant to this section. The report shall include at a minimum the data reported to the superintendent of public instruction pursuant to subsection (2) of this section.

(4) The technical college shall report only students who:
 (a) Were under twenty-one years of age at the beginning of the school year;

(b) Are enrolled tuition-free;

(c) Are enrolled in a school district with which the technical college has a signed interlocal agreement on file with the superintendent of public instruction pursuant to subsection (1) of this section;

(d) Are enrolled in the school district for the purpose of earning a high school diploma or certificate; and

(e) Have actually participated in instructional activity at the technical college during the current school year.

(5) Enrollments claimed for state basic education funding by the technical college:

(a) Shall be for courses for which the student is earning high school graduation credit through the school district or the technical college; and

(b) Shall not include:

(i) Enrollment which is claimed by the school district for state funding; or

(ii) Enrollment which generates state or federal moneys for higher education, adult education, or job training for the technical college.

(6) Full-time equivalent students reported by the technical college for state basic education funding shall be determined pursuant to WAC 392-121-106 through 392-121-183 except that the enrollment count dates shall be for the months of ~~((October))~~ September through June. If a student is enrolled in courses provided by the school district as well as courses provided by the technical college, the combined full-time equivalents reported by the school district and the technical college are limited by WAC 392-121-136.

(7) The superintendent of public instruction shall make quarterly payments to the technical college as follows:

(a) Basic education allocations shall be determined pursuant to chapter 392-121 WAC based on average enrollments reported by the technical college for each school district times the average allocation per full-time equivalent high school student of the school district: Provided, That allocations for students enrolled in school districts with no more than two high schools with enrollments of less than three hundred annual average full-time equivalent students shall be at the incremental rate generated by students in excess of sixty annual average full-time equivalent students. Allocations for nonvocational and vocational full-time equivalent enrollments shall be calculated separately.

(b) Handicapped allocations shall be determined pursuant to WAC 392-122-100 through 392-122-165 based on average handicapped enrollments and the school district's average allocation per handicapped student in each handicapping category.

(c) Quarterly payments shall provide the following percentages of the annual allocation:

December	30%
March	30%
June	20%
August	20%

**WSR 13-02-006
 PERMANENT RULES
 SUPERINTENDENT OF
 PUBLIC INSTRUCTION**

[Filed December 19, 2012, 1:41 p.m., effective January 19, 2013]

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

Purpose: After the passage of the 2011-13 operating budget which limited the enrollment available to running start students, WAC 392-169-060 and 392-169-115 require modification to address the 1.20 FTE running start limitation and to add a provision for colleges to charge tuition when the allowable FTE is exceeded.

Citation of Existing Rules Affected by this Order: Amending WAC 392-169-060 and 392-169-115.

Statutory Authority for Adoption: RCW 28A.150.305.

Adopted under notice filed as WSR 12-20-016 on September 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 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 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 7, 2012.

Randy Dorn
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 95-02, filed 4/14/95, effective 5/15/95)

WAC 392-169-060 Enrollment—Exception from tuition and fees. A running start student shall not be required by an institution of higher education to pay any tuition or other fee as a condition to the student's full participation in running start college or university course work and related activities, or as a condition to the award of credit therefor: Provided, That requiring a running start student to provide and pay for consumable supplies, textbooks, and other materials to be retained by the student does not constitute the assessment of tuition or a fee for purposes of this section: Provided further, That this limitation on the assessment of tuition and fees does not apply to a student's college and university enrollment ((above and)) beyond ((running start program enrollment limitations under this chapter (i.e., college and university enrollment in excess of one FTE and college and university summer enrollment may be conditioned upon the payment of regular tuition and fees))) the limitations which may be claimed for state basic education funding under running start in accordance with WAC 392-121-136.

AMENDATORY SECTION (Amending Order 95-02, filed 4/14/95, effective 5/15/95)

WAC 392-169-115 Finance—Limitations on enrollment counts. No running start student enrolled in one or more institutions of higher education reported under WAC 392-169-105 and 392-169-110 shall exceed one full-time equivalent running start student on any enrollment count date except for the month of January or more than one annual average full-time equivalent student in any school year. An exception is allowed for January when the change in high school semesters may result in students exceeding the FTE limitation until the high school begins a new term.

WSR 13-02-007
PERMANENT RULES
HEALTH CARE AUTHORITY
(Medicaid Program)

[Filed December 19, 2012, 3:12 p.m., effective February 1, 2013]

Effective Date of Rule: February 1, 2013.

Purpose: The agency is establishing hearing rules related to medicaid funded services. This chapter applies to resolution disputes between an appellant and the various medical services programs established under chapter 74.09 RCW and for subsidized basic health under chapter 74.47 RCW. These rules implement the requirements of 2E2SBH [2E2SHB] 1738, section 53, effective July 1, 2011, for the transition of the single state medicaid agency to the Washington health care authority.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-526-2610.

Statutory Authority for Adoption: Section 53, chapter 15, Laws of 2011, SESSHB [2E2SHB] 1738.

Other Authority: Chapters 74.09, 34.05 RCW, 10-08 WAC.

Adopted under notice filed as WSR 12-16-115 on August 1, 2012, and WSR 12-22-062 on November 6, 2012.

Changes Other than Editing from Proposed to Adopted Version: The agency made the following changes to proposed chapter 182-526 WAC:

WAC 182-526-0070 Filing documents.

(5) A party may deliver documents for filing by e-mail only if the ALJ or review judge has agreed to accept electronically filed documents. Parties must request and receive confirmation of receipt of the filing from ALJ or review judge in order to prove that the documents were successfully filed.

WAC 182-526-0200 Enrollee appeals of a managed care organization action.

(6) Parties to the hearing include HCA, the MCO, the enrollee, and the enrollee's representative or the representative of a deceased enrollee's estate.

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.

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Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 94, Amended 0, Repealed 1.

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 94, Amended 0, Repealed 1.

Date Adopted: December 19, 2012.

Kevin M. Sullivan
Rules Coordinator

Chapter 182-526 WAC

ADMINISTRATIVE HEARING RULES FOR MEDICAL SERVICES PROGRAMS

NEW SECTION

WAC 182-526-0005 Purpose and scope. This chapter describes the general hearing rules and procedures that apply to the resolution of disputes between an appellant and medical services programs established under chapter 74.09 RCW and subsidized basic health under chapter 70.47 RCW. This chapter supplements the Administrative Procedure Act (APA), chapter 34.05 RCW, and the model rules, chapter 10-08 WAC, adopted by the office of administrative hearings (OAH).

(1) This chapter:

(a) Establishes rules encouraging informal dispute resolution between the health care authority (HCA), its authorized agents, or an HCA-contracted managed care organization (MCO), and persons or entities who disagree with its actions; and

(b) Regulates all hearings involving medical services programs established under chapter 74.09 RCW and subsidized basic health under chapter 70.47 RCW unless specifically excluded by this chapter or program rules.

(2) Nothing in this chapter is intended to affect the constitutional rights of any person or to limit or change additional requirements imposed by statute or other rule. Other laws or rules determine if a hearing right exists, including the APA and program rules or laws.

(3) If there is a conflict between this chapter and specific program rules, the specific program rules prevail. HCA's hearing rules and program rules prevail over the model hearing rules in chapter 10-08 WAC.

(4) The hearing rules in this chapter do not apply to the following programs:

(a) Public employees benefits board program (see chapter 182-16 WAC); and

(b) The Washington health plan (see chapter 182-22 WAC).

NEW SECTION

WAC 182-526-0010 Definitions. The following definitions and those found in RCW 34.05.010 apply to this chapter:

"Administrative law judge (ALJ)" - An impartial decision-maker who is an attorney and presides at an administrative hearing. ALJs are employed by the office of administrative hearings (OAH), which is a separate state agency. ALJs are not department of social and health services or health care authority (HCA) employees or representatives.

"Applicant" - Any person who has made a request, or on whose behalf a request has been made, to HCA, or HCA's authorized agent on HCA's behalf, for assistance through a medical service program established under chapter 74.09 RCW.

"Authorized agent" - A person or agency acting on HCA's behalf pursuant to an agreement authorized by RCW 41.05.021. The authorized agent(s) may include employees of the department of social and health services or its contractors but does not include employees of HCA-contracted managed care organizations.

"Board of appeals" or "BOA" - The HCA's board of appeals.

"Business days" - All days except Saturdays, Sundays, and legal holidays.

"Calendar days" - All days including Saturdays, Sundays, and legal holidays.

"Continuance" - A change in the date or time of a pre-hearing conference, hearing, or the deadline for other action.

"Date of the health care authority (HCA) action" - The date when the HCA's decision is effective.

"Deliver" - Giving a document to a person or entity in person or placing the document into the person or entity's possession as authorized by the rules in this chapter or chapter 34.05 RCW.

"Department" - The department of social and health services.

"Documents" - Papers, letters, writings, or other printed or written items.

"Final order" - An order that is the final HCA decision.

"HCA" - The health care authority.

"Health care authority (HCA) hearing representative" - An employee of HCA, an authorized agent of HCA, HCA contractor or a contractor of HCA's authorized agent, or an assistant attorney general authorized to represent HCA in an administrative hearing. An employee of an HCA contracted managed care organization is not an HCA hearing representative.

"Hearing" - Unless context clearly requires a different meaning, a proceeding before an ALJ, HCA-employed presiding officer, or a review judge that gives a party an opportunity to be heard in disputes about medical services programs established under chapter 74.09 RCW and subsidized basic health under chapter 70.47 RCW. For purposes of this chapter, hearings include administrative hearings, adjudicative proceedings, and any other similar term referenced under chapter 34.05 RCW, the Administrative Procedure Act, Titles 182 and 388 WAC, chapter 10-08 WAC, or other law.

"Initial order" - A hearing decision entered (made) by an ALJ that may be reviewed by a review judge at any party's request.

"Intermediary interpreter" - An interpreter who:

- (1) Is a certified deaf interpreter (CDI); and

- (2) Is able to assist in providing an accurate interpretation between spoken and sign language or between types of sign language by acting as an intermediary between a person with hearing loss and a qualified interpreter.

"Judicial review" - A superior court's review of a final order.

"Limited-English-proficient (LEP)" - Includes limited-English-speaking persons or other persons unable to communicate in spoken English because of hearing loss.

"Limited-English-speaking (LES) person" - A person who, because of non-English-speaking cultural background or disability, cannot readily speak or understand the English language.

"Mail" - Placing a document in the United States Postal system, or commercial delivery service, properly addressed and with the proper postage.

"Managed care organization" or "MCO" - An organization having a certificate of authority or certificate of registration from the office of insurance commissioner that contracts with HCA under a comprehensive risk contract to provide prepaid healthcare services to eligible clients under HCA's managed care programs.

"OAH" - The office of administrative hearings, which is a separate state agency from HCA or the department of social and health services.

"Party":

- (1) The health care authority (HCA);
- (2) HCA-contracted managed care organization (MCO) (if applicable); and
- (3) A person or entity:
 - (a) Named in the action;
 - (b) To whom the action is directed; or
 - (c) Is allowed to participate in a hearing to protect an interest as authorized by law or rule.

"Person with hearing loss" - A person who, because of a loss of hearing, cannot readily speak, understand, or communicate in spoken language.

"Prehearing conference" - A proceeding scheduled and conducted by an ALJ or other reviewing officer to address issues in preparation for a hearing.

"Prehearing meeting" - An informal, voluntary meeting that may be held before any prehearing conference or hearing.

"Program" - An organizational unit and the services that it provides, including services provided by HCA staff, its authorized agents, and through contracts with providers and HCA-contracted managed care organizations.

"Qualified interpreter" - Includes qualified interpreters for a limited-English-speaking person or a person with hearing loss.

"Qualified interpreter for a limited-English-speaking person" - A person who is readily able to interpret or translate spoken and written English communications to and from a limited-English-speaking person effectively, accurately, and impartially. If an interpreter is court certified, the interpreter is considered qualified.

"Qualified interpreter for a person with hearing loss" - A visual language interpreter who is certified by the Registry of Interpreters for the Deaf (RID) or National Association of the Deaf (NAD) and is readily able to interpret or

translate spoken communications to and from a person with hearing loss effectively, accurately, and impartially.

"Recipient" - Any person receiving assistance through a medical service program established under chapter 74.09 RCW.

"Reconsideration" - Asking a review judge to reconsider a final order entered because the party believes the review judge made a mistake.

"Record" - The official documentation of the hearing process. The record includes recordings or transcripts, admitted exhibits, decisions, briefs, notices, orders, and other filed documents.

"Review" - A review judge evaluating initial orders entered by an ALJ and making the final HCA decision as provided by RCW 34.05.464, or issuing final orders.

"Review judge" - A decision-maker with expertise in program rules that serves as the reviewing officer under RCW 34.05.464. The review judge reviews initial orders and the hearing record exercising decision-making power as if hearing the case as a presiding officer. In some cases, review judges conduct hearings under RCW 34.05.425 as a presiding officer. After reviewing initial orders or conducting hearings, review judges enter final orders. Review judges are employed by HCA but may be physically located at the board of appeals (BOA). The review judge must not have been involved in the initial HCA action.

"Rule" - A state regulation. Rules are found in the Washington Administrative Code (WAC).

"Should" - That an action is recommended but not required.

"Stay" - An order temporarily halting the HCA decision or action.

"Witness" - For the purposes of this chapter, means any person who makes statements or gives testimony that becomes evidence in a hearing. One type of witness is an expert witness. An expert witness is qualified by knowledge, skill, experience, training, and education to give opinions or evidence in a specialized area.

NEW SECTION

WAC 182-526-0015 Terms in the Administrative Procedure Act compared to this chapter. To improve clarity and understanding, the rules in this chapter may use different words than the Administrative Procedure Act (APA) or the model rules. Following is a list of terms used in those laws and the terms as used in these rules:

Chapter 34.05 RCW Chapter 10-08 WAC	Chapter 182-526 WAC
Adjudicative proceeding.	Different terms are used to refer to different stages of the hearing process and may include prehearing meeting, prehearing conference, hearing, review, reconsideration, and the entire hearing process.
Application for adjudicative proceeding.	Request a hearing.

Chapter 34.05 RCW Chapter 10-08 WAC	Chapter 182-526 WAC
Presiding officer.	Administrative law judge, review judge, or designated HCA employee.
Reviewing officer.	Review judge.

NEW SECTION

WAC 182-526-0020 Good cause. (1) Good cause is a substantial reason or legal justification for failing to appear, act, or respond to an action. To show good cause, the administrative law judge must find that a party had a good reason for what they did or did not do, using the provisions of Superior Court Civil Rule 60 as a guideline.

(2) Good cause may include, but is not limited to, the following examples:

(a) The party who requested the hearing ignored a notice because he or she was in the hospital or was otherwise prevented from responding; or

(b) The party who requested the hearing could not respond to the notice because it was written in a language that he or she did not understand.

NEW SECTION

WAC 182-526-0025 Use and location of the office of administrative hearings. (1) HCA may utilize administrative law judges employed by the office of administrative hearings (OAH) to conduct administrative hearings and issue initial orders in accordance with RCW 34.05.425 (1)(c). In some situations, HCA may use presiding officers employed by HCA to conduct administrative hearings and issue final orders in accordance with RCW 34.05.425 (1)(a) and (b). When HCA uses HCA-employed presiding officers to conduct administrative hearings, the HCA presiding officer shall have all the duties and responsibilities set forth in this chapter relating to administrative law judges and the office of administrative hearings. The notice of hearing will identify whether the case is to be heard by OAH or an HCA-employed presiding officer.

(2)(a) The office of administrative hearings (OAH) headquarters location is:

Office of Administrative Hearings
2420 Bristol Court S.W.
P.O. Box 42488
Olympia, WA 98504-2488
360-664-8717
fax: 360-664-8721

(b) The headquarters office is open from 8:00 a.m. to 5:00 p.m. Monday through Friday, except legal holidays.

(3) OAH field offices are at the following locations:

Olympia
Office of Administrative Hearings
2420 Bristol Court S.W.
P.O. Box 42489
Olympia, WA 98504-2489
360-407-2700

1-800-583-8271
 fax: 360-586-6563

Seattle

Office of Administrative Hearings
 One Union Square
 600 University Street, Suite 1500
 Mailstop: TS-07
 Seattle, WA 98101-1129
 206-389-3400
 1-800-845-8830
 fax: 206-587-5135

Vancouver

Office of Administrative Hearings
 5300 MacArthur Blvd., Suite 100
 Vancouver, WA 98661
 360-690-7189
 1-800-243-3451
 fax: 360-696-6255

Spokane

Office of Administrative Hearings
 Old City Hall Building, 5th Floor
 221 N. Wall Street, Suite 540
 Spokane, WA 99201
 509-456-3975
 1-800-366-0955
 fax: 509-456-3997

Yakima

Office of Administrative Hearings
 32 N. 3rd Street, Suite 320
 Yakima, WA 98901-2730
 509-249-6090
 1-800-843-3491
 fax: 509-454-7281

- (4) Contact the Olympia field office, under subsection (2) of this section, if unable to identify the correct field office.
- (5) Further hearing information can be obtained at the OAH web site: www.oah.wa.gov.

NEW SECTION

WAC 182-526-0030 Contacting the board of appeals.

The information included in this section is current at the time of rule adoption, but may change. Current information and additional contact information are available on the health care authority's internet site, in person at the board of appeals (BOA) office, or by a telephone call to the BOA's main public number.

Board of Appeals	
Location	Office Building 2 (OB-2) 2nd Floor 1115 Washington Street Olympia, Washington
Mailing address	P.O. Box 45803 Olympia, WA 98504-5803
Telephone	360-664-6100
Fax	360-664-6187

Board of Appeals	
Toll free	1-877-351-0002
Internet web site	www.hca.wa.gov/appeals

NEW SECTION

WAC 182-526-0035 Calculating when a hearing deadline ends. (1) When counting days to calculate when a hearing deadline ends under program rules or statutes:

- (a) Do not include the day of the action, notice, or order. For example, if a hearing decision is mailed on Tuesday and the party has twenty-one days to request a review, start counting the days with Wednesday.
 - (b) If the last day of the period is a Saturday, Sunday, or legal holiday, the deadline is the next business day.
 - (c) For periods of seven days or less, count only business days. For example, if the party has seven days to respond to a review request that was mailed on Friday, May 10th, the response period ends on Tuesday, May 21st.
 - (d) For periods over seven days, count every calendar day, including Saturdays, Sundays, and legal holidays.
- (2) The deadline is 5:00 p.m. on the last day.
- (3) If the party who requested the hearing misses a deadline, that party may lose its right to a hearing or appeal of a decision.

NEW SECTION

WAC 182-526-0040 Sending documents to another party, the office of administrative hearings, or to the board of appeals. (1) When the rules in this chapter or in other program rule or statute require a party to send copies of documents to other parties, the party must serve copies of the documents to the health care authority (HCA) hearing representative and to all other parties or their representatives.

- (2) When sending documents to the office of administrative hearings (OAH) or the board of appeals (BOA), the party must file the documents at one of the locations listed in WAC 182-526-0025(2) for OAH or in WAC 182-526-0030 for BOA.
- (3) When sending documents to the assigned OAH field office, the parties should use the address of the assigned OAH listed on the notice of hearing. If a field office has not been assigned, all written communication about the hearing must be sent to the OAH Olympia field office, which sends the communication to the correct office.
- (4) Documents may be sent only as identified in WAC 182-526-0045 to accomplish service and only as identified in WAC 182-526-0070 to accomplish filing.

NEW SECTION

WAC 182-526-0045 Serving documents. (1) When a document is delivered to the party, the party is considered served with official notice of the contents of the document.

- (2) Unless otherwise stated in law, a party may serve someone by:
 - (a) Personal service (hand delivery);
 - (b) First class, registered, or certified mail;

- (c) Fax if the party mails a copy of the document the same day;
- (d) Commercial delivery service; or
- (e) Legal messenger service.
- (3) A party must serve all other parties and their representatives whenever the party files a pleading, brief or other document with the office of administrative hearings or the board of appeals, or when required by law.
- (4) Service is complete when:
 - (a) Personal service is made;
 - (b) Mail is properly stamped, addressed, and deposited in the United States mail;
 - (c) Fax produces proof of transmission;
 - (d) A parcel is delivered to a commercial delivery service with charges prepaid; or
 - (e) A parcel is delivered to a legal messenger service with charges prepaid.
- (5) A party may prove service by providing any of the following:
 - (a) A sworn statement;
 - (b) The certified mail receipt signed by the recipient;
 - (c) An affidavit or certificate of mailing;
 - (d) A signed receipt from the person who accepted the commercial delivery service or legal messenger service package; or
 - (e) Proof of fax transmission.
 - (6) Sending a document by e-mail is not a valid method of providing service of the document.

NEW SECTION

- WAC 182-526-0070 Filing documents.** (1) Filing is the act of delivering documents to the office of administrative hearings (OAH) or the board of appeals (BOA).
- (2) The date of filing is the date documents are received by OAH or the BOA.
- (3) Filing is complete when the documents are received by OAH or the BOA during office hours. For documents received after normal office hours, the filing is effective the next business day.
- (4) A party may file documents by delivering them to the office of administrative hearings or the BOA by:
- (a) Personal service (hand delivery);
 - (b) First class, registered, or certified mail;
 - (c) Fax transmission;
 - (d) Commercial delivery service; or
 - (e) Legal messenger service.
- (5) A party may deliver documents for filing by e-mail only if the ALJ or review judge has agreed to accept electronically filed documents. Parties must request and receive confirmation of receipt of the filing from the ALJ or review judge in order to prove that the documents were successfully filed.

NEW SECTION

- WAC 182-526-0080 Resolving a dispute with the health care authority.** (1) There is a limited time to request a hearing. The party must request a hearing within the deadline established in statute or rule to preserve the hearing right.

- (2) If the party who requested the hearing disagrees with a decision or action of the health care authority, or one of its authorized agents, the party has several options for resolving the dispute, which may include the following:
- (a) Any special prehearing alternative or administrative process offered by the program;
 - (b) Prehearing meeting;
 - (c) Prehearing conference; and
 - (d) Hearing.

NEW SECTION

WAC 182-526-0085 Determining if a hearing right exists. (1) A person or entity has a right to a hearing only if a law or program rule gives that right. If the person or entity is not sure whether a hearing right exists, they should request a hearing to protect their rights.

(2) Some programs may require a person or entity to go through an informal administrative process before requesting or having a hearing. The notice of the action should include information about this requirement if it applies.

(3) Program rules and statutes may limit the time a person or entity has to request a hearing. The deadline for filing the request for hearing varies by the program involved. All hearing requests should be submitted right away to protect the right to a hearing, even if the parties are also trying to resolve the dispute informally.

(4) If a hearing is requested, one is scheduled.

(5) If the health care authority (HCA) hearing representative or the administrative law judge (ALJ) questions the right to a hearing, the ALJ must address whether the hearing right exists.

(6) If on appeal of the initial order the HCA hearing representative or the review judge questions the right to a hearing, the review judge decides whether the hearing right exists.

(7) If the ALJ or review judge decides a person or entity does not have a right to a hearing, the hearing is dismissed.

(8) If the ALJ or review judge decides that a person or entity does have a right to a hearing, the hearing proceeds.

NEW SECTION

WAC 182-526-0090 Authority to request a hearing. Only a person or entity who has a right under law or rule to an administrative hearing or the representative of that person or entity may request a hearing.

NEW SECTION

WAC 182-526-0095 How to request a hearing. (1) If a person or entity has questions about how, when, and where to request a hearing, they should:

(a) Contact the specific program involved, the office of administrative hearings (OAH), or the board of appeals (BOA);

(b) Review the notice sent by the health care authority (HCA) of the action or decision; or

(c) Review the applicable statute or program rule.

(2) A person or entity may request a hearing in writing or orally, unless a written request is specifically required by applicable statutes or program rules.

(3) An oral request for hearing is allowed unless a program rule or statute requires a written request for hearing. An oral request for hearing can be made to an HCA employee, HCA's authorized agent, or to an OAH employee in person, by telephone, or by voice mail.

(4) A written request for hearing should be sent to the location on the notice. Program rules or statutes may require a specific method and location for sending a written request for hearing.

NEW SECTION

WAC 182-526-0105 Required information for requesting a hearing. (1) The hearing request must contain enough information to identify the person or entity requesting the hearing and the health care authority (HCA) action. The request should include:

(a) The requestor's name, address, and telephone number;

(b) The client identification or case number, contract number, or any other information that identifies the case or the program involved;

(c) A brief explanation of why the person or entity disagrees with the HCA action; and

(d) Any assistance needed to participate in the hearing, including a foreign or sign language interpreter or any other accommodation for an individual with a disability.

(2) The person or entity requesting the hearing should also refer to a program's specific rules or the notice to determine if additional information is required in the request for hearing.

(3) The office of administrative hearings (OAH) may not be able to process the hearing request if it cannot identify or locate the person or entity requesting the hearing and determine the HCA action involved.

NEW SECTION

WAC 182-526-0110 Process after a hearing is requested. (1) After a hearing is requested, the office of administrative hearings (OAH) must send a copy of the hearing request to the health care authority (HCA) or HCA's authorized agent who made the decision on HCA's behalf, unless OAH received the hearing request from HCA or HCA's authorized agent. The OAH should send it to HCA or HCA's authorized agent within four business days of the OAH receiving the request.

(2) OAH must serve all the parties a notice containing the hearing date, time, and place. This document is called the notice of hearing. The parties may also receive a written notice of a prehearing conference either before or after receiving the notice of the hearing.

(3) Before the hearing is held:

(a) The HCA hearing representative may contact the other parties and try to resolve the dispute; and

(b) The party who requested the hearing is encouraged to contact the HCA hearing representative and try to resolve the dispute.

(4) If the party who requested the hearing does not appear for the prehearing conference or the hearing, an administrative law judge may enter an order of default and an order dismissing the hearing according to WAC 182-526-0285.

NEW SECTION

WAC 182-526-0112 Rescheduling a hearing. (1) Any party may request the office of administrative hearings (OAH) to reschedule a proceeding if:

(a) A rule requires the OAH to provide notice of a proceeding; and

(b) OAH does not provide the amount of notice required.

(2) OAH must reschedule the proceeding under circumstances identified in subsection (1) of this section if requested by any party.

(3) The administrative law judge and the parties may agree to shorten the amount of notice required by any rule.

NEW SECTION

WAC 182-526-0115 Withdrawing the request for hearing. (1) The party who requested the hearing may withdraw the hearing request for any reason and at any time by contacting the health care authority hearing representative or the office of administrative hearings (OAH). The request for withdrawal must be made in writing or orally with the administrative law judge and the other parties.

(2) After the request for withdrawal is received, the hearing is canceled and OAH enters and serves an order dismissing the hearing. If a hearing request is withdrawn, the party may not be able to request another hearing on the same action.

(3) If a party withdraws the hearing request, the order of dismissal may only be set aside according to WAC 182-526-0290.

NEW SECTION

WAC 182-526-0120 Interpreter services for hearings. If the party requesting the hearing needs an interpreter because the party or its witness is a person with limited-English-proficiency, the office of administrative hearings will provide an interpreter at no cost to that party.

NEW SECTION

WAC 182-526-0130 Limited-English-proficient parties—Notice requirements. If the office of administrative hearings is notified that the party who has requested the hearing is a limited-English-proficient (LEP) person, all hearing notices, decisions and orders must:

(1) Be written in that party's primary language; or

(2) Include a statement in the party's primary language:

(a) Indicating the importance of the notice; and

(b) Providing information about how to get help in understanding the notice and responding to it.

NEW SECTION

WAC 182-526-0135 Interpreters. (1) The office of administrative hearings (OAH) must provide a qualified interpreter to assist any person at no charge who:

- (a) Has limited-English-proficiency; and
- (b) Is a party or witness in a hearing.

(2) OAH may hire or contract with persons to interpret at hearings.

(3) The following persons may not be used as interpreters:

- (a) A relative of any party;
- (b) Health care authority (HCA) employees; or
- (c) HCA authorized agents.

(4) The administrative law judge (ALJ) must determine, at the beginning of the hearing, if an interpreter can accurately interpret all communication for the person requesting the service. To do so, the ALJ considers the interpreter's:

- (a) Ability to meet the needs of the person with hearing loss or limited-English-speaking person;
- (b) Education, certification, and experience;
- (c) Understanding of the basic vocabulary and procedures involved in the hearing; and
- (d) Ability to be impartial.

(5) The parties or their representatives may question the interpreter's qualifications and ability to be impartial.

(6) If at any time before or during the hearing the interpreter does not provide accurate and effective communication, the ALJ must provide another interpreter.

NEW SECTION

WAC 182-526-0140 Waiving interpreter services. (1) If one of the parties is limited-English-proficient (LEP), that party may ask to waive interpreter services.

(2) The request must be in writing or through a qualified interpreter on the record.

(3) The administrative law judge must determine if the waiver has been knowingly and voluntarily made.

(4) The party may withdraw their waiver at any time before or during the hearing.

NEW SECTION

WAC 182-526-0145 Interpreter requirements. (1) Interpreters must:

- (a) Use the interpretive mode that the parties, the person with hearing loss, the interpreter, and the administrative law judge (ALJ) consider the most accurate and effective;
- (b) Interpret statements made by the parties and the ALJ;
- (c) Not disclose information about the hearing without the written consent of the parties; and
- (d) Not comment on the hearing or give legal advice.

(2) The ALJ must allow enough time for all interpretations to be made and understood.

(3) The ALJ may make a video recording of a hearing and use it as the official transcript for hearings involving a person with hearing loss.

NEW SECTION

WAC 182-526-0150 Hearing decisions involving limited-English-proficient parties. (1) When an interpreter is used at a hearing, the administrative law judge must explain that the decision is written in English and that the office of administrative hearings (OAH) will provide an interpreter for a sight translation of the decision at no cost to that party.

(2) OAH must provide the party needing sight translation services information about how to obtain those services. Information about how to access sight translation must be attached to the decision or order.

(3) OAH or the board of appeals must send a copy of a decision or order to an interpreter for use in sight translation.

NEW SECTION

WAC 182-526-0155 Appellant's representation in the hearing. (1) The party that requested the hearing may be his or her own representative or have anyone represent them except employees of the health care authority (HCA), HCA's authorized agents, and employees of the department of social and health services (DSHS).

(2) The party's representative may be a friend, relative, community advocate, attorney, or paralegal.

(3) The party should inform the HCA hearing representative and the office of administrative hearings of his or her representative's name, address, and telephone number.

(4) Although health care authority (HCA) employees, HCA authorized agents, and other DSHS employees cannot represent other parties to the hearing, they may:

- (a) Act as a witness;
- (b) Provide referrals to community legal resources;
- (c) Assist the party to obtain nonconfidential information; or
- (d) Inform the party about or provide copies of relevant laws or rules.

NEW SECTION

WAC 182-526-0156 Legal assistance in the hearing process. (1) The health care authority (HCA), HCA's authorized agents, and the office of administrative hearings (OAH) will not pay for an attorney for another party.

(2) If a party wants an attorney to represent him or her and cannot afford one, community resources may be available to assist that party. These legal services may be free or available at a reduced cost. HCA, HCA's authorized agent, or OAH can provide information about who to contact for legal assistance.

(3) Information about legal assistance can also be found at www.oah.wa.gov.

NEW SECTION

WAC 182-526-0157 Requirements to appear and represent a party in the administrative hearing process. (1) All parties should provide the administrative law judge (ALJ) and all other parties with their name, address, and telephone number.

(2) If a party is represented by another person, the representative should also provide the ALJ and other parties with the representative's name, address, and telephone number.

(3) The ALJ may require the representative of the party to file a written notice of appearance or provide documentation authorizing the representative to appear on behalf of the party. In cases involving confidential information, the representative must file a legally sufficient signed written consent or release of information document with the health care authority (HCA) or HCA's authorized agent.

(4) If the party who requested the hearing is represented by an attorney admitted to practice in Washington state, that attorney must file a written notice of appearance, and must file a notice of withdrawal upon withdrawal of representation.

(5) If any party or the party's representative files a written notice of appearance, the ALJ should call the telephone number on the notice of appearance if the party does not appear by calling in before any hearing or prehearing conference.

NEW SECTION

WAC 182-526-0170 Representation of the health care authority in the hearing process. The health care authority (HCA) hearing representative represents HCA during the hearing. The HCA hearing representative may or may not be an attorney.

NEW SECTION

WAC 182-526-0175 Prehearing meetings. (1) A prehearing meeting is an informal meeting with a health care authority (HCA) hearing representative that may be held before any prehearing conference or hearing.

(2) The HCA hearing representative may contact the party who requested the hearing before the scheduled hearing to arrange a prehearing meeting. Any party may also contact the HCA hearing representative to request a prehearing meeting.

(3) A prehearing meeting is voluntary. A party is not required to request one, and is not required to participate in one. If a party does not participate, it does not affect the party's right to a hearing.

(4) The prehearing meeting includes the party who requested the hearing and/or its representative, the HCA hearing representative, and any other party. An administrative law judge (ALJ) does not attend a prehearing meeting.

(5) The prehearing meeting gives the parties an opportunity to:

(a) Clarify issues;
 (b) Exchange documents and witness statements;
 (c) Resolve issues through agreement or withdrawal; and
 (d) Ask questions about the hearing process and the laws and rules that apply.

(6) During a prehearing meeting:

(a) The HCA hearing representative may:
 (i) Explain the role of the HCA hearing representative in the hearing process;
 (ii) Explain how a hearing is conducted and the relevant laws and rules that apply;

(iii) Explain the right to representation during the hearing;

(iv) Respond to questions about the hearing process;

(v) Identify accommodation and safety issues;

(vi) Distribute copies of the documents to be presented during the hearing;

(vii) Provide, upon request, copies of relevant laws and rules;

(viii) Identify additional documents or evidence a party may want or be required to present during the hearing;

(ix) Provide information about how to obtain relevant documents;

(x) Clarify the issues; and

(xi) Attempt to settle the dispute, if possible.

(b) Parties should explain their position and provide documents that relate to the case. Parties may consult legal resources.

(c) Parties may enter into written agreements or stipulations, including agreements that settle the dispute.

(7) A prehearing meeting may be held or information exchanged:

(a) In person;

(b) By telephone conference call;

(c) Through correspondence; or

(d) Any combination of the above that is agreeable to the parties.

(8) If a prehearing conference is required by HCA or its program rules, a prehearing meeting may not be an available option.

NEW SECTION

WAC 182-526-0185 Settlement agreements. (1) If the parties resolve the dispute during the prehearing meeting and put it in writing or present the agreement to an administrative law judge (ALJ), the agreement may be legally enforceable.

(2) Any agreements or stipulations made at the prehearing meeting must be presented to an ALJ before or during the hearing, if the parties want the ALJ to consider the agreement.

(3) If all of the issues are not resolved in the prehearing meeting, the parties may request a prehearing conference before an ALJ or go to the scheduled hearing. The ALJ may also order a prehearing conference.

(4) The party that requested the hearing may withdraw the hearing request at any time if the HCA hearing representative agrees to some action that resolves the dispute, or for any other reason. If the party withdraws their hearing request, the hearing is not held and the ALJ enters and serves a written order of dismissal.

NEW SECTION

WAC 182-526-0195 Prehearing conferences. (1) A prehearing conference is a formal proceeding conducted on the record by an administrative law judge (ALJ) to address issues and prepare for a hearing.

(a) The ALJ must record the prehearing conference using audio recording equipment (such as a digital recorder or tape recorder).

(b) An ALJ may conduct the prehearing conference in person, by telephone conference call, or in any other manner acceptable to the parties.

(2) All parties must attend and participate in the prehearing conference. If the party who requested the hearing does not attend and participate in the prehearing conference, the administrative law judge may enter an order of default and an order dismissing the hearing.

(3) The administrative law judge (ALJ) may require a prehearing conference. Any party may request a prehearing conference.

(4) The ALJ must grant the first request for a prehearing conference if it is filed with the office of administrative hearings (OAH) at least seven business days before the scheduled hearing date.

(5) When the ALJ grants a party's request for a prehearing conference, OAH must continue the previously scheduled hearing when necessary to comply with subsection (10) of this section.

(6) The ALJ may grant additional requests for prehearing conferences.

(7) The OAH must schedule prehearing conferences for all cases which concern:

(a) The department's division of residential care services under Title XIX of the federal Social Security Act; and

(b) Provider and vendor overpayment hearings.

(8) During a prehearing conference the parties and the administrative law judge may:

(a) Simplify or clarify the issues to be decided during the hearing;

(b) Agree to the date, time, and place of the hearing;

(c) Identify accommodation and safety issues;

(d) Agree to postpone the hearing;

(e) Allow the parties to make changes in their own documents, including the notice or the hearing request;

(f) Agree to facts and documents to be entered during the hearing;

(g) Set a deadline to exchange names and phone numbers of witnesses and documents before the hearing;

(h) Schedule additional prehearing conferences;

(i) Resolve the dispute;

(j) Consider granting a stay if authorized by law or program rule; or

(k) Rule on any procedural issues and substantive motions raised by any party.

(9) After the prehearing conference ends, the administrative law judge (ALJ) must enter a written order describing:

(a) The actions taken;

(b) Any changes to the documents;

(c) Any agreements reached; and

(d) Any ruling of the ALJ.

(10) The ALJ must serve the prehearing order to the parties at least fourteen calendar days before the scheduled hearing.

(11) A party may object to the prehearing order by notifying the ALJ in writing within ten days after the mailing date of the order. The ALJ must issue a ruling on the objection.

(12) If no objection is made to the prehearing order, the order determines how the hearing is conducted, including whether the hearing will be in person or held by telephone

conference or other means, unless the ALJ changes the order for good cause.

(13) The ALJ may take further appropriate actions to address other concerns.

NEW SECTION

WAC 182-526-0200 Enrollee appeals of a managed care organization action. (1) The hearing process described in this chapter applies to enrollee appeals of a health care authority (HCA)-contracted managed care organization (MCO) action. Where a conflict exists, the requirements in this section prevail.

(2) An MCO enrollee must exhaust all levels of resolution and appeal within the MCO's grievance system prior to requesting a hearing with HCA. See WAC 182-538-110.

(3) If an MCO enrollee does not agree with the MCO's resolution of the enrollee's appeal, the enrollee may file a request for a hearing within ninety calendar days of the date of receipt of the MCO's notice of resolution of the appeal.

(a) An enrollee may request continuation of services pending the outcome of a hearing related to the termination, suspension, or reduction of a previously authorized service.

(b) To receive continuation of services pending the outcome of the hearing, the enrollee must file the hearing request and request to continue services within ten days of the date of the MCO's notice of the resolution of the appeal. See WAC 182-538-110 for additional requirements related to continuation of services.

(4) The entire appeal and hearing process, including the MCO appeal process, must be completed within ninety calendar days of the date the MCO enrollee filed the appeal with the MCO, not including the number of days the enrollee took to subsequently file for a hearing.

(5) Expedited hearing process:

(a) The office of administrative hearings (OAH) must establish and maintain an expedited hearing process when the enrollee or the enrollee's representative requests an expedited hearing and OAH determines that the time taken for a standard resolution of the claim could seriously jeopardize the enrollee's life or health and ability to attain, maintain, or regain maximum function.

(b) When approving an expedited hearing, OAH must issue a hearing decision as expeditiously as the enrollee's health condition requires, but not later than three business days after receiving the case file and information from the MCO regarding the action and MCO appeal.

(c) When denying an expedited hearing, OAH must give prompt oral notice to the enrollee followed by written notice within two calendar days of the request and change the hearing to the standard time frame.

(6) Parties to the hearing include HCA, the MCO, the enrollee, and the enrollee's representative or the representative of a deceased enrollee's estate.

(7) Any party that disagrees with the initial order may request a review by an HCA review judge in accordance with WAC 182-526-0560 through 182-526-0600.

(8) If an enrollee disagrees with the initial order, the enrollee may request review in accordance with subsection (7) of this section, or an independent review (IR) by an inde-

pendent review organization (IRO) in accordance with RCW 48.43.535. The enrollee must request the IR within twenty-one calendar days of the date of mailing the initial order. A timely submitted request for an IR stays any review requested pursuant to subsection (7) of this section.

(9) Any party that disagrees with the IR decision may request a review by an HCA review judge in accordance with WAC 182-526-0560 through 182-526-0600 within twenty-one calendar days of the date of mailing of the IR decision.

(10) When an initial order or an IR decision is appealed to an HCA review judge, the review judge issues the final order.

NEW SECTION

WAC 182-526-0215 Authority of the administrative law judge when conducting a hearing. (1) The administrative law judge (ALJ) must hear and decide the issues de novo (anew) based on what is presented during the hearing and admitted into the record.

(2) As needed, the ALJ may:

- (a) Determine the order for presenting evidence;
- (b) Issue subpoenas or orders directing witnesses to appear or bring documents;
- (c) Rule on objections, motions, and procedural matters;
- (d) Rule on an offer of proof made to admit evidence;
- (e) Admit relevant evidence;
- (f) Impartially question witnesses to develop the record;
- (g) Call additional witnesses and request exhibits to complete the record;

(h) Give the parties an opportunity to cross-examine witnesses or present more evidence against the witnesses or exhibits;

(i) Keep order during the hearing;

(j) Allow or require oral or written argument and set the deadlines for the parties to submit argument or evidence;

(k) Permit others to attend, photograph, or electronically record hearings, but may place conditions to preserve confidentiality or prevent disruption;

(l) Allow a party to waive rights given by chapters 34.05 RCW or 182-526 WAC, unless another law prevents it;

(m) Decide whether a party has a right to a hearing;

(n) Issue protective orders;

(o) Consider granting a stay if authorized by law or HCA rule; and

(p) Take any other action necessary and authorized under these or other rules.

(3) The ALJ administers oaths or affirmations and takes testimony.

(4) The ALJ enters initial orders. Initial orders may become final orders pursuant to WAC 182-526-0525.

NEW SECTION

WAC 182-526-0216 The authority of the administrative law judge and the review judge is limited. (1) The authority of the administrative law judge and the review judge is limited to those powers granted by statute or rule. The ALJ and the review judge do not have any inherent or common law powers.

(2) Neither an administrative law judge nor a review judge may decide that a rule is invalid or unenforceable. Only a court may decide this issue.

(3) If the validity of a rule is raised during the hearing, the ALJ or review judge may allow only argument for court review.

NEW SECTION

WAC 182-526-0218 The authority of a review judge when conducting a hearing as a presiding officer. (1) A review judge has the same authority and responsibilities as an administrative law judge, as described in WAC 182-526-0215, when conducting a hearing.

(2) A review judge conducts the hearing and enters the final order in cases where a contractor for the delivery of nursing facility services requests an administrative hearing under WAC 388-96-904(5).

(3) The review judge enters final HCA decisions on all cases in the form of a final order.

(4) Following a review judge's final order:

(a) Any party may request reconsideration of the final order as provided in this chapter and WAC 388-96-904(12); and

(b) The party who requested the hearing, but not the health care authority or any of its authorized agents, may file a petition for judicial review as provided in this chapter.

NEW SECTION

WAC 182-526-0220 Rules and laws an administrative law judge and review judge must apply when conducting a hearing and making a decision. (1) Administrative law judges (ALJs) and review judges must first apply the applicable program rules adopted in the Washington Administrative Code (WAC).

(2) If no program rule applies, the ALJ and review judge must decide the issue according to the best legal authority and reasoning available, including federal and Washington state constitutions, statutes, regulations, and court decisions.

(3) When applying program rules regarding the substantive rights and responsibilities of the parties (such as eligibility for services, benefits, or a license), the ALJ and review judge must apply the program rules in effect on the date of the health care authority (HCA) action, unless otherwise required by other rule or law. If HCA amends its notice of action, the ALJ or review judge must apply the rules in effect on the date the action was taken, unless otherwise required by other rule or law.

(4) When applying procedural rules, the ALJ and review judge must apply the rules that are in effect on the date the procedure is followed.

(5) Program rules determine the amount of time HCA or HCA's authorized agent has to process an application for services, benefits, or a license.

(6) The ALJ and review judge must apply the rules in this chapter beginning on the date each rule is effective.

NEW SECTION

WAC 182-526-0221 Using the index of significant decisions. (1) A final order may be relied on, used, or cited as precedent by a party if the final order has been indexed in the index of significant decisions.

(2) The index of significant decisions is available to the public at <http://www.hca.wa.gov/appeals>. For information on how to obtain a copy of the index, contact the health care authority (HCA) hearing representative.

NEW SECTION

WAC 182-526-0230 Assigning an administrative law judge to a hearing. The office of administrative hearings (OAH) assigns an administrative law judge (ALJ) at least five business days before the hearing. A party may ask which ALJ is assigned to the hearing by calling or writing the OAH field office listed on the notice of hearing. If requested by a party, the OAH must send the name of the assigned ALJ to the party by e-mail or in writing at least five business days before the party's scheduled hearing date.

NEW SECTION

WAC 182-526-0235 Requesting a different judge. A party may file a motion of prejudice against an administrative law judge (ALJ) under RCW 34.12.050. A party may also request that an ALJ or review judge be disqualified under RCW 34.05.425.

NEW SECTION

WAC 182-526-0240 Filing a motion of prejudice. (1) A party requesting a different administrative law judge (ALJ) may do so by filing a written motion of prejudice with the office of administrative hearings (OAH) before the ALJ rules on a discretionary issue in the case, admits evidence, or takes testimony. A motion of prejudice must include an affidavit or statement that a party does not believe that the ALJ can hear the case fairly.

(2) Rulings that are not considered discretionary rulings for purposes of this section include, but are not limited to those:

- (a) Granting or denying a request for a continuance; and
- (b) Granting or denying a request for a prehearing conference.

(3) A party must send the written motion of prejudice to the chief ALJ at the OAH headquarters identified in WAC 182-526-0025(1) and must send a copy to the OAH field office where the ALJ is assigned.

(4) A party may make an oral motion of prejudice at the beginning of the hearing before the ALJ rules on a discretionary issue in the case, admits evidence, or takes testimony if:

- (a) The OAH did not assign an ALJ at least five business days before the date of the hearing; or
- (b) The OAH changed the assigned ALJ within five business days of the date of the hearing.

(5) The first request by each party for a different ALJ is automatically granted. The chief ALJ or a designee grants or denies any later requests.

NEW SECTION

WAC 182-526-0245 Disqualifying an administrative law judge or review judge. (1) An administrative law judge (ALJ) or review judge may be disqualified for bias, prejudice, or conflict of interest, or if one of the parties or a party's representative has an ex parte contact with the ALJ or review judge.

(2) Ex parte contact means a written or oral communication with the ALJ or review judge about something related to the hearing when the other parties are not present. Procedural questions are not considered an ex parte contact. Examples of procedural questions include clarifying the hearing date, time, or location or asking for directions to the hearing location.

(3) To ask to disqualify an ALJ or review judge, a party must file a written petition for disqualification. A petition for disqualification is a written explanation to request assignment of a different ALJ or review judge. A party must promptly make the petition upon discovery of possible bias, conflict of interest, or an ex parte contact.

(4) A party must deliver the petition to the ALJ or review judge assigned to the case. That ALJ or review judge must decide whether to grant or deny the petition and must state the facts and reasons for the decision.

NEW SECTION

WAC 182-526-0250 Time requirements for notices issued by the office of administrative hearings. (1) The OAH must serve a notice of hearing to all parties and their representatives at least fourteen calendar days before the hearing date.

(2) If the OAH schedules a prehearing conference, the OAH must serve a notice of prehearing conference to the parties and their representatives at least seven business days before the date of the prehearing conference except:

(a) The OAH and/or an administrative law judge (ALJ) may change a scheduled hearing into a prehearing conference and provide less than seven business days notice of the prehearing conference; and

(b) The OAH may give less than seven business days notice if the only purpose of the prehearing conference is to consider whether there is good cause to grant a continuance.

(3) The OAH must reschedule the hearing if necessary to comply with the notice requirements in this section.

NEW SECTION

WAC 182-526-0255 Notice of hearing. (1)(a) A notice of hearing is a written notice that must include the:

(i) Names of all parties who receive the notice and, if known, the names and addresses of their representatives;

(ii) Name, mailing address, and telephone number of the administrative law judge (ALJ), if known;

(iii) Date, time, place, and nature of the hearing;

(iv) Legal authority and jurisdiction for the hearing;

(v) Date of the hearing request; and

(vi) Statement that failure to attend and participate in a prehearing conference or a hearing, may result in the loss of the right to a hearing. Then the ALJ may send:

(A) An order of default; and/or

(B) An order dismissing the hearing.

(b) If the party who requested a hearing needs a qualified interpreter because they or any of their witnesses are persons with limited-English-proficiency, OAH will provide an interpreter at no cost to that party.

(c) If the hearing is to be held by telephone or in person, and how to request a change in the way it is held.

(2) In addition to the information provided in subsection (1) of this section, OAH informs the party who requested the hearing:

(a) How to indicate any special needs for the party or their witnesses, including the need for an interpreter in a primary language or for sensory impairments.

(b) How to contact OAH if a party has a safety concern.

NEW SECTION

WAC 182-526-0260 Amending the health care authority or managed care organization notice. (1) The administrative law judge (ALJ) must allow the health care authority (HCA), HCA's authorized agent, or a managed care organization (MCO) to amend (change) the notice of an action before or during the hearing to match the evidence and facts.

(2) HCA, HCA's authorized agent, or MCO must put the change in writing and deliver a copy to the ALJ and all parties.

(3) The ALJ must offer to continue (postpone) the hearing to give the parties more time to prepare or present evidence or argument if there is a substantive change from the earlier notice.

(4) If the ALJ grants a continuance, the office of administrative hearings must serve a new hearing notice at least fourteen calendar days before the hearing date.

NEW SECTION

WAC 182-526-0265 Amending hearing requests. (1) The administrative law judge (ALJ) may allow the party that requested the hearing to amend its hearing request before or during the hearing.

(2) The ALJ must offer to continue (postpone) the hearing to give the other parties more time to prepare or present evidence or argument if there is a substantive change in the hearing request.

NEW SECTION

WAC 182-526-0270 Mailing address changes. (1) The party who requested the hearing must tell the health care authority (HCA) hearing representative and the office of administrative hearings (OAH) as soon as possible, when its mailing address changes.

(2) If that party does not notify the HCA hearing representative and OAH of a change in its mailing address and the OAH continues to send notices and other important papers to the last known mailing address, the administrative law judge (ALJ) may find that the party received the documents.

NEW SECTION

WAC 182-526-0280 Requesting a continuance. (1) Any party may request a continuance either orally or in writing.

(2) Before contacting the administrative law judge (ALJ) to request a continuance, the party seeking a continuance must contact the other parties, if possible, to find out if they will agree to a continuance.

(3) The party making the request for a continuance must let the ALJ know whether the other parties agreed to the continuance. If the parties agree to a continuance, the ALJ must grant it unless the ALJ holds a prehearing conference and finds that good cause for a continuance does not exist.

(4) If the parties do not agree to a continuance, the ALJ must schedule a prehearing conference in accordance with the requirements of WAC 182-526-0250 to decide whether there is good cause to grant the continuance.

(5) If the ALJ grants a continuance, the OAH must serve a new hearing notice at least fourteen calendar days before the new hearing date unless the parties agree to a shorter time period.

(6) If the ALJ denies the continuance request after a prehearing conference is held pursuant to subsections (3) or (4) of this section, the ALJ may proceed with the hearing on the date the hearing is scheduled and must issue a written order setting forth the basis for denying the continuance request.

NEW SECTION

WAC 182-526-0285 Orders of dismissal. (1) An order of dismissal is an order from the administrative law judge (ALJ) ending the hearing process. The order is entered because the party who requested the hearing withdrew the request, or the ALJ entered an order of default because the party who requested the hearing failed to attend or refused to participate in the hearing (which includes all prehearing conferences).

(2) The order of dismissal becomes a final order if no party files a request to vacate the order within twenty-one days after the date the ALJ serves the order of dismissal. A party may request a vacate of the order of dismissal according to WAC 182-526-0290.

(3) If the hearing is dismissed because the party who requested the hearing was defaulted because that party did not attend or refused to participate in the hearing, the health care authority or managed care organization action stands unless the hearing is reinstated after a vacate of the order of dismissal under WAC 182-526-0290.

(4) If the hearing is dismissed due to a written agreement between all the parties, the parties must follow the agreement.

NEW SECTION

WAC 182-526-0290 Reinstating a hearing after an order of dismissal. (1) If the administrative law judge (ALJ) enters and serves an order dismissing the hearing, the party that originally requested the hearing may file a request to vacate (set aside) the order of dismissal. Upon receipt of a request to vacate an order of dismissal, OAH will schedule

and serve notice of a prehearing conference. At the prehearing conference, the party asking that the order of dismissal be vacated must show good cause according to WAC 182-526-0020 for an order of dismissal to be vacated and the hearing to be reinstated.

(2) The request to vacate an order of dismissal must be filed with the office of administrative hearings (OAH) or the board of appeals (BOA). The party requesting that an order of dismissal be vacated should specify in the request why the order of dismissal should be vacated. BOA forwards any request received to OAH to schedule a prehearing conference on the request to vacate.

(3) The request to vacate an order of dismissal must be filed with the office of administrative hearings (OAH) or the board of appeals (BOA) within twenty-one calendar days after the date the order of dismissal was entered and served to the parties. If no request is received within that deadline, the dismissal order becomes a final order.

(a) The party seeking to vacate the order of dismissal may file a late request to vacate the order of dismissal for up to one year after the ALJ entered and served the order to the parties but must show good cause for the late request to be accepted and for the dismissal to be vacated.

(b) If the party files a request to vacate the order of dismissal more than one year after the order was served, the administrative law judge or review judge may vacate the order of dismissal if the health care authority hearing representative and all parties agree to waive (excuse) the deadline.

(4) OAH serves all parties a notice of the prehearing conference on the request to vacate the order of dismissal in accordance with WAC 182-526-0250. At the prehearing conference, the ALJ will receive evidence and argument from the parties on whether the order of dismissal should be vacated for good cause.

(5) If the ALJ finds good cause for the order of dismissal to be vacated, the ALJ must enter and serve a written order to the parties setting forth the findings and reinstate the hearing. This means the party who originally requested the hearing has another opportunity for a hearing on the initial request for hearing.

(6) If the order of dismissal is vacated, the ALJ will conduct a hearing at which the parties may present argument and evidence about the original request for hearing. The hearing may occur immediately following the prehearing conference on the request to vacate if agreed to by the parties and the ALJ or at a later hearing date scheduled by OAH in accordance with WAC 182-526-0250.

NEW SECTION

WAC 182-526-0310 Requesting a stay of the health care authority action. A party may request that an administrative law judge (ALJ) or review judge stay (stop) a health care authority action until there is a decision entered by the ALJ or review judge. The ALJ or review judge decides whether to grant or deny the stay and enters a written order.

NEW SECTION

WAC 182-526-0315 Requiring witnesses to testify or provide documents. A party may require witnesses to testify

or provide documents by issuing a subpoena. A subpoena is an order to appear at a certain time and place to give testimony, or to provide books, documents, or other items.

NEW SECTION

WAC 182-526-0320 Subpoenas. (1) Administrative law judges (ALJs), the health care authority hearing representative, and attorneys for the parties may prepare subpoenas. If an attorney does not represent a party, that party may ask the ALJ to prepare a subpoena on its behalf. The ALJ may schedule a prehearing conference to decide whether to issue a subpoena.

(2) An ALJ may deny a request for a subpoena. For example, an ALJ may deny a request for a subpoena when the ALJ determines that a witness has no actual knowledge regarding the facts or that the documents are not relevant.

(3) There is no cost to prepare a subpoena, but a party may have to pay for:

- (a) Serving a subpoena;
 - (b) Complying with a subpoena; and
 - (c) Witness fees according to RCW 34.05.446(7).
- (4) Any person who is at least eighteen years old and not a party to the hearing may serve a subpoena.

(5) Service of a subpoena is complete when the server:

- (a) Gives the witness a copy of the subpoena; or
- (b) Leaves a copy at the residence of the witness with a person over the age of eighteen.

(6) To prove that a subpoena was served on a witness, the person serving the subpoena must sign a written, dated statement including:

- (a) Who was served with the subpoena;
- (b) When the subpoena was served;
- (c) Where the subpoena was served; and
- (d) The name, age, and address of the person who served the subpoena.

(7) A party may request that an administrative law judge (ALJ) quash (set aside) or change the subpoena request at any time before the deadline given in the subpoena.

(8) An ALJ may set aside or change a subpoena if it is unreasonable.

(9) Witnesses with safety or accommodation concerns should contact the office of administrative hearings (OAH).

NEW SECTION

WAC 182-526-0340 Hearing location. (1) Hearings may be held in-person or as a telephonic hearing.

(2) A telephonic hearing is where all parties appear by telephone.

(3) An in-person hearing is where the party that had requested the hearing appears face-to-face with the administrative law judge (ALJ) and the other parties appear either in person or by telephone.

(4) Whether a hearing is held in-person or telephonically, the parties have the right to see all documents, hear all testimony and question all witnesses.

(5) If a hearing is originally scheduled as an in-person hearing, the party that requested the hearing may ask that the ALJ change it to a telephonic hearing. Once a telephonic hearing begins, the ALJ may stop, reschedule, and change the

hearing to an in-person hearing if any party makes such a request.

NEW SECTION

WAC 182-526-0345 Administrative law judge present at the hearing. (1) If the hearing is scheduled as an in-person hearing, an administrative law judge (ALJ) is physically present.

(2) If the hearing is scheduled as a telephonic hearing, an ALJ is present by telephone.

NEW SECTION

WAC 182-526-0350 Recording the hearing. The administrative law judge must record the entire hearing using audio recording equipment (such as a digital recorder or a tape recorder).

NEW SECTION

WAC 182-526-0355 Persons who may attend the hearing. (1) All parties and their representatives may attend the hearing.

(2) Witnesses may be excluded from the hearing if the administrative law judge (ALJ) finds good cause.

(3) The ALJ may also exclude other persons from all or part of the hearing.

NEW SECTION

WAC 182-526-0360 Changing how a hearing is held or how a witness appears at a hearing. (1) For cases in which the party that requested a hearing is an applicant or recipient of a medical services program established under chapter 74.09 RCW, the hearing shall be conducted according to RCW 74.09.741 (5)(c). An applicant or recipient may agree to have one or more prehearing conferences conducted telephonically without waiving the right to have any subsequent prehearing conference or other hearings held in-person.

(2) Parties to the hearing have the right to request that:

(a) A hearing format be changed from an in-person hearing to a telephonic hearing or from a telephonic hearing to an in-person hearing; or

(b) A witness may be allowed to appear in-person or telephonically. The office of administrative hearings (OAH) must advise the party of the right to request a change in how a witness appears.

(3) A party must show a compelling reason to change the way a witness appears (in-person or by telephone). Some examples of compelling reasons are:

(a) A party does not speak or understand English well.

(b) A party wants to present a significant number of documents during the hearing.

(c) A party does not believe that one of the witnesses or another party is credible, and wants the administrative law judge (ALJ) to have the opportunity to see the testimony.

(d) A party has a disability or communication barrier that affects its ability to present its case.

(e) A party believes that the personal safety of someone involved in the hearing process is at risk.

(4) A compelling reason to change the way a witness appears at a hearing can be overcome by a more compelling reason not to change how a witness appears for a hearing.

(5) If a party wants to change the hearing or change how their witnesses or other parties appear, the party must contact the office of administrative hearings (OAH) to request the change.

(6) The administrative law judge (ALJ) may schedule a prehearing conference to determine if the request should be granted.

(7) If the ALJ grants the request, the ALJ reschedules the hearing or changes how the witness or party appears.

(8) If the ALJ denies the request, the ALJ must issue a written order that includes findings of fact supporting why the request was denied.

NEW SECTION

WAC 182-526-0370 Submitting documents for a telephonic hearing. (1) When a hearing is conducted by telephone, an administrative law judge (ALJ) may order the parties to file and serve the hearing documents at least five days before the hearing, so all parties have an opportunity to view them during the hearing.

(2) The health care authority hearing representative may be able to help a party copy and file their documents with the OAH and send them to any other party.

NEW SECTION

WAC 182-526-0375 Summary of the hearing process. At the hearing:

(1) The administrative law judge (ALJ):

(a) Explains the hearing rights of the parties;

(b) Marks and admits or rejects exhibits;

(c) Ensures that a record is made;

(d) Explains that a decision is mailed after the hearing;

(e) Notifies the parties of appeal rights;

(f) May keep the record open for a time after the hearing if needed to receive more evidence or argument; and

(g) May take actions as authorized according to WAC 182-526-0215.

(2) The parties may:

(a) Make opening statements to explain the issues;

(b) Offer evidence to prove their positions, including oral or written statements of witnesses;

(c) Question the witnesses presented by the other parties; and

(d) Give closing arguments about what the evidence shows and what laws apply.

(3) At the end of the hearing the record will be closed unless the ALJ allows more time to file additional evidence. See WAC 182-526-0390.

NEW SECTION

WAC 182-526-0380 Group hearing requests and withdrawals. (1) A group hearing may be held when two or more parties request a hearing about similar issues.

(2) Hearings may be combined at the request of the parties or the administrative law judge.

(3) All parties participating in a group hearing may have their own representative present.

(4) A party may withdraw from a group hearing by asking the administrative law judge (ALJ) for a separate hearing.

(5) If a party asks to withdraw from a group hearing before the ALJ makes a discretionary ruling or the hearing begins, the ALJ must give the party a separate hearing.

(6) If a party later shows good cause, the ALJ may give the party a separate hearing at any time during the hearing process.

(7) The ALJ must grant a party's request to withdraw from a group hearing when participation in the group hearing could require the release of confidential or protected health care information and the party does not consent to the release of such information.

NEW SECTION

WAC 182-526-0387 Requesting that a hearing be consolidated or severed when multiple agencies are parties to the proceeding. (1) The following requirements apply only to hearings in which an applicant or recipient of medical services programs set forth in chapter 74.09 RCW, seeks review of decisions made by more than one agency. For example: A medical services program recipient appeals a termination of medical assistance by the health care authority and in the same request for hearing the recipient appeals a termination of cash assistance issued by the department of social and health services.

(2) When the applicant or recipient of a medical services program files a single request for hearing seeking review of decisions by more than one agency, this review shall be conducted initially in one hearing. The administrative law judge (ALJ) may sever the proceeding into multiple hearings on the motion of any of the parties, when:

(a) All parties consent to the severance; or

(b) Any party requests severance without another party's consent, and the ALJ finds there is good cause for severing the hearing and that the proposed severance is not likely to prejudice the rights of the applicant or recipient in accordance with RCW 74.09.741(5).

(3) If there are multiple hearings involving common issues or parties where there is one appellant and both the health care authority and the department are parties, upon motion of any party or upon the ALJ's motion, the ALJ may consolidate the hearings if the ALJ finds that the consolidation is not likely to prejudice the rights of the applicant or recipient who is a party to any of the consolidated hearings in accordance with RCW 74.09.741(5).

(4) If the ALJ grants the motion to sever the hearing into multiple hearings or consolidate multiple hearings into a single hearing, the ALJ will enter and serve an order and a new notice of hearing to the appropriate parties in accordance with WAC 182-526-0250, unless service of notice is waived by the parties.

(5) Petitions for judicial review must be served on all agencies involved in the hearing.

NEW SECTION

WAC 182-526-0390 Evidence. (1) Evidence includes documents, objects, and testimony of witnesses that parties give during the hearing to help prove their positions.

(2) Evidence may be all or parts of original documents or copies of the originals.

(3) Parties may offer statements signed by a witness under oath or affirmation as evidence, if the witness cannot appear.

(4) Testimony subject to cross examination by the other parties may be given more importance by the administrative law judge (ALJ).

(5) The parties may bring evidence to any prehearing meeting, prehearing conference, or hearing, or may file evidence before these events with OAH.

(6) The ALJ may set a deadline before the hearing for the parties to file proposed exhibits and the names of witnesses. If the parties miss the deadline, the ALJ may refuse to admit the evidence unless the parties show:

(a) They have good cause for missing the deadline; or

(b) That the other parties agree.

(7) If the ALJ gives the parties more time to submit evidence, the parties may file it after the hearing. The ALJ may allow more time for the other parties to respond and object to the evidence.

(8) Parties may bring any documents and witnesses to the hearing to support their position. However, the following provisions apply:

(a) The other parties may object to the evidence and question the witnesses;

(b) The ALJ determines whether the evidence is admitted and what importance to give it;

(c) If the ALJ does not admit the evidence, the parties may make an offer of proof to show why the ALJ should admit it;

(d) To make an offer of proof, a party presents evidence and argument on the record to show why the ALJ should consider the evidence; and

(e) The offer of proof preserves the argument for appeal.

(9) The ALJ may only consider admitted evidence and matters officially noticed in the proceeding (judicial notice) to decide the case.

(10) Admission of evidence is based upon the reasonable person standard. This standard means evidence that a reasonable person would rely on in making a decision.

(11) The ALJ may admit and consider hearsay evidence in accordance with RCW 34.05.452.

(12) The ALJ may reject evidence if it:

(a) Is not relevant; or

(b) Repeats evidence already admitted.

(13) The ALJ must reject evidence if required by law.

(14) The ALJ decides:

(a) What evidence is more credible if evidence conflicts; and

(b) The importance given to the evidence.

(15) The ALJ uses the Washington rules of evidence as guidelines when those rules do not conflict with the rules of this chapter or the Washington Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

WAC 182-526-0405 Stipulations. (1) A stipulation is an agreement among two or more parties that certain facts or evidence is correct or authentic.

(2) If an administrative law judge (ALJ) accepts a stipulation, the ALJ must enter it into the record.

(3) A stipulation may be made before or during the hearing.

(4) A party may change or reject a stipulation after it has been made.

(5) To change or reject a stipulation, a party must show the administrative law judge that:

(a) The party did not intend to make the stipulation or was mistaken when making it; and

(b) Changing or rejecting the stipulation does not harm the other parties.

NEW SECTION

WAC 182-526-0415 Exhibits. (1) Proposed exhibits.

(a) Proposed exhibits are documents or other objects that a party wants the administrative law judge (ALJ) to consider when reaching a decision.

(b) After the document or object is accepted by the ALJ, it is admitted and becomes an exhibit.

(2) Marking and numbering proposed exhibits and providing copies.

(a) All parties should mark and number their proposed exhibits before the hearing.

(b) All parties should send (exchange) their exhibits in advance of the hearing.

(c) Parties should bring to the hearing enough copies of their proposed exhibits for all parties if those exhibits were not exchanged prior to the hearing.

(d) If the party who requested the hearing cannot afford to provide copies of its exhibits for all parties, the requesting party must make its proposed exhibits available for copying. The ALJ may require proof that the requesting party is unable to afford copies.

(3) Admitting proposed exhibits into the record.

(a) The administrative law judge (ALJ) decides whether to admit a proposed exhibit into the record and also determines the importance of the evidence.

(b) The ALJ admits proposed exhibits into the record by marking, listing, identifying, and admitting the proposed exhibits.

(c) The ALJ may also exclude proposed exhibits from the record.

(d) The ALJ must make rulings on the record to admit or exclude exhibits.

(4) Disagreeing with an exhibit.

(a) A party may object to the authenticity or admissibility of any exhibit, or offer argument about how much importance the ALJ should give the exhibit.

(b) Even if a party agrees that a proposed exhibit is a true and authentic copy of a document, the agreement does not mean that a party agrees with:

(i) Everything in the exhibit or agrees that it should apply to the hearing;

(ii) What the exhibit says; or

(iii) How the administrative law judge should use the exhibit to make a decision.

(5) The following rules apply to filing proposed exhibits with OAH and sending them to the other parties for a telephone conference hearing:

(a) Parties should file their proposed exhibits with OAH and send them to the other parties at least five days before the telephonic hearing. In some cases, the ALJ may require that the parties file and send them earlier.

(b) The health care authority hearing representative may help the party that had requested the hearing file copies of its proposed exhibits with OAH and send to the other parties if that party cannot afford to do so. The ALJ may require the party to provide proof that they are unable to afford to do so.

NEW SECTION

WAC 182-526-0440 Judicial notice. (1) The administrative law judge (ALJ) may consider and admit evidence by taking judicial notice.

(2) Judicial notice is evidence that includes facts or standards that are generally recognized and accepted by judges, government agencies, or national associations. For example, an administrative law judge may take judicial notice of a calendar, a building code, or a standard or practice.

(3) If a party requests judicial notice, or if the ALJ intends to take judicial notice, the ALJ may ask the party to provide a copy of the document that contains the information.

(4) If judicial notice has been requested, or if the ALJ intends to take judicial notice, the ALJ must tell the parties before or during the hearing.

(5) The ALJ must give the parties time to object to judicial notice evidence.

NEW SECTION

WAC 182-526-0450 Witness. (1) A witness may be:

(a) The party that requested the hearing or the health care authority (HCA) hearing representative; or

(b) Anyone the parties or the administrative law judge (ALJ) asks to be a witness.

(2) The ALJ decides who may testify as a witness.

(3) An expert witness may not be a former HCA employee, a former HCA authorized agent, or a former employee of the department in the proceeding against HCA or the department if that employee was actively involved in the HCA action while working for HCA or the department, unless the HCA hearing representative agrees.

(4) All witnesses:

(a) Must affirm or take an oath to testify truthfully during the hearing.

(b) May testify in person or by telephone.

(c) May request interpreters from OAH at no cost to the party.

(d) May be subpoenaed and ordered to appear according to WAC 182-526-0315.

(5) Cross-examining a witness.

(a) The parties have the right to cross-examine (question) each witness.

(b) If a party has a representative, only the representative, and not the party, may question the witness.

(c) The administrative law judge may also question witnesses.

(6) Witnesses may refuse to answer questions. However, if a witness refuses to answer a question, the administrative law judge may reject all of the related testimony of that witness.

NEW SECTION

WAC 182-526-0480 Burden of proof. (1) Burden of proof is a party's responsibility to:

(a) Provide evidence regarding disputed facts; and
 (b) Persuade the administrative law judge (ALJ) that a position is correct.

(2) To persuade the ALJ, the party who has the burden of proof must provide the amount of evidence required by WAC 182-526-0485. The ALJ decides if a party has met the burden of proof.

NEW SECTION

WAC 182-526-0485 Standard of proof. Standard of proof refers to the amount of evidence needed to prove a party's position. Unless the rules or law states otherwise, the standard of proof in a hearing is a preponderance of the evidence. This standard means that it is more likely than not that something happened or exists.

NEW SECTION

WAC 182-526-0495 Equitable estoppel. (1) Equitable estoppel is a legal doctrine that may be used only as a defense to prevent the health care authority (HCA) from taking some action against a person or entity, such as collecting an overpayment. Equitable estoppel may not be used to require HCA to continue to provide something or to require HCA to take action contrary to a statute.

(2) There are five elements of equitable estoppel. The standard of proof is clear and convincing evidence. A party asserting the doctrine of equitable estoppel must prove all of the following five elements:

(a) HCA made a statement or took an action or failed to take an action, which is inconsistent with a later claim or position by HCA.

(b) The party reasonably relied on HCA's original statement, action or failure to act.

(c) The party will be injured to its detriment if HCA is allowed to contradict the original statement, action or failure to act.

(d) Equitable estoppel is needed to prevent a manifest injustice. Factors to be considered in determining whether a manifest injustice would occur include, but are not limited to, whether:

(i) The party cannot afford to repay the money to HCA;
 (ii) The party gave HCA timely and accurate information when required;
 (iii) The party did not know that HCA made a mistake;
 (iv) The party is free from fault; and
 (v) The overpayment was caused solely by an HCA mistake.

(e) The exercise of government functions is not impaired.

(3) If the ALJ concludes that the party has proven all of the elements of equitable estoppel in subsection (2) of this section with clear and convincing evidence, HCA is stopped or prevented from taking action or enforcing a claim against that party.

NEW SECTION

WAC 182-526-0500 Hearing record. (1) Before the record is closed, the administrative law judge may:

(a) Set another hearing date;
 (b) Enter orders to address limited issues if needed before writing and sending a hearing decision to resolve all issues in the proceeding; or

(c) Give the parties more time to file exhibits or written argument.

(2) The record is closed:

(a) At the end of the hearing if the administrative law judge does not allow more time to file evidence or argument;
 or

(b) After the deadline for filing evidence or argument is over.

(3) After the record is closed:

(a) No more evidence may be admitted without good cause;

(b) The administrative law judge (ALJ) must enter an initial order and serve copies to the parties; and

(c) The office of administrative hearings must send the official record of the proceedings to the board of appeals. The record must be complete when it is sent, and include all parts required by WAC 182-526-0512.

NEW SECTION

WAC 182-526-0512 Contents of the hearing record.

(1) The administrative law judge must produce a complete official record of the proceedings.

(2) The official record must include, if applicable:

(a) Notice of all proceedings;

(b) Any prehearing order;

(c) Any motions, pleadings, briefs, petitions requests, and intermediate rulings;

(d) Evidence received or considered;

(e) A statement of matters officially noticed;

(f) Offers of proof, objections, and any resulting rulings;

(g) Proposed findings, requested orders and exceptions;

(h) A complete audio recording of the entire hearing, together with any transcript of the hearing;

(i) Any final order, initial order, or order on reconsideration; and

(j) Matters placed on the record after an ex parte communication.

NEW SECTION

WAC 182-526-0520 Information which must be included in the ALJ's initial order. The administrative law judge (ALJ) must include the following information in the initial order:

- (1) Identify the initial order as a health care authority case;
- (2) List the name and docket number of the case and the names of all parties and representatives;
- (3) Find the facts used to resolve the dispute based on the hearing record;
- (4) Explain why evidence is credible when the facts or conduct of a witness is in question;
- (5) State the law that applies to the dispute;
- (6) Apply the law to the facts of the case in the conclusions of law;
- (7) Discuss the reasons for the decision based on the facts and the law;
- (8) State the result and remedy ordered;
- (9) Explain how to request changes in the initial order and the deadlines for requesting them;
- (10) State the date the initial order becomes final according to WAC 182-526-0525; and
- (11) Include any other information required by law or program rules.

NEW SECTION

WAC 182-526-0525 When initial orders become final. An initial order becomes a final order at 5:00 p.m. on the twenty-first calendar day after OAH serves the initial order, unless:

- (1) Any party files a request for review of the initial order within twenty-one calendar days of the serving (mailing) of the initial order in accordance with WAC 182-526-0580(1);
- (2) Any party files a request for extension of the deadline for filing a request for review which is granted by the review judge pursuant to WAC 182-526-0580(2);
- (3) Any party files a late request for review which is accepted by a review judge in accordance with WAC 182-526-0580(3);
- (4) A managed care enrollee requests review by an independent review (IR) organization in accordance with RCW 48.43.535 prior to the initial order becoming final or a final order being entered by a review judge. See WAC 182-526-0200 for enrollee appeals.

NEW SECTION

WAC 182-526-0530 How to correct or appeal an initial order. (1) If a party disagrees with an administrative law judge's (ALJ) initial order because of a clerical error, the party may ask for a corrected initial order from the ALJ as provided in WAC 182-526-0540 through 182-526-0555.

(2) If a party disagrees with an initial order for a reason other than a clerical error and wants the initial order changed, the party must request review by a review judge as provided in WAC 182-526-0560 through 182-526-0595.

NEW SECTION

WAC 182-526-0540 How clerical errors are corrected in the initial orders. (1) A clerical error is a mistake that does not change the intent of the initial order.

(2) The administrative law judge corrects clerical errors in the initial order by entering and serving a second decision referred to as a corrected initial order.

(3) Some examples of clerical error are:

- (a) Missing or incorrect words or numbers;
- (b) Dates inconsistent with the decision or evidence in the record such as using May 3, 1989, instead of May 3, 1998; or

(c) Math errors when adding the total of an overpayment.

NEW SECTION

WAC 182-526-0545 How a party requests a corrected initial order. (1) A party may ask for a corrected administrative law judge's (ALJ) initial order by calling or writing the office of administrative hearings office that held the hearing.

(2) When asking for a corrected initial order, please identify the clerical error that was found.

NEW SECTION

WAC 182-526-0550 Deadline for a party to request a corrected initial order. (1) The parties must ask the administrative law judge (ALJ) for a corrected initial order on or before the tenth calendar day after the order was served.

(2) The time period provided in subsection (1) of this section and the time it takes the ALJ to deny the request or make a decision regarding the request for a corrected initial order, do not count against any deadline for a review judge to enter a final order.

NEW SECTION

WAC 182-526-0555 Process after a party requests a corrected initial order. (1) When a party requests a corrected initial order, the administrative law judge (ALJ) must either:

- (a) Serve all parties a corrected order; or
- (b) Deny the request within three business days of receiving it.

(2) If the ALJ corrects an initial order and a party does not request review, the corrected initial order becomes a final order at 5:00 p.m., twenty-one calendar days after the original initial order was served.

(3) If the ALJ denies a request for a corrected initial order and the party still wants the initial order changed, the party must request review by a review judge.

(4) Requesting an ALJ to correct the initial order does not automatically extend the deadline to request review of the initial order by a review judge. When a party needs more time to request review of an initial order, the party must ask for more time to request review as permitted by WAC 182-526-0580(2).

NEW SECTION

WAC 182-526-0560 Review of an initial order by a review judge. (1) Review by a review judge is available to a party who disagrees with the administrative law judge's (ALJ) initial order.

(2) If a party wants the initial order substantively changed, the party must request that a review judge review the initial order.

(3) If a request is made for a review judge to review an initial order, it does not mean there is another hearing conducted by a review judge.

(4) Review judges may not review an ALJ's order after the order becomes final, except as permitted by WAC 182-526-0580.

NEW SECTION

WAC 182-526-0565 Evidence a review judge considers in reviewing an initial order. (1) The review judge, in most cases, only considers evidence admitted in the record by the administrative law judge.

(2) The review judge considers the request, the initial order, and the record before deciding if the initial order should be changed.

(3) The review judge may allow the parties to make oral argument when reviewing initial orders.

NEW SECTION

WAC 182-526-0570 Request for review of an initial order. (1) Any party may request a review judge to review the initial order.

(2) If more than one party requests review, each request must meet the deadlines in WAC 182-526-0580.

NEW SECTION

WAC 182-526-0575 How to request review of an initial order. (1) A party must make the request for review of an initial order in writing and file it with the board of appeals (BOA) at the address given in WAC 182-526-0030 and within the deadlines set forth in WAC 182-526-0580. The party should identify the:

(a) Parts of the initial order with which the party disagrees; and

(b) Evidence supporting the party's position.

(2) A party should also send a copy of the review request to the other parties.

(3) After receiving a party's request for review of an initial order, the BOA serves a copy to the other parties, their representatives, and the office of administrative hearings. The other parties and their representatives may respond as described in WAC 182-526-0590.

NEW SECTION

WAC 182-526-0580 Deadline for requesting review of an initial order by a review judge. (1) The board of appeals (BOA) must receive the written review request of an initial order on or before 5:00 p.m. on the twenty-first calendar day after the initial order was served, unless an extension of the deadline is granted by the review judge. A party may file the review request by facsimile transmission (fax). A copy of the review request should also be mailed to the BOA.

(2) A review judge may extend the deadline if a party:

(a) Asks for more time before the deadline expires; and

(b) Gives a good reason for more time.

(3) A review judge may accept a review request after the twenty-one calendar day deadline only if:

(a) The BOA receives the review request on or before the thirtieth calendar day after the deadline; and

(b) A party shows good cause for missing the deadline.

(4) The time periods provided by this section for requesting review of an initial order, including any extensions, does not count against a deadline, if any, for a review judge to enter the final order.

NEW SECTION

WAC 182-526-0590 Response to a request for review. (1) A party does not have to respond to the request for review. A response is optional.

(2) If a party decides to respond, that party must file the response so that the board of appeals (BOA) receives it on or before the seventh business day after the date the other party's review request was served to the party by the BOA.

(3) The party should send a copy of the response to all other parties or their representatives.

(4) A review judge may extend the deadline in subsection (2) of this section if a party asks for more time before the deadline to respond expires and gives a good reason.

(5) If a party asks for more time to respond, the time period provided by this section for responding to the review request, including any extensions, does not count against any deadline for a review judge to enter the final order.

(6) A review judge may accept and consider a party's response even if it is filed after the deadline.

NEW SECTION

WAC 182-526-0595 Process after review response deadline. (1) After the response deadline, the record on review is closed unless the review judge finds there is a good reason to keep it open.

(2) A review judge is assigned to review the initial order after the record is closed. To find out which judge is assigned, call the board of appeals.

(3) After the record is closed, the assigned review judge:

(a) Reviews the initial order; and

(b) Enters a final order that affirms, modifies, dismisses or reverses the initial order; or

(c) Returns the case to the office of administrative hearings for further action.

NEW SECTION

WAC 182-526-0600 Authority of the review judge. (1) In some cases, review judges review initial orders and enter final orders. The review judge has the same decision-making authority as the administrative law judge (ALJ). The review judge considers the entire record and decides the case de novo (anew). In reviewing findings of fact, the review judge must give due regard to the ALJ's opportunity to observe witnesses.

(2) Review judges may return (remand) cases to the office of administrative hearings for further action.

(3) In cases where there is a consolidated hearing pursuant to WAC 182-526-0387, any party may request review of the initial order in accordance with the requirements contained in this chapter.

(4) Review judges may not review an ALJ order after the order becomes final, except as provided in WAC 182-526-0580.

(5) Review judges may preside at a hearing and enter the final order in cases conducted under WAC 182-526-0218.

NEW SECTION

WAC 182-526-0605 Reconsideration of a final order entered by a review judge. (1) If a party does not agree with the final order and believes the review judge made a mistake and wants it reconsidered, the party may request the review judge to reconsider the decision.

(2) The party must make the request in writing and clearly state why the party wants the final order reconsidered. The party must file the written reconsideration request with the BOA and it must be received by the deadline.

(3) The party should send a copy of the request to all other parties or their representatives.

(4) After receiving a reconsideration request, BOA serves a copy to the other parties and representatives and gives them time to respond.

(5) The final order or the reconsideration decision is the final HCA decision. If a party disagrees with that decision, the party must petition for judicial review to change it.

(6) If a party asks for reconsideration of the final order, the reconsideration process must be completed before a party requests judicial review. However, the party does not need to request reconsideration of a final order before requesting judicial review.

(7) The party may ask the court to stay or stop the HCA action after filing the petition for judicial review.

NEW SECTION

WAC 182-526-0620 Deadline for requesting reconsideration. (1) To request reconsideration of a final order entered by a review judge, the BOA must receive a written reconsideration request on or before the tenth calendar day after the final order was served.

(2) The review judge may extend its deadline for filing a request for reconsideration if a party:

- (a) Asks for more time before the deadline expires; and
- (b) Gives a good reason for the extension.

(3) If a reconsideration request is filed after the deadline, the final order will not be reconsidered and the deadline to ask for judicial review of the final HCA decision continues to run.

(4) If a party does not request reconsideration or fails to ask for an extension within the deadline, the final order may not be reconsidered and it becomes the final HCA decision.

NEW SECTION

WAC 182-526-0630 Responding to a reconsideration request. (1) A party does not have to respond to a request for reconsideration of a final order. A response is optional.

(2) If a party responds, that party must file a response with the board of appeals (BOA) by or before the seventh business day after the date the review judge mailed the request to the party.

(3) A party should send a copy of the response to any other party or representative.

(4) If a party needs more time to respond, the review judge may extend its deadline if the party gives a good reason within the deadline in subsection (2) of this section.

NEW SECTION

WAC 182-526-0635 Process after a party requests reconsideration. (1) After the review judge receives a reconsideration request, the review judge has twenty calendar days to enter and serve a reconsideration decision unless the review judge serves notice allowing more time.

(2) After the BOA receives a reconsideration request, the review judge must either:

- (a) Write a reconsideration decision; or
- (b) Serve all parties an order denying the request.

(3) If the review judge does not serve an order or notice granting more time within twenty days of receipt of the reconsideration request, the request is denied.

NEW SECTION

WAC 182-526-0640 Judicial review of a final order. (1) Judicial review is the process of appealing a final order to a court.

(2) The party that had requested the hearing may appeal a final order by filing a written petition for judicial review that meets the requirements of RCW 34.05.546. HCA may not request judicial review.

(3) The party must consult RCW 34.05.510 to 34.05.598 for further details of the judicial review process.

NEW SECTION

WAC 182-526-0645 Deadline for petition for judicial review and filing requirements. A party must file a petition for judicial review with the superior court within thirty calendar days after the final order is served to the parties.

NEW SECTION

WAC 182-526-0647 Exhaustion of administrative remedies required. Generally, a party may file a petition for judicial review only after it has completed the administrative hearing process. See RCW 34.05.534.

NEW SECTION

WAC 182-526-0650 Service of petition for judicial review. (1) The party must:

- (a) File a petition for judicial review with the court;
- (b) File and serve the petition for judicial review of a final order within thirty days after the date it was mailed to the parties; and

(c) Serve copies of its petition on the health care authority (HCA), the office of the attorney general, and all other parties.

(2) To serve HCA, the petitioning party must deliver a copy of the petition for judicial review to the director of HCA and send a copy to the board of appeals (BOA). The party may hand deliver the petition or send it by mail that gives proof of receipt.

The physical location of the director is:

Director
Health Care Authority
626 8th Avenue S.E.
Olympia, WA 98501

The mailing address of the director is:

Director
Health Care Authority
P.O. Box 45502
Olympia, WA 98504-5502

The physical and mailing addresses for BOA are in WAC 182-526-0030.

(3) To serve the office of the attorney general and other parties, the petitioning party may send a copy of the petition for judicial review by regular mail. The party may send a petition to the address for the attorney of record to serve a party. The party may serve the office of the attorney general by hand delivery to:

Office of the Attorney General
7141 Cleanwater Drive S.W.
Tumwater, WA 98501

The mailing address of the attorney general is:

Office of the Attorney General
P.O. Box 40124
Olympia, WA 98504-0124

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-526-2610 Prehearing reviews for clients who request a fair hearing.

WSR 13-02-008

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed December 19, 2012, 3:20 p.m., effective January 19, 2013]

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

Purpose: The rules implement HB [SB] 6289 which made changes to the self-employment assistance program. They clarify eligibility requirements and establish procedures for reporting self-employment income.

Citation of Existing Rules Affected by this Order: Amending WAC 192-200-020, 192-200-040, 192-200-050, and 192-200-055.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Adopted under notice filed as WSR 12-22-059 on November 6, 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 1, Amended 4, 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 1, Amended 4, Repealed 0.

Date Adopted: December 19, 2012.

Paul Trause
Commissioner

NEW SECTION

WAC 192-190-105 How do I report self-employment income? (1) Report self-employment when earned, not when paid.

(2) Report self-employment income as a net figure, after your reasonable business expenses are deducted from your gross income.

(3) If you are not sure what these amounts are, consult your accountant, tax advisor or other financial professional.

(4) You may be required to provide records of your income and expenses.

(5) If you fail to provide records of your income and expenses when requested, the department will presume you earned too much in your self-employment to qualify for benefits for the period for which records were requested.

AMENDATORY SECTION (Amending WSR 07-23-129, filed 11/21/07, effective 1/1/08)

WAC 192-200-020 Commissioner approval of training—RCW 50.20.043. (1) How do I apply for commissioner approved training? If you wish to attend school or training while you receive unemployment benefits, and the training will interfere with your availability for full-time work, the training must be approved by the department. Contact the department and ask for an application for commissioner approved training. Your completed application must be returned to the unemployment ~~insurance~~ ~~claims~~ ~~((telecenter))~~ ~~center~~. We will send you a decision, in writing, denying or approving your training application.

(2) **What factors will the department consider when reviewing my application?** The department will consider the following factors:

(a) Your plan for completion of the training;

(b) The nature of the training facility and the quality of the training;

(c) Whether the training relates to an occupation or skill for which there are, or are expected to be, reasonable employment opportunities in the labor markets in which you intend to seek work;

(d) Whether an oversupply of qualified workers exists;

(e) Whether you have the qualifications and aptitudes to successfully complete such training; and

(f) Whether your employment prospects in occupations in which you have training or experience do not exist or have substantially diminished in the labor market to the extent that the department determines you will probably be unemployed for a lengthy period. These diminished prospects could be the result of business or economic conditions in the area, or due to personal reasons such as your health, physical fitness, criminal background, or other circumstances of a similar nature.

(3) What about training that is required by my job? The commissioner will approve training that is required within an occupation if:

(a) The training is a condition of your continued employment;

(b) The scheduling of the training is determined by your employer or a work related entity, and not by you (the claimant); and

(c) The training meets the requirements of subsections (2)(a), (b), (c), (d), and (e) of this section.

(4) Can academic training be approved? An academic training course may be approved if the conditions of subsections (1) and (2) of this section are met, and the training meets specific requirements for certification, licensing, or specific skills necessary for the occupation.

(5) Can these requirements be waived? In the case of individuals with physical or sensory handicaps, or in other unusual individual circumstances, a written decision of the commissioner may waive any of the requirements of this section on an individual basis.

(6) ~~((This section does not apply to training in a))~~ Do these requirements apply to the self-employment assistance program? For purposes of the self-employment assistance program under RCW 50.20.250:

(a) This section does not apply to individuals who are profiled as likely to exhaust benefits as described in WAC 192-200-040; and

(b) Subsection (2)(c) of this section does not apply to individuals otherwise eligible for commissioner approved training under RCW 50.20.043 and this section.

AMENDATORY SECTION (Amending WSR 07-23-129, filed 11/21/07, effective 1/1/08)

WAC 192-200-040 Who is eligible to participate in the self-employment assistance program? (1) Eligibility. To be eligible for the self-employment assistance program, you must:

(a) Be otherwise eligible for regular unemployment benefits ~~((;))~~ and:

~~((b))~~ (i) Have been identified by the department as likely to exhaust regular unemployment benefits using the

profiling model established under RCW 50.20.011 and WAC 192-180-060; or

(ii) Eligible for commissioner approved training as provided in WAC 192-200-020; and

~~((e))~~ (b) Enroll and satisfactorily participate in a self-employment assistance program approved by the commissioner.

(2) Likely to exhaust. The department will use the following process to identify claimants who are likely to exhaust for purposes of the self-employment assistance program:

(a) Assign profile scores to individuals with a claim ending during the most recent federal fiscal year (October 1 through September 30) using the model described in WAC 192-180-060.

(b) Find the number of these claimants who actually exhausted regular unemployment benefits and determine their percentage of the entire profiled population ~~((;))~~.

(c) The result will determine the percentile of profiled scores that will be identified as likely to exhaust. For example, assume during the most recent federal fiscal year, fifteen percent of profiled claimants actually exhaust benefits. This means the eighty-fifth percentile of profile scores will be used to identify claimants who are likely to exhaust.

(d) Determine the lowest score assigned to claimants within this group.

(e) Claimants with that score or higher who file new claims during the following calendar year will be notified by the department they are potentially eligible for the self-employment assistance program.

(3) Satisfactory participation. The department will consider you to be satisfactorily participating if you are making satisfactory progress as defined in WAC 192-200-030 (1)(c).

AMENDATORY SECTION (Amending WSR 07-23-129, filed 11/21/07, effective 1/1/08)

WAC 192-200-050 What criteria will the department use to approve my self-employment assistance training plan? (1) The department will consider the following factors when reviewing your application for the self-employment assistance program:

~~((1))~~ (a) That you have an adequate ~~((financial))~~ plan for completing training if your unemployment benefits run out before you complete training; and

~~((2))~~ (b) That you have the qualifications and aptitudes to successfully complete the training ~~((; and~~

~~(3) That you have certified you will not compete with your former employer for up to one year after completing your training program)).~~

~~((4))~~ (2) If you modify your training plan, the changes must be approved in advance by your training provider and the department.

AMENDATORY SECTION (Amending WSR 07-23-129, filed 11/21/07, effective 1/1/08)

WAC 192-200-055 What other factors affect my eligibility for benefits under the self-employment assistance program? (1) Any ~~((remuneration))~~ net income you receive

while enrolled in a self-employment assistance training program will be deducted from your weekly benefit amount as required under RCW 50.20.130. Net income based on self-employment must be reported as provided in WAC 192-190-105.

(2) If you complete your training program before your unemployment benefits run out, you are no longer eligible for benefits unless you meet the availability for work and job search requirements of RCW 50.20.010 (1)(c).

WSR 13-02-010
PERMANENT RULES
HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed December 19, 2012, 3:56 p.m., effective February 1, 2013]

Effective Date of Rule: February 1, 2013.

Purpose: The healthy options and the former general assistance-unemployable managed care plans have both changed since this chapter was last updated due to federal regulation changes and legislative updates. The chapter is being updated to ensure compliance with new laws and federal regulation. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Citation of Existing Rules Affected by this Order: Repealing WAC 182-538-112; and amending WAC 182-538-050, 182-538-060, 182-538-061, 182-538-063, 182-538-065, 182-538-067, 182-538-068, 182-538-070, 182-538-095, 182-538-100, 182-538-110, 182-538-111, 182-538-120, 182-538-130, and 182-538-140.

Statutory Authority for Adoption: RCW 41.05.021, 42 C.F.R. 438.

Adopted under notice filed as WSR 12-21-112 on October 23, 2012.

Changes Other than Editing from Proposed to Adopted Version: **WAC 182-538-050 Definitions.**

The agency struck the definition for "Children with special health care needs." The text this term appeared in was removed, making this definition no longer necessary.

WAC 182-538-060 (4)(b) and (c) Managed care and choice.

The agency struck the words "enrollment" and "form."

(b) Mail a postage-paid completed managed care enrollment form ~~enrollment form~~, HCA 13-862 to the agency's unit responsible for managed care enrollment; or

(c) Fax the managed care enrollment form ~~enrollment form~~, HCA 13-862 to the agency at the number located on the enrollment form.

WAC 182-538-063(4) Managed care for medical care services clients.

The agency struck subsection (4) as it no longer applies since MCS is a voluntary managed care program.

~~(4)) MCS clients are exempt from ((mandatory)) enrollment in managed care if they are American Indian or Alaska Native (AI/AN) and meet the provisions of 25 U.S.C. 1603 (e) — (d) for federally recognized tribal members and their descendants.~~

The agency renumbered WAC 182-538-063 as a result of the removal of subsection (4).

WAC 182-538-063(7) Managed care for medical care services clients.

The agency also reversed the proposed change to (7)(c) ~~(formerly (8)(c))~~ as follows:

(c) The agency pays providers on a fee-for-service basis for the medically necessary, covered medical care services not ~~((covered under the))~~ covered under the in the terms of the agency's MCO's contract for MCS enrollees;

WAC 182-538-110 The grievance system for managed care organizations (MCO).

The agency added the following subsections back in, with revisions:

~~(6)(c) ((MCOs must inform enrollees in writing within fifteen days of enrollment about enrollees' rights and how to use the MCO's grievance process, including how to use the department's hearing process. The MCOs must have department approval for all written information the MCO sends to enrollees. MCOs must inform enrollees in writing within fifteen days of enrollment about enrollee's rights and how to use the MCO's grievance process, including how to use the agency's hearing process. The MCOs must have agency approval for all written information the MCO sends to enrollees.~~

~~(7)(c) ((MCOs must inform enrollees in writing within fifteen days of enrollment about enrollees' rights and how to use the MCO's appeal process and the department's hearing process. The MCOs must have department approval for all written information the MCO sends to enrollees. MCOs must inform enrollees in writing within fifteen days of enrollment about enrollees' rights and how to use the MCO's appeal process and the agency's hearing process. The MCOs must have agency approval for all written information the MCO sends to enrollees.~~

WAC 182-538-130 (3)(c) and (d) Exemptions and ending enrollment in managed care.

The agency added the following language:

(c) The enrollee engaged in intentional misconduct, including refusing to provide information to the contractor about third-party insurance coverage; or

(d) The MCO conducted a clinically appropriate evaluation to determine whether there was a treatable problem contributing to the enrollee's behavior and there was not a treatable problem or the enrollee refused to participate in treatment.

WAC 182-538-130(7) Exemptions and ending enrollment in managed care.

(7) On a case-by-case basis, the agency ~~may~~ will grant a client's request for exemption or an enrollee's request to end enrollment when, in the agency's judgment, the client or enrollee has a documented ~~and verifiable medical condition, and enrollment in managed care could~~ treatment plan for medically necessary care by a provider who is not available through any contracted MCO and enrollment would likely disrupt that treatment in such a way as to cause an interruption of treatment that could jeopardize the client's or enrollee's life or health or ability to attain, maintain, or regain maximum function.

(8) Upon request, the agency may exempt the client or end enrollment for the period of time the circumstances or conditions described in subsection (7) of this section ~~that lead to exemption or ending enrollment~~ are expected to exist. The agency may periodically review those circumstances or conditions to determine if they continue to exist. If the agency approves the request for a limited time, the client or enrollee is notified in writing or by telephone of the time limitation, the process for renewing the exemption or the ending of enrollment.

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 15, Repealed 1.

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 15, Repealed 1.

Date Adopted: December 19, 2012.

Kevin M. Sullivan
Rules Coordinator

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

WAC 182-538-050 Definitions. The following definitions and abbreviations and those found in chapter 182-500 WAC ((388-500-0005)), Medical definitions, apply to this chapter. References to managed care in this chapter do not apply to mental health managed care administered under chapter 388-865 WAC.

"Action" means one or more of the following:

- (1) The denial or limited authorization of a requested service, including the type or level of service;
- (2) The reduction, suspension, or termination of a previously authorized service;
- (3) The denial, in whole or in part, of payment for a service;
- (4) The failure to provide services in a timely manner, as defined by the state; or
- (5) The failure of a managed care organization (MCO) to act within the time frames provided in 42 C.F.R. 438.408(b).

"Agency" - See WAC 182-500-0010.

"Ancillary health services" means health care services that are auxiliary, accessory, or secondary to a primary health care service.

"Appeal" means a request by an enrollee or provider with written permission of an enrollee for reconsideration of an action.

"Assign" or "assignment" means the ((department)) agency selects an MCO or primary care case management

(PCCM) provider to serve a client who has not selected an MCO or PCCM provider.

"Auto enrollment" means the ((department)) agency has automatically enrolled a client into an MCO in the client's area of residence.

"Basic health" or "BH" means the health care program authorized by chapter 70.47 RCW and administered by the ((health care authority (HCA))) agency.

"Basic health plus"((—)) - Refer to WAC ((388-538-065)) 182-538-065.

~~("Children with special health care needs" means children younger than age nineteen who are identified by the department as having special health care needs. This includes:~~

~~(1) Children designated as having special health care needs by the department of health (DOH) and receiving services under the Title V program;~~

~~(2) Children eligible for supplemental security income under Title XVI of the Social Security Act (SSA); and~~

~~(3) Children who are in foster care or who are served under subsidized adoption.))~~

"Client" means, for the purposes of this chapter, an individual eligible for any medical assistance program, including managed care programs, but who is not enrolled with an MCO or PCCM provider. In this chapter, "client" refers to a person before he or she is enrolled in managed care, while "enrollee" refers to an individual eligible for any medical assistance program who is enrolled in managed care.

~~("Department" means the department of social and health services (DSHS).))~~

"Disenrollment"((—)) - See "end enrollment."

"Emergency medical condition" means a condition meeting the definition in 42 C.F.R. 438.114(a).

"Emergency services" means services defined in 42 C.F.R. 438.114(a).

"End enrollment" means ending the enrollment of an enrollee for one of the reasons outlined in WAC ((388-538-130)) 182-538-130.

"Enrollee" means an individual eligible for any medical assistance program enrolled in managed care with an MCO or PCCM provider that has a contract with the state.

"Enrollee's representative" means an individual with a legal right or written authorization from the enrollee to act on behalf of the enrollee in making decisions.

"Enrollees with special health care needs" means enrollees having chronic and disabling conditions and the conditions:

- (1) Have a biologic, psychologic, or cognitive basis;
- (2) Have lasted or are virtually certain to last for at least one year; and
- (3) Produce one or more of the following conditions stemming from a disease:
 - (a) Significant limitation in areas of physical, cognitive, or emotional function;
 - (b) Dependency on medical or assistive devices to minimize limitation of function or activities; or
 - (c) In addition, for children, any of the following:
 - (i) Significant limitation in social growth or developmental function;

(ii) Need for psychological, educational, medical, or related services over and above the usual for the child's age; or

(iii) Special ongoing treatments, such as medications, special diet, interventions, or accommodations at home or school.

"Exemption" means ((department)) agency approval of a client's preenrollment request to remain in the fee-for-service delivery system for one of the reasons outlined in WAC ((388-538-130)) 182-538-130.

"Grievance" means an expression of dissatisfaction about any matter other than an action, as "action" is defined in this section.

"Grievance system" means the overall system that includes grievances and appeals handled at the MCO level and access to the ((department's)) agency's hearing process.

"Health care service" or **"service"** means a service or item provided for the prevention, cure, or treatment of an illness, injury, disease, or condition.

"Healthy options program" or **"HO program"** means the ((department's)) agency's prepaid managed care health program for medicaid-eligible clients and clients enrolled in the state children's health insurance program (SCHIP).

"Managed care" means a comprehensive health care delivery system that includes preventive, primary, specialty, and ancillary services. These services are provided through either an MCO or PCCM provider.

"Managed care contract" means the agreement between the ((department)) agency and an MCO to provide prepaid contracted services to enrollees.

"Managed care organization" or **"MCO"** means an organization having a certificate of authority or certificate of registration from the office of insurance commissioner that contracts with the ((department)) agency under a comprehensive risk contract to provide prepaid health care services to eligible clients under the ((department's)) agency's managed care programs.

"Mandatory enrollment" means the ((department's)) agency's requirement that a client enroll in managed care.

"Mandatory service area" means a service area in which eligible clients are required to enroll in an MCO.

"Nonparticipating provider" means a health care provider that does not have a written agreement with an MCO but that provides MCO-contracted health care services to managed care enrollees with the MCO's authorization.

"Participating provider" means a health care provider with a written agreement with an MCO to provide health care services to the MCO's managed care enrollees. A participating provider must look solely to the MCO for payment for such services.

"Primary care case management" or **"PCCM"** means the health care management activities of a provider that contracts with the ((department)) agency to provide primary health care services and to arrange and coordinate other preventive, specialty, and ancillary health services.

"Primary care provider" or **"PCP"** means a person licensed or certified under Title 18 RCW including, but not limited to, a physician, an advanced registered nurse practitioner (ARNP), or a physician assistant who supervises, coordinates, and provides health services to a client or an enrollee,

initiates referrals for specialist and ancillary care, and maintains the client's or enrollee's continuity of care.

"Prior authorization" or **"PA"** means a process by which enrollees or providers must request and receive ((department)) agency approval for services provided through the ((department's)) agency's fee-for-service system, or MCO approval for services provided through the MCO, for certain medical services, equipment, drugs, and supplies, based on medical necessity, before the services are provided to clients, as a precondition for provider reimbursement.

"Timely" means in relation to the provision of services, an enrollee has the right to receive medically necessary health care as expeditiously as the enrollee's health condition requires. In relation to authorization of services and grievances and appeals, "timely" means according to the ((department's)) agency's managed care program contracts and the time frames stated in this chapter.

"Washington medicaid integration partnership" or **"WMIP"** means the managed care program that is designed to integrate medical, mental health, chemical dependency treatment, and long-term care services into a single coordinated health plan for eligible aged, blind, or disabled clients.

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

WAC 182-538-060 Managed care and choice. (1) This chapter does not apply to the subsidized basic health program found in chapters 182-24 and 182-22 WAC unless allowed by specific program rule.

(2) Except as provided in subsection ((2)) (3) of this section, the ((department)) medicaid agency requires a client to enroll in managed care when that client:

(a) Is eligible for one of the medical assistance programs for which enrollment is mandatory;

(b) Resides in an area where enrollment is mandatory; and

(c) Is not exempt from managed care enrollment or the ((department)) agency has not ended the client's managed care enrollment, consistent with WAC ((388-538-130, and any related hearing has been held and decided)) 182-538-130, and any related hearing has been held and decided.

((2)) (3) American Indian(+) and Alaska Native (AI/AN) clients who meet the provisions of 25 U.S.C. 1603 (c)-(d) for federally recognized tribal members and their descendants may choose one of the following:

(a) Enrollment with a managed care organization (MCO) available in their area;

(b) Enrollment with an Indian or tribal primary care case management (PCCM) provider available in their area; or

(c) The ((department's)) agency's fee-for-service system.

((3)) (4) To enroll with an MCO or PCCM provider, a client may:

(a) Call the ((department's)) agency's toll-free enrollment line at 800-562-3022;

(b) Mail a postage-paid completed managed care enrollment form (((healthy options sign-up form, DSHS 13-664)) HCA 13-862) to the ((department's)) agency's unit responsible for managed care enrollment; or

(c) Fax the managed care enrollment form (~~((healthy options sign-up form, DSHS 13-664))~~ HCA 13-862) to the ~~((department))~~ agency at ~~((360-725-2144))~~ the number located on the enrollment form.

~~((4))~~ (5) A client must enroll with an MCO provider available in the area where the client resides.

~~((5))~~ (6) All family members of an enrollee placed in the patient review and coordination (PRC) program under WAC ~~((388-501-0135))~~ 182-501-0135 must enroll with the same MCO but may enroll in a different MCO than the family member placed in the PRC program.

~~((6))~~ (7) When a client requests enrollment with an MCO or PCCM provider, the ~~((department))~~ agency enrolls a client effective the earliest possible date given the requirements of the ~~((department's))~~ agency's enrollment system. The ~~((department))~~ agency does not enroll clients retrospectively.

~~((7))~~ (8) The ~~((department))~~ agency assigns a client who does not choose an MCO or PCCM provider as follows:

(a) If the client has a family member or family members enrolled with an MCO, the client is enrolled with that MCO;

(b) If the client does not have a family member or family members enrolled with an MCO that is currently under contract with the ~~((department))~~ agency, and the client was previously enrolled with the MCO or PCCM provider, and the ~~((department))~~ agency can identify the previous enrollment, the client is reenrolled with the same MCO or PCCM provider;

(c) If the client cannot be assigned according to (a) or (b) of this subsection, the ~~((department))~~ agency assigns the client as follows:

(i) If an AI~~((A))~~ or AN client does not choose an MCO or PCCM provider, the ~~((department))~~ agency assigns the client to a tribal PCCM provider if that client resides in a zip code served by a tribal PCCM provider. If there is no tribal PCCM provider in the client's area, the client continues to be served by the ~~((department's))~~ agency's fee-for-service system. A client assigned under this subsection may request to end enrollment at any time.

(ii) If a ~~((non-AI/AN))~~ client who is not AI or AN does not choose an MCO provider, the ~~((department))~~ agency assigns the client to an MCO available in the area where the client resides. The MCO is responsible for primary care provider (PCP) choice and assignment.

(iii) For clients who are new recipients or who have had a break in eligibility of greater than two months, the ~~((department))~~ agency sends a written notice to each household of one or more clients who are assigned to an MCO or PCCM provider. The assigned client has ten calendar days to contact the ~~((department))~~ agency to change the MCO or PCCM provider assignment before enrollment is effective. The notice includes the name of the MCO or PCCM provider to which each client has been assigned, the effective date of enrollment, the date by which the client must respond in order to change the assignment, and the toll-free telephone number of either:

(A) The MCO (for enrollees assigned to an MCO); or

(B) The ~~((department))~~ agency (for enrollees assigned to a PCCM provider).

(iv) If the client has a break in eligibility of less than two months, the client will be automatically reenrolled with his or her previous MCO or PCCM provider and no notice will be sent.

~~((8))~~ (9) The ~~((department))~~ agency:

(a) Helps facilitate the choice of a PCP by providing information regarding available providers contracted with the MCOs in the client's service area; and

(b) Upon request, will assist clients in identifying an MCO with which their provider participates.

~~((9))~~ (10) An MCO enrollee's selection of a PCP or assignment to a PCP occurs as follows:

(a) An MCO enrollee may choose:

(i) A PCP or clinic that is in the enrollee's MCO and accepting new enrollees; or

(ii) A different PCP or clinic participating with the enrollee's MCO for different family members.

(b) The MCO assigns a PCP or clinic that meets the access standards set forth in the relevant managed care contract if the enrollee does not choose a PCP or clinic.

(c) An MCO enrollee may change PCPs or clinics in an MCO for any reason, with the change becoming effective no later than the beginning of the month following the enrollee's request.

(d) An MCO enrollee may file a grievance with the MCO if the MCO does not approve an enrollee's request to change PCPs or clinics.

(e) MCO enrollees required to participate in the ~~((department's))~~ agency's PRC program may be limited in their right to change PCPs (see WAC 388-501-0135).

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

WAC 182-538-061 Voluntary enrollment into managed care—Washington medicaid integration partnership (WMIP). (1) The purpose of this section is to describe the managed care requirements for clients eligible for the Washington Medicaid Integration Partnership (WMIP).

(2) Unless otherwise stated in this section, all of the provisions of chapter ~~((388-538))~~ 182-538 WAC apply to clients enrolled in WMIP.

(3) The following sections of chapter ~~((388-538))~~ 182-538 WAC do not apply to WMIP enrollees:

(a) WAC ~~((388-538-060))~~ 182-538-060. However, WAC ~~((388-538-060))~~ 182-538-060(9), describing enrollees' ability to choose their PCP, does apply to WMIP enrollees;

(b) WAC ~~((388-538-063))~~ 182-538-063;

(c) WAC ~~((388-538-065))~~ 182-538-065;

(d) WAC ~~((388-538-068))~~ 182-538-068; and

(e) WAC ~~((388-538-130))~~ 182-538-130. However, WAC ~~((388-538-130))~~ 182-538-130 (3) and (4), describing the process used when the ~~((department))~~ agency receives a request from an MCO to remove an enrollee from enrollment in managed care, do apply to WMIP enrollees. Also, WAC ~~((388-538-130(9)))~~ 182-501-0135, describing the MCO's ability to refer enrollees to the ~~((department's))~~ agency's "Patient Review and Coordination" program, ~~((does apply))~~ applies to WMIP enrollees.

(4) The process for enrollment of WMIP clients is as follows:

(a) Enrollment in WMIP is voluntary, subject to program limitations in (b) and (d) of this subsection.

(b) ~~((For WMIP, the department automatically enrolls clients, with the exception of American Indian/Alaska natives and clients eligible for both medicare and medicaid, when))~~ Clients dually eligible for medicare and medicaid can enroll in WMIP if they:

- (i) Are aged, blind, or disabled;
- (ii) Are twenty-one years of age or older; and
- (iii) Receive categorically needy medical assistance.

(c) ~~((American Indian/Alaska native (AI/AN) clients and))~~ Clients who are eligible for both medicare and medicaid who meet the eligibility criteria in (b) of this subsection may voluntarily enroll or end enrollment in WMIP at any time. Except as described in (d) of this subsection, all enrollments and disenrollments will be prospective.

(d) The ~~((department))~~ agency will not enroll a client in WMIP, or will end an enrollee's enrollment in WMIP when the client has, or becomes eligible for, CHAMPUS/TRI-CARE or any other third-party health care coverage that would:

- (i) Require the ~~((department))~~ agency to either exempt the client from enrollment in managed care; or
- (ii) End the enrollee's enrollment in managed care.

(e) A client or enrollee in WMIP, or the client's or enrollee's representative, may end enrollment from the MCO at any time without cause. The client may then reenroll at any time with the MCO. The ~~((department))~~ agency ends enrollment for clients prospectively to the first day of the month following the request to end enrollment, except as provided in (f) of this subsection.

(f) A client or enrollee may request that the ~~((department))~~ agency retroactively end enrollment from WMIP. On a case-by-case basis, the ~~((department))~~ agency may retroactively end enrollment from WMIP when, in the ~~((department's))~~ agency's judgment:

- (i) The client or enrollee has a documented and verifiable medical condition; and
- (ii) Enrollment in managed care could cause an interruption of on-going treatment that could jeopardize the client's or enrollee's life or health or ability to attain, maintain, or regain maximum function.

(5) In addition to the scope of medical care services described in WAC ~~((388-538-095))~~ 182-538-095, WMIP includes mental health, chemical dependency treatment, and long-term care services.

(6) The ~~((department))~~ agency sends each client written information about covered services when the client is eligible to enroll in WMIP, and any time there is a change in covered services. In addition, the ~~((department))~~ agency requires MCOs to provide new enrollees with written information about covered services. This notice informs the client about the right to end enrollment and how to do so.

AMENDATORY SECTION (Amending WSR 12-19-051, filed 9/13/12, effective 10/14/12)

~~WAC 182-538-063 ((MCS clients residing in a designated mandatory managed care plan county.))~~ Managed care for medical care services clients. (1) ~~((In Laws of 2007, chapter 522, section 209 (13) and (14), the legislature authorized the department to))~~ The agency provides coverage of certain medical and mental health benefits through a voluntary managed care program to clients who ~~((=~~

~~(a) Are eligible for))~~ receive medical services under the medical care services (MCS) ((under)) program in WAC 182-508-0005~~((= and~~

~~(b) Reside in a county designated by the agency as a mandatory managed care plan county)).~~

(2) The ~~((only))~~ sections of chapter 182-538 WAC that apply to MCS clients described in this section are incorporated by reference into this section.

(3) ~~((MCS clients who reside in a county designated by the department as a mandatory managed care plan county must enroll in a managed care plan as required by WAC 182-508-0001 to receive agency paid medical care. An MCS client enrolled in an MCO plan under this section is defined as an MCS enrollee.~~

~~(4) MCS clients are exempt from mandatory enrollment in managed care if they are American Indian or Alaska Native (AI/AN) and meet the provisions of 25 U.S.C. 1603 (e) (d) for federally recognized tribal members and their descendants.~~

~~(5) The agency exempts an MCS client from mandatory enrollment in managed care:~~

- ~~(a) If the MCS client resides in a county that is not designated by the agency as a mandatory MCO plan county; or~~
- ~~(b) In accordance with WAC 182-538-130(3).~~

~~(6))~~ The agency ends an MCS enrollee's enrollment in managed care ~~((in accordance with WAC 182-538-130(4)))~~ upon request by the enrollee, either in writing or by telephone.

~~((7))~~ On a case-by-case basis, the agency may grant an MCS client's request for exemption from managed care or an MCS enrollee's request to end enrollment when, in the agency's judgment:

~~(a) The client or enrollee has a documented and verifiable medical condition; and~~

~~(b) Enrollment in managed care could cause an interruption of treatment that could jeopardize the client's or enrollee's life or health or ability to attain, maintain, or regain maximum function.~~

~~(8))~~ (4) The agency enrolls MCS clients in managed care effective on the earliest possible date, given the requirements of the enrollment system. The agency does not enroll clients in managed care on a retroactive basis. Upon notification of enrollment in managed care, new enrollees may choose to opt out or end enrollment in managed care.

~~((9))~~ (5) Managed care organizations (MCOs) that contract with the agency to provide services to MCS clients must meet the qualifications and requirements in WAC 182-538-067 and 182-538-095 (3)(a), (b), (c), and (d).

~~((10))~~ (6) The agency pays MCOs capitated premiums for MCS enrollees based on legislative allocations for the MCS program.

~~((11))~~ (7) MCS enrollees are eligible for the scope of care as described in WAC 182-501-0060 for medical care services (MCS) programs.

(a) An MCS enrollee is entitled to timely access to medically necessary services as defined in WAC 182-500-0070;

(b) MCOs cover the services included in the managed care contract for MCS enrollees. MCOs may, at their discretion, cover services not required under the MCO's contract for MCS enrollees;

(c) The agency pays providers on a fee-for-service basis for the medically necessary, covered medical care services not covered under the MCO's contract for MCS enrollees;

(d) An MCS enrollee may obtain:

(i) Emergency services in accordance with WAC 182-538-100; and

(ii) Mental health services in accordance with this section.

~~((12))~~ (8) The agency does not pay providers on a fee-for-service basis for services covered under the MCO's contract for MCS enrollees, even if the MCO has not paid for the service, regardless of the reason. The MCO is solely responsible for payment of MCO-contracted health care services that are:

(a) Provided by an MCO-contracted provider; or

(b) Authorized by the MCO and provided by nonparticipating providers.

~~((13))~~ (9) The following services are not covered for MCS enrollees unless the MCO chooses to cover these services at no additional cost to the agency:

(a) Services that are not medically necessary;

(b) Services not included in the medical care services scope of care, unless otherwise specified in this section;

(c) Services, other than a screening exam as described in WAC 182-538-100(3), received in a hospital emergency department for nonemergency medical conditions; and

(d) Services received from a nonparticipating provider requiring prior authorization from the MCO that were not authorized by the MCO.

~~((14))~~ (10) A provider may bill an MCS enrollee for noncovered services described in subsection ~~((12))~~ (9) of this section, if the requirements of WAC 182-502-0160 and 182-538-095(5) are met.

~~((15))~~ (11) Mental health services and care coordination are available to MCS enrollees on a limited basis, subject to available funding from the legislature and an appropriate delivery system.

~~((16))~~ (12) A care coordinator (a person employed by the MCO or one of the MCO's subcontractors) provides care coordination to an MCS enrollee in order to improve access to mental health services. Care coordination may include brief, evidenced-based mental health services.

~~((17))~~ (13) To ensure an MCS enrollee receives appropriate mental health services and care coordination, the agency requires the enrollee to complete at least one of the following assessments:

(a) A physical evaluation;

(b) A psychological evaluation;

(c) A mental health assessment completed through the client's local community mental health agency (CMHA) and/or other mental health agencies;

(d) A brief evaluation completed through the appropriate care coordinator located at a participating community health center (CHC);

(e) An evaluation by the client's primary care provider (PCP); or

(f) An evaluation completed by medical staff during an emergency room visit.

~~((18))~~ (14) An MCS enrollee who is screened positive for a mental health condition after completing one or more of the assessments described in subsection ~~((17))~~ (13) of this section may receive one of the following levels of care:

(a) **Level 1.** Care provided by a care coordinator when it is determined that the MCS enrollee does not require Level 2 services. The care coordinator will provide the following, as determined appropriate and available:

(i) Evidenced-based behavioral health services and care coordination to facilitate receipt of other needed services.

(ii) Coordination with the PCP to provide medication management.

(iii) Referrals to other services as needed.

(iv) Coordination with consulting psychiatrist as necessary.

(b) **Level 2.** Care provided by a contracted provider when it is determined that the MCS enrollee requires services beyond Level 1 services. A care coordinator refers the MCS enrollee to the appropriate provider for services:

(i) A regional support network (RSN) contracted provider; or

(ii) A contractor-designated entity.

~~((19))~~ (15) Billing and reporting requirements and payment amounts for mental health services and care coordination provided to MCS enrollees are described in the contract between the MCO and the agency.

~~((20))~~ (16) The total amount the agency pays in any biennium for services provided pursuant to this section cannot exceed the amount appropriated by the legislature for that biennium. The agency has the authority to take whatever actions necessary to ensure the agency stays within the appropriation.

~~((21))~~ (17) Nothing in this section shall be construed as creating a legal entitlement to any MCS client for the receipt of any medical or mental health service by or through the agency.

~~((22))~~ (18) An MCO may refer enrollees to the agency's patient review and coordination (PRC) program according to WAC 182-501-0135.

~~((23))~~ (19) The grievance and appeal process found in WAC 182-538-110 applies to MCS enrollees described in this section.

~~((24))~~ (20) The hearing process found in chapter 182-526 WAC ~~(and WAC 182-538-112))~~ applies to MCS enrollees described in this section.

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

WAC 182-538-065 Medicaid-eligible basic health (BH) enrollees. (1) Certain children and pregnant women who have applied for, or are enrolled in, managed care through basic health (BH) (chapter 70.47 RCW) are eligible

for medicaid under pediatric and maternity expansion provisions of the Social Security Act. The ~~((department))~~ agency determines medicaid eligibility for children and pregnant women who enroll through BH.

(2) Eligible children are enrolled in the ~~((basic-health))~~ BH plus program and eligible pregnant women are enrolled in the maternity benefits program.

(3) The administrative rules and regulations that apply to managed care enrollees also apply to medicaid-eligible clients enrolled through BH plus or the maternity benefits program as described in this section, except as follows:

(a) ~~((The process for enrolling in managed care described in WAC 388-538-060(3) does not apply since enrollment is through the health care authority, the state agency that administers BH;~~

~~((b))~~ American Indian~~(/)~~ and Alaska native (AI/AN) clients cannot choose fee-for-service or PCCM as described in WAC ~~((388-538-060))~~ 182-538-060(2). They must enroll in a ~~((BH-contracted))~~ HCA-contracted MCO.

~~((c))~~ If a medicaid eligible client applying for BH plus does not choose an MCO prior to the department's eligibility determination, the client is transferred from BH plus to the department for assignment to managed care.

~~((d))~~ (b) The ((department)) agency does not consider the basic health plus and the maternity benefits programs to be third party.

(4) This section does not apply to the subsidized basic health program found in chapter 182-24 WAC.

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

WAC 182-538-067 Managed care provided through managed care organizations (MCOs). (1) Managed care organizations (MCOs) may contract with the ~~((department))~~ agency to provide prepaid health care services to eligible clients. The MCOs must meet the qualifications in this section to be eligible to contract with the ~~((department))~~ agency. The MCO must:

(a) Have a certificate of registration from the office of the insurance commissioner (OIC) that allows the MCO to provide the health care services;

(b) Accept the terms and conditions of the ~~((department's))~~ agency's managed care contract;

(c) Be able to meet the network and quality standards established by the ~~((department))~~ agency; and

~~((Accept the prepaid rates published by the department.))~~ At the sole option of the agency, be awarded a contract through a competitive process or an application process available to all qualified providers.

(2) The ~~((department))~~ agency reserves the right not to contract with any otherwise qualified MCO.

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

WAC 182-538-068 Managed care provided through primary care case management (PCCM). A provider may contract with the ~~((department))~~ agency as a primary care case management (PCCM) provider to coordinate health care services to eligible clients under the ~~((department's))~~ agency's

managed care program. The PCCM provider or the individual providers in a PCCM group or clinic must:

(1) Have a core provider agreement with the ~~((department))~~ agency;

(2) Be a recognized urban Indian health center or tribal clinic;

(3) Accept the terms and conditions of the ~~((department's))~~ agency's PCCM contract;

(4) Be able to meet the quality standards established by the ~~((department))~~ agency; and

(5) Accept PCCM rates published by the ~~((department))~~ agency.

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

WAC 182-538-070 Managed care payment. (1) The ~~((department))~~ agency pays managed care organizations (MCOs) monthly capitated premiums that:

(a) Have been developed in accordance with generally accepted actuarial principles and practices;

(b) Are appropriate for the populations to be covered and the services to be furnished under the MCO contract;

(c) Have been certified by actuaries who meet the qualification standards established by the American Academy of Actuaries and follow the practice standards established by the Actuarial Standards Board;

(d) Are based on historical analysis of financial cost and/or rate information; and

(e) Are paid based on legislative allocations.

(2) The ~~((department))~~ agency pays primary care case management (PCCM) providers a monthly case management fee according to contracted terms and conditions.

(3) The ~~((department))~~ agency does not pay providers under the fee-for-service system for a service that is the MCO's responsibility, even if the MCO has not paid for the service for any reason. The MCO is solely responsible for payment of MCO-contracted health care services.

(4) The ~~((department))~~ agency pays an enhancement rate to federally qualified health care centers (FQHC) and rural health clinics (RHC) for each client enrolled with MCOs through the FQHC or RHC. The enhancement rate from the ~~((department))~~ agency is in addition to the negotiated payments FQHCs and RHCs receive from the MCOs for services provided to MCO enrollees.

(5) The ~~((department))~~ agency pays MCOs a delivery case rate, separate from the capitation payment, when an enrollee delivers a child(ren) and the MCO pays for any part of labor and delivery.

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

WAC 182-538-095 Scope of care for managed care enrollees. (1) Managed care enrollees are eligible for the scope of ~~((medical-care))~~ services as described in WAC ~~((388-501-0060))~~ 182-501-0060 for categorically needy clients.

(a) A client is entitled to timely access to medically necessary services as defined in WAC ~~((388-500-0005))~~ 182-500-0070.

(b) The managed care organization (MCO) covers the services included in the MCO contract for MCO enrollees. MCOs may, at their discretion, cover additional services not required under the MCO contract. However, the ~~((department))~~ agency may not require the MCO to cover any additional services outside the scope of services negotiated in the MCO's contract with the ~~((department))~~ agency.

(c) The ~~((department))~~ agency covers medically necessary services described in WAC ~~((388-501-0060 and 388-501-0065))~~ 182-501-0060 and 182-501-0065 that are excluded from coverage in the MCO contract.

(d) The ~~((department))~~ agency covers services through the fee-for-service system for enrollees with a primary care case management (PCCM) provider. Except for emergencies, the PCCM provider must either provide the covered services needed by the enrollee, or refer the enrollee to other providers who are contracted with the ~~((department))~~ agency for covered services. The PCCM provider is responsible for instructing the enrollee regarding how to obtain the services that are referred by the PCCM provider. Services that require PCCM provider referral are described in the PCCM contract. The ~~((department))~~ agency informs an enrollee about the enrollee's program coverage, limitations to covered services, and how to obtain covered services.

(e) MCO enrollees may obtain specific services described in the managed care contract from either an MCO provider or from a provider with a separate agreement with the ~~((department))~~ agency without needing to obtain a referral from the PCP or MCO. These services are communicated to enrollees by the ~~((department))~~ agency and MCOs as described in (f) of this subsection.

(f) The ~~((department))~~ agency sends each client written information about covered services when the client is required to enroll in managed care, and any time there is a change in covered services. This information describes covered services, which services are covered by the ~~((department))~~ agency, and which services are covered by MCOs. In addition, the ~~((department))~~ agency requires MCOs to provide new enrollees with written information about covered services.

(2) For services covered by the ~~((department))~~ agency through PCCM contracts for managed care:

(a) The ~~((department))~~ agency covers medically necessary services included in the categorically needy scope of care and rendered by providers who have a current core provider agreement with the ~~((department))~~ agency to provide the requested service;

(b) The ~~((department))~~ agency may require the PCCM provider to obtain authorization from the ~~((department))~~ agency for coverage of nonemergency services;

(c) The PCCM provider determines which services are medically necessary;

(d) An enrollee may request a hearing for review of PCCM provider or ~~((the department))~~ agency coverage decisions (see WAC ~~((388-538-110))~~ 182-538-110); and

(e) Services referred by the PCCM provider require an authorization number in order to receive payment from the ~~((department))~~ agency.

(3) For services covered by the ~~((department))~~ agency through contracts with MCOs:

(a) The ~~((department))~~ agency requires the MCO to sub-contract with a sufficient number of providers to deliver the scope of contracted services in a timely manner. Except for emergency services, MCOs provide covered services to enrollees through their participating providers;

(b) The ~~((department))~~ agency requires MCOs to provide new enrollees with written information about how enrollees may obtain covered services;

(c) For nonemergency services, MCOs may require the enrollee to obtain a referral from the primary care provider (PCP), or the provider to obtain authorization from the MCO, according to the requirements of the MCO contract;

(d) MCOs and their contracted providers determine which services are medically necessary given the enrollee's condition, according to the requirements included in the MCO contract;

(e) The ~~((department))~~ agency requires the MCO to coordinate benefits with other insurers in a manner that does not reduce benefits to the enrollee or result in costs to the enrollee;

(f) A managed care enrollee does not need a PCP referral to receive women's health care services, as described in RCW 48.42.100, from any women's health care provider participating with the MCO. Any covered services ordered and/or prescribed by the women's health care provider must meet the MCO's service authorization requirements for the specific service.

(g) For enrollees temporarily outside their MCO services area, the MCO is required to cover enrollees ~~((for up to ninety days))~~ for emergency care and medically necessary covered benefits that cannot wait until the enrollees return to their MCO services area.

(4) Unless the MCO chooses to cover these services, or an appeal, ~~((independent review-))~~ or a hearing decision reverses an MCO or ~~((department))~~ agency denial, the following services are not covered:

(a) For all managed care enrollees:

(i) Services that are not medically necessary ~~((f-))~~ as defined in WAC 182-500-0070.

(ii) Services not included in the categorically needy scope of services.

(iii) Services, other than a screening exam as described in WAC ~~((388-538-100))~~ 182-538-100(3), received in a hospital emergency department for nonemergency medical conditions.

(b) For MCO enrollees:

(i) Services received from a participating specialist that require prior authorization from the MCO, but were not authorized by the MCO.

(ii) Services received from a nonparticipating provider that require prior authorization from the MCO that were not authorized by the MCO. All nonemergency services covered under the MCO contract and received from nonparticipating providers require prior authorization from the MCO.

(c) For PCCM enrollees, services that require a referral from the PCCM provider as described in the PCCM contract, but were not referred by the PCCM provider.

(5) A provider may bill an enrollee for noncovered services as described in subsection (4) of this section, if the

requirements of WAC (~~(388-502-0160)~~) 182-502-0160 are met.

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

WAC 182-538-100 Managed care emergency services. (1) A managed care enrollee may obtain emergency services, for emergency medical conditions from any qualified medicaid provider. (~~(((“Emergency services” and “emergency medical condition” are defined in WAC 388-538-050.)))~~)

(a) The managed care organization (MCO) covers emergency services for MCO enrollees.

(b) The (~~(department)~~) agency covers emergency services for primary care case management (PCCM) enrollees.

(2) Emergency services for emergency medical conditions do not require prior authorization by the MCO, primary care provider (PCP), PCCM provider, or the (~~(department)~~) agency.

(3) MCOs must cover all emergency services provided to an enrollee by a provider who is qualified to furnish medicaid services, without regard to whether the provider is a participating or nonparticipating provider.

(4) An enrollee who requests emergency services is entitled to receive an exam to determine if the enrollee has an emergency medical condition. What constitutes an emergency medical condition may not be limited on the basis of diagnosis or symptoms.

(5) The MCO must cover emergency services provided to an enrollee when:

(a) The enrollee had an emergency medical condition, including cases in which the absence of immediate medical attention would not have had the outcomes specified in the definition of an emergency medical condition; and

(b) The plan provider or other MCO representative instructs the enrollee to seek emergency services.

(6) In any disagreement between a hospital and the MCO about whether the enrollee is stable enough for discharge or transfer, or whether the medical benefits of an unstabilized transfer outweigh the risks, the judgment of the attending physician(s) actually caring for the enrollee at the treating facility prevails.

(7) Under 42 C.F.R. 438.114, the enrollee's MCO must cover and pay for:

(a) Emergency services provided to enrollees by an emergency room provider, hospital or fiscal agent outside the managed care system; and

(b) Any screening and treatment the enrollee requires subsequent to the provision of the emergency services.

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

WAC 182-538-110 The grievance system for managed care organizations (MCO). (1) This section contains information about the grievance system for managed care organization (MCO) enrollees, which includes grievances and appeals. See WAC (~~(388-538-111)~~) 182-538-111 for information about the grievance system for PCCM enrollees, which includes grievances and appeals.

(2) An MCO enrollee may voice a grievance or appeal an action by an MCO to the MCO either orally or in writing.

(3) MCOs must maintain records of grievances and appeals and must review the information as part of the MCO's quality strategy.

(4) MCOs must provide information describing the MCO's grievance system to all providers and subcontractors.

(5) Each MCO must have a grievance system in place for enrollees. The system must comply with the requirements of this section and the regulations of the state office of the insurance commissioner (OIC). If a conflict exists between the requirements of this chapter and OIC regulations, the requirements of this chapter take precedence. The MCO grievance system must include all of the following:

(a) A grievance process for complaints about any matter other than an action, as defined in WAC (~~(388-538-050)~~) 182-538-050. See subsection (6) of this section for this process;

(b) An appeal process for an action, as defined in WAC (~~(388-538-050)~~) 182-538-050. See subsection (7) of this section for the standard appeal process and subsection (8) of this section for the expedited appeal process;

(c) Access to the (~~(department's)~~) agency's hearing process for actions as defined in WAC (~~(388-538-050)~~) 182-538-050. The (~~(department's)~~) agency's hearing process described in chapter (~~(388-02)~~) 182-526 WAC applies to this chapter. Where conflicts exist, the requirements in this chapter take precedence. (~~(See WAC 388-538-112 for the department's hearing process for MCO enrollees;~~

~~(d) Access to an independent review (IR) as described in RCW 48.43.535, for actions as defined in WAC 388-538-050 (see WAC 388-538-112 for additional information about the IR); and~~

~~(e) Access to the board of appeals (BOA) for actions as defined in WAC 388-538-050 (also see chapter 388-02 WAC and WAC 388-538-112.))~~

(6) The MCO grievance process:

(a) Only an enrollee may file a grievance with an MCO; a provider may not file a grievance on behalf of an enrollee.

(b) To ensure the rights of MCO enrollees are protected, each MCO's grievance process must be approved by the (~~(department)~~) agency.

(c) MCOs must inform enrollees in writing within fifteen days of enrollment about enrollees' rights and how to use the MCO's grievance process, including how to use the (~~(department's)~~) agency's hearing process. The MCOs must have (~~(department)~~) agency approval for all written information the MCO sends to enrollees.

(d) The MCO must give enrollees any assistance necessary in taking procedural steps for grievances (e.g., interpreter services and toll-free numbers).

(e) The MCO must acknowledge receipt of each grievance either orally or in writing, and each appeal in writing, within five working days.

(f) The MCO must ensure that the individuals who make decisions on grievances are individuals who:

(i) Were not involved in any previous level of review or decision making; and

(ii) If deciding any of the following, are health care professionals who have appropriate clinical expertise in treating the enrollee's condition or disease:

(A) A grievance regarding denial of an expedited resolution of an appeal; or

(B) A grievance involving clinical issues.

(g) The MCO must complete the disposition of a grievance and notice to the affected parties within ninety days of receiving the grievance.

(7) The MCO appeal process:

(a) An MCO enrollee, or the enrollee's representative with the enrollee's written consent, may appeal an MCO action.

(b) To ensure the rights of MCO enrollees are protected, each MCO's appeal process must be approved by the ((department)) agency.

(c) MCOs must inform enrollees in writing within fifteen days of enrollment about enrollees' rights and how to use the MCO's appeal process and the ((department's)) agency's hearing process. The MCOs must have ((department)) agency approval for all written information the MCO sends to enrollees.

(d) For standard service authorization decisions, an enrollee must file an appeal, either orally or in writing, within ninety calendar days of the date on the MCO's notice of action. This also applies to an enrollee's request for an expedited appeal.

(e) For appeals for termination, suspension, or reduction of previously authorized services, if the enrollee is requesting continuation of services, the enrollee must file an appeal within ten calendar days of the date of the MCO mailing the notice of action. Otherwise, the time frames in subsection (7)(d) of this section apply.

(f) The MCO's notice of action must:

(i) Be in writing;

(ii) Be in the enrollee's primary language and be easily understood as required in 42 C.F.R. 438.10 (c) and (d);

(iii) Explain the action the MCO or its contractor has taken or intends to take;

(iv) Explain the reasons for the action;

(v) Explain the enrollee's or the enrollee's representative's right to file an MCO appeal;

(vi) Explain the procedures for exercising the enrollee's rights;

(vii) Explain the circumstances under which expedited resolution is available and how to request it (also see subsection (8) of this section);

(viii) Explain the enrollee's right to have benefits continue pending resolution of an appeal, how to request that benefits be continued, and the circumstances under which the enrollee may be required to pay the costs of these services (also see subsection (9) of this section); and

(ix) Be mailed as expeditiously as the enrollee's health condition requires, and as follows:

(A) For denial of payment, at the time of any action affecting the claim. This applies only when the client can be held liable for the costs associated with the action.

(B) For standard service authorization decisions that deny or limit services, not to exceed fourteen calendar days following receipt of the request for service, with a possible

extension of up to fourteen additional calendar days if the enrollee or provider requests extension. If the request for extension is granted, the MCO must:

(I) Give the enrollee written notice of the reason for the decision for the extension and inform the enrollee of the right to file a grievance if the enrollee disagrees with that decision; and

(II) Issue and carry out the determination as expeditiously as the enrollee's health condition requires and no later than the date the extension expires.

(C) For termination, suspension, or reduction of previously authorized services, ten calendar days prior to such termination, suspension, or reduction, except if the criteria stated in 42 C.F.R. 431.213 and 431.214 are met. The notice must be mailed by a method which certifies receipt and assures delivery within three calendar days.

(D) For expedited authorization decisions, in cases where the provider indicates or the MCO determines that following the standard time frame could seriously jeopardize the enrollee's life or health or ability to attain, maintain, or regain maximum function, no later than three calendar days after receipt of the request for service.

(g) The MCO must give enrollees any assistance necessary in taking procedural steps for an appeal (e.g., interpreter services and toll-free numbers).

(h) The MCO must acknowledge receipt of each appeal.

(i) The MCO must ensure that the individuals who make decisions on appeals are individuals who:

(i) Were not involved in any previous level of review or decision making; and

(ii) If deciding any of the following, are health care professionals who have appropriate clinical expertise in treating the enrollee's condition or disease:

(A) An appeal of a denial that is based on lack of medical necessity; or

(B) An appeal that involves clinical issues.

(j) The process for appeals must:

(i) Provide that oral inquiries seeking to appeal an action are treated as appeals (to establish the earliest possible filing date for the appeal), and must be confirmed in writing, unless the enrollee or provider requests an expedited resolution. Also see subsection (8) for information on expedited resolutions;

(ii) Provide the enrollee a reasonable opportunity to present evidence, and allegations of fact or law, in person as well as in writing. The MCO must inform the enrollee of the limited time available for this in the case of expedited resolution;

(iii) Provide the enrollee and the enrollee's representative opportunity, before and during the appeals process, to examine the enrollee's case file, including medical records, and any other documents and records considered during the appeal process; and

(iv) Include as parties to the appeal, the enrollee and the enrollee's representative, or the legal representative of the deceased enrollee's estate.

(k) MCOs must resolve each appeal and provide notice, as expeditiously as the enrollee's health condition requires, within the following time frames:

(i) For standard resolution of appeals and notice to the affected parties, no longer than forty-five calendar days from

the day the MCO receives the appeal. This time frame may not be extended.

(ii) For expedited resolution of appeals, including notice to the affected parties, no longer than three calendar days after the MCO receives the appeal.

(iii) For appeals for termination, suspension, or reduction of previously authorized services, no longer than forty-five calendar days from the day the MCO receives the appeal.

(l) The notice of the resolution of the appeal must:

(i) Be in writing. For notice of an expedited resolution, the MCO must also make reasonable efforts to provide oral notice (also see subsection (8) of this section).

(ii) Include the results of the resolution process and the date it was completed.

(iii) For appeals not resolved wholly in favor of the enrollee:

(A) Include information on the enrollee's right to request a ~~((department))~~ agency hearing and how to do so (also see WAC ~~((388-538-112))~~ 182-526-0200);

(B) Include information on the enrollee's right to receive services while the hearing is pending and how to make the request (also see subsection (9) of this section); and

(C) Inform the enrollee that the enrollee may be held liable for the cost of services received while the hearing is pending, if the hearing decision upholds the MCO's action (also see subsection (10) of this section).

(m) If an MCO enrollee does not agree with the MCO's resolution of the appeal, the enrollee may file a request for ~~((a department))~~ an agency hearing within the following time frames (see WAC ~~((388-538-112))~~ 182-526-0200 for the ~~((department's))~~ agency's hearing process for MCO enrollees):

(i) For hearing requests regarding a standard service, within ninety days of the date of the MCO's notice of the resolution of the appeal.

(ii) For hearing requests regarding termination, suspension, or reduction of a previously authorized service and the enrollee requests continuation of services pending the hearing, within ten calendar days of the date on the MCO's notice of the resolution of the appeal.

(n) The MCO enrollee must exhaust all levels of resolution and appeal within the MCO's grievance system prior to requesting a hearing with the ~~((department))~~ agency.

(8) The MCO expedited appeal process:

(a) Each MCO must establish and maintain an expedited appeal review process for appeals when the MCO determines (for a request from the enrollee) or the provider indicates (in making the request on the enrollee's behalf or supporting the enrollee's request), that taking the time for a standard resolution could seriously jeopardize the enrollee's life or health or ability to attain, maintain, or regain maximum function.

(b) When approving an expedited appeal, the MCO will issue a decision as expeditiously as the enrollee's health condition requires, but not later than three business days after receiving the appeal.

(c) The MCO must ensure that punitive action is not taken against a provider who requests an expedited resolution or supports an enrollee's appeal.

(d) If the MCO denies a request for expedited resolution of an appeal, it must:

(i) Transfer the appeal to the time frame for standard resolution; and

(ii) Make reasonable efforts to give the enrollee prompt oral notice of the denial, and follow up within two calendar days with a written notice.

(9) Continuation of previously authorized services:

(a) The MCO must continue the enrollee's services if all of the following apply:

(i) The enrollee or the provider files the appeal on or before the later of the following:

(A) Unless the criteria in 42 C.F.R. 431.213 and 431.214 are met, within ten calendar days of the MCO mailing the notice of action, which for actions involving services previously authorized, must be delivered by a method which certifies receipt and assures delivery within three calendar days; or

(B) The intended effective date of the MCO's proposed action.

(ii) The appeal involves the termination, suspension, or reduction of a previously authorized course of treatment;

(iii) The services were ordered by an authorized provider;

(iv) The original period covered by the original authorization has not expired; and

(v) The enrollee requests an extension of services.

(b) If, at the enrollee's request, the MCO continues or reinstates the enrollee's services while the appeal is pending, the services must be continued until one of the following occurs:

(i) The enrollee withdraws the appeal;

(ii) Ten calendar days pass after the MCO mails the notice of the resolution of the appeal and the enrollee has not requested ~~((a department))~~ an agency hearing (with continuation of services until the ~~((department))~~ agency hearing decision is reached) within the ten days;

(iii) Ten calendar days pass after the state office of administrative hearings (OAH) issues a hearing decision adverse to the enrollee and the enrollee has not requested an appeal to the independent review (IR) organization or petition for review to the agency review judge within the ten days ~~((see WAC 388-538-112))~~ in accordance with the provisions of WAC 182-526-0200;

(iv) Ten calendar days pass after the IR mails a decision adverse to the enrollee and the enrollee has not requested a review with the board of appeals within the ten days ~~((see WAC 388-538-112))~~;

(v) The ~~((board of appeals))~~ agency review judge issues a decision adverse to the enrollee ~~((see WAC 388-538-112))~~; or

(vi) The time period or service limits of a previously authorized service has been met.

(c) If the final resolution of the appeal upholds the MCO's action, the MCO may recover the amount paid for the services provided to the enrollee while the appeal was pending, to the extent that they were provided solely because of the requirement for continuation of services.

(10) Effect of reversed resolutions of appeals:

(a) If the MCO or ~~((OAH))~~ the final order as defined in chapter 182-526 WAC reverses a decision to deny, limit, or delay services that were not provided while the appeal was

pending, the MCO must authorize or provide the disputed services promptly, and as expeditiously as the enrollee's health condition requires.

(b) If the MCO or ~~((OAH))~~ the final order as defined in chapter 182-526 WAC reverses a decision to deny authorization of services, and the enrollee received the disputed services while the appeal was pending, the MCO must pay for those services.

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

WAC 182-538-111 Primary care case management (PCCM) grievances and appeals. (1) This section contains information about the grievance system for primary care case management (PCCM) enrollees, which includes grievances and appeals. See WAC ~~((388-538-110))~~ 182-538-110 for information about the grievance system for managed care organization (MCO) enrollees.

(2) A PCCM enrollee may voice a grievance or file an appeal, either orally or in writing. PCCM enrollees use the ~~((department's))~~ agency's grievance and appeal processes.

(3) The grievance process for PCCM enrollees;

(a) A PCCM enrollee may file a grievance with the ~~((department))~~ agency. A provider may not file a grievance on behalf of a PCCM enrollee.

(b) The ~~((department))~~ agency provides PCCM enrollees with information equivalent to that described in WAC ~~((388-538-110))~~ 182-538-110 (7)(c).

(c) When a PCCM enrollee files a grievance with the ~~((department))~~ agency, the enrollee is entitled to:

(i) Any reasonable assistance in taking procedural steps for grievances (e.g., interpreter services and toll-free numbers);

(ii) Acknowledgment of the ~~((department's))~~ agency's receipt of the grievance;

(iii) A review of the grievance. The review must be conducted by ~~((a department))~~ an agency representative who was not involved in the grievance issue; and

(iv) Disposition of ~~((a))~~ the grievance and notice to the affected parties within ninety days of the ~~((department))~~ agency receiving the grievance.

(4) The appeal process for PCCM enrollees:

(a) A PCCM enrollee may file an appeal of ~~((a department))~~ an agency action with the ~~((department))~~ agency. A provider may not file an appeal on behalf of a PCCM enrollee.

(b) The ~~((department))~~ agency provides PCCM enrollees with information equivalent to that described in WAC ~~((388-538-110))~~ 182-538-110 (8)(c).

(c) The appeal process for PCCM enrollees follows that described in chapter ~~((388-02))~~ 182-526 WAC. Where a conflict exists, the requirements in this chapter take precedence.

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

WAC 182-538-120 Enrollee request for a second medical opinion. (1) A managed care enrollee has the right to a timely referral for a second opinion upon request when:

(a) The enrollee needs more information about treatment recommended by the provider or managed care organization (MCO); or

(b) The enrollee believes the MCO is not authorizing medically necessary care.

(2) A managed care enrollee has a right to a second opinion from a participating provider. At the MCO's discretion, a clinically appropriate nonparticipating provider who is agreed upon by the MCO and the enrollee may provide the second opinion.

(3) Primary care case management (PCCM) enrollees have a right to a timely referral for a second opinion by another provider who has a core provider agreement with the ~~((department))~~ agency.

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

WAC 182-538-130 Exemptions and ending enrollment in managed care. (1) The ~~((department))~~ agency exempts a client from mandatory enrollment in managed care or ends an enrollee's enrollment in managed care as specified in this section.

(2) A client or enrollee, or the client's or enrollee's representative as defined in RCW 7.70.065, may request that the ~~((department to))~~ agency exempt or end enrollment in managed care as described in this section.

(a) If a client requests exemption prior to the enrollment effective date, the client is not enrolled until the ~~((department))~~ agency approves or denies the request.

(b) If an enrollee requests to end enrollment, the enrollee remains enrolled pending the ~~((department's))~~ agency's final decision, unless staying in managed care would adversely affect the enrollee's health status.

(c) The client or enrollee receives timely notice by telephone or in writing when the ~~((department))~~ agency approves or denies the client's or enrollee's request. The ~~((department))~~ agency follows a telephone denial by written notification. The written notice contains all of the following:

(i) The action the ~~((department))~~ agency intends to take;

(ii) The reason(s) for the intended action;

(iii) The specific rule or regulation supporting the action;

(iv) The client's or enrollee's right to request a hearing;

and

(v) A translation into the client's or enrollee's primary language when the client or enrollee has limited English proficiency.

(3) A managed care organization (MCO) or primary care case management (PCCM) provider may request that the ~~((department to))~~ agency end enrollment. The request must be in writing and be sufficient to satisfy the ~~((department))~~ agency that the enrollee's behavior is inconsistent with the MCO's or PCCM provider's rules and regulations (e.g., intentional misconduct). The ~~((department))~~ agency does not approve a request to remove an enrollee from managed care when the request is solely due to an adverse change in the enrollee's health or the cost of meeting the enrollee's health care needs. The MCO or PCCM provider's request must include documentation that:

(a) ~~((The provider furnished clinically appropriate evaluation(s) to determine whether there is a treatable problem contributing to the enrollee's behavior;~~

~~(b) Such evaluation either finds no treatable condition to be contributing, or after evaluation and treatment, the enrollee's behavior continues to prevent the provider from safely or prudently providing medical care to the enrollee; and~~

~~(e)) The enrollee purposely put the safety and property of the contractor or the contractor's staff, providers, patients, or visitors at risk;~~

~~(b) The enrollee refused to follow procedures or treatment recommended by the enrollee's provider and determined by the contractor's medical director to be essential to the enrollee's health and safety and the enrollee has been told by the provider and/or the contractor's medical director that no other treatment is available;~~

~~(c) The enrollee engaged in intentional misconduct, including refusing to provide information to the contractor about third-party insurance coverage; or~~

~~(d) The MCO conducted a clinically appropriate evaluation to determine whether there was a treatable problem contributing to the enrollee's behavior and there was not a treatable problem or the enrollee refused to participate in treatment.~~

(e) The enrollee received written notice of the provider's intent to request the enrollee's removal, unless the ~~((department))~~ agency has waived the requirement for provider notice because the enrollee's conduct presents the threat of imminent harm to others. The provider's notice must include:

(i) The enrollee's right to use the provider's grievance system as described in WAC ~~((388-538-110 and 388-538-111))~~ 182-538-110 and 182-538-111; and

(ii) The enrollee's right to use the ~~((department's))~~ agency's hearing process, after the enrollee has exhausted all grievance and appeals available through the provider's grievance system (see WAC ~~((388-538-110 and 388-538-111))~~ 182-538-110 and 182-538-111 for provider grievance systems, and WAC ~~((388-538-112))~~ 182-526-0200 for the hearing process for enrollees).

(4) When the ~~((department))~~ agency receives a request from an MCO or PCCM provider to remove an enrollee from enrollment in managed care, the ~~((department))~~ agency attempts to contact the enrollee for the enrollee's perspective. If the ~~((department))~~ agency approves the request, the ~~((department))~~ agency sends a notice at least ten calendar days in advance of the effective date that enrollment will end. The notice includes:

(a) The reason the ~~((department))~~ agency approved ending enrollment; and

(b) Information about the enrollee's hearing rights.

(5) The ~~((department))~~ agency will exempt a client from mandatory enrollment or end an enrollee's enrollment in managed care when any of the following apply:

~~(a) ((The client or enrollee is receiving foster care placement services from the division of children and family services (DCFS);~~

~~(b))~~ The client has or the enrollee becomes eligible for medicare, ~~((basic health (BH-)))~~ CHAMPUS/TRICARE, or any other third-party health care coverage comparable to the

~~((department's))~~ agency's managed care coverage that would require exemption or involuntarily ending enrollment from:

(i) An MCO, in accordance with the ~~((department's))~~ agency's managed care contract; or

(ii) A primary care case management (PCCM) provider, according to the ~~((department's))~~ agency's PCCM contract.

~~((e))~~ ~~(b)~~ The enrollee is no longer eligible for managed care.

(6) The ~~((department))~~ agency will grant a client's request for exemption or an enrollee's request to end enrollment when:

(a) The client or enrollee is American Indian ~~((/))~~ or Alaska native (AI/AN) as specified in WAC ~~((388-538-060))~~ 182-538-060(2); or

~~(b) ((The client or enrollee has been identified by the department as a child who meets the definition of "children with special health care needs";~~

~~(e))~~ The client or enrollee is homeless or is expected to live in temporary housing for less than one hundred twenty days from the date of the request ~~((; or~~

~~(d) The client or enrollee speaks limited English or is hearing impaired and the client or enrollee can communicate with a provider who communicates in the client's or enrollee's language or in American sign language and is not available through the MCO and the MCO does not have a provider available who can communicate in the client's language and an interpreter is not available)).~~

(7) On a case-by-case basis, the ~~((department may))~~ agency will grant a client's request for exemption or an enrollee's request to end enrollment when, in the ~~((department's))~~ agency's judgment, the client or enrollee has a documented ~~((and verifiable medical condition, and enrollment in managed care could))~~ treatment plan for medically necessary care by a provider who is not available through any contracted MCO and enrollment would likely disrupt that treatment in such a way as to cause an interruption of treatment that could jeopardize the client's or enrollee's life or health or ability to attain, maintain, or regain maximum function.

(8) Upon request, the ~~((department))~~ agency may exempt the client or end enrollment for the period of time the circumstances or conditions ~~((that lead to exemption or ending enrollment))~~ described in subsection (7) of this section are expected to exist. The ~~((department))~~ agency may periodically review those circumstances or conditions to determine if they continue to exist. If the ~~((department))~~ agency approves the request for a limited time, the client or enrollee is notified in writing or by telephone of the time limitation, the process for renewing the exemption or the ending of enrollment.

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

WAC 182-538-140 Quality of care. (1) To assure that managed care enrollees receive quality health care services, the ~~((department))~~ agency requires managed care organizations (MCOs) to comply with quality improvement standards detailed in the ~~((department's))~~ agency's managed care contract. MCO's must:

(a) Have a clearly defined quality organizational structure and operation, including a fully operational quality assessment, measurement, and improvement program;

(b) Have effective means to detect over and under utilization of services;

(c) Maintain a system for provider and practitioner credentialing and recertification;

(d) Ensure that MCO subcontracts and the delegation of MCO responsibilities are in accordance with the ~~((department))~~ agency standards and regulations;

(e) Ensure MCO oversight of delegated entities responsible for any delegated activity to include:

(i) A delegation agreement with each entity describing the responsibilities of the MCO and the entity;

(ii) Evaluation of the entity prior to delegation;

(iii) An annual evaluation of the entity; and

(iv) Evaluation or regular reports and follow-up on issues out of compliance with the delegation agreement or the ~~((department's))~~ agency's managed care contract specifications.

(f) Cooperate with ~~((a department contracted))~~ an agency-contracted, qualified independent external review organization (EQRO) conducting review activities as described in 42 C.F.R. 438.358;

(g) Have an effective mechanism to assess the quality and appropriateness of care furnished to enrollees with special health care needs;

(h) Assess and develop individualized treatment plans for enrollees with special health care needs which ensure integration of clinical and nonclinical disciplines and services in the overall plan of care;

(i) Submit annual reports to the ~~((department))~~ agency on performance measures as specified by the ~~((department))~~ agency;

(j) Maintain a health information system that:

(i) Collects, analyzes, integrates, and reports data as requested by the ~~((department))~~ agency;

(ii) Provides information on utilization, grievances and appeals, enrollees ending enrollment for reasons other than the loss of medicaid eligibility, and other areas as defined by the ~~((department))~~ agency;

(iii) Collects data on enrollees, providers, and services provided to enrollees through an encounter data system, in a standardized format as specified by the ~~((department))~~ agency; and

(iv) Ensures data received from providers is adequate and complete by verifying the accuracy and timeliness of reported data and screening the data for completeness, logic, and consistency.

(k) Conduct performance improvement projects designed to achieve significant improvement, sustained over time, in clinical care outcomes and services, and that involve the following:

(i) Measuring performance using objective quality indicators;

(ii) Implementing system changes to achieve improvement in service quality;

(iii) Evaluating the effectiveness of system changes;

(iv) Planning and initiating activities for increasing or sustaining performance improvement;

(v) Reporting each project status and the results as requested by the ~~((department))~~ agency; and

(vi) Completing each performance improvement project timely so as to generally allow aggregate information to produce new quality of care information every year.

(l) Ensure enrollee access to health care services;

(m) Ensure continuity and coordination of enrollee care; and

(n) Maintain and monitor availability of health care services for enrollees.

(2) The ~~((department))~~ agency may:

~~((i))~~ (a) Impose intermediate sanctions in accordance with 42 C.F.R. 438.700 and corrective action for substandard rates of clinical performance measures and for deficiencies found in audits and on-site visits;

~~((ii))~~ (b) Require corrective action for findings for non-compliance with any contractual state or federal requirements; and

~~((iii))~~ (c) Impose sanctions for noncompliance with any contractual, state, or federal requirements not corrected.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 182-538-112

The department of social and health services' (DSHS) hearing process for enrollee appeals of managed care organization (MCO) actions.

WSR 13-02-019

PERMANENT RULES

PUGET SOUND

CLEAN AIR AGENCY

[Filed December 20, 2012, 11:47 a.m., effective February 1, 2013]

Effective Date of Rule: February 1, 2013.

Purpose: The agency regulation revision eliminates the potential conflict between an EPA regulatory requirement and the practical technical feasibility of actually complying with that requirement.

The revision amends Sections 2.01 and 2.06 of Regulation II to establish an enforceable limitation on the daily gasoline throughput of bulk gasoline plants in order to clarify that the agency will regulate these facilities as bulk gasoline plants and not as gasoline loading terminals.

Citation of Existing Rules Affected by this Order: Amending Regulation II, Sections 2.01 and 2.06.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 12-22-078 on November 7, 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 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: December 20, 2012.

Craig Kenworthy
Executive Director

AMENDATORY SECTION

REGULATION II, SECTION 2.01 DEFINITIONS

When used in this Article:

(a) **GASOLINE** means any petroleum distillate or petroleum distillate/alcohol blend with a Reid vapor pressure of 4 pounds per square inch (27.6 kPa) or greater, which is used as a fuel for motor vehicles, marine vessels, or aircraft.

(b) **GASOLINE STATION** means any site that dispenses gasoline from stationary storage tanks into fuel tanks of motor vehicles, marine vessels, or aircraft.

(c) **PETROLEUM REFINERY** means a facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products by distilling crude oils or redistilling, cracking, extracting, or reforming unfinished petroleum derivatives. Not included are facilities re-refining used motor oils or waste chemicals, processing finished petroleum products, separating blended products, or air blowing asphalt.

(d) **SUBMERGED FILL LINE** means any discharge pipe or nozzle that meets either of the following conditions:

(1) Where the tank is filled from the top, the end of the discharge pipe or nozzle must be totally submerged when the liquid level is 6 inches (15 cm) from the bottom of the tank; or

(2) Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is 18 inches (46 cm) from the bottom of the tank.

(e) **TRANSPORT TANK** means a container with a capacity greater than 264 gallons (1000 liters) used for shipping gasoline over roadways.

(f) **VAPOR RECOVERY SYSTEM** means a process that prevents the emission to the atmosphere of volatile organic compounds released by the operation of any transfer, storage, or process equipment.

(g) **BULK GASOLINE PLANT** means a gasoline storage and transfer facility that receives more than 90% of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.

AMENDATORY SECTION

REGULATION II, SECTION 2.06 BULK GASOLINE PLANTS

(a) (~~(Section 2.06)~~) It shall be unlawful for any person to cause or allow the transfer of 20,000 gallons or more of gasoline at a gasoline bulk plant on any day.

(b) The following provisions in Sections 2.06(c) and 2.06(d) of this regulation shall apply to all bulk gasoline plants with an annual average daily gasoline throughput greater than 15,140 liters (4,000 gallons).

~~((b))~~ (c) It shall be unlawful for any person to cause or allow the transfer of gasoline from any transport tank into any stationary storage tank with a capacity greater than 3,785 liters (1,000 gallons) unless the following conditions are met:

(1) Such stationary storage tank is equipped with a permanent submerged fill pipe and "CARB-certified" vapor recovery system; and

(2) Such transport tank is equipped to balance vapors and is maintained in a leak-tight condition in accordance with Section 2.08 of Regulation II; and

(3) All vapor return lines are connected between the transport tank and the stationary storage tank, and the vapor recovery system is operating.

~~((c))~~ (d) It shall be unlawful for any person to cause or allow transfer of gasoline between a stationary storage tank and a transport tank except under the following conditions:

(1) All transport tanks shall be bottom loaded;

(2) The loading of all transport tanks, shall be performed such that 90% by volume of the gasoline vapors displaced during filling are prevented from being released into the ambient air;

(3) Such transport tanks shall be equipped to balance vapors; and

(4) All vapor return lines are connected between the transport tank and the stationary storage tank, and the vapor recovery system is operating.

WSR 13-02-023

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 20, 2012, 3:21 p.m., effective January 20, 2013]

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

Purpose: The purpose of the new language in chapters 388-71 and 388-112 WAC is to implement and clarify the training requirements and the criminal history background check requirements as directed in chapter 74.39A RCW and to revise the implementation effective dates as directed by Initiative 1163 and subsequently ESHB 2314. Chapter 74.39A RCW requires training for long-term care workers which includes seventy-five hours of entry-level training and also requires federal and state criminal history background checks for all long-term care workers. This law increases the basic training hour requirements for long-term care workers from thirty-two hours to seventy-five hours and increases

their continuing education hour requirement from ten to twelve hours annually. ESHB 2314 also allows for certified home care aides to be delegated nursing tasks and this was also added to these WACs.

Initiative 1163, enacted by the people in November 2011, requires implementation of these rules effective beginning January 7, 2012 (unless otherwise specified). Emergency rules were filed to implement the effective dates as WSR 12-05-100 and an emergency rule extension was filed as WSR 12-21-068 on October 17, 2012. This CR-103P supersedes the CR-103Es filed to implement this rule amendment.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-71-05665, 388-71-05670, 388-71-05675, 388-71-05680, 388-71-05685, 388-71-05690, 388-71-05695, 388-71-05700, 388-71-05705, 388-71-05710, 388-71-05715, 388-71-05720, 388-71-05725, 388-71-05730, 388-71-05735, 388-71-05740, 388-71-05745, 388-71-05750, 388-71-05755, 388-71-05760, 388-71-05765, 388-71-05770, 388-71-05775, 388-71-05780, 388-71-05785, 388-71-05790, 388-71-05795, 388-71-05799, 388-71-05805, 388-71-05810, 388-71-05815, 388-71-05820, 388-71-05825, 388-71-05830, 388-71-05832, 388-71-05835, 388-71-05836, 388-71-05837, 388-71-05840, 388-71-05845, 388-71-05850, 388-71-05860, 388-71-05865, 388-71-05870, 388-71-05875, 388-71-05880, 388-71-05885, 388-71-05890, 388-71-05895, 388-71-05899, 388-71-05905, 388-71-05909, 388-71-0801, 388-71-0806, 388-71-0811, 388-71-0816, 388-71-0821, 388-71-0826, 388-71-0855, 388-112-0020, 388-112-0025, 388-112-0030, 388-112-0040, 388-112-0050, 388-112-0060, 388-112-0065, 388-112-0080, 388-112-0085, 388-112-0090, 388-112-0095, 388-112-0100, 388-112-0105, 388-112-01965, 388-112-0215, 388-112-0220, 388-112-0230, 388-112-0245, 388-112-02610, 388-112-02615, 388-112-02620, 388-112-02625, 388-112-02630, 388-112-0350 and 388-112-0375; and amending WAC 388-71-0500, 388-71-0505, 388-71-0510, 388-71-0513, 388-71-0515, 388-71-0520, 388-71-0540, 388-71-0546, 388-71-0551, 388-71-0560, 388-112-0001, 388-112-0005, 388-112-0010, 388-112-0015, 388-112-0035, 388-112-0040, 388-112-0045, 388-112-0055, 388-112-0070, 388-112-0075, 388-112-0110, 388-112-0115, 388-112-0120, 388-112-0125, 388-112-0130, 388-112-0135, 388-112-0140, 388-112-0145, 388-112-0150, 388-112-0155, 388-112-0160, 388-112-0165, 388-112-0170, 388-112-0195, 388-112-0196, 388-112-0200, 388-112-0205, 388-112-0210, 388-112-0220, 388-112-0225, 388-112-0235, 388-112-0240, 388-112-0255, 388-112-0260, 388-112-0270, 388-112-0280, 388-112-0295, 388-112-0300, 388-112-0315, 388-112-0320, 388-112-0325, 388-112-0330, 388-112-0335, 388-112-0340, 388-112-0345, 388-112-0350, 388-112-0355, 388-112-0360, 388-112-0365, 388-112-0370, 388-112-0380, 388-112-0385, 388-112-0390, 388-112-0395, 388-112-0405, and 388-112-0410.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Adopted under notice filed as WSR 12-16-027 on July 25, 2012.

Changes Other than Editing from Proposed to Adopted Version: There were no major policy changes since the last filing.

Rules were amended to coordinate training to coincide with the department of health rules which will require workers to take recertification training by their birthdays instead of by calendar year. Other clarifications were made based on comments received. See Reviser's note below.

A final cost-benefit analysis is available by contacting Martin Yates, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2540, fax (360) 407-7582, e-mail martin.yates@dshs.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 86, Amended 63, Repealed 77.

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 86, Amended 63, Repealed 7.

Date Adopted: December 13, 2012.

Katherine I. Vasquez
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 13-03 issue of the Register.

WSR 13-02-024

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed December 20, 2012, 3:30 p.m., effective January 20, 2013]

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

Purpose: These rules revise chapter 16-228 WAC to provide a certification option for private applicators to label-mandated training prior to soil fumigant use. Private applicators will be exempt from the label-mandated training if they add a new soil fumigation license category after passing an exam that addresses the new measures.

Citation of Existing Rules Affected by this Order: Amending WAC 16-228-1545 and 16-228-1546.

Statutory Authority for Adoption: RCW 17.21.060, 15.58.040.

Other Authority: Chapter 34.05 RCW and 3ESHB 2127. Adopted under notice filed as WSR 12-22-079 on November 7, 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 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: December 20, 2012.

Dan Newhouse
Director

AMENDATORY SECTION (Amending WSR 03-22-029, filed 10/28/03, effective 11/28/03)

WAC 16-228-1545 What are the pesticide licensing requirements? (1) All individuals licensed or required to be licensed as commercial pesticide applicators, commercial pesticide operators, private-commercial applicators, demonstration and research applicators, public operators, structural pest inspectors, pest control consultants and public pest control consultants must be certified, through examination, in all pest control classifications defined in subsection (3)(a) through ~~((*)~~) (v) of this section in which they operate, inspect or consult. Additionally, commercial pesticide applicators must be licensed in all classifications that the business operates. Licensed applicators may directly supervise unlicensed applicators only in those classifications in which they have a valid certification.

(2) To qualify for any pesticide license listed in subsection (1) of this section, applicants, except the structural pest inspector, must pass a "laws and safety" examination or equivalent, that includes, but is not limited to, the following: The state and federal laws governing pesticide use and the regulating agencies; general pesticide uses and application techniques; safe use of pesticides; general pesticide labeling comprehension; environmental fate of pesticides, and appropriate storage and disposal of pesticides and their containers. Individuals holding valid, passing scores on the private applicator or dealer manager exam are exempt from this examination requirement. Structural pest inspectors conducting complete wood destroying organism inspections must pass a "structural pest inspector laws and standards" examination or equivalent that includes, but is not limited to, the legal requirements governing structural pest inspectors and the standards for conducting complete wood destroying organism inspections.

(3) License classifications.

(a) Agricultural weed: The control of weeds, except with soil fumigants, in all agricultural crops including forest environments, and in former agricultural lands now in a noncrop status.

(b) Rights of way weed: The control of weeds, including cut stumps, on, but not limited to, terrestrial rights of way locations such as roads and/or highways, railroads, power lines and irrigation ditches and to industrial sites, including, but not limited to, airports, industrial parks, and large parking areas.

(c) Turf and ornamental weed: The control of weeds (and moss), including cut stumps, in ornamental and turf situations, which includes, but is not limited to, golf courses, parks, schools, lawns, yards, gardens, hospitals, vacant lots and open noncrop waste areas.

(d) Structural and turf demossing: The control of moss on structures and turf.

(e) Stump treatment: The use of herbicides on cut stumps to control resprouting.

(f) Soil fumigation: The use of soil-applied fumigants on agricultural crops and noncrop land to control pests including weeds, insects and diseases.

(g) Soil fumigation RMM: The use of soil fumigants to control pests including weeds, insects, and diseases. This category addresses risk mitigation measures on soil fumigant labels as a result of EPA's Reregistration Eligibility Decision process.

~~((h))~~ (h) Sewer root: Control of roots in sewer lines.

~~((h))~~ (i) Agricultural insect and disease: The control of insects and diseases, except with soil fumigants, in agricultural crops including forest environments.

~~((h))~~ (j) Ornamental insect and disease: The control of insects and diseases in ornamental, turf and rights of way situations including, but not limited to, golf courses, parks, schools, lawns, yards, gardens, greenhouses, hospitals and rest homes. This includes, but is not limited to, the use of insecticides, miticides, fungicides, bacteriocides, molluscicides and nematocides.

~~((h))~~ (k) Interior plantscaping: The control of insects and diseases in interior plantscapes.

~~((h))~~ (l) PCO general: The control of insects, spiders, birds, rodents and animal pests in and around, but not limited to, the following situations: Residences, public buildings and grounds, commercial buildings and grounds, disposal sites, animal feed lots and farmsteads, including buildings and transportation equipment.

~~((h))~~ (m) PCO structural: The control of structurally destructive pests including, but not limited to, fungus, termites, carpenter ants, carpenter bees and wood-boring beetles. This classification allows a licensee to perform specific wood destroying organism inspections.

~~((h))~~ (n) Structural pest inspector: Allows for the commercial inspection of buildings for structurally destructive pests, their damage and conditions conducive to their development. This classification is required to perform complete wood destroying organism inspections.

~~((h))~~ (o) Stored grain: The use of pesticides (including fumigants and rodenticides) in grain storing facilities and railcars.

~~((h))~~ (p) Fumigant: The use of fumigants only (such as methyl bromide and aluminum phosphide) on stored commodities.

~~((h))~~ (q) Seed treatment: The application of pesticides to seeds to control destructive insects and diseases.

~~((h))~~ (r) Sprout inhibitor: Use of a pesticide to control sprouting in stored potatoes.

~~((h))~~ (s) Livestock pest: The control of external and internal pests of animals, with the exception of viruses~~((t))~~ including, but not limited to, beef cattle, dairy cattle, swine,

sheep, horses, goats and poultry, and also treatment of live-stock premises.

~~((s))~~ (t) Pest animal: The control of pest animals in agricultural situations.

~~((t))~~ (u) Aquatic: The control of aquatic pests in water areas including, but not limited to, canals, rivers, streams, lakes, ponds, marshes and pipe lines.

~~((u))~~ (v) Aquatic irrigation: Limited to the control of aquatic pests in irrigation district water delivery systems where the pesticide is applied directly into the water or enters the water due to the application of the pesticide. Pests include, but are not limited to, moss, algae, cattails, pond weeds and other emersed and submersed aquatic weeds.

~~((v))~~ (w) Public health: Application of pesticides by governmental employees and certain others in public health programs such as, but not limited to, mosquito control, rodent control and insect control in situations having medical and public health importance.

~~((w))~~ (x) Aquatic antifouling: Use of antifouling paints to control fouling organisms on marine vessels.

~~((x))~~ (y) Wood treatment: Use of wood preservatives for the control of wood damaging pests.

(4) All examinations required under this section shall be written and taken without the aid of any materials that contain information relevant to the exam content. Reading of exams by an individual other than the applicant is not permitted.

(5) A passing score of seventy percent is established for all the examinations required under this section. The department may establish separate passing scores for the examinations if a validated process is used. Passing scores are valid for obtaining a license in the calendar year in which the examination is taken plus the following calendar year.

(6) The department may waive any of the examination requirements contained in this section for any person holding a valid certification with similar classifications from an EPA or Canadian approved federal, state or provincial certification program with comparable examination and recertification standards.

AMENDATORY SECTION (Amending WSR 03-22-029, filed 10/28/03, effective 11/28/03)

WAC 16-228-1546 What are the requirements for a private applicator license? (1) To qualify for a private applicator license, an individual must pass a private applicator examination. The examination shall be written and taken without the aid of any materials that contain information relevant to the exam content. Reading of exams by an individual other than the applicant is not permitted. Individuals holding valid, passing scores on the laws and safety examination, or equivalent, or the dealer manager exam, and one of the classifications in WAC 16-228-1545 (3)(a) or (h) or the now retired statewide classification, are exempt from this examination requirement.

(2) Private applicators making aquatic applications to water that moves off their own or their employer's agricultural land must obtain the aquatic classification described in WAC 16-228-1545 (3)(t). Private applicators applying soil fumigants may obtain the soil fumigation classification

described in WAC 16-228-1545 (3)(g) as an option to meet label required active ingredient training.

(3) A passing score of seventy percent is established for the examinations required under this section. The department may establish separate passing scores for the examinations if a validated process is used. Passing scores are valid for obtaining a license in the calendar year in which the examination is taken plus the following calendar year.

(4) The department may waive the examination requirements contained in this section for any person holding a valid certification with similar classifications from an EPA or Canadian approved federal, state or provincial certification program with comparable examination and recertification standards.

WSR 13-02-034

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed December 21, 2012, 9:16 a.m., effective January 1, 2013]

Effective Date of Rule: January 1, 2013.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The forest land value rule is required by statute (RCW 84.33.140) to be effective on January 1, 2013. The stumpage value rule is also required by statute (RCW 84.33.091) to be effective on January 1, 2013.

Purpose: WAC 458-40-540 contains the forest land values, which must be adjusted annually by a statutory formula contained in RCW 84.33.140(3). This rule has been amended to provide county assessors with forest land values for the 2013 assessment year.

WAC 458-40-660 contains the stumpage values used by harvesters of timber to calculate the timber excise tax. This rule is being revised to provide the stumpage values to be used during the first half of 2013.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-540 Forest land values and 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Statutory Authority for Adoption: RCW 82.01.060(2), 82.32.300, and 84.33.096.

Other Authority: RCW 84.33.091.

Adopted under notice filed as WSR 12-22-061 on November 6, 2012.

A final cost-benefit analysis is available by contacting Mark E. Bohe, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 534-1574, fax (360) 534-1606, e-mail markbohe@dor.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 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: December 21, 2012.

Alan R. Lynn
Rules Coordinator

AMENDATORY SECTION (Amending WSR 12-02-040, filed 12/29/11, effective 1/1/12)

WAC 458-40-540 Forest land values—((2012)) 2013. The forest land values, per acre, for each grade of forest land for the ((2012)) 2013 assessment year are determined to be as follows:

LAND GRADE	OPERABILITY CLASS	VALUES ((2012)) 2013
		PER ACRE
1	1	\$(195)) 191
	2	((193)) 189
	3	((181)) 177
	4	((131)) 128
2	1	((164)) 161
	2	((159)) 156
	3	((152)) 149
	4	((109)) 107
3	1	((128)) 125
	2	((124)) 121
	3	((123)) 120
	4	((95)) 93
4	1	((99)) 97
	2	((96)) 94
	3	((95)) 93
	4	((72)) 70
5	1	((71)) 70
	2	((64)) 63
	3	((63)) 62
	4	((44)) 43
6	1	((36)) 35
	2	((34)) 33
	3	((34)) 33
	4	((32)) 31
7	1	16
	2	16
	3	15
	4	15
8	1	1

AMENDATORY SECTION (Amending WSR 12-14-065, filed 6/29/12, effective 7/1/12)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) Introduction. This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) Stumpage value tables. The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ((July)) January 1 through ((December 31, 2012)) June 30, 2013:

((PROPOSED STUMPAGE VALUE TABLE))

**Washington State Department of Revenue
STUMPAGE VALUE TABLE**

((July)) January 1 through ((December 31, 2012)) June 30, 2013

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾
Starting July 1, 2012, there are no separate Quality Codes per Species Code.

Species Name	Species Code	SVA (Stumpage Value Area)	Haul Zone				
			1	2	3	4	5
((Douglas-Fir ⁽²⁾)	DF	1	\$348	\$341	\$334	\$327	\$320
		2	438	431	424	417	410
		3	384	377	370	363	356
		4	397	390	383	376	369
		5	385	378	371	364	357
		6	163	156	149	142	135
Western Hemlock and Other Conifer ⁽³⁾	WH	1	352	345	338	331	324
		2	400	393	386	379	372
		3	400	393	386	379	372
		4	365	358	351	344	337
		5	372	365	358	351	344
		6	146	139	132	125	118
Western Redcedar ⁽⁴⁾	RC	1-5	727	720	713	706	699
		6	441	434	427	420	413
Ponderosa Pine ⁽⁵⁾	PP	1-6	180	173	166	159	152
Red Alder	RA	1-5	515	508	501	494	487
Black Cottonwood	BC	1-5	88	81	74	67	60
Other Hardwood	OH	1-5	229	222	215	208	201
		6	113	106	99	92	85
Douglas-Fir Poles & Piles	DFL	1-5	800	793	786	779	772
		6	1328	1321	1314	1307	1300
Western Redcedar Poles	RCL	6	723	716	709	702	695
		1-5	23	22	21	20	19
Chipwood ⁽⁶⁾	CHW	6	13	12	11	10	9
		6	23	22	21	20	19
Small Logs ⁽⁶⁾	SML	6	23	22	21	20	19
RC Shake & Shingle Blocks ⁽⁷⁾	RCS	1-6	164	157	150	143	136
Posts ⁽⁸⁾	LPP	1-6	0.35	0.35	0.35	0.35	0.35

Species Name	Species Code	SVA (Stumpage Value Area)	Haul Zone				
			1	2	3	4	5
DF Christmas Trees ⁽⁹⁾	DFX	1-6	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	TFX	1-6	0.50	0.50	0.50	0.50	0.50
Douglas-fir ⁽²⁾	DF	1	\$344	\$337	\$330	\$323	\$316
		2	389	382	375	368	361
		3	321	314	307	300	293
		4	389	382	375	368	361
		5	380	373	366	359	352
		6	210	203	196	189	182
Western Hemlock and Other Conifer ⁽³⁾	WH	1	290	283	276	269	262
Western Redcedar ⁽⁴⁾		2	324	317	310	303	296
		3	249	242	235	228	221
		4	303	296	289	282	275
		5	343	336	329	322	315
		6	199	192	185	178	171
Ponderosa Pine ⁽⁵⁾	RC	1-5	756	749	742	735	728
Red Alder	PP	1-6	509	502	495	488	481
Black Cottonwood	RA	1-5	180	173	166	159	152
Other Hardwood	BC	1-5	105	98	91	84	77
		6	221	214	207	200	193
Douglas-fir Poles & Piles	OH	6	59	52	45	38	31
Western Redcedar Poles	DFL	1-5	797	790	783	776	769
		6	1358	1351	1344	1337	1330
Chipwood ⁽⁶⁾	RCL	6	757	750	743	736	729
		1-5	19	18	17	16	15
Small Logs ⁽⁶⁾	CHW	6	7	6	5	4	3
		6	24	23	22	21	20
RC Shake & Shingle Blocks ⁽⁷⁾	SML	6	24	23	22	21	20
Posts ⁽⁸⁾	RCS	1-5	164	157	150	143	136
DF Christmas Trees ⁽⁹⁾	LPP	1-5	0.35	0.35	0.35	0.35	0.35
Other Christmas Trees ⁽⁹⁾		DFX	1-5	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	TFX	1-5	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
 (2) Includes Western Larch.
 (3) Includes all Hemlock, Spruce and true Fir species, Lodgepole Pine, or any other conifer not listed on this page.
 (4) Includes Alaska-Cedar.
 (5) Includes Western White Pine.
 (6) Stumpage value per ton.
 (7) Stumpage value per cord.
 (8) Includes Lodgepole posts and other posts, Stumpage Value per 8 lineal feet or portion thereof.
 (9) Stumpage Value per lineal foot.

(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber** - Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber** - Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ((July)) January 1 through ((December 31, 2012)) June 30, 2013:

**TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, and 5**
(~~July~~) January 1 through (~~December 31, 2012~~) June 30, 2013

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	-\$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	-\$50.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning		
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	-\$100.00

**TABLE 10—Harvest Adjustment Table
Stumpage Value Area 6**
(~~July~~) January 1 through (~~December 31, 2012~~) June 30, 2013

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 8 thousand board feet per acre and less.	-\$8.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$50.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$75.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Note:	A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.	

III. Remote island adjustment:
For timber harvested from a remote island -\$50.00

TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
	SVAs 1 through 5 only:	\$((42-00)) <u>11.00</u>

Note: This adjustment only applies to published MBF sawlog values.

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

(5) **Forest-derived biomass,** has a \$0/ton stumpage value.

WSR 13-02-043
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 12-290—Filed December 21, 2012, 4:12 p.m., effective January 21, 2013]

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

Purpose: The purpose of this proposal is to streamline, reorganize, and update rules in accordance with the WAC overhaul project currently underway. The agency's RCWs were combined and updated after the department of fisheries and the department of wildlife were consolidated; however the WACs were never consolidated and streamlined. These changes are part of a larger effort to reorganize and update the agency's WACs.

Reasons Supporting Proposal: This rule change proposal was discussed during the fish and wildlife commission meeting and public hearing held on November 8, 2012. The proposed changes were adopted by the commission at the December 14, 2012, commission meeting. The changes update, clarify, and improve enforceability of various shellfish, fish, and wildlife rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-20-039 Live fish—Import and transfer, 220-20-040 General provisions—Rearing and planting food fish, 220-55-230 Columbia River endorsement, 220-56-360 Razor clams—Areas and seasons, 220-56-372 Razor clam sanctuaries, 220-76-020 Aquatic farm registration form—Required information, 220-90-010 Herring hardship validations, qualifications, and conditions, 220-90-015 Resort or marina—Owner or operator, 232-12-025 Hunts authorized pursuant to RCW 77.12.240, 232-12-064 Live wildlife, 232-12-091 Commercial buying and processing of anadromous game fish or roe, 232-12-097 Transportation of anadromous game fish and roe, 232-12-242 Hunting restrictions and 232-12-261 Live decoys unlawful and 232-12-289 Official hunting hours for game birds and game animals; new WAC 232-12-063 Live wildlife—Facility, fencing, and marking requirements and 232-12-288 Official hunting hours for game animals and forest grouse; and repealing WAC 220-16-255 Geographical definitions—Razor clam areas, 220-74-015 Surplus salmon eggs, 220-85-115 Rules of practice and procedure, 220-100-068 Formal administrative appeal of department environmental determinations, 232-16-010 Establishment of game reserves, and 232-28-285 2010-2011 Pilot cougar hunting seasons with the aid of dogs.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047.

Adopted under notice filed as WSR 12-19-091 on September 19, 2012.

Changes Other than Editing from Proposed to Adopted Version: Some small editing changes were made from the proposed to the adopted version. However, these were all technical changes rather than substantive. Changes include amending WAC titles for uniformity, correcting a few errors, and making minor word changes/additions for clarity. Additionally, WAC 220-56-360 was changed to include seven razor clam areas instead of the original three. This change is consistent with regularly adopted emergency rules for razor clam seasons and promotes clarity and efficiency.

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 2, Amended 15, Repealed 6.

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: December 14, 2012.

Miranda Wecker, Chair
Fish and Wildlife Commission

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-16-255	Geographical definitions—Razor clam areas.
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AMENDATORY SECTION (Amending Order 82-105, filed 8/13/82)

WAC 220-20-039 Live fish—Import and transfer. (1) It is unlawful for any person, group, corporation, association, or government entity to import into, transport, or possess within the state of Washington live fish and/or the viable sexual products (~~thereof, except~~) of fish without first obtaining a permit to do so from the director. The only exception is for aquarium fish, game fish, indigenous marine baitfish, and mosquito fish (genus *Gambusia* (~~spp.~~)) when used by agencies authorized by chapter 17.28 RCW (~~without having first obtained a permit to do so from the director of the department of fisheries~~)). The permit (~~shall~~) must accompany the fish and/or sexual products at all times within the state of Washington and (~~shall~~) must be presented to department (~~of fisheries~~) employees on demand.

(2) For any permit issued under subsection (1) of this section, the director may impose conditions (~~in any permit~~) as necessary to (~~insure~~) ensure the protection of food fish (~~within this state~~) populations from infectious, contagious, or communicable diseases and pests.

(3) It (~~shall be~~) is unlawful to violate the terms and conditions (~~of~~) imposed on any permit issued under subsection (1) of this section. In addition to (~~any other~~) penalties provided by law, violation of (~~these rules on~~) the permit terms and conditions (~~of any permit~~) may result in the suspension and/or revocation of the permit.

(4) Violation of this section is punishable under RCW 77.15.253, 77.15.290, or 77.15.750, depending on the species, value of the species, and the circumstances underlying the violation.

AMENDATORY SECTION (Amending Order 76-96, filed 9/23/76)

WAC 220-20-040 General provisions—Rearing and planting food fish. ~~((+))~~ It ~~((shall be))~~ is unlawful for any person, group, corporation, association, or governmental entity to plant or release any food fish into the waters of the state of Washington without first obtaining a permit from the department ~~((of fisheries)).~~ ~~((No permit shall be issued.))~~ The department may not issue a permit unless the following time periods are observed ~~((;))~~ and ~~((the following))~~ information is provided to the department prior to planting ~~((;))~~:

~~((+))~~ (1) Thirty days prior to obtaining or importing food fish or food fish eggs, fry, or fingerlings ~~((; or importing the same))~~ with the ~~((eventual intent to plant))~~ intention of planting them in ~~((the waters of the state of))~~ Washington state waters, the person, group, corporation, association, or governmental entity ~~((so intending to plant shall))~~ must provide the department with information ~~((as to))~~ regarding the:

(a) Source of the food fish or food fish eggs, fry, or fingerlings ~~((;))~~;

(b) Species, race, and size of the food fish or food fish eggs, fry, or fingerlings; and

(c) Time and place for the proposed release or other disposition ~~((and the size))~~ of the food fish to be planted.

~~((+))~~ (2) Thereafter, the department ~~((shall))~~ will examine the provided information and determine ~~((if))~~ whether it should issue a permit ~~((for the planting of the food fish should be issued. If a proposed plant))~~. The department will not issue a permit if the planting:

(a) Presents an important conflict or competition to the established stocks in the waters to be planted ~~((;))~~;

(b) Conflicts with the department's overall management plan for the waters ~~((to be planted;))~~ in which the planting is proposed;

(c) Would cause a significant decrease in the abundance of stocks already present ~~((;))~~; or

(d) Would significantly inhibit the ability to harvest existing stocks ~~((; a permit for planting shall not be issued)).~~

~~((+))~~ (3) Thirty days prior to planting, and within ~~((ten))~~ 10 days of the actual plant, the permittee must make the food fish to be released ~~((must be made))~~ available to the department for inspection for disease. If the ~~((department's))~~ department representative ~~((so))~~ inspecting the fish is not satisfied the food fish are disease-free ~~((;))~~ or otherwise in a condition specified in ~~((paragraph (b)))~~ subsection (2) of this ~~((regulation))~~ section, then the department representative may not allow the food fish ~~((shall not))~~ to be released in ~~((the waters of the))~~ state waters, and may automatically withdraw any prior ~~((departmental))~~ department approval for ~~((such))~~ the planting ~~((is automatically withdrawn)).~~ In lieu of actual department inspection, the department will consider a certification by department-approved pathologists that the food fish to be released are disease-free ~~((in lieu of actual department inspection)).~~

~~((+))~~ (4) Any person, group, corporation, association or governmental entity intending to release food fish in the waters of the state, ~~((shall))~~ must report ~~((immediately))~~ to the department immediately the outbreak of any disease among the food fish, food fish eggs, fry or fingerlings intended to be released. If ~~((such))~~ an outbreak presents a

threat to ~~((such))~~ a state fishery resource ~~((of the state)),~~ the department may immediately order ~~((such))~~ actions necessary to protect the state's fisheries ~~((; including quarantine or destruction of stocks, sterilization of closures and facilities, cessation of activities, and disposal of the infected fish))~~ in a manner satisfactory to the department, including quarantine or destruction of stocks, sterilization of closures and facilities, cessation of activities, and disposal of the infected fish.

~~((e))~~ No food fish covered by a permit issued under this regulation shall be branded, tattooed, tagged, fin-clipped ~~((;))~~ (5) It is unlawful to brand, tattoo, tag, fin-clip, or otherwise ~~((marked))~~ mark food fish covered under a permit under this section for identification without prior approval by the department.

~~((f))~~ (6) It is unlawful to construct or operate facilities ~~((shall be constructed or operated))~~ for ~~((the purpose of))~~ food fish ~~((propagations))~~ propagating or rearing without first obtaining a permit from the department. ~~((No))~~ The department may not issue a permit ~~((shall be issued))~~ unless the entity wanting to propagate or rear the fish provides the following information ~~((is provided the department))~~ prior to beginning construction of ~~((such))~~ a facility:

~~((+))~~ (a) The ~~((person, group, corporation, association, or governmental entity so intended to construct such facility shall provide the department information as to the))~~ species to be produced in the facility or otherwise affected by the facility ~~((; and))~~;

(b) A general plan of times and places for the proposed releases or other disposition ~~((and))~~;

(c) The size, age, and maturity of the food fish to be released ~~((;))~~; and

(d) Functional plans for ~~((construction of such))~~ constructing the facility ~~((shall also be provided to the department)).~~

~~((ii))~~ ~~((Thereafter;))~~ (7) Once the department ~~((shall))~~ receives the information required under subsection (6) of this section, it will examine the ~~((provided))~~ information and determine ~~((if))~~ whether the facility construction permit ~~((for construction of the facility shall))~~ should be issued. The department will not issue a permit if the proposed planting, release, or operational scheme:

(a) Presents an important conflict or competition to established stocks of food fish ~~((;))~~;

(b) Conflicts with the department's overall management plan for the waters or areas to be planted ~~((;))~~;

(c) Would cause a significant decrease in the abundance of stocks already present ~~((;))~~; or

(d) Will significantly inhibit the ability to harvest existing stocks ~~((; a permit for construction will not be issued)).~~

~~((iii))~~ (8) The department may revoke a permit for construction or operation of a propagation facility ~~((will be revoked))~~ if any food fish are planted, released, or otherwise disposed of by ~~((any person, group, corporation, association or governmental entity which is the holder of))~~ entity that holds a construction or operation permit under this ~~((paragraph if the holder))~~ section and does not, prior to planting or releasing the fish, provide the department with the ~~((additional))~~ required information and secure ~~((the))~~ any additional permits ~~((required by))~~ this ~~((regulation))~~ section requires.

~~((g))~~ (9) The department will establish an advisory committee of potentially affected groups ~~((will be established))~~ to provide technical input on the requirements of this section.

AMENDATORY SECTION (Amending Order 11-184, filed 8/3/11, effective 9/3/11)

WAC 220-55-230 Columbia River endorsement.

Anglers ~~((fifteen))~~ 15 years of age ~~((or))~~ and older must ~~((be))~~ purchase and have a valid Columbia River endorsement in their possession ~~((of a valid Columbia River endorsement))~~ to fish for salmon or steelhead in the following waters:

(1) Mainstem Columbia River from the Rocky Point/Tongue Point line to Chief Joseph Dam

(2) Deep River (Wahkiakum County)

(3) Grays River (Wahkiakum County) mouth to mouth of South Fork

(a) Grays River, West Fork mouth to hatchery intake footbridge

(b) Grays River, East Fork

(4) Skamokawa River (Wahkiakum County) mouth (Hwy 4 Bridge) to forks below Oatfield and Middle Valley Road

(5) Elochoman River (Wahkiakum County) mouth to mouth of West Fork

(6) Mill Creek (Lewis County)

(7) Abernathy Creek (Cowlitz County) mouth to Abernathy Falls

(8) Germany Creek (Cowlitz County) mouth to end of Germany Creek Road

(9) Coal Creek (Cowlitz County) mouth to 400 feet below falls

(10) Cowlitz River (Cowlitz County) mouth to mouth of Ohanapecosh and Muddy forks

(a) Blue Creek mouth to Spencer Road

(b) Lacamas Creek (Lewis County)

(c) Mill Creek mouth to hatchery road crossing culvert

(d) Olequa Creek

(e) Tilton River mouth to West Fork

(f) Tilton River, East Fork

(g) Tilton River, North Fork

(h) Tilton River, South Fork

(i) Tilton River, West Fork

(j) Mayfield Lake

(k) Lake Scanewa

(l) Cispus River (Lewis County) mouth to North Fork

(11) Coweeman River (Cowlitz County)

(12) Toutle River (Cowlitz County) mouth to forks

(a) Toutle River, North Fork

(b) Toutle River, South Fork

(c) Green River (Cowlitz County) mouth to Miner's Creek

(13) Kalama River (Cowlitz County) mouth to Kalama Falls

Gobar Creek (Cowlitz County)

(14) Lewis River (Clark/Cowlitz counties) mouth to mouth of East Fork

(a) Lewis River, North Fork mouth to Merwin Dam

(b) Lewis River, East Fork

(c) Cedar Creek (Clark County)

(15) Salmon Creek (Clark County) mouth to 72nd Ave. N.E.

(16) Washougal River (Clark County)

(17) Washougal River West, North Fork

Little Washougal

(18) Camas Slough (Clark County) (waters outside the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island)

(19) Drano Lake (Skamania County) (little White Salmon River downstream of the markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of Highway 14 Bridge)

(20) Hamilton Creek (Skamania County)

(21) Rock Creek (Skamania County)

(22) Wind River (Skamania County)

(23) White Salmon River (Klickitat/Skamania counties) mouth to ~~((Northwestern (Condit) Dam))~~ county road bridge below powerhouse, and Lake Road Bridge to Big Brother Falls at river mile 16

(24) Klickitat River (Klickitat County)

(25) Walla Walla River (Walla Walla County) and tributaries

(26) Mill Creek (Walla Walla County)

(27) Touchet River (Columbia/Walla Walla counties) mouth to confluence of North Fork and South Fork

(a) Touchet River, North Fork

(b) Touchet River, South Fork

(c) Touchet River, Wolf Fork

(28) Grande Ronde River (Asotin County)

(29) Snake River mainstem

Palouse River (Whitman County) (below the falls)

(30) Tucannon River (Columbia/Garfield counties)

(31) Yakima River (Benton/Yakima/Kittitas counties) mouth to 400 feet below Prosser Dam and Sunnyside (Parker) Dam to Roza Dam

(32) Wenatchee River mouth to Lake Wenatchee ~~((including Lake Jolanda))~~

(33) Chelan River (Chelan County) mouth (railroad bridge) to Chelan PUD safety barrier below the powerhouse

(34) Icicle River (Chelan County) mouth to Leland Creek

(35) Lake Wenatchee (Chelan County)

(36) Entiat River (Chelan County) mouth to Entiat Falls

(37) Methow River (Okanogan County) mouth to Foghorn Dam

(38) Okanogan River (Okanogan County)

(39) Lake Osoyoos (Okanogan County)

(40) Similkameen River (Okanogan County) mouth to Enloe Dam

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-56-360 Razor clams—Areas and seasons.

(1) The following areas are defined as razor clam areas:

(a) "Razor Clam Area 1" includes the tidelands and waters of the Pacific Ocean and Willapa Bay between Cape Disappointment and Toke Point, not including the beaches

within the Shoalwater Bay Indian Reservation or those tidelands and waters within the boundaries of Razor Clam Area 2;

(b) "Razor Clam Area 2" includes the tidelands and waters of the detached sand spits at the entrance to Willapa Bay west of Ellen Sands, north of the tip of Leadbetter Point and south of the Willapa Bay Ship Channel;

(c) "Razor Clam Area 3" includes the tidelands and waters of the Pacific Ocean, Willapa Bay, and Grays Harbor from Toke Point west and north to the westernmost point of the jetty at the end of Point Brown, not including the beaches within the Shoalwater Bay Indian Reservation;

(d) "Razor Clam Area 4" includes the tidelands and waters of the Pacific Ocean from the westernmost point of the jetty at the end of Point Brown north to the Copalis River;

(e) "Razor Clam Area 5" includes the tidelands and waters of the Pacific Ocean from the Copalis River north to the southern boundary of the Quinault Indian Reservation;

(f) "Razor Clam Area 6" includes the tidelands and waters of the Pacific Ocean from the northern boundary of the Quinault Indian Reservation north to Brown's Point (in the Kalaloch area of Jefferson County);

(g) "Razor Clam Area 7" includes the tidelands and waters of the Pacific Ocean from Brown's Point (in the Kalaloch area of Jefferson County) north to the Bonilla-Tatoosh line at Cape Flattery, not including those beaches that fall within the boundaries of an Indian Reservation.

(2) It is unlawful to take, dig for or possess razor clams taken for personal use from any beaches in any razor clam area ~~((s-1, 2, and 3))~~ except as provided ~~((for))~~ by emergency ~~((regulation adopted by the director))~~ rule.

~~((2))~~ (3) It is unlawful to dig for razor clams at any time in the Long Beach, Twin Harbors, or Copalis Beach Razor Clam Sanctuaries as defined in WAC 220-56-372.

(4) Violation of this section is an infraction under RCW 77.15.160, a misdemeanor punishable under RCW 77.15.-380, Unlawful recreational fishing in the second degree—Penalty, or a gross misdemeanor under RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty, depending on whether any razor clams were harvested and the amount harvested.

AMENDATORY SECTION (Amending Order 00-29, filed 3/29/00, effective 5/1/00)

WAC 220-56-372 Razor clam sanctuaries. The ~~((following))~~ areas described below are ~~((hereby))~~ set aside for experimental purposes ~~((by))~~ for the ~~((department of fisheries))~~ department's razor clam ~~((enhancement))~~ research project. As need arises ~~((in the future))~~, the department will close specific sections of these areas ~~((will be closed))~~ to public use for project or experimental purposes.

(1) Long Beach ~~((--))~~: From a point beginning 2.7 miles north of the Oysterville beach approach ~~((--))~~, then north for ~~((one quarter))~~ 1/4 mile (1,320 feet).

(2) Twin Harbors Beach ~~((--))~~: From a line extending 1/4 mile (1,320 feet) westward ~~((from the middle))~~, south of the county line beach approach ~~((south for one quarter mile (1,320 feet))~~).

(3) Copalis Beach ~~((--))~~: From a point beginning ~~((four tenths))~~ 4/10 of a mile south of the Ocean City beach approach (2nd Ave.) and extending 1/4 mile (1,320 feet) south ~~((for one quarter mile (1,320 feet))~~).

(4) "Beach approach" means a signed and established public access roadway providing access to the beach that is typically maintained by state parks and recreation and may be associated with a city or county road.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-74-015 Surplus salmon eggs.

AMENDATORY SECTION (Amending Order 89-27, filed 4/27/89)

WAC 220-76-020 Aquatic farm registration form—Required information. ~~((There is hereby created))~~ If asked by an aquatic farmer, the department will prepare, print, and distribute an aquatic farm registration form ~~((to be prepared, printed, and distributed on request by the department of fisheries))~~. The following information ~~((shall))~~ must be provided by the aquatic farmer ~~((--))~~:

(1) ~~((Company name/owner:))~~ The name ~~((of individual or company owning or leasing the aquatic farm))~~, mailing address, and telephone number ~~((--))~~ of the individual or company that owns or leases the aquatic farm;

(2) ~~((Contact person:))~~ The name and telephone number of ~~((the individual))~~ a contact person immediately responsible for operation of the aquatic farm ~~((--))~~;

(3) ~~((DSHS shellfish certification no:))~~ The department of social and health services (DSHS) shellfish certification number ~~((where required by the department of social and health services:))~~ if DSHS requires a certification number;

(4) ~~((Species cultured:))~~ The common name of aquatic species being cultured ~~((--))~~;

(5) ~~((Culture method:))~~ The method(s) of ~~((cultured used or))~~ culture the aquatic farmer is using on the farm ~~((--))~~;

(6) If it is a freshwater or onshore aquatic farm, the legal description, street address, county ~~((and))~~, aquaculture district ~~((for freshwater or onshore aquatic farm))~~, and the number of separate tracts or facilities within ~~((that))~~ the district ~~((which))~~ that comprise the aquatic farm ~~((s))~~ ~~((--))~~;

(7) If it is a marine aquatic farm, the name of bay or inlet, county, and aquaculture district for ~~((marine aquatic))~~ the farm ~~((s))~~ ~~((--))~~;

(8) ~~((Signature:))~~ The signature of the company official or owner ~~((--))~~;

(9) A site drawing of the aquatic farm and a brief narrative ~~((describing))~~ description of the facility and its operation. Freshwater farms ~~((should))~~ must also identify the source of culture water, where the water is discharged, and the watershed where the facility is located ~~((--))~~;

(10) Documentation of ownership or present right of possession of the land comprising the aquatic farm ~~((is required to be submitted together with the aquatic farm registration form))~~.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-85-115 Rules of practice and procedure.

AMENDATORY SECTION (Amending Order 76-148, filed 12/2/76)

WAC 220-90-010 Herring hardship validations, qualifications and conditions—Individual or operator. (1) The director ~~((of fisheries))~~ may validate an individual or operator to fish for herring ~~((under the following provisions))~~ if the individual or operator:

~~((+))~~ (a) Submits proof ~~((of investment made))~~ that he or she invested in a boat and herring fishing equipment prior to April 26, 1973 ~~((to the department of fisheries.~~

~~(a) Fish caught shall be utilized); and~~

~~(b) Agrees to use any herring he or she harvests for bait only.~~

~~((b) No such fishing))~~ (2) It is unlawful to fish for herring in Puget Sound Marine Fish-Shellfish Areas 20A, 20B, 21A, and 21B from April 16 to May 31.

~~((e) Validation will be revoked if the conditions are violated))~~ (3) The department will revoke permits granted under subsection (1) of this section if the individual or operator violates the above conditions.

(4) Violation of this section is a misdemeanor, punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

AMENDATORY SECTION (Amending Order 76-148, filed 12/2/76)

WAC 220-90-015 Herring hardship validations—Resort or marina—Owner or operator. (1) The director ~~((of fisheries))~~ may validate an individual owner or operator of a resort or marina to fish for herring ~~((under the following provisions:~~

~~(+))~~ if the owner or operator submits proof to the department in the form of a notarized affidavit ~~((to the department of fisheries))~~ that he or she is unable to purchase live, fresh, or frozen herring (dependent on need) ~~((cannot be purchased))~~ from ~~((a minimum of))~~ at least three commercial sources at a fair market price.

(2) The following conditions apply to validations granted to resort or marina owners or operators:

(a) Validations ~~((will be))~~ are for ~~((the))~~ one calendar year only ~~((Renewal is dependent upon submission));~~

(b) The director may only renew a validation after receipt of a new affidavit; and

(c) Validations are nontransferable.

~~((b) No such fishing))~~ (3) It is unlawful to fish for herring in Puget Sound Marine Fish-Shellfish Areas 20A, 20B, 21A, and 21B from April 16 to May 31.

~~((e))~~ (4) Herring caught under ~~((this provision))~~ this section must be sold at retail only for bait by, and at, ~~((said))~~ the resort or marina the department validates to fish for herring.

~~((d) Validations under this provision will be nontransferable.~~

~~(e) Validations will be revoked))~~ (5) The department will revoke validations it grants under subsection (1) of this section if the ~~((above))~~ owner or operator violates the conditions ~~((are violated))~~ of the validation.

(6) Violation of this section is a misdemeanor, punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-100-068 Formal administrative appeal of department environmental determinations.

AMENDATORY SECTION (Amending Order 07-38, filed 4/13/07, effective 5/14/07)

WAC 232-12-025 Depredation hunts ~~((authorized pursuant to RCW 77.12.240)).~~ Anyone participating in a director-authorized hunt pursuant to RCW 77.12.240 must ~~((conduct themselves in accordance))~~ comply with the following ~~((rules))~~:

(1) **Black bear.**

(a) No dogs ~~((are permitted))~~ may be out of the vehicle, including on a strikeboard, outside of the designated hunting area. If the bear is started inside a permit area, it may be pursued and killed outside the permit boundaries.

(b) When a bear is taken, the permittee ~~((shall))~~ must skin the entire bear, including head, leaving the claws attached, and deliver the hide, ~~((together))~~ along with the first tooth behind the canine tooth on the lower jaw, to ~~((the))~~ a WDFW regional office. All bear hides taken pursuant to a black bear damage permit ~~((shall))~~ must be disposed of as prescribed in ~~((RCW 77.12.240))~~ the depredation permit.

(c) Within ~~((five))~~ 5 days after ~~((expiration of))~~ a black bear permit expires, the permittee ~~((shall))~~ must return ~~((to the respective region a bear hunting report and))~~ the windshield identification cards and a bear hunting report to the respective WDFW regional office. Failure to comply with this provision ~~((shall constitute ineligibility))~~ renders the permittee ineligible for the next year's black bear damage permit drawings.

(d) The permittee ~~((shall abide by))~~ must follow all conditions ~~((as set forth on))~~ included in the black bear damage permit. Failure to comply with these hunting conditions ~~((shall constitute))~~ is a violation of RCW ~~((77.16.020(1) (Hunting bear during closed season)))~~ 77.15.245, 77.15.410, or 77.15.750, depending on the circumstances of the violation.

(2) **Deer and elk.**

(a) Only persons with a damage permit (hot-spot hunt, kill permit, or landowner preference permit) ~~((are allowed to))~~ may hunt and take one deer or one elk as designated on ~~((their))~~ the damage control permit.

(b) Hunters must have valid, unused general deer/elk tags to hunt and kill a legal animal during the prescribed dam-

age permit hunt. If a hunter takes an animal of the same species during an earlier hunt, that person ~~((will be))~~ is ineligible for a damage hunt permit.

(c) Deer and elk damage control hunts ~~((will be))~~ are for antlerless only, unless~~(;)~~ the damage permit specifies either sex.

~~((The April 1 to June 30 time period will be excluded from))~~ Damage control hunts are unlawful from April 1 to June 30.

(e) Permittees may only hunt ~~((only))~~ within the prescribed area and season dates as specified on ~~((their))~~ the permit. If a deer or elk is wounded inside the damage hunt area, it may be pursued and taken outside permit boundaries.

(f) Within ~~((five))~~ 5 days after ~~((expiration of))~~ a deer or elk permit expires, the permittee ~~((shall))~~ must return ~~((to the respective region))~~ a deer/elk hunting report to the respective WDFW regional office. Failure to comply with this ~~((provision shall constitute ineligibility))~~ subsection makes the permittee ineligible for the next year's damage permit drawings.

(3) Permittees and hunters must comply with the requirements of this section. A violation of this section is punishable under RCW 77.15.410 or 77.15.750, depending on the circumstances of the violation.

AMENDATORY SECTION (Amending Order 270, filed 4/10/86)

WAC 232-12-091 Commercial buying and processing of anadromous game fish or roe. (1) It is unlawful to buy, sell, or possess with the intent to sell, anadromous game fish or roe~~((, without having in possession))~~ unless the person has a valid anadromous game fish buyer's license or a copy of the valid license in possession and ~~((empty))~~ complies with the following provisions:

(a) An anadromous game fish buyer's license is valid for ~~((a))~~ one year (January 1 to December 31).

(b) Fish buyer's licenses ~~((must))~~ may be obtained by applying to the department ~~((of Game, 600 North Capitol Way))~~ at 1111 Washington St. S.E., Olympia, Washington 98504 or through the department's web site at www.wdfw.wa.gov.

~~((The anadromous game fish buyer's license, or a copy, must be in possession of a person buying anadromous game fish or roe.~~

~~((d))~~ Fish buyer's licenses are not transferable.

~~((e))~~ (d) Fish buyer's licenses only authorize a person to buy ~~((only))~~ anadromous game fish or roe taken during lawful open seasons by treaty Indians ~~((possessing))~~ who possess valid federal or tribal fishing identification cards ~~((during lawful open seasons)).~~

(2) Violation of subsection (1) of this section is a gross misdemeanor or class C felony punishable under 77.15.620. Engaging in fish dealing activity—Unlicensed—Penalty, depending on the circumstances of the violation.

(3) It is unlawful for a person ~~((possessing or buying))~~ to possess or buy anadromous game fish or roe from a treaty Indian ~~((to not comply with the following)),~~ in violation of the following requirements:

(a) The buyer must possess a valid fish buyer's license;

(b) The buyer must completely, accurately, and legibly fill out a state of Washington treaty Indian fish receiving ticket including: The name of the seller or the seller's tribal identification number, the seller's tribal affiliation, the numbers of fish or skeins of roe, the marine area or river where the fish or roe was caught, and the signature of the person directly receiving the fish(-);

~~((b))~~ (c) The buyer must obtain the signature of the seller on the tribal copy of the treaty Indian fish receiving ticket(-);

~~((c))~~ (d) The buyer must transmit the treaty Indian fish receiving tickets daily to the Northwest Indian ~~((Fish))~~ Fisheries Commission(-); and

~~((d))~~ (e) The buyer must retain a copy of the receiving ticket with the anadromous game fish or roe as long as he or she has the fish or roe ~~((are))~~ in possession.

~~((3))~~ (4) Violation of subsection (3) of this section is punishable under RCW 77.15.630 or 77.15.640, depending on the circumstances of the violation.

(5) The recipients of fish must possess a sales invoice for transactions involving the possession or sale of treaty caught anadromous game fish between two or more licensed buyers ~~((, the recipients of said fish must possess a sales invoice)).~~

~~((4))~~ (6) This section does not apply to a person who buys lawfully caught treaty Indian anadromous game fish for personal consumption.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-097 Transportation of anadromous game fish and roe. (1) It is unlawful to ship or transport game fish and roe by a private or common carrier unless accompanied by an invoice ~~((which))~~ that includes:

(a) The name and address of the consignor and consignee(-);

(b) ~~((Pounds))~~ The weight (in pounds) and number of anadromous game fish and skeins of roe in the shipment~~((-));~~ and

(c) The date of the shipment.

(2) Transported containers of anadromous game fish ~~((and))~~ or roe ~~((transported))~~ must be clearly and conspicuously marked indicating the containers' contents. A copy of the invoice ~~((shall))~~ must be forwarded by the carrier to the department ~~((of Game)),~~ 600 North Capitol Way, Olympia, Washington ~~((98504))~~ 98501, within ~~((seven))~~ 7 days of ~~((said shipment))~~ shipping anadromous game fish or roe.

AMENDATORY SECTION (Amending Order 593, filed 1/29/93, effective 3/1/93)

WAC 232-12-242 Hunting restrictions. (1) It ~~((shall be))~~ is unlawful to hunt wildlife~~((, except bear, cougar, mountain goat, mountain sheep, moose, or turkey;))~~ during any modern firearm deer or elk season~~((;))~~ with any firearm 240 caliber or larger, or containing slugs or buckshot, unless the hunter has a valid license, permits and tags for modern firearm deer or elk seasons are in ~~((the hunter's))~~ his or her possession.

(2) This section does not apply to people hunting bear, cougar, mountain goat, mountain sheep, or turkey.

(3) Violation of this section is punishable under RCW 77.15.410 or 77.15.430, depending on the circumstances of the violation.

AMENDATORY SECTION (Amending Order 07-62, filed 5/3/07, effective 6/3/07)

WAC 232-12-289 Official hunting hours for game birds ~~((and game animals))~~—Migratory game birds, upland birds, and wild turkeys. (1) A person may hunt for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons. The table below in subsections (4) through (9) of this section contains the legal hunting hours for migratory game birds.

(2) Exceptions to legal hunting hours for migratory game birds.

(a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.

(b) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except that during the September goose season the hunting hours are 1/2 hour before sunrise to sunset; and during the late goose season, the hunting hours are 7:00 a.m. to 4:00 p.m.

(c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from the hunting hours in subsection (3) of this section, except on designated pheasant release sites.

(((+))) (3) OFFICIAL HUNTING HOURS
(FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*)
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

Dates (Inclusive)	Western Washington		Eastern Washington	
	A.M.	P.M.	A.M.	P.M.
	Daylight Savings Time			
Sun. Sept. 1 - Sun. Sept. 8	6:00	7:45	5:45	7:30
Mon. Sept. 9 - Sun. Sept. 15	6:10	7:30	6:00	7:15
Mon. Sept. 16 - Sun. Sept. 22	6:20	7:15	6:10	7:00
Mon. Sept. 23 - Sun. Sept. 29	6:30	7:00	6:20	6:45
Mon. Sept. 30 - Sun. Oct. 6	6:40	6:45	6:30	6:35
Mon. Oct. 7 - Sun. Oct. 13	6:50	6:30	6:40	6:20
Mon. Oct. 14 - Sun. Oct. 20	7:00	6:20	6:50	6:05
Mon. Oct. 21 - Sun. Oct. 27	7:10	6:05	7:00	5:55
Mon. Oct. 28 - Sat. Nov. 2	7:20	5:55	7:10	5:50
	Pacific Standard Time			
Mon. Nov. 4 - Sun. Nov. 3	6:20	4:55	6:10	4:50
Mon. Nov. 11 - Sun. Nov. 10	6:30	4:45	6:20	4:30
Mon. Nov. 18 - Sun. Nov. 17	6:40	4:35	6:30	4:20
Mon. Nov. 25 - Sun. Nov. 24	6:50	4:25	6:40	4:15
Mon. Dec. 2 - Sun. Dec. 1	7:00	4:20	6:50	4:10
Mon. Dec. 9 - Sun. Dec. 8	7:10	4:20	7:00	4:10
Mon. Dec. 16 - Sun. Dec. 15	7:15	4:20	7:05	4:10
Mon. Dec. 23 - Sun. Dec. 22	7:20	4:20	7:10	4:10
Mon. Dec. 30 - Sun. Dec. 29	7:25	4:25	7:10	4:15
Mon. Jan. 6 - Sun. Jan. 5	7:25	4:30	7:15	4:15
Mon. Jan. 13 - Sun. Jan. 12	7:25	4:35	7:15	4:25
Mon. Jan. 20 - Sun. Jan. 19	7:20	4:45	7:10	4:35
Mon. Jan. 27 - Sun. Jan. 26	7:15	4:55	7:05	4:45
Mon. Jan. 31 - Fri. Jan. 31	7:10	5:05	7:00	4:55

(*) ~~These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.~~

Exceptions:

- (a) ~~Western Washington – Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.~~
- (b) ~~Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties – Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.~~
- (c) ~~Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.)~~

((2)) (4) OFFICIAL HUNTING HOURS
 ((FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*))
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)				Western Washington			Eastern Washington			
				from			from			
				A.M.	to	P.M.	A.M.	to	P.M.	
				Daylight Savings Time						
Mon.	Sept. 1	-	Sun.	Sept. 7	6:00		7:45	5:45		7:30
Mon.	Sept. 8	-	Sun.	Sept. 14	6:10		7:30	5:50		7:20
Mon.	Sept. 15	-	Sun.	Sept. 21	6:20		7:15	6:10		7:05
Mon.	Sept. 22	-	Sun.	Sept. 28	6:30		7:00	6:15		6:50
Mon.	Sept. 29	-	Sun.	Oct. 5	6:40		6:45	6:30		6:35
Mon.	Oct. 6	-	Sun.	Oct. 12	6:50		6:30	6:40		6:25
Mon.	Oct. 13	-	Sun.	Oct. 19	7:00		6:20	6:50		6:10
Mon.	Oct. 20	-	Sun.	Oct. 26	7:10		6:10	7:00		5:55
Mon.	Oct. 27	-	Sat.	Nov. 1	7:20		5:55	7:15		5:45
				Pacific Standard Time						
			Sun.	Nov. 2	6:20		4:55	6:15		4:45
Mon.	Nov. 3	-	Sun.	Nov. 9	6:30		4:45	6:20		4:30
Mon.	Nov. 10	-	Sun.	Nov. 16	6:40		4:35	6:30		4:25
Mon.	Nov. 17	-	Sun.	Nov. 23	6:50		4:30	6:40		4:15
Mon.	Nov. 24	-	Sun.	Nov. 30	7:00		4:20	6:50		4:10
Mon.	Dec. 1	-	Sun.	Dec. 7	7:10		4:20	7:00		4:10
Mon.	Dec. 8	-	Sun.	Dec. 14	7:15		4:20	7:05		4:05
Mon.	Dec. 15	-	Sun.	Dec. 21	7:20		4:20	7:10		4:10
Mon.	Dec. 22	-	Sun.	Dec. 28	7:25		4:25	7:10		4:10
Mon.	Dec. 29	-	Sun.	Jan. 4	7:25		4:30	7:15		4:15
Mon.	Jan. 5	-	Sun.	Jan. 11	7:25		4:35	7:15		4:25
Mon.	Jan. 12	-	Sun.	Jan. 18	7:25		4:45	7:10		4:35
Mon.	Jan. 19	-	Sun.	Jan. 25	7:20		4:55	7:05		4:45
Mon.	Jan. 26	-	Fri.	Jan. 31	7:10		5:00	7:00		4:55

((*) These are lawful hunting hours (one half hour before sunrise to sunset) for migratory game birds (duck, goose, eot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) ~~Western Washington – Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.~~
- (b) ~~Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties – Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.~~
- (c) ~~Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.)~~

((3)) (5) OFFICIAL HUNTING HOURS
 ((FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*))
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

Dates (Inclusive)				Western Washington from		Eastern Washington from				
				A.M.	to	P.M.	A.M.	to	P.M.	
				Daylight Savings Time						
Tues.	Sept. 1	-	Sun.	Sept. 6	6:00		7:45	5:50	7:35	
Mon.	Sept. 7	-	Sun.	Sept. 13	6:10		7:35	6:00	7:20	
Mon.	Sept. 14	-	Sun.	Sept. 20	6:20		7:20	6:05	7:05	
Mon.	Sept. 21	-	Sun.	Sept. 27	6:30		7:05	6:15	6:50	
Mon.	Sept. 28	-	Sun.	Oct. 4	6:40		6:50	6:25	6:35	
Mon.	Oct. 5	-	Sun.	Oct. 11	6:45		6:35	6:35	6:25	
Mon.	Oct. 12	-	Sun.	Oct. 18	6:55		6:20	6:45	6:10	
Mon.	Oct. 19	-	Sun.	Oct. 25	7:05		6:10	6:55	6:00	
Mon.	Oct. 26	-	Sat.	Oct. 31	7:20		5:55	7:05	5:45	
				Pacific Standard Time						
			Sun.	Nov. 1	6:20		4:55	6:05	4:45	
Mon.	Nov. 2	-	Sun.	Nov. 8	6:30		4:45	6:15	4:35	
Mon.	Nov. 9	-	Sun.	Nov. 15	6:40		4:35	6:30	4:25	
Mon.	Nov. 16	-	Sun.	Nov. 22	6:50		4:30	6:40	4:15	
Mon.	Nov. 23	-	Sun.	Nov. 29	7:00		4:25	6:45	4:10	
Mon.	Nov. 30	-	Sun.	Dec. 6	7:10		4:20	6:55	4:10	
Mon.	Dec. 7	-	Sun.	Dec. 13	7:15		4:20	7:05	4:05	
Mon.	Dec. 14	-	Sun.	Dec. 20	7:20		4:20	7:10	4:10	
Mon.	Dec. 21	-	Sun.	Dec. 27	7:25		4:20	7:15	4:10	
Mon.	Dec. 28	-	Sun.	Jan. 3	7:30		4:30	7:15	4:15	
Mon.	Jan. 4	-	Sun.	Jan. 10	7:25		4:35	7:15	4:25	
Mon.	Jan. 11	-	Sun.	Jan. 17	7:25		4:45	7:10	4:30	
Mon.	Jan. 18	-	Sun.	Jan. 24	7:20		4:55	7:05	4:40	
Mon.	Jan. 25	-	Sat.	Jan. 31	7:10		5:00	7:00	4:50	

((*) ~~These are lawful hunting hours (one half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.~~

~~Exceptions:~~

- ~~(a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.~~
- ~~(b) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.~~
- ~~(c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.)~~

(((4))) (6) OFFICIAL HUNTING HOURS
 ((FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*))
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

Dates (Inclusive)				Western Washington from		Eastern Washington from				
				A.M.	to	P.M.	A.M.	to	P.M.	
				Daylight Savings Time						
Wed.	Sept. 1	-	Sun.	Sept. 5	6:00		7:45	5:50	7:35	
Mon.	Sept. 6	-	Sun.	Sept. 12	6:10		7:35	5:55	7:20	

((4)) (6) OFFICIAL HUNTING HOURS
 ((FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*))
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

Dates (Inclusive)					Western Washington		Eastern Washington			
					from		from			
					A.M.	to	P.M.	A.M.	to	P.M.
Mon.	Sept. 13	-	Sun.	Sept. 19	6:15		7:20	6:05		7:10
Mon.	Sept. 20	-	Sun.	Sept. 26	6:25		7:05	6:15		6:55
Mon.	Sept. 27	-	Sun.	Oct. 3	6:35		6:50	6:25		6:40
Mon.	Oct. 4	-	Sun.	Oct. 10	6:45		6:40	6:35		6:25
Mon.	Oct. 11	-	Sun.	Oct. 17	6:55		6:25	6:45		6:10
Mon.	Oct. 18	-	Sun.	Oct. 24	7:05		6:10	6:55		6:00
Mon.	Oct. 25	-	Sun.	Oct. 31	7:15		6:00	7:05		5:45
Mon.	Nov. 1	-	Sat.	Nov. 6	7:25		5:50	7:15		5:35
Pacific Standard Time										
			Sun.	Nov. 7	6:25		4:50	6:15		4:35
Mon.	Nov. 8	-	Sun.	Nov. 14	6:40		4:40	6:25		4:25
Mon.	Nov. 15	-	Sun.	Nov. 21	6:50		4:30	6:35		4:20
Mon.	Nov. 22	-	Sun.	Nov. 28	7:00		4:25	6:45		4:10
Mon.	Nov. 29	-	Sun.	Dec. 5	7:05		4:20	6:55		4:10
Mon.	Dec. 6	-	Sun.	Dec. 12	7:15		4:20	7:05		4:05
Mon.	Dec. 13	-	Sun.	Dec. 19	7:20		4:20	7:10		4:05
Mon.	Dec. 20	-	Sun.	Dec. 26	7:25		4:20	7:15		4:10
Mon.	Dec. 27	-	Sun.	Jan. 2	7:25		4:25	7:15		4:15
Mon.	Jan. 3	-	Sun.	Jan. 9	7:25		4:35	7:15		4:20
Mon.	Jan. 10	-	Sun.	Jan. 16	7:25		4:40	7:10		4:30
Mon.	Jan. 17	-	Sun.	Jan. 23	7:20		4:50	7:10		4:40
Mon.	Jan. 24	-	Mon.	Jan. 31	7:10		5:00	7:00		4:50

((*) These are lawful hunting hours (one half hour before sunrise to sunset) for migratory game birds (duck, goose, eot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.)

((5)) (7) OFFICIAL HUNTING HOURS
 ((FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*))
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

Dates (Inclusive)					Western Washington		Eastern Washington			
					from		from			
					A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time										
Thur.	Sept. 1	-	Sun.	Sept. 4	6:00		7:45	5:45		7:35
Mon.	Sept. 5	-	Sun.	Sept. 11	6:05		7:35	5:55		7:25
Mon.	Sept. 12	-	Sun.	Sept. 18	6:15		7:20	6:05		7:10
Mon.	Sept. 19	-	Sun.	Sept. 25	6:25		7:10	6:10		6:55
Mon.	Sept. 26	-	Sun.	Oct. 2	6:35		6:55	6:25		6:40

(((5))) (7) OFFICIAL HUNTING HOURS
 ((FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*))
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

Dates (Inclusive)					Western Washington		Eastern Washington				
					from	to	from	to	P.M.		
					A.M.	P.M.	A.M.	P.M.			
Mon.	Oct. 3	-	Sun.	Oct. 9	6:45	6:40	6:35		6:25		
Mon.	Oct. 10	-	Sun.	Oct. 16	6:55	6:25	6:45		6:15		
Mon.	Oct. 17	-	Sun.	Oct. 23	7:05	6:10	6:55		6:00		
Mon.	Oct. 24	-	Sun.	Oct. 30	7:15	6:00	7:05		5:50		
Mon.	Oct. 31	-	Sat.	Nov. 5	7:25	5:50	7:15		5:35		
				Pacific Standard Time							
			Sun.	Nov. 6	6:25	4:50	6:15		4:35		
Mon.	Nov. 7	-	Sun.	Nov. 13	6:35	4:40	6:25		4:25		
Mon.	Nov. 14	-	Sun.	Nov. 20	6:45	4:30	6:35		4:20		
Mon.	Nov. 21	-	Sun.	Nov. 27	6:55	4:25	6:45		4:10		
Mon.	Nov. 28	-	Sun.	Dec. 4	7:05	4:20	6:55		4:10		
Mon.	Dec. 5	-	Sun.	Dec. 11	7:15	4:20	7:00		4:05		
Mon.	Dec. 12	-	Sun.	Dec. 18	7:20	4:20	7:10		4:05		
Mon.	Dec. 19	-	Sun.	Dec. 25	7:25	4:20	7:10		4:10		
Mon.	Dec. 26	-	Sun.	Jan. 1	7:25	4:25	7:15		4:15		
Mon.	Jan. 2	-	Sun.	Jan. 8	7:25	4:30	7:15		4:20		
Mon.	Jan. 9	-	Sun.	Jan. 15	7:25	4:40	7:10		4:30		
Mon.	Jan. 16	-	Sun.	Jan. 22	7:20	4:50	7:10		4:40		
Mon.	Jan. 23	-	Sun.	Jan. 29	7:15	5:00	7:00		4:50		
Mon.	Jan. 30	-	Tues.	Jan. 31	7:10	5:05	6:55		4:55		

((*) ~~These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, eot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.~~

Exceptions:

- (a) ~~Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.~~
- (b) ~~Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.~~
- (c) ~~Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.)~~

(((6))) (8) OFFICIAL HUNTING HOURS
 ((FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*))
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

Dates (Inclusive)					Western Washington		Eastern Washington				
					from	to	from	to	P.M.		
					A.M.	P.M.	A.M.	P.M.			
				Daylight Savings Time							
Fri.	Sept. 1	-	Sun.	Sept. 3	6:00	7:50	5:45		7:35		
Mon.	Sept. 4	-	Sun.	Sept. 10	6:05	7:40	5:55		7:25		
Mon.	Sept. 11	-	Sun.	Sept. 17	6:15	7:25	6:05		7:10		
Mon.	Sept. 18	-	Sun.	Sept. 24	6:25	7:10	6:10		7:00		
Mon.	Sept. 25	-	Sun.	Oct. 1	6:35	6:55	6:20		6:45		
Mon.	Oct. 2	-	Sun.	Oct. 8	6:45	6:40	6:30		6:30		
Mon.	Oct. 9	-	Sun.	Oct. 15	6:55	6:25	6:40		6:15		

(((6))) (8) OFFICIAL HUNTING HOURS
 ((FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*))
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

Dates (Inclusive)					Western Washington		Eastern Washington		
					from	to	from	to	P.M.
					A.M.	P.M.	A.M.	P.M.	P.M.
Mon.	Oct. 16	-	Sun.	Oct. 22	7:05	6:15	6:50		6:00
Mon.	Oct. 23	-	Sun.	Oct. 29	7:10	6:05	7:00		5:50
Mon.	Oct. 30	-	Sat.	Nov. 4	7:25	5:50	7:10		5:40
Pacific Standard Time									
			Sun.	Nov. 5	6:25	4:50	6:10		4:40
Mon.	Nov. 6	-	Sun.	Nov. 12	6:35	4:40	6:25		4:30
Mon.	Nov. 13	-	Sun.	Nov. 19	6:45	4:30	6:35		4:20
Mon.	Nov. 20	-	Sun.	Nov. 26	6:55	4:25	6:45		4:15
Mon.	Nov. 27	-	Sun.	Dec. 3	7:05	4:20	6:55		4:10
Mon.	Dec. 4	-	Sun.	Dec. 10	7:15	4:20	7:00		4:05
Mon.	Dec. 11	-	Sun.	Dec. 17	7:20	4:20	7:10		4:05
Mon.	Dec. 18	-	Sun.	Dec. 24	7:25	4:20	7:10		4:10
Mon.	Dec. 25	-	Sun.	Dec. 31	7:25	4:25	7:15		4:10
Mon.	Jan. 1	-	Sun.	Jan. 7	7:30	4:30	7:15		4:20
Mon.	Jan. 8	-	Sun.	Jan. 14	7:25	4:40	7:15		4:30
Mon.	Jan. 15	-	Sun.	Jan. 21	7:20	4:50	7:10		4:40
Mon.	Jan. 22	-	Sun.	Jan. 28	7:15	5:00	7:00		4:50
Mon.	Jan. 29	-	Wed.	Jan. 31	7:10	5:05	6:55		4:50

((*) ~~These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, eoot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.~~

Exceptions:

- ~~(a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.~~
- ~~(b) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.~~
- ~~(c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.)~~

(((7))) (9) OFFICIAL HUNTING HOURS
 ((FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*))
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

Dates (Inclusive)					Western Washington		Eastern Washington		
					from	to	from	to	P.M.
					A.M.	P.M.	A.M.	P.M.	P.M.
					Daylight Savings Time				
	Sat.	Sept. 1	-	Sun.	Sept. 2	6:00	7:50	5:45	7:40
Mon.		Sept. 3	-	Sun.	Sept. 9	6:05	7:40	5:50	7:30
Mon.		Sept. 10	-	Sun.	Sept. 16	6:15	7:25	6:00	7:15
Mon.		Sept. 17	-	Sun.	Sept. 23	6:20	7:10	6:10	7:00
Mon.		Sept. 24	-	Sun.	Sept. 30	6:30	6:55	6:20	6:45
Mon.		Oct. 1	-	Sun.	Oct. 7	6:40	6:45	6:30	6:30
Mon.		Oct. 8	-	Sun.	Oct. 14	6:50	6:30	6:40	6:15
Mon.		Oct. 15	-	Sun.	Oct. 21	7:00	6:15	6:50	6:05
Mon.		Oct. 22	-	Sun.	Oct. 28	7:10	6:05	7:00	5:50

((7)) (9) OFFICIAL HUNTING HOURS
 ((FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*))
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

Dates (Inclusive)				Western Washington		Eastern Washington		
				from	to	from	to	P.M.
Mon.	Oct. 29	-	Sat.	Nov. 3	7:20	5:50	7:10	5:40
					Pacific Standard Time			
			Sun.	Nov. 4	6:20	4:50	6:10	4:40
Mon.	Nov. 5	-	Sun.	Nov. 11	6:35	4:40	6:20	4:30
Mon.	Nov. 12	-	Sun.	Nov. 18	6:45	4:35	6:30	4:20
Mon.	Nov. 19	-	Sun.	Nov. 25	6:55	4:25	6:40	4:15
Mon.	Nov. 26	-	Sun.	Dec. 2	7:05	4:20	6:50	4:10
Mon.	Dec. 3	-	Sun.	Dec. 9	7:10	4:20	7:00	4:05
Mon.	Dec. 10	-	Sun.	Dec. 16	7:20	4:20	7:05	4:05
Mon.	Dec. 17	-	Sun.	Dec. 23	7:25	4:20	7:10	4:05
Mon.	Dec. 24	-	Sun.	Dec. 30	7:25	4:25	7:15	4:10
Mon.	Dec. 31	-	Sun.	Jan. 6	7:25	4:30	7:15	4:20
Mon.	Jan. 7	-	Sun.	Jan. 13	7:25	4:40	7:15	4:25
Mon.	Jan. 14	-	Sun.	Jan. 20	7:20	4:45	7:10	4:35
Mon.	Jan. 21	-	Sun.	Jan. 27	7:15	4:55	7:05	4:45
Mon.	Jan. 28	-	Thur.	Jan. 31	7:10	5:05	7:00	4:55

((*) These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) ~~Western Washington – Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.~~
- (b) ~~Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties – Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.~~
- (c) ~~Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.~~

((8) OFFICIAL HUNTING HOURS
 FOR GAME ANIMALS AND FOREST GROUSE*
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

Dates (Inclusive)				Western Washington		Eastern Washington		
				from	to	from	to	P.M.
					Daylight Savings Time			
Sun.	Sept. 1	-	Sun.	Sept. 8	6:00	8:15	5:45	8:00
Mon.	Sept. 9	-	Sun.	Sept. 15	6:10	8:00	6:00	7:45
Mon.	Sept. 16	-	Sun.	Sept. 22	6:20	7:45	6:10	7:30
Mon.	Sept. 23	-	Sun.	Sept. 29	6:30	7:30	6:20	7:15
Mon.	Sept. 30	-	Sun.	Oct. 6	6:40	7:15	6:30	7:05
Mon.	Oct. 7	-	Sun.	Oct. 13	6:50	7:00	6:40	6:50
Mon.	Oct. 14	-	Sun.	Oct. 20	7:00	6:50	6:50	6:35
Mon.	Oct. 21	-	Sun.	Oct. 27	7:10	6:35	7:00	6:25
Mon.	Oct. 28	-	Sat.	Nov. 2	7:20	6:25	7:10	6:20
					Pacific Standard Time			
			Sun.	Nov. 3	6:20	5:25	6:10	5:20

(8) OFFICIAL HUNTING HOURS
 FOR GAME ANIMALS AND FOREST GROUSE*
 WHEN THE SEPTEMBER 1—JANUARY 31 PERIOD BEGINS ON SUNDAY

Dates (Inclusive)	Western Washington		Eastern Washington	
	from	to	from	to
Mon. Nov. 4 - Sun. Nov. 10	6:30	5:15	6:20	5:00
Mon. Nov. 11 - Sun. Nov. 17	6:40	5:05	6:30	4:50
Mon. Nov. 18 - Sun. Nov. 24	6:50	4:55	6:40	4:45
Mon. Nov. 25 - Sun. Dec. 1	7:00	4:50	6:50	4:40
Mon. Dec. 2 - Sun. Dec. 8	7:10	4:50	7:00	4:40
Mon. Dec. 9 - Sun. Dec. 15	7:15	4:50	7:05	4:40
Mon. Dec. 16 - Sun. Dec. 22	7:20	4:50	7:10	4:40
Mon. Dec. 23 - Sun. Dec. 29	7:25	4:55	7:10	4:45
Mon. Dec. 30 - Sun. Jan. 5	7:25	5:00	7:15	4:45
Mon. Jan. 6 - Sun. Jan. 12	7:25	5:05	7:15	4:55
Mon. Jan. 13 - Sun. Jan. 19	7:20	5:15	7:10	5:05
Mon. Jan. 20 - Sun. Jan. 26	7:15	5:25	7:05	5:15
Mon. Jan. 27 - Fri. Jan. 31	7:10	5:35	7:00	5:25

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(9) OFFICIAL HUNTING HOURS
 FOR GAME ANIMALS AND FOREST GROUSE*
 WHEN THE SEPTEMBER 1—JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)	Western Washington		Eastern Washington	
	from	to	from	to
Daylight Savings Time				
Mon. Sept. 1 - Sun. Sept. 7	6:00	8:15	5:50	8:00
Mon. Sept. 8 - Sun. Sept. 14	6:10	8:00	6:00	7:50
Mon. Sept. 15 - Sun. Sept. 21	6:20	7:45	6:10	7:35
Mon. Sept. 22 - Sun. Sept. 28	6:30	7:30	6:15	7:20
Mon. Sept. 29 - Sun. Oct. 5	6:40	7:15	6:30	7:05
Mon. Oct. 6 - Sun. Oct. 12	6:50	7:00	6:40	6:55
Mon. Oct. 13 - Sun. Oct. 19	7:00	6:50	6:50	6:40
Mon. Oct. 20 - Sun. Oct. 26	7:10	6:40	7:00	6:25
Mon. Oct. 27 - Sat. Nov. 1	7:20	6:25	7:15	6:15
Pacific Standard Time				
Mon. Nov. 3 - Sun. Nov. 9	6:20	5:25	6:10	5:15
Mon. Nov. 10 - Sun. Nov. 16	6:30	5:15	6:20	5:00
Mon. Nov. 17 - Sun. Nov. 23	6:40	5:05	6:30	4:55
Mon. Nov. 24 - Sun. Nov. 30	6:50	5:00	6:40	4:45
Mon. Dec. 1 - Sun. Dec. 7	7:00	4:50	6:50	4:40
Mon. Dec. 8 - Sun. Dec. 14	7:10	4:50	7:00	4:40

(9) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)					Western Washington		Eastern Washington	
					from	to	from	to
					A.M.	P.M.	A.M.	P.M.
Mon.	Dec. 8	-	Sun.	Dec. 14	7:15	4:50	7:05	4:40
Mon.	Dec. 15	-	Sun.	Dec. 21	7:20	4:50	7:10	4:40
Mon.	Dec. 22	-	Sun.	Dec. 28	7:25	4:55	7:10	4:40
Mon.	Dec. 29	-	Sun.	Jan. 4	7:25	5:00	7:15	4:45
Mon.	Jan. 5	-	Sun.	Jan. 11	7:25	5:05	7:15	4:55
Mon.	Jan. 12	-	Sun.	Jan. 18	7:25	5:15	7:10	5:05
Mon.	Jan. 19	-	Sun.	Jan. 25	7:20	5:25	7:05	5:15
Mon.	Jan. 26	-	Fri.	Jan. 31	7:10	5:30	7:00	5:25

* These are lawful hunting hours (one half hour before sunrise to one half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one half hour before sunrise to one half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(10) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

Dates (Inclusive)					Western Washington		Eastern Washington	
					from	to	from	to
					A.M.	P.M.	A.M.	P.M.
Daylight Savings Time								
Tues.	Sept. 1	-	Sun.	Sept. 6	6:00	8:15	5:50	8:05
Mon.	Sept. 7	-	Sun.	Sept. 13	6:10	8:05	6:00	7:50
Mon.	Sept. 14	-	Sun.	Sept. 20	6:20	7:50	6:05	7:35
Mon.	Sept. 21	-	Sun.	Sept. 27	6:30	7:35	6:15	7:20
Mon.	Sept. 28	-	Sun.	Oct. 4	6:40	7:20	6:25	7:05
Mon.	Oct. 5	-	Sun.	Oct. 11	6:45	7:05	6:35	6:55
Mon.	Oct. 12	-	Sun.	Oct. 18	6:55	6:50	6:45	6:40
Mon.	Oct. 19	-	Sun.	Oct. 25	7:05	6:40	6:55	6:30
Mon.	Oct. 26	-	Sat.	Oct. 31	7:20	6:25	7:05	6:15
Pacific Standard Time								
			Sun.	Nov. 1	6:20	5:25	6:05	5:15
Mon.	Nov. 2	-	Sun.	Nov. 8	6:30	5:15	6:15	5:05
Mon.	Nov. 9	-	Sun.	Nov. 15	6:40	5:05	6:30	4:55
Mon.	Nov. 16	-	Sun.	Nov. 22	6:50	5:00	6:40	4:45
Mon.	Nov. 23	-	Sun.	Nov. 29	7:00	4:55	6:50	4:40
Mon.	Nov. 30	-	Sun.	Dec. 6	7:10	4:50	6:55	4:40
Mon.	Dec. 7	-	Sun.	Dec. 13	7:15	4:50	7:05	4:35
Mon.	Dec. 14	-	Sun.	Dec. 20	7:20	4:50	7:10	4:40
Mon.	Dec. 21	-	Sun.	Dec. 27	7:25	4:50	7:15	4:40
Mon.	Dec. 28	-	Sun.	Jan. 3	7:30	5:00	7:15	4:45
Mon.	Jan. 4	-	Sun.	Jan. 10	7:25	5:05	7:15	4:55

(10) OFFICIAL HUNTING HOURS
 FOR GAME ANIMALS AND FOREST GROUSE*
 WHEN THE SEPTEMBER 1 – JANUARY 31 PERIOD BEGINS ON TUESDAY

Dates (Inclusive)	Western Washington		Eastern Washington	
	from	to	from	to
Mon. Jan. 11 - Sun. Jan. 17	A.M. 7:25	P.M. 5:15	A.M. 7:10	P.M. 5:00
Mon. Jan. 18 - Sun. Jan. 24	A.M. 7:20	P.M. 5:25	A.M. 7:05	P.M. 5:10
Mon. Jan. 25 - Sat. Jan. 31	A.M. 7:10	P.M. 5:30	A.M. 7:00	P.M. 5:20

* These are lawful hunting hours (one half hour before sunrise to one half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one half hour before sunrise to one half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(11) OFFICIAL HUNTING HOURS
 FOR GAME ANIMALS AND FOREST GROUSE*
 WHEN THE SEPTEMBER 1 – JANUARY 31 PERIOD BEGINS ON WEDNESDAY

Dates (Inclusive)	Western Washington		Eastern Washington	
	from	to	from	to
Daylight Savings Time				
Wed. Sept. 1 - Sun. Sept. 5	A.M. 6:00	P.M. 8:15	A.M. 5:50	P.M. 8:05
Mon. Sept. 6 - Sun. Sept. 12	A.M. 6:10	P.M. 8:05	A.M. 5:55	P.M. 7:50
Mon. Sept. 13 - Sun. Sept. 19	A.M. 6:15	P.M. 7:50	A.M. 6:05	P.M. 7:40
Mon. Sept. 20 - Sun. Sept. 26	A.M. 6:25	P.M. 7:35	A.M. 6:15	P.M. 7:25
Mon. Sept. 27 - Sun. Oct. 3	A.M. 6:35	P.M. 7:20	A.M. 6:25	P.M. 7:10
Mon. Oct. 4 - Sun. Oct. 10	A.M. 6:45	P.M. 7:10	A.M. 6:35	P.M. 6:55
Mon. Oct. 11 - Sun. Oct. 17	A.M. 6:55	P.M. 6:55	A.M. 6:45	P.M. 6:40
Mon. Oct. 18 - Sun. Oct. 24	A.M. 7:05	P.M. 6:40	A.M. 6:55	P.M. 6:30
Mon. Oct. 25 - Sun. Oct. 31	A.M. 7:15	P.M. 6:30	A.M. 7:05	P.M. 6:15
Mon. Nov. 1 - Sat. Nov. 6	A.M. 7:25	P.M. 6:20	A.M. 7:15	P.M. 6:05
Pacific Standard Time				
Mon. Nov. 8 - Sun. Nov. 14	A.M. 6:40	P.M. 5:10	A.M. 6:25	P.M. 4:55
Mon. Nov. 15 - Sun. Nov. 21	A.M. 6:50	P.M. 5:00	A.M. 6:35	P.M. 4:50
Mon. Nov. 22 - Sun. Nov. 28	A.M. 7:00	P.M. 4:55	A.M. 6:45	P.M. 4:40
Mon. Nov. 29 - Sun. Dec. 5	A.M. 7:05	P.M. 4:50	A.M. 6:55	P.M. 4:40
Mon. Dec. 6 - Sun. Dec. 12	A.M. 7:15	P.M. 4:50	A.M. 7:05	P.M. 4:35
Mon. Dec. 13 - Sun. Dec. 19	A.M. 7:20	P.M. 4:50	A.M. 7:10	P.M. 4:35
Mon. Dec. 20 - Sun. Dec. 26	A.M. 7:25	P.M. 4:50	A.M. 7:15	P.M. 4:40
Mon. Dec. 27 - Sun. Jan. 2	A.M. 7:25	P.M. 4:55	A.M. 7:15	P.M. 4:45
Mon. Jan. 3 - Sun. Jan. 9	A.M. 7:25	P.M. 5:05	A.M. 7:15	P.M. 4:50
Mon. Jan. 10 - Sun. Jan. 16	A.M. 7:25	P.M. 5:10	A.M. 7:10	P.M. 5:00
Mon. Jan. 17 - Sun. Jan. 23	A.M. 7:20	P.M. 5:20	A.M. 7:10	P.M. 5:10
Mon. Jan. 24 - Mon. Jan. 31	A.M. 7:10	P.M. 5:30	A.M. 7:00	P.M. 5:20

* These are lawful hunting hours (one half hour before sunrise to one half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) ~~Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one half hour before sunrise to one half hour after sunset.~~
- (b) ~~Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.~~

(12) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

Dates (Inclusive)					Western Washington		Eastern Washington	
					from	to	from	to
					A.M.	P.M.	A.M.	P.M.
Daylight Savings Time								
Thurs.	Sept. 1	-	Sun.	Sept. 4	6:00	8:15	5:45	8:05
Mon.	Sept. 5	-	Sun.	Sept. 11	6:05	8:05	5:55	7:55
Mon.	Sept. 12	-	Sun.	Sept. 18	6:15	7:50	6:05	7:40
Mon.	Sept. 19	-	Sun.	Sept. 25	6:25	7:40	6:10	7:25
Mon.	Sept. 26	-	Sun.	Oct. 2	6:35	7:25	6:25	7:10
Mon.	Oct. 3	-	Sun.	Oct. 9	6:45	7:10	6:35	6:55
Mon.	Oct. 10	-	Sun.	Oct. 16	6:55	7:05	6:40	6:45
Mon.	Oct. 17	-	Sun.	Oct. 23	7:05	6:40	6:55	6:30
Mon.	Oct. 24	-	Sun.	Oct. 30	7:15	6:30	7:00	6:20
Mon.	Oct. 31	-	Sat.	Nov. 5	7:25	6:20	7:15	6:05
Pacific Standard Time								
			Sun.	Nov. 6	6:25	5:20	6:15	5:05
Mon.	Nov. 7	-	Sun.	Nov. 13	6:35	5:10	6:25	4:55
Mon.	Nov. 14	-	Sun.	Nov. 20	6:45	5:00	6:35	4:50
Mon.	Nov. 21	-	Sun.	Nov. 27	6:55	4:55	6:45	4:40
Mon.	Nov. 28	-	Sun.	Dec. 4	7:05	4:50	6:55	4:40
Mon.	Dec. 5	-	Sun.	Dec. 11	7:15	4:50	7:00	4:35
Mon.	Dec. 12	-	Sun.	Dec. 18	7:20	4:50	7:10	4:35
Mon.	Dec. 19	-	Sun.	Dec. 25	7:25	4:50	7:10	4:40
Mon.	Dec. 26	-	Sun.	Jan. 1	7:25	4:55	7:15	4:45
Mon.	Jan. 2	-	Sun.	Jan. 8	7:25	5:00	7:15	4:50
Mon.	Jan. 9	-	Sun.	Jan. 15	7:25	5:10	7:10	5:00
Mon.	Jan. 16	-	Sun.	Jan. 22	7:20	5:20	7:10	5:10
Mon.	Jan. 23	-	Sun.	Jan. 29	7:15	5:30	7:00	5:20
Mon.	Jan. 30	-	Tues.	Jan. 31	7:10	5:35	6:55	5:25

* These are lawful hunting hours (one half hour before sunrise to one half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) ~~Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one half hour before sunrise to one half hour after sunset.~~
- (b) ~~Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.~~

(13) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 – JANUARY 31 PERIOD BEGINS ON FRIDAY

Dates (Inclusive)					Western Washington		Eastern Washington	
					from	to	from	to
				A.M.	P.M.	A.M.	P.M.	
Daylight Savings Time								
Fri.	Sept. 1	-	Sun.	Sept. 3	6:00	8:20	5:45	8:05
Mon.	Sept. 4	-	Sun.	Sept. 10	6:05	8:10	5:55	7:55
Mon.	Sept. 11	-	Sun.	Sept. 17	6:15	7:55	6:05	7:40
Mon.	Sept. 18	-	Sun.	Sept. 24	6:25	7:40	6:10	7:30
Mon.	Sept. 25	-	Sun.	Oct. 1	6:35	7:25	6:20	7:15
Mon.	Oct. 2	-	Sun.	Oct. 8	6:45	7:10	6:30	7:00
Mon.	Oct. 9	-	Sun.	Oct. 15	6:55	6:55	6:40	6:45
Mon.	Oct. 16	-	Sun.	Oct. 22	7:05	6:45	6:50	6:30
Mon.	Oct. 23	-	Sun.	Oct. 29	7:10	6:35	7:00	6:20
Mon.	Oct. 30	-	Sat.	Nov. 4	7:25	6:20	7:10	6:10
Pacific Standard Time								
			Sun.	Nov. 5	6:25	5:20	6:10	5:10
Mon.	Nov. 6	-	Sun.	Nov. 12	6:35	5:10	6:25	5:00
Mon.	Nov. 13	-	Sun.	Nov. 19	6:45	5:00	6:35	4:50
Mon.	Nov. 20	-	Sun.	Nov. 26	6:55	4:55	6:45	4:45
Mon.	Nov. 27	-	Sun.	Dec. 3	7:05	4:50	6:55	4:40
Mon.	Dec. 4	-	Sun.	Dec. 10	7:15	4:50	7:00	4:35
Mon.	Dec. 11	-	Sun.	Dec. 17	7:20	4:50	7:10	4:35
Mon.	Dec. 18	-	Sun.	Dec. 24	7:25	4:50	7:10	4:40
Mon.	Dec. 25	-	Sun.	Dec. 31	7:25	4:55	7:15	4:40
Mon.	Jan. 1	-	Sun.	Jan. 7	7:30	5:00	7:15	4:50
Mon.	Jan. 8	-	Sun.	Jan. 14	7:25	5:10	7:15	5:00
Mon.	Jan. 15	-	Sun.	Jan. 21	7:20	5:20	7:10	5:10
Mon.	Jan. 22	-	Sun.	Jan. 28	7:15	5:30	7:00	5:20
Mon.	Jan. 29	-	Wed.	Jan. 31	7:10	5:35	6:55	5:20

* These are lawful hunting hours (one half hour before sunrise to one half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one half hour before sunrise to one half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(14) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 – JANUARY 31 PERIOD BEGINS ON SATURDAY

Dates (Inclusive)					Western Washington		Eastern Washington	
					from	to	from	to
				A.M.	P.M.	A.M.	P.M.	
Daylight Savings Time								
Sat.	Sept. 1	-	Sun.	Sept. 2	6:00	8:20	5:45	8:10
Mon.	Sept. 3	-	Sun.	Sept. 9	6:05	8:10	5:50	8:00

(14) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 – JANUARY 31 PERIOD BEGINS ON SATURDAY

Dates (Inclusive)					Western Washington			Eastern Washington		
					from	to	P.M.	from	to	P.M.
Mon.	Sept. 10	-	Sun.	Sept. 16	6:15		7:55	6:00		7:45
Mon.	Sept. 17	-	Sun.	Sept. 23	6:20		7:40	6:10		7:30
Mon.	Sept. 24	-	Sun.	Sept. 30	6:30		7:25	6:20		7:15
Mon.	Oct. 1	-	Sun.	Oct. 7	6:40		7:15	6:30		7:00
Mon.	Oct. 8	-	Sun.	Oct. 14	6:50		7:00	6:40		6:45
Mon.	Oct. 15	-	Sun.	Oct. 21	7:00		6:45	6:50		6:35
Mon.	Oct. 22	-	Sun.	Oct. 28	7:10		6:35	7:00		6:20
Mon.	Oct. 29	-	Sat.	Nov. 3	7:20		6:20	7:10		6:10
Pacific Standard Time										
			Sun.	Nov. 4	6:20		5:20	6:10		5:10
Mon.	Nov. 5	-	Sun.	Nov. 11	6:35		5:10	6:20		5:00
Mon.	Nov. 12	-	Sun.	Nov. 18	6:45		5:05	6:30		4:50
Mon.	Nov. 19	-	Sun.	Nov. 25	6:55		4:55	6:40		4:45
Mon.	Nov. 26	-	Sun.	Dec. 2	7:05		4:50	6:50		4:40
Mon.	Dec. 3	-	Sun.	Dec. 9	7:10		4:50	7:00		4:35
Mon.	Dec. 10	-	Sun.	Dec. 16	7:20		4:50	7:05		4:35
Mon.	Dec. 17	-	Sun.	Dec. 23	7:25		4:50	7:10		4:35
Mon.	Dec. 24	-	Sun.	Dec. 30	7:25		4:55	7:15		4:40
Mon.	Dec. 31	-	Sun.	Jan. 6	7:25		5:00	7:15		4:50
Mon.	Jan. 7	-	Sun.	Jan. 13	7:25		5:10	7:15		4:55
Mon.	Jan. 14	-	Sun.	Jan. 20	7:20		5:15	7:10		5:05
Mon.	Jan. 21	-	Sun.	Jan. 27	7:15		5:25	7:05		5:15
Mon.	Jan. 28	-	Thur.	Jan. 31	7:10		5:35	7:00		5:25

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) ~~Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.~~
- (b) ~~Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.)~~

NEW SECTION

WAC 232-12-063 Live wildlife—Facility, fencing, and marking requirements. (1) Secure facility:

(a) All captive wildlife held under a department issued permit must be held in a secure facility. For the purposes of this rule, a secure facility is an enclosure constructed to prevent danger to the environment or wildlife of the state, including escape of live wildlife specimens in captivity or ingress of resident wildlife ungulates (hoofed animals).

(b) For wildlife listed in WAC 232-12-064(2), the secure facility must comply with the fencing requirements in subsection (2) of this section.

(2) Fencing requirements:

(a) Perimeter fences must be, at a minimum, 8 feet above ground level for their entire length. The bottom 6 feet must be mesh of sufficient size to prevent resident wildlife ungulates (hoofed animals) from entering and captive wildlife from escaping. If the wire used is not a full 8 feet in height, it must be overlapped one row and securely fastened at every other vertical row or woven together with cable. Supplemental wire required to attain a height of 8 feet may be smooth, barbed, or woven wire (at least 12 1/2 gauge) with strands spaced not more than 6 inches apart.

(b) Perimeter fences constructed of high tensile wire must be supported by a post or stay at minimum intervals of 8 feet.

(c) Perimeter fences must be at least 12 1/2 gauge woven wire, 14 1/2 gauge high-tensile woven wire, chain link, non-climbable woven fence, or other fence approved by the director.

(d) Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.

(e) All gates in the perimeter fences must be self-closing, equipped with 2 locking devices, and installed only in locations that have been approved by the director. Double gates may be required at points in the perimeter fences subject to frequent vehicle traffic that is not related to activities involving the holding of captive wildlife.

(f) Posts used in the perimeter fences must be:

(i) Wood (pressure treated), 5-inch minimum diameter or an equivalent as approved by the director;

(ii) Spaced no more than 24 feet apart with stays or supports at eight foot intervals between the posts;

(iii) Extended at least 8 feet above ground level; and

(iv) Constructed with corners braced with wood or with an equivalent material as approved by the director.

(g) Fences must be maintained at all times to prevent captive wildlife from escaping or resident wildlife ungulates (hoofed animals) from entering the enclosure. If animals pass through, under, or over the fence because of any topographic feature or other conditions, the person possessing wildlife must immediately supplement the fence to prevent continued passage.

(3) Marking requirements:

(a) All live specimens of wildlife identified in WAC 232-12-064(2) must be individually identified by:

(i) USDA official ear tags or ear tags supplied or approved by the department. Tags must be applied in sequential order; and

(ii) A tattoo with an identifying number that has been recorded with the director. The tattoo must be placed on the left ear of the animal.

(b) Identification assigned to an individual animal may not be transferred to any other animal.

(c) Where allowed, all lawful progeny of wildlife identified in WAC 232-12-064(2) must be tagged and tattooed by December 31st of the year of birth or upon leaving the holding facility, whichever is earlier.

(d) Where allowed, if wildlife identified in WAC 232-12-064(2) is sold or transferred within the state, the tag and tattoo must accompany the animal. The new owner or possessor may not renumber the animal.

(e) Where allowed, live specimens of wildlife identified in WAC 232-12-064(2) must be marked prior to importation.

(f) Wildlife identified in WAC 232-12-064(2) may not be sold or otherwise transferred from the holding facility.

(4) Violation of this section is a misdemeanor punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

AMENDATORY SECTION (Amending Order 10-64, filed 3/19/10, effective 5/1/10)

WAC 232-12-064 Live wildlife—Taking from the wild, importation, possession, transfer, and holding in

captivity. (~~(Taking from the wild, importation, possession, transfer, holding in captivity.)~~)

(1) It is unlawful to take live wildlife, wild birds (~~((except starlings, house sparrows and rock doves by falconers, and rock doves by bird dog trainers))),~~ or game fish from the wild without a permit (~~(provided for by rule of the commission and)~~) issued by the director. This subsection does not apply to starlings, house sparrows, and rock doves taken by falconers, or rock doves taken by bird dog trainers.

(2) Notwithstanding the provisions of WAC 232-12-027(1), 232-12-067, and subsections (3) and (4) of this section, and except as provided under subsection (7), (8), (9), or (10) of this section, it is unlawful to import into the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of (~~(wildlife listed in this subsection;))~~ or (~~(their))~~ the gametes and/or embryos(~~(, except as provided under subsection (7), (8), (9) or (10) of this section:~~

In the family Cervidae, all)) of the following species in the family Cervidae:

Roosevelt and Rocky Mountain elk	Cervus elaphus
Mule deer and Black-tailed deer	Odocoileus hemionus
White-tailed deer	Odocoileus virginianus
Moose	Alces alces
Caribou	Rangifer tarandus caribou

(3) It is unlawful to import into the state or to hold live wildlife (~~(which were))~~ taken, held, possessed, or transported contrary to federal or state law, local ordinance, or department rule. It is unlawful to import live wild animals, wild birds, or game fish (~~(shall not be imported))~~ without first presenting to the department the health certificate required by the Washington department of agriculture under WAC 16-54-180. (~~(Notwithstanding the provisions of this subsection))~~ However, raptors used for falconry or propagation may be imported if the importer has health certificates (~~(is in the possession of the importer))~~ for the raptors. Importers must produce proof of lawful importation (~~(must be produced))~~ for inspection (~~(on request of))~~ if asked to do so by a department employee.

(4) It is unlawful to possess or hold in captivity live wild animals, wild birds, or game fish unless lawfully acquired (~~(and possessed)).~~ Any person possessing or holding wild animals, wild birds, or game fish in captivity must provide proof of lawful acquisition and possession (~~(must be produced))~~ for inspection (~~(on request of))~~ if asked to do so by a department employee. (~~(Such))~~ The proof (~~(shall contain))~~ must identify the wild animals', wild birds', or game fish's:

- Species;
- Age and sex (~~(of animal));~~
- Origin (~~(of animal));~~
- (~~(Name of))~~ Receiving party's name;
- (~~(Source--))~~ Source's name and address;
- Invoice/statement date; and
- Documentation of prior transfers.

(5) Live wild animals, wild birds, or game fish held in captivity, or their progeny or parts thereof, may not be sold or otherwise used commercially except as provided by department rule (~~(of the commission)).~~

(6) (~~(No))~~ It is unlawful to release wildlife (~~(shall be released))~~ from captivity except as provided in WAC 232-12-

271(~~(, except that it is lawful to return to the waters from which caught, game fish caught and subsequently kept alive on stringers, in live wells, or in other containers while fishing. The)~~). It is unlawful to release (of) fish into any state waters (of the state), including private, natural, or man-made ponds, (requires) without first obtaining a fish planting permit. However, if a person catches game fish and keeps the fish alive on stringers, in live wells, or in other containers while fishing, he or she may release the fish back into the same waters that he or she caught the game fish in.

(7) **Scientific research or display:** The director may ~~((authorize, by))~~ issue written ((approval,)) authorization for a person to import into the state, hold, possess and propagate live specimens of wildlife listed in subsection (2) of this section, for scientific research or for display by zoos or aquariums who are accredited institutional members of the Association of Zoos and Aquariums (AZA), provided that the person:

(a) Confines the specimens ((are confined)) to a secure facility;

(b) ~~((The))~~ Does not transfer specimens ((will not be transferred)) to any other location within the state(, except) without the director's written authorization, and the specimens are transferred to other AZA-accredited facilities(,)) and transported by AZA-accredited institutional members or their authorized agents ((with written approval of the director or as otherwise authorized in writing by the director));

(c) ~~((The))~~ Does not sell or otherwise dispose of specimens ((will not be sold or otherwise disposed of)) within the state ((without)), unless the director gives written approval ((of the director)) to sell or dispose of the specimens;

(d) ~~((The person will))~~ Keeps ((such)) records on the specimens and make ((such)) reports as the director ((may)) requires; and

(e) ~~((The person))~~ Complies with the ((other)) requirements ((of)) in this section.

(8) **Retention or disposal of existing specimens lawfully in captivity prior to June 20, 1992:** A person ~~((holding))~~ who holds live Roosevelt and Rocky Mountain elk, mule deer and black-tailed deer, white-tailed deer, and moose may retain the specimens of ((such)) the wildlife ((such)) the person lawfully possessed prior to June 20, 1992, and the lawful progeny ((thereof)) of that wildlife, provided ((such)) the person complies with ((a) through (f) of this subsection and) the ((other)) requirements of this section, and:

(a) ~~((The person reported))~~ Reports to the director, in writing, the species, number, and location of the specimens as required;

(b) Confines the specimens ((are confined)) to a secure facility at the location reported, and the facility meets the requirements listed in WAC 232-12-063;

(c) Does not propagate live specimens ((are not propagated)) except at AZA-accredited facilities with the ((written permission of the)) director's written permission or as otherwise authorized in writing by the director;

(d) Does not release live specimens ((are not released)), except with ((written permission of) the ((director)) director's written permission;

(e) Does not sell or transfer live specimens ((are not sold or transferred)), except:

(i) Live specimens in lawful possession prior to June 20, 1992, and their lawful progeny may be permanently removed from ~~((the state of))~~ Washington state or transported directly to slaughter ~~((where))~~ in accordance with ~~((other))~~ applicable law;

(ii) Federally listed endangered or threatened species may be transferred to AZA-accredited facilities ~~((where))~~ in compliance with federal law;

(iii) Live specimens may be moved to the new primary residence of the possessor with the director's written approval ~~((of the director)),~~ provided all other requirements of this section are satisfied and the total number of locations where animals are held is not increased; and

(iv) AZA-accredited facilities may sell and/or transfer live specimens within the state with the written permission of the director(,).

(f) Live specimens ~~((shall))~~ must be neutered, physically separated by sex, and/or rendered infertile by means of contraception, except at AZA-accredited facilities with the director's written permission ~~((of the director)).~~

(9) **Retention or disposal of existing specimens lawfully in captivity prior to February 13, 1993:** A person holding live specimens of wildlife newly listed in subsection (2) of this section by operation of this rule (Caribou (*Rangifer tarandus caribou*)), may retain the specimens of such wildlife the person lawfully possessed prior to February 13, 1993, provided:

(a) The person reports to the director in writing by March 31, 1993, and reports annually thereafter, or as otherwise required by the director, the species, number, and location of such specimens; and

(b) The person complies with subsection (8)(b) through (f) of this section and the other requirements of this section.

(10) The provisions of this section ~~((shall))~~ do not prohibit the importation, possession, propagation, sale, transfer, or release of live specimens of federally listed threatened or endangered species, their gametes or embryos, where in compliance with federal law.

(11) **Escaped wildlife:**

(a) Escaped wildlife ~~((will be))~~ is considered a public nuisance. The department or any peace officer may seize, capture, or destroy wildlife that have escaped the possessor's control. The former possessor ~~((shall be))~~ is responsible for costs incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(b) ~~((Escapes of))~~ Possessors must report escaped wildlife ((must be reported immediately)) to the department immediately.

(c) Possessors must report the recapture or death of escaped wildlife ((must be reported immediately)) to the department immediately.

~~((12))~~ **Secure facility:**

~~((a))~~ All captive wildlife will be held in a secure facility. For the purposes of this rule, a secure facility is an enclosure so constructed as to prevent danger to the environment or wildlife of the state, including escape of live wildlife specimens in captivity or ingress of resident wildlife ungulates (hoofed animals).

(b) For wildlife listed in subsection (2) of this section, the secure facility must comply with the fencing requirements in subsection (13) of this section.

(13) Fencing requirements:

(a) Perimeter fences must be, at a minimum, eight feet above ground level for their entire length. The bottom six feet must be mesh of sufficient size to prevent resident wildlife ungulates (hoofed animals) from entering and captive wildlife from escaping. Supplemental wire required to attain a height of eight feet may be smooth, barbed, or woven wire (at least 12-1/2 gauge) with strands spaced not more than six inches apart.

(b) Perimeter fences constructed of high tensile wire must be supported by a post or stay at minimum intervals of eight feet.

(c) Perimeter fences must be at least 12-1/2 gauge woven wire, 14-1/2 gauge high tensile woven wire, chain link, non-climbable woven fence, or other fence approved by the director.

If the wire used is not a full eight feet in height, it must be overlapped one row and securely fastened at every other vertical row or woven together with cable.

(d) Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.

(e) All gates in the perimeter fences must be self-closing, equipped with two locking devices, and installed only in locations that have been approved by the director. Double gates may be required at points in the perimeter fences subject to frequent vehicle traffic that is not related to activities involving the holding of captive wildlife.

(f) Posts used in the perimeter fences must be:

(i) Wood (pressure treated), five-inch minimum diameter or an equivalent as approved by the director;

(ii) Spaced no more than twenty-four feet apart with stays or supports at eight-foot intervals between the posts;

(iii) Extended at least eight feet above ground level; and

(iv) Have corners braced with wood or with an equivalent material as approved by the director.

(g) Fences must be maintained at all times to prevent captive wildlife from escaping or resident wildlife ungulates (hoofed animals) from entering the enclosure. If such animals do pass through, under, or over the fence because of any topographic feature or other conditions, the person possessing wildlife must immediately supplement the fence to prevent continued passage.

(h) For any fence existing prior to February 13, 1993, a person may petition the director in writing for a variance from the above fencing requirements. Any such petition must be filed no later than May 31, 1993, and must identify all aspects in which the existing fence does not meet the fencing requirements contained herein. On approval of the director, such person may maintain such existing fence with normal repair. However, any extension or relocation of existing fence must meet the fencing requirements contained herein.

(14) Marking requirements:

(a) All live specimens of wildlife identified in subsection (2) of this section must be individually identified by the methods specified below:

(i) All live specimens of such wildlife shall be marked with USDA official ear tags or with ear tags supplied or approved by the department. Tags shall be applied in sequential order; and

(ii) All live specimens of such wildlife shall be marked with a tattoo with an identifying number that has been recorded with the director. The tattoo must be placed on the left ear of the animal.

(b) Identification assigned to an individual animal may not be transferred to any other animal.

(c) Where allowed, all lawful progeny of wildlife identified in subsection (2) of this section must be tagged and tattooed by December 31 of the year of birth or upon leaving the holding facility, whichever is earlier.

(d) Where allowed, if wildlife identified in subsection (2) of this section is sold or transferred within the state, the tag and tattoo must accompany the animal. The new owner or possessor shall not renumber the animal.

(e) Where allowed, live specimens of wildlife identified in subsection (2) of this section shall be marked prior to importation.

(f) No unmarked wildlife identified in subsection (2) of this section may be sold or otherwise transferred from the holding facility.

~~(15))~~ (12) Testing ~~((of))~~ specimens:

(a) ~~((Where allowed, prior to entry into the state of Washington, persons importing))~~ If the director issues a permit to allow any member of the Genus *Cervus*, ~~((which is))~~ identified in subsection (2) of this section, then prior to the animal's entry into Washington state, the person must submit records of genetic tests conducted by a professionally recognized laboratory to identify red deer genetic influence ~~((f))~~. Red deer genetic influence is genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington((g)). ~~((Such testing shall be at the possessor's expense.))~~ Upon examination by department biologists, animals ((which are)) deemed ((by department of fish and wildlife biologists upon examination)) to exhibit ((either)) behavioral (vocalization), morphological (size, rump patch, color), or biochemical indications of such influence (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or others to be developed) may not be imported.

(b) A person currently holding any member of the genus *Cervus elaphus* identified in subsection (2) of this section must immediately submit to the director records of genetic tests conducted by a professionally recognized laboratory to identify red deer genetic influence ~~((genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington))~~, as defined in (a) of this subsection, for each individual cervid ~~((to the director within ninety days of passage of this rule)).~~ ~~((Such))~~ Genetic testing ~~((shall))~~ will be at the possessor's expense. Any animals identified as red deer or having nonindigenous genetic influence must be destroyed, removed from the state, or neutered ~~((within one hundred eighty days of passage of this rule))~~ immediately.

(c) The director may require ~~((that specimens))~~ wildlife listed in subsection (2) of this section that are lawfully held in captivity to be tested for brucellosis (*Brucella abortus*),

tuberculosis (*Mycobacterium bovis* and *Mycobacterium tuberculosis*), meningeal worm (*Paralophostrongylus tenuis*), and muscle worm (*Elaphostrongylus cervis*) in accordance with the procedures specified in department of agriculture WAC 16-54-180 ~~((as now or hereafter amended, and/or))~~. The director may also require testing for other diseases or parasites determined to pose a risk to wildlife. ~~((The))~~ Results of ~~((such))~~ those tests ~~((shall))~~ must be filed with the director as required.

~~((16))~~ **(13) Reporting:**

(a) A person holding wildlife listed in subsection (2) of this section in captivity ~~((shall))~~ must submit a completed report no later than March 30, 1993, and then no later than January 31 of each year, or as otherwise required by the director, on a form provided by the department.

(b) Persons possessing wildlife listed in subsection (2) of this section must notify the director within ~~((ten))~~ 10 days of any change of such persons' address and/or location of the holding facility.

~~((17))~~ **(14) Inspection:**

~~((a))~~ All holding facilities for captive wildlife located in the state are subject to inspection, conducted at a reasonable time, for compliance with the provisions of this section.

~~((b))~~ Such inspections shall be conducted at reasonable times.

~~((18))~~ **(15) Notification and disposition of diseased animals:**

(a) Any person who has reason to believe that wildlife being held pursuant to this rule have contracted or ~~((have))~~ been exposed to a dangerous or communicable disease or parasite ~~((shall))~~ must notify the department immediately.

(b) Upon ~~((having))~~ reason to believe that wildlife held pursuant to this rule have contracted or been exposed to ~~((or contracted))~~ a dangerous or contagious disease or parasite, the director may order inspection of such animals by a licensed, accredited veterinarian, certified fish pathologist, or inspection agent. Inspection ~~((shall))~~ will be at ~~((the expense of))~~ the ~~((possessor))~~ possessor's expense.

(c) The director ~~((shall))~~ will determine when destruction of wildlife ~~((;))~~ or quarantine, disinfection, or sterilization of facilities is required at any facility holding wildlife pursuant to this rule. If the director determines that destruction of wildlife ~~((;))~~ or quarantine, disinfection, or sterilization of facilities is required, he or she will issue a written order ~~((shall be issued))~~ to the possessor describing the procedure to be followed and the time period for carrying out such actions. ~~((Such activities shall))~~ The destruction of wildlife or quarantine, disinfection, or sterilization of facilities will be at ~~((the expense of))~~ the ~~((possessor))~~ possessor's expense.

~~((19))~~ **(16) Quarantine area:**

(a) ~~((Any facility))~~ Facilities holding wildlife listed in subsection (2) of this section must have an approved quarantine facility within its exterior boundary or submit an action plan to the director that guarantees access to an approved quarantine facility within the state of Washington.

(i) An approved quarantine facility is one that meets criteria set by the Washington department of agriculture in chapter 16-54 WAC.

(ii) The quarantine area must meet the tests of isolation, separate feed and water, escape security, and allowances for

the humane holding and care of its occupants for extended periods of time.

~~((Should the imposition of a))~~ If quarantine becomes necessary, the possessor of any wildlife requiring quarantine must provide an on-site quarantine facility or make arrangements at ~~((such))~~ the possessor's expense to transport ~~((such))~~ his or her wildlife to an approved quarantine facility.

~~((20))~~ **(17) Seizure:**

(a) The department ~~((of fish and wildlife))~~ may seize any unlawfully possessed wildlife.

(b) The cost of any seizure ~~((and))~~ or holding of wildlife may be charged to the possessor of ~~((such animals))~~ the wildlife.

(18) Violation of this section is a misdemeanor punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

AMENDATORY SECTION (Amending Order 99-118, filed 8/11/99, effective 9/11/99)

WAC 232-12-261 Live decoys unlawful—Waterfowl and wild turkey. (1) It is unlawful to hunt waterfowl and wild turkeys with the use or aid of live birds as decoys.

(2) Violation of this section is a misdemeanor, punishable under RCW 77.15.400, Unlawful hunting of wild birds—Violation of a rule requiring nontoxic shot—Penalty, unless waterfowl or wild turkey are taken in quantities constituting a first degree offense, which is a gross misdemeanor.

NEW SECTION

WAC 232-12-288 Official hunting hours for game animals and forest grouse. (1) The following tables show the lawful hunting hours (1/2 hour before sunrise to 1/2 hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

(2) Exceptions:

(a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons. However, when the area is open to modern firearm hunting of deer or elk, hunting hours are one-half hour before sunrise to one-half hour after sunset.

(b) Hunting hours for falconry seasons (except for migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(3) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

Dates (Inclusive)				Western Washington		Eastern Washington	
				from A.M. to P.M.		from A.M. to P.M.	
Daylight Savings Time							
Sun.	Sept. 1	-	Sun.	Sept. 8	6:00	8:15	5:45 8:00
Mon.	Sept. 9	-	Sun.	Sept. 15	6:10	8:00	6:00 7:45
Mon.	Sept. 16	-	Sun.	Sept. 22	6:20	7:45	6:10 7:30
Mon.	Sept. 23	-	Sun.	Sept. 29	6:30	7:30	6:20 7:15
Mon.	Sept. 30	-	Sun.	Oct. 6	6:40	7:15	6:30 7:05
Mon.	Oct. 7	-	Sun.	Oct. 13	6:50	7:00	6:40 6:50
Mon.	Oct. 14	-	Sun.	Oct. 20	7:00	6:50	6:50 6:35
Mon.	Oct. 21	-	Sun.	Oct. 27	7:10	6:35	7:00 6:25
Mon.	Oct. 28	-	Sat.	Nov. 2	7:20	6:25	7:10 6:20
Pacific Standard Time							
			Sun.	Nov. 3	6:20	5:25	6:10 5:20
Mon.	Nov. 4	-	Sun.	Nov. 10	6:30	5:15	6:20 5:00
Mon.	Nov. 11	-	Sun.	Nov. 17	6:40	5:05	6:30 4:50
Mon.	Nov. 18	-	Sun.	Nov. 24	6:50	4:55	6:40 4:45
Mon.	Nov. 25	-	Sun.	Dec. 1	7:00	4:50	6:50 4:40
Mon.	Dec. 2	-	Sun.	Dec. 8	7:10	4:50	7:00 4:40
Mon.	Dec. 9	-	Sun.	Dec. 15	7:15	4:50	7:05 4:40
Mon.	Dec. 16	-	Sun.	Dec. 22	7:20	4:50	7:10 4:40
Mon.	Dec. 23	-	Sun.	Dec. 29	7:25	4:55	7:10 4:45
Mon.	Dec. 30	-	Sun.	Jan. 5	7:25	5:00	7:15 4:45
Mon.	Jan. 6	-	Sun.	Jan. 12	7:25	5:05	7:15 4:55
Mon.	Jan. 13	-	Sun.	Jan. 19	7:20	5:15	7:10 5:05
Mon.	Jan. 20	-	Sun.	Jan. 26	7:15	5:25	7:05 5:15
Mon.	Jan. 27	-	Fri.	Jan. 31	7:10	5:35	7:00 5:25

(4) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)				Western Washington		Eastern Washington	
				from A.M. to P.M.		from A.M. to P.M.	
Daylight Savings Time							
Mon.	Sept. 1	-	Sun.	Sept. 7	6:00	8:15	5:50 8:00
Mon.	Sept. 8	-	Sun.	Sept. 14	6:10	8:00	6:00 7:50
Mon.	Sept. 15	-	Sun.	Sept. 21	6:20	7:45	6:10 7:35
Mon.	Sept. 22	-	Sun.	Sept. 28	6:30	7:30	6:15 7:20
Mon.	Sept. 29	-	Sun.	Oct. 5	6:40	7:15	6:30 7:05
Mon.	Oct. 6	-	Sun.	Oct. 12	6:50	7:00	6:40 6:55
Mon.	Oct. 13	-	Sun.	Oct. 19	7:00	6:50	6:50 6:40
Mon.	Oct. 20	-	Sun.	Oct. 26	7:10	6:40	7:00 6:25
Mon.	Oct. 27	-	Sat.	Nov. 1	7:20	6:25	7:15 6:15

(4) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

				Western Washington	Eastern Washington
				from A.M. to P.M.	from A.M. to P.M.
Dates (Inclusive)					
Pacific Standard Time					
		Sun.	Nov. 2	6:20 5:25	6:10 5:15
Mon.	Nov. 3	- Sun.	Nov. 9	6:30 5:15	6:20 5:00
Mon.	Nov. 10	- Sun.	Nov. 16	6:40 5:05	6:30 4:55
Mon.	Nov. 17	- Sun.	Nov. 23	6:50 5:00	6:40 4:45
Mon.	Nov. 24	- Sun.	Nov. 30	7:00 4:50	6:50 4:40
Mon.	Dec. 1	- Sun.	Dec. 7	7:10 4:50	7:00 4:40
Mon.	Dec. 8	- Sun.	Dec. 14	7:15 4:50	7:05 4:40
Mon.	Dec. 15	- Sun.	Dec. 21	7:20 4:50	7:10 4:40
Mon.	Dec. 22	- Sun.	Dec. 28	7:25 4:55	7:10 4:40
Mon.	Dec. 29	- Sun.	Jan. 4	7:25 5:00	7:15 4:45
Mon.	Jan. 5	- Sun.	Jan. 11	7:25 5:05	7:15 4:55
Mon.	Jan. 12	- Sun.	Jan. 18	7:25 5:15	7:10 5:05
Mon.	Jan. 19	- Sun.	Jan. 25	7:20 5:25	7:05 5:15
Mon.	Jan. 26	- Fri.	Jan. 31	7:10 5:30	7:00 5:25

(5) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

				Western Washington	Eastern Washington
				from A.M. to P.M.	from A.M. to P.M.
Dates (Inclusive)					
Daylight Savings Time					
Tues.	Sept. 1	- Sun.	Sept. 6	6:00 8:15	5:50 8:05
Mon.	Sept. 7	- Sun.	Sept. 13	6:10 8:05	6:00 7:50
Mon.	Sept. 14	- Sun.	Sept. 20	6:20 7:50	6:05 7:35
Mon.	Sept. 21	- Sun.	Sept. 27	6:30 7:35	6:15 7:20
Mon.	Sept. 28	- Sun.	Oct. 4	6:40 7:20	6:25 7:05
Mon.	Oct. 5	- Sun.	Oct. 11	6:45 7:05	6:35 6:55
Mon.	Oct. 12	- Sun.	Oct. 18	6:55 6:50	6:45 6:40
Mon.	Oct. 19	- Sun.	Oct. 25	7:05 6:40	6:55 6:30
Mon.	Oct. 26	- Sat.	Oct. 31	7:20 6:25	7:05 6:15
Pacific Standard Time					
		Sun.	Nov. 1	6:20 5:25	6:05 5:15
Mon.	Nov. 2	- Sun.	Nov. 8	6:30 5:15	6:15 5:05
Mon.	Nov. 9	- Sun.	Nov. 15	6:40 5:05	6:30 4:55
Mon.	Nov. 16	- Sun.	Nov. 22	6:50 5:00	6:40 4:45
Mon.	Nov. 23	- Sun.	Nov. 29	7:00 4:55	6:50 4:40
Mon.	Nov. 30	- Sun.	Dec. 6	7:10 4:50	6:55 4:40
Mon.	Dec. 7	- Sun.	Dec. 13	7:15 4:50	7:05 4:35
Mon.	Dec. 14	- Sun.	Dec. 20	7:20 4:50	7:10 4:40
Mon.	Dec. 21	- Sun.	Dec. 27	7:25 4:50	7:15 4:40
Mon.	Dec. 28	- Sun.	Jan. 3	7:30 5:00	7:15 4:45
Mon.	Jan. 4	- Sun.	Jan. 10	7:25 5:05	7:15 4:55
Mon.	Jan. 11	- Sun.	Jan. 17	7:25 5:15	7:10 5:00

(5) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

				Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.
Dates (Inclusive)					
Mon.	Jan. 18	-	Sun. Jan. 24	7:20 5:25	7:05 5:10
Mon.	Jan. 25	-	Sat. Jan. 31	7:10 5:30	7:00 5:20

(6) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

				Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.
Dates (Inclusive)					
Daylight Savings Time					
Wed.	Sept. 1	-	Sun. Sept. 5	6:00 8:15	5:50 8:05
Mon.	Sept. 6	-	Sun. Sept. 12	6:10 8:05	5:55 7:50
Mon.	Sept. 13	-	Sun. Sept. 19	6:15 7:50	6:05 7:40
Mon.	Sept. 20	-	Sun. Sept. 26	6:25 7:35	6:15 7:25
Mon.	Sept. 27	-	Sun. Oct. 3	6:35 7:20	6:25 7:10
Mon.	Oct. 4	-	Sun. Oct. 10	6:45 7:10	6:35 6:55
Mon.	Oct. 11	-	Sun. Oct. 17	6:55 6:55	6:45 6:40
Mon.	Oct. 18	-	Sun. Oct. 24	7:05 6:40	6:55 6:30
Mon.	Oct. 25	-	Sun. Oct. 31	7:15 6:30	7:05 6:15
Mon.	Nov. 1	-	Sat. Nov. 6	7:25 6:20	7:15 6:05
Pacific Standard Time					
			Sun. Nov. 7	6:25 5:20	6:15 5:05
Mon.	Nov. 8	-	Sun. Nov. 14	6:40 5:10	6:25 4:55
Mon.	Nov. 15	-	Sun. Nov. 21	6:50 5:00	6:35 4:50
Mon.	Nov. 22	-	Sun. Nov. 28	7:00 4:55	6:45 4:40
Mon.	Nov. 29	-	Sun. Dec. 5	7:05 4:50	6:55 4:40
Mon.	Dec. 6	-	Sun. Dec. 12	7:15 4:50	7:05 4:35
Mon.	Dec. 13	-	Sun. Dec. 19	7:20 4:50	7:10 4:35
Mon.	Dec. 20	-	Sun. Dec. 26	7:25 4:50	7:15 4:40
Mon.	Dec. 27	-	Sun. Jan. 2	7:25 4:55	7:15 4:45
Mon.	Jan. 3	-	Sun. Jan. 9	7:25 5:05	7:15 4:50
Mon.	Jan. 10	-	Sun. Jan. 16	7:25 5:10	7:10 5:00
Mon.	Jan. 17	-	Sun. Jan. 23	7:20 5:20	7:10 5:10
Mon.	Jan. 24	-	Mon. Jan. 31	7:10 5:30	7:00 5:20

(7) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

				Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.
Dates (Inclusive)					
Daylight Savings Time					
Thurs.	Sept. 1	-	Sun. Sept. 4	6:00 8:15	5:45 8:05
Mon.	Sept. 5	-	Sun. Sept. 11	6:05 8:05	5:55 7:55
Mon.	Sept. 12	-	Sun. Sept. 18	6:15 7:50	6:05 7:40
Mon.	Sept. 19	-	Sun. Sept. 25	6:25 7:40	6:10 7:25

(7) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

					Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.
Dates (Inclusive)						
Mon.	Sept. 26	-	Sun.	Oct. 2	6:35 7:25	6:25 7:10
Mon.	Oct. 3	-	Sun.	Oct. 9	6:45 7:10	6:35 6:55
Mon.	Oct. 10	-	Sun.	Oct. 16	6:55 7:05	6:40 6:45
Mon.	Oct. 17	-	Sun.	Oct. 23	7:05 6:40	6:55 6:30
Mon.	Oct. 24	-	Sun.	Oct. 30	7:15 6:30	7:00 6:20
Mon.	Oct. 31	-	Sat.	Nov. 5	7:25 6:20	7:15 6:05
Pacific Standard Time						
			Sun.	Nov. 6	6:25 5:20	6:15 5:05
Mon.	Nov. 7	-	Sun.	Nov. 13	6:35 5:10	6:25 4:55
Mon.	Nov. 14	-	Sun.	Nov. 20	6:45 5:00	6:35 4:50
Mon.	Nov. 21	-	Sun.	Nov. 27	6:55 4:55	6:45 4:40
Mon.	Nov. 28	-	Sun.	Dec. 4	7:05 4:50	6:55 4:40
Mon.	Dec. 5	-	Sun.	Dec. 11	7:15 4:50	7:00 4:35
Mon.	Dec. 12	-	Sun.	Dec. 18	7:20 4:50	7:10 4:35
Mon.	Dec. 19	-	Sun.	Dec. 25	7:25 4:50	7:10 4:40
Mon.	Dec. 26	-	Sun.	Jan. 1	7:25 4:55	7:15 4:45
Mon.	Jan. 2	-	Sun.	Jan. 8	7:25 5:00	7:15 4:50
Mon.	Jan. 9	-	Sun.	Jan. 15	7:25 5:10	7:10 5:00
Mon.	Jan. 16	-	Sun.	Jan. 22	7:20 5:20	7:10 5:10
Mon.	Jan. 23	-	Sun.	Jan. 29	7:15 5:30	7:00 5:20
Mon.	Jan. 30	-	Tues.	Jan. 31	7:10 5:35	6:55 5:25

(8) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

					Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.
Dates (Inclusive)						
Daylight Savings Time						
Fri.	Sept. 1	-	Sun.	Sept. 3	6:00 8:20	5:45 8:05
Mon.	Sept. 4	-	Sun.	Sept. 10	6:05 8:10	5:55 7:55
Mon.	Sept. 11	-	Sun.	Sept. 17	6:15 7:55	6:05 7:40
Mon.	Sept. 18	-	Sun.	Sept. 24	6:25 7:40	6:10 7:30
Mon.	Sept. 25	-	Sun.	Oct. 1	6:35 7:25	6:20 7:15
Mon.	Oct. 2	-	Sun.	Oct. 8	6:45 7:10	6:30 7:00
Mon.	Oct. 9	-	Sun.	Oct. 15	6:55 6:55	6:40 6:45
Mon.	Oct. 16	-	Sun.	Oct. 22	7:05 6:45	6:50 6:30
Mon.	Oct. 23	-	Sun.	Oct. 29	7:10 6:35	7:00 6:20
Mon.	Oct. 30	-	Sat.	Nov. 4	7:25 6:20	7:10 6:10
Pacific Standard Time						
			Sun.	Nov. 5	6:25 5:20	6:10 5:10
Mon.	Nov. 6	-	Sun.	Nov. 12	6:35 5:10	6:25 5:00
Mon.	Nov. 13	-	Sun.	Nov. 19	6:45 5:00	6:35 4:50
Mon.	Nov. 20	-	Sun.	Nov. 26	6:55 4:55	6:45 4:45

(8) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

Dates (Inclusive)				Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.
Mon.	Nov. 27	-	Sun. Dec. 3	7:05 4:50	6:55 4:40
Mon.	Dec. 4	-	Sun. Dec. 10	7:15 4:50	7:00 4:35
Mon.	Dec. 11	-	Sun. Dec. 17	7:20 4:50	7:10 4:35
Mon.	Dec. 18	-	Sun. Dec. 24	7:25 4:50	7:10 4:40
Mon.	Dec. 25	-	Sun. Dec. 31	7:25 4:55	7:15 4:40
Mon.	Jan. 1	-	Sun. Jan. 7	7:30 5:00	7:15 4:50
Mon.	Jan. 8	-	Sun. Jan. 14	7:25 5:10	7:15 5:00
Mon.	Jan. 15	-	Sun. Jan. 21	7:20 5:20	7:10 5:10
Mon.	Jan. 22	-	Sun. Jan. 28	7:15 5:30	7:00 5:20
Mon.	Jan. 29	-	Wed. Jan. 31	7:10 5:35	6:55 5:20

(9) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

Dates (Inclusive)				Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.
Daylight Savings Time					
Sat.	Sept. 1	-	Sun. Sept. 2	6:00 8:20	5:45 8:10
Mon.	Sept. 3	-	Sun. Sept. 9	6:05 8:10	5:50 8:00
Mon.	Sept. 10	-	Sun. Sept. 16	6:15 7:55	6:00 7:45
Mon.	Sept. 17	-	Sun. Sept. 23	6:20 7:40	6:10 7:30
Mon.	Sept. 24	-	Sun. Sept. 30	6:30 7:25	6:20 7:15
Mon.	Oct. 1	-	Sun. Oct. 7	6:40 7:15	6:30 7:00
Mon.	Oct. 8	-	Sun. Oct. 14	6:50 7:00	6:40 6:45
Mon.	Oct. 15	-	Sun. Oct. 21	7:00 6:45	6:50 6:35
Mon.	Oct. 22	-	Sun. Oct. 28	7:10 6:35	7:00 6:20
Mon.	Oct. 29	-	Sat. Nov. 3	7:20 6:20	7:10 6:10
Pacific Standard Time					
			Sun. Nov. 4	6:20 5:20	6:10 5:10
Mon.	Nov. 5	-	Sun. Nov. 11	6:35 5:10	6:20 5:00
Mon.	Nov. 12	-	Sun. Nov. 18	6:45 5:05	6:30 4:50
Mon.	Nov. 19	-	Sun. Nov. 25	6:55 4:55	6:40 4:45
Mon.	Nov. 26	-	Sun. Dec. 2	7:05 4:50	6:50 4:40
Mon.	Dec. 3	-	Sun. Dec. 9	7:10 4:50	7:00 4:35
Mon.	Dec. 10	-	Sun. Dec. 16	7:20 4:50	7:05 4:35
Mon.	Dec. 17	-	Sun. Dec. 23	7:25 4:50	7:10 4:35
Mon.	Dec. 24	-	Sun. Dec. 30	7:25 4:55	7:15 4:40
Mon.	Dec. 31	-	Sun. Jan. 6	7:25 5:00	7:15 4:50
Mon.	Jan. 7	-	Sun. Jan. 13	7:25 5:10	7:15 4:55
Mon.	Jan. 14	-	Sun. Jan. 20	7:20 5:15	7:10 5:05
Mon.	Jan. 21	-	Sun. Jan. 27	7:15 5:25	7:05 5:15
Mon.	Jan. 28	-	Thur. Jan. 31	7:10 5:35	7:00 5:25

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-16-010 Establishment of game reserves.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-285 2010-2011 Pilot cougar hunting seasons with the aid of dogs.

WSR 13-02-048
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed December 24, 2012, 11:34 a.m., effective February 1, 2013]

Effective Date of Rule: February 1, 2013.

Purpose: The department is amending WAC 388-310-0800 to:

- Remove individual dollar limits for each support service type while still keeping the \$3000.00 per person annual limit in place.
- Remove the "public transportation" reference from the mileage support service type as "public transportation" is a separate support service type.
- Clarify that the "mileage" type is a "reimbursement."

The amendments are necessary to increase the flexibility of the support service benefits to better meet WorkFirst participants' needs and better facilitate participation in Work-First activities.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-0800.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.250.

Adopted under notice filed as WSR 12-21-094 on October 22, 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 1, Repealed 0.

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

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

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

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

Date Adopted: December 19, 2012.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-22-061, filed 10/29/10, effective 12/1/10)

WAC 388-310-0800 WorkFirst—Support services.

(1) Who can get support services?

People who can get support services include:

(a) WorkFirst participants who receive a TANF cash grant;

(b) Sanctioned WorkFirst participants during the required participation before the sanction is lifted or applicants who were terminated while in noncompliance sanction who are doing activities required to reopen cash assistance (WAC 388-310-1600);

(c) Unmarried or pregnant minors who are income eligible to receive TANF and are:

(i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or

(ii) Are actively working with a social worker and need support services to remove the barriers that are preventing them from living in a department approved living arrangement and/or meeting the school requirements.

(d) American Indians who receive a TANF cash grant and have identified specific needs due to location or employment.

(2) Why do I receive support services?

Although not an entitlement, you may receive support services for the following reasons:

(a) To help you participate in work and WorkFirst activities that lead to independence.

(b) To help you to participate in job search, accept a job, keep working, advance in your job, and/or increase your wages.

(c) You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 170-290 WAC describes the rules for this child care assistance program.)

(3) What type of support services may I receive and what limits apply?

There is a limit of three thousand dollars per person per program year (July 1st to June 30th) for WorkFirst support services you may receive. ~~((Most))~~ Some types of support services have dollar ~~((limits))~~ limit restrictions.

The chart below shows the types of support services that are available for the different activities (as indicated by an "x") and the ~~((limits))~~ restrictions that apply.

Definitions:

- Work-related activities include looking for work or participating in workplace activities, such as community jobs or a work experience position.

- Safety-related activities include meeting significant or emergency family safety needs, such as dealing with family violence. ~~((When approved, safety-related support services can exceed the dollar or category limits listed below.))~~

- Some support services are available if you need them for other required activities in your IRP.

Type of support service	((Limit)) Restrictions	• Work	•• Safety	••• Other
Reasonable accommodation for employment	(((\$1,000 for each request))	x		
Clothing/uniforms	(((\$75 per adult per program year))	x		
Diapers	(((\$50 per child per month))	x		
Haircut	(((\$40 per each request))	x		
Lunch	Same rate as established by OFM for state employees	x		
Personal hygiene	(((\$50 per adult per program year))	x		
Professional, trade, association, union and bonds	(((\$300 for each fee))	x		
Relocation related to employment (can include rent, housing, and deposits)	(((\$1,000 per program year))	x		
Short-term lodging and meals in connection with job interviews/tests	Same rate as established by OFM for state employees	x		
Tools/equipment	(((\$500 per program year))	x		
Car repair needed to restore car to operable condition	(((\$250 per program year))	x	x	
License/fees	(((\$130 per program year))	x	x	
Mileage((, transportation, and/or public transportation)) reimbursement	Same rate as established by OFM for state employees	x	x	
Transportation allotment	((Up to: \$25 for immediate need, or \$40 twice a month if you live within 40 miles of your local WorkFirst office, or \$60 twice a month if you live more than 40 miles from your local WorkFirst office.))	x	x	
Counseling	((No limit))	x	x	x
Educational expenses	(((\$300 for each request if it is an approved activity in your IRP and you do not qualify for sufficient student financial aid to meet the cost))	x		x
Medical exams (not covered by medicaid)	(((\$150 per exam))	x	x	x
Public transportation	(((\$150 per month))	x	x	x
Testing-diagnostic	(((\$200 each))	x	x	x

(4) What are the other requirements to receive support services?

Other restrictions on receiving support services are determined by the department or its agents. They will consider whether:

- (a) It is within available funds; and
- (b) It does not assist, promote, or deter religious activity; and
- (c) There is no other way to meet the cost.

(5) What happens to my support services if I do not participate as required?

The department will give you ten days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required.

WSR 13-02-050
PERMANENT RULES
HEALTH CARE AUTHORITY
 (Medicaid Program)

[Filed December 26, 2012, 10:53 a.m., effective January 26, 2013]

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

Purpose: Repeal WAC 388-400-0035, the contents of WAC 388-400-0035 were recodified under Title 182 WAC (specifically WAC 182-507-0130), filed under WSR 12-19-001, on September 5, 2012. With the passage of SESSH [2E2SHB] 1738, the responsibility for refugee medical assistance (RMA) was transferred to the health care authority.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 388-400-0035.

Statutory Authority for Adoption: RCW 41.05.021.

Adopted under notice filed as WSR 12-21-006 on October 4, 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 0, Repealed 1.

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 1.

Date Adopted: December 26, 2012.

Kevin M. Sullivan
Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-400-0035 Refugee medical assistance—Summary of eligibility requirements.

WSR 13-02-053

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed December 26, 2012, 12:21 p.m., effective January 1, 2013]

Effective Date of Rule: January 1, 2013.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The department is adopting these rules with an effective date of January 1 because these rules provide rates used for refunds and property valuations for calendar year 2013.

Purpose: WAC 458-18-220 Refunds—Rate of interest, provides the rate of interest that applies to tax refunds made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100, and also to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. This rule has been amended to provide the rate of interest to be used when refunding property taxes paid in 2013.

WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component, provides the interest rate and the property tax component used to value farm and agricultural lands classified under chapter 84.34 RCW (open space program). This rule has been amended to provide the interest rate and property tax component to be used when valuing classified farm and agricultural land during the 2013 assessment year.

WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation, provides the rate of inflation used to calculate interest on deferred special benefit assessments when farm and agricultural or timber land is removed or

withdrawn from classification under chapter 84.34 RCW (open space program). This rule has been amended to provide the rate of inflation used in calculating interest for deferred special benefit assessments of land removed or withdrawn during 2013.

Citation of Existing Rules Affected by this Order: Amending WAC 458-18-220 Refunds—Rate of interest, 458-30-262 Agricultural land valuation—Interest rate—Property tax component, and 458-30-590 Rate of inflation—Publication—Interest rate—Calculation.

Statutory Authority for Adoption: RCW 84.34.360, 84.34.065, 84.34.141, and 84.69.100.

Adopted under notice filed as WSR 12-21-075 on October 19, 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 3, Repealed 0.

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

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

Date Adopted: December 26, 2012.

Alan R. Lynn
Rules Coordinator

AMENDATORY SECTION (Amending WSR 12-01-040, filed 12/13/11, effective 1/1/12)

WAC 458-18-220 Refunds—Rate of interest. The following rates of interest shall apply on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid. The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

Year tax paid	Auction Year	Rate
1984	1983	9.29%
1985	1984	11.27%
1986	1985	7.36%
1987	1986	6.11%
1988	1987	5.95%
1989	1988	7.04%
1990	1989	8.05%

Year tax paid	Auction Year	Rate
1991	1990	8.01%
1992	1991	5.98%
1993	1992	3.42%
1994	1993	3.19%
1995	1994	4.92%
1996	1995	5.71%
1997	1996	5.22%
1998	1997	5.14%
1999	1998	5.06%
2000	1999	4.96%
2001	2000	5.98%
2002	2001	3.50%
2003	2002	1.73%
2004	2003	0.95%
2005	2004	1.73%
2006	2005	3.33%
2007	2006	5.09%
2008	2007	4.81%
2009	2008	2.14%
2010	2009	0.29%
2011	2010	0.21%
2012	2011	0.08%
<u>2013</u>	<u>2012</u>	<u>0.15%</u>

COUNTY	PERCENT	COUNTY	PERCENT
Cowlitz	((1.13)) <u>1.18</u>	((San Juan))	((0.53)) <u>0.56</u>
Douglas	((1.07)) <u>1.12</u>	Skagit	((1.05)) <u>1.13</u>
Ferry	0.92	Skamania	((0.88)) <u>0.90</u>
Franklin	((1.28)) <u>1.29</u>	Snohomish	((1.12)) <u>1.24</u>
Garfield	((1.16)) <u>1.03</u>	Spokane	((1.29)) <u>1.33</u>
Grant	((1.21)) <u>1.27</u>	Stevens	0.98
Grays Harbor	((1.07)) <u>1.16</u>	Thurston	((1.16)) <u>1.27</u>
Island	((0.79)) <u>0.84</u>	Wahkiakum	((0.84)) <u>0.90</u>
Jefferson	((0.86)) <u>0.92</u>	Walla Walla	((1.26)) <u>1.27</u>
King	((1.08)) <u>1.14</u>	Whatcom	((1.03)) <u>1.06</u>
Kitsap	((1.07)) <u>1.17</u>	Whitman	((1.30)) <u>1.33</u>
Kittitas	((0.78)) <u>0.80</u>	Yakima	((1.16)) <u>1.23</u>
Klickitat	0.90		

AMENDATORY SECTION (Amending WSR 12-01-040, filed 12/13/11, effective 1/1/12)

WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component. For assessment year ~~((2012))~~ 2013, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is ~~((6.16))~~ 5.24 percent; and
- (2) The property tax component for each county is:

COUNTY	PERCENT	COUNTY	PERCENT
Adams	((1.25)) <u>1.30</u>	Lewis	((0.99)) <u>1.04</u>
Asotin	((1.24)) <u>1.27</u>	Lincoln	((1.20)) <u>1.26</u>
Benton	((1.17)) <u>1.15</u>	Mason	((0.88)) <u>0.95</u>
Chelan	((0.95)) <u>1.01</u>	Okanogan	((0.96)) <u>1.02</u>
Clallam	((0.95)) <u>1.03</u>	Pacific	((1.11)) <u>1.24</u>
Clark	((1.32)) <u>1.37</u>	Pend Oreille	((0.82)) <u>0.88</u>
Columbia	((1.21)) <u>1.13</u>	Pierce	((1.29)) <u>1.39</u>

AMENDATORY SECTION (Amending WSR 12-01-040, filed 12/13/11, effective 1/1/12)

WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation. (1) **Introduction.** This section sets forth the rates of inflation discussed in WAC 458-30-550. It also explains the department of revenue's obligation to annually publish a rate of inflation and the manner in which this rate is determined.

(2) **General duty of department—Basis for inflation rate.** Each year the department determines and publishes a rule establishing an annual rate of inflation. This rate of inflation is used in computing the interest that is assessed when farm and agricultural or timber land, which are exempt from special benefit assessments, is withdrawn or removed from current use classification.

(a) The rate of inflation is based upon the implicit price deflator for personal consumption expenditures calculated by the United States Department of Commerce. This rate is used to calculate the rate of interest collected on exempt special benefit assessments.

(b) The rate is published by December 31st of each year and applies to all withdrawals or removals from farm and agricultural or timber land classification that occur the following year.

(3) **Assessment of rate of interest.** An owner of classified farm and agricultural or timber land is liable for interest on the exempt special benefit assessment. Interest accrues from the date the local improvement district is created until

the land is withdrawn or removed from classification. Interest accrues and is assessed in accordance with WAC 458-30-550.

(a) Interest is assessed only for the time (years and months) the land remains classified under RCW 84.34.020 (2) or (3).

(b) If the classified land is exempt from the special benefit assessment for more than one year, the annual inflation rates are used to calculate an average rate of interest. This average is determined by adding the inflation rate for each year the classified land was exempt from the special benefit assessment after the local improvement district was created. The sum of the inflation rates is then divided by the number of years involved to determine the applicable rate of interest.

(c) Example. A local improvement district for a domestic water supply system was created in January 1990 and the owner used the statutory exemption provided in RCW 84.34.320. On July 1, 1997, the land was removed from the farm and agricultural classification. An average interest rate was calculated using the inflation rates for 1990 through 1997. The owner was then notified of the amount of previously exempt special benefit assessment, plus the average interest rate.

(4) **Rates of inflation.** The rates of inflation used to calculate the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1977	6.5
1978	7.6	1979	11.3
1980	13.5	1981	10.3
1982	6.2	1983	3.2
1984	4.3	1985	3.5
1986	1.9	1987	3.7
1988	4.1	1989	4.8
1990	5.4	1991	4.2
1992	3.3	1993	2.7
1994	2.2	1995	2.3
1996	2.2	1997	2.1
1998	0.85	1999	1.42
2000	2.61	2001	1.89
2002	1.16	2003	1.84
2004	2.39	2005	2.54
2006	3.42	2007	2.08
2008	4.527	2009	-0.85 (negative)
2010	1.539	2011	2.755
<u>2012</u>	<u>1.295</u>		

**WSR 13-02-060
PERMANENT RULES
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed December 27, 2012, 1:15 p.m., effective January 27, 2013]

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

Purpose: Chapter 139-07 WAC, SHB 1567 authorizes the Washington state criminal justice training commission (WSCJTC) to establish standards for conditions of employment by requiring county, city, or state law enforcement agencies, that make a conditional offer of employment to an applicant as a fully commissioned peace officer or a reserve officer, to administer a background investigation including a check of criminal history, a psychological examination, and a polygraph test or similar assessment to each applicant in compliance with the standards established by the WSCJTC.

Statutory Authority for Adoption: RCW 43.101.080.

Adopted under notice filed as WSR 12-19-094 on September 19, 2012.

Changes Other than Editing from Proposed to Adopted Version: 1. WAC 139-07-020 (2)(d): Include Washington state identification system (WASIS) and changed referenced subsection from (1)(b)(v) and (iv) to (1)(b)(v) and (vi).

2. WAC 139-07-040(1): Change "polygraph and other truth verification assessment standards" to "standards for polygraph and other truth verification assessments."

3. WAC 139-07-040: Eliminate subsection (3).

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 1, 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 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: December 12, 2012.

Sonja Hirsch
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-07-037, filed 3/10/10, effective 4/10/10)

WAC 139-07-010 ((Psychological examination-))
Conditions of employment. (((+))) As a condition of con-
tinuing employment for any applicant who has been offered a
conditional offer of employment as a fully commissioned
peace officer or a reserve officer, including any person whose
certification has lapsed as a result of a break in service of
((more than)) twenty-four consecutive months in the officer's
service as a fully commissioned peace officer or reserve offi-
cer, the applicant shall ((successfully pass)) submit to a back-
ground investigation including a check of criminal history. a

psychological examination, and a polygraph or other truth verification assessment as ((administered)) authorized by the county, city, or state law enforcement agency ((that complies)) in compliance with the requirements of this chapter.

((2) The psychological examination shall be administered by a "qualified professional," which means a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW.

(a) The qualified professionals who administer the examinations should be trained and experienced in psychological testing, test interpretation, psychological assessment techniques and the administration of psychological examinations specific to peace officer applicants of law enforcement agencies.

(b) The examination should be based upon attributes considered most important for effective performance as a peace officer as obtained from a job analysis and data provided by the law enforcement agency making the conditional offer of employment. The data may include interviews, surveys or other appropriate sources where job performance information was obtained.

(c) Psychological examination reports older than six months shall not be considered valid for the purpose of RCW 43.101.080(19) and 43.101.095(2).

(d) The examination report, including all testing materials and documentation used to complete the examination report, should be maintained in a manner consistent with applicable confidentiality, records retention and public disclosure laws and rules.))

AMENDATORY SECTION (Amending WSR 10-07-037, filed 3/10/10, effective 4/10/10)

WAC 139-07-020 ((Psychological examination requirements.)) Background information. ((1) Through the examination, the qualified professional shall determine the psychological suitability of the peace officer applicant by an assessment of whether he or she is free from job-relevant mental and emotional impairments including, but not limited to, psychopathology, personality disorders and inappropriate behavior patterns.

(2) The sole purpose of the psychological examination under this chapter is compliance with RCW 43.101.080(19) and 43.101.095(2)(a) and shall not be used for any other purpose by the law enforcement agency or any party.

(3) Prior to the administration of the examination, the applicant must sign an informed consent to the conditions of the evaluation. The informed consent should clearly state the law enforcement agency is the client so that the applicant is informed that the entire examination would be shared with the agency.

(4) The examination shall include the following:

(a) A minimum of two written psychological tests:

(i) The tests should be objective, job-related psychological instruments validated for use in evaluating law enforcement officers. For the purpose of this section, a validated test is defined as a test that has a substantial research base for interpretation with normal range populations in general and public safety applications in particular;

(ii) If mail-order, internet-based, or computerized tests are employed, the examiner should verify and interpret individual results;

(b) A comprehensive, face-to-face, clinical interview with the applicant conducted after a complete review of the psychological test results;

(c) An interpretation of the psychological test results by the qualified professional;

(d) An opinion on psychological suitability by the qualified professional; and

(e) A list and summary of the information relied upon for the assessment.)) (1) Requirements for the applicant.

(a) Personal history statement. The applicant shall complete and submit to the employing agency a personal history statement on a form prescribed by the employer before the start of a background investigation. The personal history statement form shall contain questions and answers which aid in determining whether the person is suitable for employment as a certified peace officer or a reserve officer. The questions shall address whether the applicant meets the minimum requirements for employment, has engaged in conduct or a pattern of conduct which would jeopardize the public trust in the law enforcement profession, and is of good moral character.

(b) Information requirements. To assist with the background investigation, the applicant shall provide the following:

(i) Proof of United States citizenship. A copy of a birth certificate, United States passport, or United States naturalization papers is acceptable proof.

(ii) Proof of education. A certified copy of a diploma, certificate, or transcript is acceptable proof.

(iii) Record of any military discharge. A certified copy of the Military Service Record (DD Form 214, Member 4) is acceptable proof.

(iv) Personal references. The names and addresses of at least three people who can provide information as personal references.

(v) Previous employers or school attendees. The names and addresses of all employers and schools attended within the last ten years, at a minimum.

(vi) Residence history. A listing of the complete residential addresses for the last ten years.

(2) Requirements of the agency. At a minimum, the agency shall include the following in its collection and assessment of an applicant's background information, which also includes determining if the information provided by the applicant is accurate and truthful. The agency shall:

(a) Query all the law enforcement agency records in jurisdictions listed in subsection (1)(b)(v) and (vi) of this section;

(b) Query the motor vehicle division driving records from any state listed in subsection (1)(b)(v) and (vi) of this section;

(c) Complete and submit a fingerprint card inventory sheet to the Federal Bureau of Investigation and Washington state patrol records division for query;

(d) Query the National Crime Information Center/Interstate Identification Index (NCIC/III) and the Washington Criminal Information Center/Washington State Identification

System (WACIC/WASIS) or the equivalent for each state listed in subsection (1)(b)(v) and (vi) of this section:

(e) Contact a minimum of three references and a reasonable number of previous employers listed in subsection (1)(b)(iv) and (v) of this section and document the answers to inquiries concerning whether the person meets the standards of this section; and

(f) At the conclusion of all of the requirements of the collection and assessment of an applicant's background information, the agency shall complete a report that attests to all the requirements, including the requirements of WAC 139-05-220.

AMENDATORY SECTION (Amending WSR 10-07-037, filed 3/10/10, effective 4/10/10)

WAC 139-07-030 ((Report of) Psychological examination(~~—Requirements~~)). ((~~(1) Findings of the psychological examination shall be reported in writing to the law enforcement agency requesting the examination.~~

~~(2) The written report shall include the following:~~

~~(a) The date of completion and a signature of the qualified professional who conducted the examination;~~

~~(b) Name and date of birth of applicant, position applied for, and agency which made the conditional offer of employment;~~

~~(c) A list and summary of the information relied upon for the assessment;~~

~~(d) All the components of the examination, as defined in this chapter;~~

~~(e) Factors which could affect the reliability and validity of the assessment; and~~

~~(f) An assessment of the psychological suitability of the applicant to be a peace officer or reserve officer for the particular law enforcement agency.)~~ (1) The psychological examination shall be administered by a "qualified professional," which means a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW.

(a) The qualified professional who administers the examinations should be trained and experienced in psychological testing, test interpretation, psychological assessment techniques, and the administration of psychological examinations specific to peace officer applicants of law enforcement agencies.

(b) The examination should be based upon attributes considered most important for effective performance as a peace officer as obtained from a job analysis and data provided by the law enforcement agency making the conditional offer of employment. The data may include interviews, surveys, or other appropriate sources where job performance information was obtained.

(c) Psychological examination reports older than six months shall not be considered valid for the purpose of RCW 43.101.080(19) and 43.101.095(2).

(d) The examination report, including all testing materials and documentation used to complete the examination report, should be maintained in a manner consistent with

applicable confidentiality, records retention, and public disclosure laws and rules.

(2) Through the examination, the qualified professional shall determine the psychological suitability of the peace officer applicant by an assessment of whether he or she is free from job-relevant mental and emotional impairments including, but not limited to, psychopathology, personality disorders, and inappropriate behavior patterns.

(3) The sole purpose of the psychological examination under this chapter is compliance with RCW 43.101.080(19) and 43.101.095 (2)(a) and shall not be used for any other purpose by the law enforcement agency or any party.

(4) Prior to the administration of the examination, the applicant must sign an informed consent to the conditions of the evaluation. The informed consent should clearly state the law enforcement agency is the client so that the applicant is informed that the entire examination would be shared with the agency.

(5) The examination shall include the following:

(a) A minimum of two written psychological tests:

(i) The tests should be objective, job-related, psychological instruments validated for use in evaluating law enforcement officers. For the purpose of this section, a validated test is defined as a test that has a substantial research base for interpretation with normal range populations in general and public safety applications in particular;

(ii) If mail-order, internet based, or computerized tests are employed, the examiner should verify and interpret individual results;

(b) A comprehensive, face-to-face, clinical interview with the applicant conducted after a complete review of the psychological test results;

(c) An interpretation of the psychological test results by the qualified professional;

(d) An opinion on psychological suitability by the qualified professional; and

(e) A list and summary of the information relied upon for the assessment.

(6) Findings of the psychological examination shall be reported in writing to the law enforcement agency requesting the examination.

(7) The written report shall include the following:

(a) The date of completion and a signature of the qualified professional who conducted the examination;

(b) Name and date of birth of applicant, position applied for, and agency which made the conditional offer of employment;

(c) A list and summary of the information relied upon for the assessment;

(d) All the components of the examination, as defined in this chapter;

(e) Factors which could affect the reliability and validity of the assessment; and

(f) An assessment of the psychological suitability of the applicant to be a peace officer or reserve officer for the particular law enforcement agency.

(8) A peace officer applicant may be offered employment by more than one law enforcement agency that is conditional on the results of a psychological examination.

(9) The peace officer applicant may be required to pay all or a portion of the cost of the examination under RCW 43.101.080(19) and 43.101.095(2).

(10) One psychological examination may be shared with more than one law enforcement agency under the following circumstances:

(a) The agency which initiated the psychological examination and the qualified professional conducting the examination agreed to share the psychological examination report and recommendations with the other law enforcement agency;

(b) The applicant signed a release permitting the other agency to have the psychological examination report;

(c) The psychological examination was completed within six months of the request by the other law enforcement agency; and

(d) The job analyses of the initiating and other law enforcement agencies must be substantially similar.

AMENDATORY SECTION (Amending WSR 10-07-037, filed 3/10/10, effective 4/10/10)

WAC 139-07-040 ((Report of psychological examination—Use by more than one agency.)) Polygraph examination or other truth verification assessment. ~~(((1) A peace officer applicant may be offered employment by more than one law enforcement agency that is conditional on the results of a psychological examination.~~

~~(2) The peace officer applicant may be required to pay all or a portion of the cost of the examination under RCW 43.101.080(19) and 43.101.095(2).~~

~~(3) One psychological examination may be shared with more than one law enforcement agency under the following circumstances:~~

~~(a) The agency which initiated the psychological examination and the qualified professional conducting the examination agreed to share the psychological examination report and recommendations with the other law enforcement agency;~~

~~(b) The applicant signed a release permitting the other agency to have the psychological examination report;~~

~~(c) The psychological examination was completed within six months of the request by the other law enforcement agency; and~~

~~(d) The job analyses of the initiating and other law enforcement agencies must be substantially similar.)) (1) Standards for polygraph and other truth verification assessments.~~

(a) Equipment used to conduct truth verification assessments as a part of the preemployment testing for certification of a peace officer or reserve law enforcement officer must meet a standard that has been proved to be valid and reliable by independent research studies other than those done by the manufacturer.

(b) The examiners, analysts, and their techniques for conducting a truth verification assessment must comply with all applicable federal and state laws including, but not limited to, the Employee Polygraph Protection Act, Equal Employment Opportunity Commission, Americans with Disabilities Act, and Washington state law against discrimination.

(c) Truth verification assessments under this chapter are intended as one of the tools for incremental validity to risk assessment and risk management efforts surrounding the evaluation and selection of peace officer and reserve officer applicants.

(d) Preemployment tests and assessments are considered screening devices and are conducted in the absence of a known incident, allegation, or particular reason to suspect someone's involvement. The truth verification assessment questions should be simple, direct, and easily understood by the applicant. Test information and results should be considered confidential within the screening process to be used exclusively by the county, city, or state law enforcement agency to assist with the selection of their applicant.

(2) Polygraph examination.

(a) An experienced polygraph examiner who is a graduate of a polygraph school accredited by the American Polygraph Association (APA) shall conduct the polygraph test. The examiner must also show that he or she is in compliance with completion of a minimum of thirty hours of APA-approved continuing education every two calendar years.

(b) Polygraph tests administered under this chapter shall be based on data from existing research pertaining to screening and diagnostic polygraph testing, risk assessment, risk management, and field investigation principles.

(c) The polygraph examiner shall assure that the polygraph equipment is properly functioning, maintained, and calibrated in compliance with the manufacturer's recommendation.

(i) The polygraph examiner shall record a chart semiannually to demonstrate correct functioning and shall be maintained by the examiner for a period of one year.

(ii) At a minimum, a polygraph instrument shall continuously record the following components during the testing process:

(A) Two pneumograph components to document thoracic and abdominal movement patterns associated with respiration;

(B) A component to record electro dermal activity reflecting relative changes in the conductance or resistance of current by epidermal tissues;

(C) A cardiograph component to report pulse rate, pulse amplitude, and relative blood pressure changes; and

(D) A motion sensor.

(d) The county, city, or state law enforcement agency which authorized the polygraph test shall maintain all documentation of the test for a minimum of three years from the date of the test unless otherwise required by law.

WSR 13-02-065

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 12-01—Filed December 28, 2012, 11:35 a.m., effective January 28, 2013]

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

Purpose: The purpose of this rule making is to amend chapter 197-11 WAC, SEPA rules (State Environmental Pro-

tection Act) at the direction of the 2012 legislature. Amendments include:

- Increasing the flexible thresholds that local governments may adopt to exempt minor new construction projects from SEPA review.
- Establishing separate flexible exemption thresholds for local governments in counties fully planning under RCW 36.70A.040 and local governments in other counties.
- Revising the process that local governments follow in adopting flexible SEPA minor new construction exemption thresholds.
- Revising and clarifying language related to the "residential," "parking lot" and "landfill and excavation" categories of minor new construction.
- Increasing the exemption threshold for SEPA review of electric facilities.
- Adding flexibility for all lead agencies to improve the efficiency of the environmental checklist. This includes allowing for electronic submittal of the environmental checklist, including electronic signature.

Citation of Existing Rules Affected by this Order: Amending WAC 197-11-315, 197-11-800, 197-11-906, and 197-11-960.

Statutory Authority for Adoption: State Environmental Policy Act, RCW 43.21C.110.

Adopted under notice filed as WSR 12-21-125 on October 24, 2012.

Changes Other than Editing from Proposed to Adopted Version:

- Revised text in WAC 197-11-800(23) to clarify the limitations on overbuilding of existing distribution lines with transmission lines.
- Various housekeeping and clarification revisions.

A final cost-benefit analysis is available by contacting Fran Sant, Department of Ecology, P.O. Box 47703, Olympia, WA 98504, phone (360) 407-6932, fax (360) 407-6904, e-mail separulemaking@ecy.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 0, Amended 4, Repealed 0.

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

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

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

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

Date Adopted: December 28, 2012.

Ted Sturdevant
Director
by Polly Zehm

AMENDATORY SECTION (Amending Order 95-16, filed 10/10/97, effective 11/10/97)

WAC 197-11-315 Environmental checklist. (1) Agencies shall use the environmental checklist substantially in the form found in WAC 197-11-960 to assist in making threshold determinations for proposals, except for:

(a) Public proposals on which the lead agency has decided to prepare its own EIS; or

(b) Proposals on which the lead agency and applicant agree an EIS will be prepared; or

(c) Projects which are proposed as planned actions (see subsection (2) of this section); or

(d) Projects where questions on the checklist are adequately covered by existing legal authorities (see subsection (6) of this section); or

(e) Nonproject proposals where the lead agency determines that questions in Part B do not contribute meaningfully to the analysis of the proposal. In such cases, Parts A, C, and D at a minimum shall be completed.

(2) For projects submitted as planned actions under WAC 197-11-164, a GMA county/city shall use the existing environmental checklist or modify the environmental checklist form to fulfill the purposes outlined in WAC 197-11-172(1), notwithstanding the requirements of WAC 197-11-906(4).

If the GMA county/city chooses to modify the existing environmental checklist, the modified form shall be submitted to the department of ecology to allow at least a thirty-day review prior to use. The department shall notify the GMA county/city within thirty days of receipt if it has any objections to the modified form and the general nature of the objections. If the department objects, the modified form shall not be used until the GMA county/city and the department have reached agreement.

(3) Agencies may use an environmental checklist whenever it would assist in their planning and decision making, but shall only require an applicant to prepare a checklist under SEPA if a checklist is required by subsection (1) of this section.

(4) The lead agency shall prepare the checklist or require an applicant to prepare the checklist.

(5) The items in the environmental checklist are not weighted. The mention of one or many adverse environmental impacts does not necessarily mean that the impacts are significant. Conversely, a probable significant adverse impact on the environment may result in the need for an EIS.

(6) In the checklist provided to applicants, the lead agency for an environmental review under this chapter may identify questions on the checklist adequately covered by a locally adopted ordinance, development regulation, land use plan, or other legal authority. A lead agency still must consider whether the action has an impact on the particular element or elements of the environment in question.

(a) In instances where the locally adopted ordinance, development regulation, land use plan, or other legal authority provide the necessary information to answer a specific question, the lead agency must explain how the proposed project satisfies the underlying local legal authority.

(b) If the lead agency identifies instances where questions on the checklist are adequately covered by a locally

adopted ordinance, development regulation, land use plan, or other legal authority, an applicant may still provide answers to any questions on the checklist.

(c) Nothing in this section authorizes a lead agency to ignore or delete a question on the checklist.

(7) The lead agency may determine the appropriate methods for receipt of electronic submittals of the checklist from applicants including electronic signature of Part C of the checklist.

(8) Lead agencies may include helpful information (including web links) in the checklist to assist applicants in completing the questions.

AMENDATORY SECTION (Amending Order 02-12, filed 8/1/03, effective 9/1/03)

WAC 197-11-800 Categorical exemptions. The proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

Note: The statutory exemptions contained in chapter 43.21C RCW are not included in Part Nine. Chapter 43.21C RCW should be reviewed in determining whether a proposed action not listed as categorically exempt in Part Nine is exempt by statute from threshold determination and EIS requirements.

(1) Minor new construction((—)) - Flexible thresholds.

(a) The exemptions in this subsection apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt under this subsection, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in (b) of this subsection shall control, unless the city/county in which the project is located establishes an exempt level under (c) of this subsection. If the proposal is located in more than one city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

(b) The following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water:

(i) The construction or location of ~~((any))~~ four detached single family residential ((structures of four dwelling)) units.

(ii) The construction or location of four multifamily residential units.

(iii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

~~((iii))~~ (iv) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles. This exemption includes stand-alone parking lots.

~~((iv) The construction of a parking lot designed for twenty automobiles.)~~

(v) Any landfill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation not associated with an exempt project in subsection (b)(i), (ii), (iii), or (iv); and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(c) Cities, towns or counties may raise the exempt levels up to the maximum specified ~~((below))~~ in (d) of this subsection by implementing ordinance or resolution. Such levels shall be specified in the agency's SEPA procedures (WAC 197-11-904) ~~((and sent to the department of ecology. A newly established exempt level shall be supported by local conditions, including zoning or other land use plans or regulations)).~~ Separate maximum optional thresholds are established in (d) of this subsection applying to both incorporated areas and unincorporated urban growth areas in fully planning jurisdictions under RCW 36.70A.040; other unincorporated areas in fully planning counties; and jurisdictions in all other counties. Agencies may adopt the maximum level or a level between the minimum and maximum level. An agency may adopt a system of several exempt levels (such as different levels for different geographic areas).

At a minimum, the following process shall be met in order to raise the exempt levels.

(i) Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC 197-11-444) have been adequately addressed for the development exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.

(ii) Description in the findings or other appropriate section of the adopting ordinance or resolution of the locally established project-level public comment opportunities that are provided for proposals included in these increased exemption levels.

(iii) Before adopting the ordinance or resolution containing the proposed new exemption levels, the local government shall provide a minimum of twenty-one days notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment.

(d) The maximum ~~((exempt))~~ exemption levels ~~((for the exemptions in (1)(b)))~~ applicable to (c) of this ~~((section shall be, respectively:~~

(i) 20 dwelling units.

(ii) 30,000 square feet.

(iii) 12,000 square feet; 40 automobiles.

(iv) 40 automobiles.

(v) 500 cubic yards.) subsection are:

<u>Project types</u>	<u>Fully planning GMA counties</u>		<u>All other counties</u>
	<u>Incorporated and unincorporated UGA</u>	<u>Other unincorporated areas</u>	<u>Incorporated and unincorporated areas</u>
<u>Single family residential</u>	<u>30 units</u>	<u>20 units</u>	<u>20 units</u>
<u>Multifamily residential</u>	<u>60 units</u>	<u>25 units</u>	<u>25 units</u>
<u>Barn, loafing shed, farm equipment storage, produce storage or packing structure</u>	<u>40,000 square feet</u>	<u>40,000 square feet</u>	<u>40,000 square feet</u>
<u>Office, school, commercial, recreational, service, storage building, parking facilities</u>	<u>30,000 square feet and 90 parking spaces</u>	<u>12,000 square feet and 40 parking spaces</u>	<u>12,000 square feet and 40 parking spaces</u>
<u>Landfill or excavation</u>	<u>1,000 cubic yards</u>	<u>1,000 cubic yards</u>	<u>1,000 cubic yards</u>

(2) **Other minor new construction.** The following types of construction shall be exempt except where undertaken wholly or in part on lands covered by water (unless specifically exempted in this subsection); the exemptions provided by this section shall apply to all licenses required to undertake the construction in question, except where a rezone or any license governing emissions to the air or discharges to water is required:

(a) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.

(b) The construction and/or installation of commercial on-premise signs, and public signs and signals.

(c) The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators, transportation corridor landscaping (including the application of Washington state department of agriculture approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required, channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catch basins and culverts, and reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes.

(d) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(e) Additions or modifications to or replacement of any building or facility exempted by subsections (1) and (2) of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class.

(f) The demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance.

(g) The installation of impervious underground tanks, having a capacity of 10,000 gallons or less.

(h) The vacation of streets or roads.

(i) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(j) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(3) **Repair, remodeling and maintenance activities.** The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:

(a) Dredging;

(b) Reconstruction/maintenance of groins and similar shoreline protection structures; or

(c) Replacement of utility cables that must be buried under the surface of the bedlands. Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.

(4) **Water rights.** Appropriations of one cubic foot per second or less of surface water, or of 2,250 gallons per minute or less of groundwater, for any purpose. The exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the

exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation.

(5) **Purchase or sale of real property.** The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property.

(b) The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to an authorized public use.

(c) The lease of real property when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.

(6) **Minor land use decisions.** The following land use decisions shall be exempt:

(a) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivisions or short platting within a plat or subdivision previously exempted under this subsection.

(b) Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density.

(c) Classifications of land for current use taxation under chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW.

(7) **Open burning.** Opening burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.

(8) **Clean Air Act.** The granting of variances under RCW 70.94.181 extending applicable air pollution control requirements for one year or less shall be exempt.

(9) **Water quality certifications.** The granting or denial of water quality certifications under the Federal Clean Water Act (Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1341) shall be exempt.

(10) **Activities of the state legislature.** All actions of the state legislature are exempted. This subsection does not exempt the proposing of legislation by an agency (WAC 197-11-704).

(11) **Judicial activity.** The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal or upon any application for a rezoning, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(12) **Enforcement and inspections.** The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered

exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) All activities of fire departments and law enforcement agencies except physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety. The application of pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere in these guidelines. No license or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(13) **Business and other regulatory licenses.** The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) All licenses required under electrical, fire, plumbing, heating, mechanical, and safety codes and regulations, but not including building permits.

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities, including but not limited to cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

(d) All licenses to operate or engage in charitable or retail sales and service activities, including but not limited to peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers.

(e) All licenses for private security services, including but not limited to detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services.

(f) All licenses for vehicles for-hire and other vehicle related activities including, but not limited to, taxicabs, ambulances, and tow trucks: Provided, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.

(g) All licenses for food or drink services, sales, and distribution, including but not limited to restaurants, liquor, and meat.

(h) All animal control licenses, including but not limited to pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection.

(i) The renewal or reissuance of a license regulating any present activity or structure so long as no material changes are involved.

(14) **Activities of agencies.** The following administrative, fiscal and personnel activities of agencies shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services authorized or necessitated by previously approved functions or programs.

(b) The assessment and collection of taxes.

(c) The adoption of all budgets and agency requests for appropriation: Provided, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(e) The review and payment of vouchers and claims.

(f) The establishment and collection of liens and service billings.

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.

(j) The activities of school districts pursuant to desegregation plans or programs; however, construction of real property transactions or the adoption of any policy, plan or program for such construction of real property transaction shall not be considered exempt under this subsection.

(15) **Financial assistance grants.** The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project. This exemption includes agencies taking nonproject actions that are necessary to apply for federal or other financial assistance.

(16) **Local improvement districts.** The formation of local improvement districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under WAC 197-11-800 and 197-11-880.

(17) **Information collection and research.** Basic data collection, research, resource evaluation, requests for proposals (RFPs), and the conceptual planning of proposals shall be exempt. These may be strictly for information-gathering, or as part of a study leading to a proposal that has not yet been approved, adopted or funded; this exemption does not include any agency action that commits the agency to proceed with such a proposal. (Also see WAC 197-11-070.)

(18) **Acceptance of filings.** The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.

(19) **Procedural actions.** The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt. Agency SEPA procedures shall be exempt.

(20) **Building codes.** The adoption by ordinance of all codes as required by the state Building Code Act (chapter 19.27 RCW).

(21) **Adoption of noise ordinances.** The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the department of ecology under chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations (and thus requires approval of the department of ecology under RCW 70.107.060(4)), SEPA compliance may be limited to those items which differ from state regulations.

(22) **Review and comment actions.** Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.

(23) **Utilities.** The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including communication towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; ~~((and))~~ the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines ~~((more than 55,000))~~ up to and including 115,000 volts; within existing rights of way or developed utility corridors, all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 115,000 volts or less; and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station or well: Provided, That additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition: Provided, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(h) All grants of franchises by agencies to utilities.

(i) All disposals of rights of way by utilities.

(24) **Natural resources management.** In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten years.

(b) Licenses or approvals to remove firewood.

(c) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(d) Issuance of leases for Christmas tree harvesting or brush picking.

(e) Issuance of leases for school sites.

(f) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(g) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

(h) Periodic use of chemical or mechanical means to maintain public park and recreational land: Provided, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(i) Issuance of rights of way, easements and use permits to use existing roads in nonresidential areas.

(j) Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of chapter 79.70 RCW.

(25) Personal wireless service facilities.

(a) The siting of personal wireless service facilities are exempt if the facility:

(i) Is a microcell and is to be attached to an existing structure that is not a residence or school and does not contain a residence or a school;

(ii) Includes personal wireless service antennas, other than a microcell, and is to be attached to an existing structure (that may be an existing tower) that is not a residence or school and does not contain a residence or school, and the existing structure to which it is to be attached is located in a commercial, industrial, manufacturing, forest, or agriculture zone; or

(iii) Involves constructing a personal wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone.

(b) For the purposes of this subsection:

(i) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(ii) "Personal wireless service facilities" means facilities for the provision of personal wireless services.

(iii) "Microcell" means a wireless communication facility consisting of an antenna that is either:

(A) Four feet in height and with an area of not more than five hundred eighty square inches; or

(B) If a tubular antenna, no more than four inches in diameter and no more than six feet in length.

(c) This exemption does not apply to projects within a critical area designated under GMA (RCW 36.70A.060).

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-906 Content and consistency of agency procedures. (1)(a) Agency SEPA policies and procedures shall implement and be consistent with the rules in this chapter. Unless optional or permissive (see WAC 197-11-704), all of the provisions of this chapter are mandatory, and agency procedures shall incorporate these rules and criteria.

(b) Permissive and optional rules shall *not* be construed as mandatory requirements. Rules giving encouragement or guidance shall also not be construed as mandatory. The decision on whether to apply an optional provision rests with the responsible official.

(c) Except as stated in the next subsection, the rules in this chapter are not exclusive, and agencies may add procedures and criteria. However, any additional material shall not be inconsistent with, contradict, or make compliance with any provision of these rules a practical impossibility. Any additional material shall be consistent with SEPA.

(d) Agency procedures shall also include the procedures required by sections WAC 197-11-055 (3)(a) and (4), 197-11-420 (1) and (4), and 197-11-910.

(e) Agency procedures may include procedures under WAC 197-11-055 (2) and (7), 197-11-100(3), 197-11-680, 197-11-714(2), 197-11-800(1), and 197-11-908. Any such procedures shall include the content required by those rules.

(2) The following provisions of this chapter are exclusive and may not be added to or changed in agency procedures:

(a) The definitions of "proposal," "major," "action," "significant," "affecting," "environment," "categorical exemption," "agencies with jurisdiction," "lands covered by water," "built environment," "natural environment," "license," "licensing," "mitigation," and "scope";

(b) The criteria for lead agency determination (Part Ten of these rules);

(c) The categorical exemptions in Part Nine of these rules, unless expressly allowed under Part Nine;

(d) The information allowed to be required of applicants under WAC 197-11-080, 197-11-100, 197-11-335, and 197-11-420;

(e) The requirements for the style and size of an EIS (WAC 197-11-425);

(f) The list of elements of the environment (WAC 197-11-444); and

(g) The provisions on substantive authority and mitigation in WAC 197-11-660.

(3) The following provisions of this chapter may not be changed, but may be added to; any additions shall meet the criteria for additional material stated in subsection (1)(c) of this section:

(a) All other definitions in Part Eight of these rules;

(b) The provisions in Parts Four and Five of these rules, except as necessary to be grammatically incorporated into agency procedures;

(c) The contents of agency SEPA procedures (WAC 197-11-906); and

(d) The list of agencies with environmental expertise (WAC 197-11-920).

(4) The forms in Part Eleven shall be used substantially as set forth. Minor changes are allowed to make the forms more useful to agencies, applicants, and the public, as long as the changes do not eliminate requested information or impose burdens on applicants. ((The questions in Part Two of the environmental checklist shall not be altered.))

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

For nonproject proposals complete this checklist ((for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D))) and the supplemental sheet for nonproject actions (Part D). The

lead agency may exclude any question for the environmental elements (Part B) which they determine do not contribute meaningfully to the analysis of the proposal.

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:
2. Name of applicant:
3. Address and phone number of applicant and contact person:
4. Date checklist prepared:
5. Agency requesting checklist:
6. Proposed timing or schedule (including phasing, if applicable):
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
10. List any government approvals or permits that will be needed for your proposal, if known.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

EVALUATION FOR
AGENCY USE
ONLY

TO BE COMPLETED BY APPLICANT

B. ENVIRONMENTAL ELEMENTS

1. **Earth**

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other
- b. What is the steepest slope on the site (approximate percent slope)?
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
2. **Air**
- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.
- b. Are there any offsite sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:
3. **Water**
- a. Surface:
- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
- 5) Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.
- b. Ground:
- 1) Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.
- c. Water runoff (including storm water):
- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.
- 2) Could waste materials enter ground or surface waters? If so, generally describe.
- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:
4. **Plants**
- a. Check or circle types of vegetation found on the site:
- Deciduous tree: Alder, maple, aspen, other
 - Evergreen tree: Fir, cedar, pine, other
 - Shrubs

- Grass
- Pasture
- Crop or grain
- Wet soil plants: Cattail, buttercup, bullrush, skunk cabbage, other
- Water plants: Water lily, eelgrass, milfoil, other
- Other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?
- c. List threatened or endangered species known to be on or near the site.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:
 - Birds: Hawk, heron, eagle, songbirds,
 - other:
 - Mammals: Deer, bear, elk, beaver,
 - other:
 - Fish: Bass, salmon, trout, herring, shellfish,
 - other:
- b. List any threatened or endangered species known to be on or near the site.
- c. Is the site part of a migration route? If so, explain.
- d. Proposed measures to preserve or enhance wildlife, if any:

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.
 - 1) Describe special emergency services that might be required.
 - 2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
- 3) Proposed measures to reduce or control noise impacts, if any:

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?
- b. Has the site been used for agriculture? If so, describe.
- c. Describe any structures on the site.
- d. Will any structures be demolished? If so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
- i. Approximately how many people would reside or work in the completed project?

- j. Approximately how many people would the completed project?
 - k. Proposed measures to avoid or reduce displacement impacts, if any:
 - l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
- 9. Housing**
- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
 - b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
 - c. Proposed measures to reduce or control housing impacts, if any:
- 10. Aesthetics**
- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
 - b. What views in the immediate vicinity would be altered or obstructed?
 - c. Proposed measures to reduce or control aesthetic impacts, if any:
- 11. Light and glare**
- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
 - b. Could light or glare from the finished project be a safety hazard or interfere with views?
 - c. What existing offsite sources of light or glare may affect your proposal?
 - d. Proposed measures to reduce or control light and glare impacts, if any:
- 12. Recreation**
- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
 - c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
- 13. Historic and cultural preservation**
- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
 - b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
 - c. Proposed measures to reduce or control impacts, if any:
- 14. Transportation**
- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
 - b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
 - c. How many parking spaces would the completed project have? How many would the project eliminate?
 - d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
 - e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
 - f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
 - g. Proposed measures to reduce or control transportation impacts, if any:
- 15. Public services**
- a. Would the project result in an increased need for public services (for example: Fire protection, police protection, health care, schools, other)? If so, generally describe.

b. Proposed measures to reduce or control direct impacts on public services, if any.

Proposed measures to protect or conserve energy and natural resources are:

16. Utilities

a. Circle utilities currently available at the site: Electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains, or prime farmlands?

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Proposed measures to protect such resources or to avoid or reduce impacts are:

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

Signature:

Date Submitted:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Proposed measures to reduce or respond to such demand(s) are:

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

**WSR 13-02-068
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed December 31, 2012, 9:14 a.m., effective February 1, 2013]

Effective Date of Rule: February 1, 2013.

Purpose: The department filed expedited proposed rules under WSR 12-12-062 addressing the following issues: Extending the date by which the requirement relating to written and practical testing requirements for qualified riggers is effective; the addition of language to be at-least-as-effective-as the federal rule; and clarification of the scope of the rule to include the following existing requirements: Rigging for all construction activities (WAC 296-155-556); and personnel lifting with attached or suspended platforms using cranes or derricks (WAC 296-155-547). The department received five written objections to the expedited rule process.

In consideration of the objections received and other feedback from stakeholders, this rule moves the rigging requirements for material handling equipment to a separate part under chapter 296-155 WAC, Part F-1. The rigger qual-

ification requirements for material handling was changed to be more consistent with the previous rigger qualifications for material handling equipment, eliminating the requirement for written and practical testing for riggers to be considered qualified when conducting rigging on material handling equipment. This rule language also includes changes in the expedited rules filed for which no objections were received: Extending the date by which the requirement relating to written and practical testing requirements for qualified riggers is effective under chapter 296-155 WAC, Part L; the addition of language to be at-least-as-effective-as the federal rule; and clarification of the scope of the rule to include personnel lifting with attached or suspended platforms using cranes or derricks (WAC 296-155-547).

Citation of Existing Rules Affected by this Order:

NEW SECTIONS:

Chapter 296-155 WAC, Part F-1 Rigging requirements for material handling.

- Created this new part relating to rigging requirements for material handling.

WAC 296-155-336 Rigging requirements for material handling.

- There are no requirements in this section.

WAC 296-155-33600 Scope.

- Created this section explaining what Part F-1 pertains to.

WAC 296-155-33605 Definitions.

- Added the following applicable definitions to this part: Angle of loading, anti two-block device, basket hitch, below-the-hook lifting device, bird caging, braided wire rope, bridle wire rope sling, cable laid endless sling-mechanical joint, cable laid grommet-hand tucked, center of gravity, choker hitch, come-a-long, competent person, cross rod, design factor, electrical contact, fabric (metal mesh), fall zone, flange points, hitch (hitched), hoist, hoisting, hoisting equipment, hook latch, load, load ratings, master coupling link, master link, mechanical coupling link (alloy steel chain), operational controls, procedures, qualified person, qualified rigger, rated capacity, rotation resistant rope, RPE, RPSE, running wire rope, safety or health standard, section, sling, spiral, standing wire rope, two blocking, vertical hitch, wire rope, working load.

WAC 296-155-337 Rigging—General requirements.

- There are no requirements in this section.

WAC 296-155-33700 Rigger qualifications.

- Created this section outlining the qualifications for riggers who do rigging while doing material handling activities.

WAC 296-155-33705 General requirements.

- General requirements relating to all rigging are located in this section. These requirements are

either in the current federal rule, current state rule or are in an industry consensus standard.

WAC 296-155-338 Slings.

- There are no requirements in this section.

WAC 296-155-33800 Chain slings.

- Requirements relating to chain slings are located in this section. These requirements are either in the current federal rule, current state rule or are in an industry consensus standard.

WAC 296-155-33805 Wire rope slings.

- Requirements relating to wire rope slings are located in this section. These requirements are either in the current federal rule, current state rule or are in an industry consensus standard.

WAC 296-155-33810 Metal mesh slings.

- Requirements relating to metal mesh slings are located in this section. These requirements are either in the current federal rule, current state rule or are in an industry consensus standard.

WAC 296-155-33815 Synthetic rope slings.

- Requirements relating to synthetic rope slings are located in this section. These requirements are either in current federal rule, current state rule or are in an industry consensus standard.

WAC 296-155-33820 Synthetic webbing slings.

- Requirements relating to synthetic webbing slings are located in this section. These requirements are either in current federal rule, current state rule or are in an industry consensus standard.

WAC 296-155-33825 Synthetic roundslings.

- Requirements relating to synthetic roundslings are located in this section. These requirements are either in federal rule, current state rule or are in an industry consensus standard.

WAC 296-155-339 Rigging hardware and lifting devices other than slings and rigging hardware.

- There are no requirements in this section.

WAC 296-155-33900 General requirements.

- General requirements relating to rigging hardware are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-33905 Shackles.

- Requirements relating to shackles are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-33910 Adjustable hardware.

- Requirements relating to adjustable hardware are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-33915 Compression hardware.

- Requirements relating to compression hardware are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-33920 Links, rings, and swivels.

- Requirements relating to links, rings, and swivels are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-33925 Rigging blocks.

- Requirements relating to rigging blocks are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-340 Lifting devices other than slings and rigging hardware.

- There are no requirements in this section.

WAC 296-155-34005 Structural and mechanical lifters.

- Requirements relating to structural and mechanical lifters are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-34010 Vacuum lifters.

- Requirements relating to vacuum lifters are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-34015 Close proximity lifting magnets.

- Requirements relating to close proximity lifting magnets are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-34020 Remotely operated lifting magnets.

- Requirements relating to remotely operated lifting magnets are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-34025 Scrap and material handling grapples.

- Requirements relating to scrap and material handling grapples are located in this section. These requirements came from an industry consensus standard.

AMENDED SECTIONS:**Chapter 296-155 WAC, Part F Material handling, storage, use and disposal.**

- Removed the words "material handling" from the title of this part.

WAC 296-155-529 Crane certifier accreditation and crane certification.

- Changed the title of this section to scope and definitions. The crane certifier accreditation starts with WAC 296-155-531.

WAC 296-155-52900 Scope.

- Reformatted this section by breaking out the information and creating new subsections. The first section, subsection (3) provides a list of equipment being exempted from the crane certifier accreditation and operator qualifications and certification portion of the rule. Created a subsection (4) that provides a list of equipment that would be exempted from Part L of this chapter.
 - o The equipment exempted from the certifier accreditation and operator qualifications:
 - Cranes having a maximum capacity of one ton or less.
 - Powered industrial trucks (forklifts) when configured to hoist and lower (by means of a winch or hook) and horizontally move a suspended load.
 - Service cranes with booms that rotate manually.
 - o The equipment exempted from Part L of this chapter:
 - Equipment included in subsection (1) of this section while it has been converted or adapted for nonhoisting/lifting use. Such conversions/adaptations include, but are not limited to, power shovels, excavators and concrete pumps.
 - Power shovels, excavators, wheel loaders, backhoes, loader backhoes, track loaders.
 - Automotive wreckers and tow trucks when used to clear wrecks and haul vehicles.
 - Equipment originally designed as vehicle-mounted aerial devices (for lifting personnel) and self-propelled elevating work platforms.
 - Hydraulic jacking systems, including telescopic/hydraulic gantries.
 - Stacker cranes.
 - Mechanic's truck with a hoisting device when used in activities related to equipment maintenance and repair.
 - Equipment that hoists by using a come-a-long or chainfall.
 - Dedicated drilling rigs.
 - Gin poles used for the erection of communication towers.
 - Tree trimming and tree removal work.
 - Anchor handling or dredge-related operations with a vessel or barge using an affixed A-frame.
 - Roustabouts.
 - Machines equipped with a boom that is limited to up and down movement only and does not rotate.
 - Conveyors.
 - Pump hoists with booms that do not rotate.
 - Cranes and their operators used on-site in manufacturing facilities or powerhouses for occasional or routine maintenance and repair work.

- Helicopter cranes.
 - Permanently installed overhead/bridge, gantry cranes, semi-gantry, cantilever gantry, wall cranes, storage bridge cranes, and others having the same fundamental characteristics.
 - Digger derricks when used for activities that are covered under chapter 296-45 WAC, Safety standards for electrical workers, or chapter 296-32 WAC, Safety standards for telecommunications. Cranes other than digger derricks when used for activities that are covered under chapter 296-45 WAC, Safety standards for electrical workers, or chapter 296-32 WAC, Safety standards for telecommunications, are NOT exempt.
 - Powered industrial trucks (forklifts) except when configured to hoist and lower (by means of a winch or hook) and horizontally move a suspended load.
- Added a note for clarity that reads, "Rigging requirements for material handling is located in Part F-1 of this chapter."
 - In subsection (1), added the words "the following." The first sentence reads, "Except as provided in subsection (3) of this section, this part applies to the following:"
 - Created a new subsection (1)(b) for clarity. It reads, "Personnel lifting with attached or suspended platforms using cranes or derricks (WAC 296-155-547)."
 - Renumbered subsections (5) through (8).

WAC 296-155-52902 Definitions.

- In the definition of "attachments" change the word "means" to "mean" and "or" to "of" to match the federal equivalent. It reads, "Attachments mean any device that expands the range of tasks that can be done by the crane/derrick. Examples include, but are not limited to: An auger, drill, magnet, pile-driver, and boom-attached personnel platform."
- Added a definition for "Jib stop" to match the federal equivalent. It reads, "Jib stop (also referred to as a jib backstop), is the same type of device as a boom stop but is for a fixed or luffing jib."
- Deleted the last sentence in the definition of "mobile cranes." The federal definition had this sentence in their proposed rule but did not in their adopted rule. The sentence removed reads, "These are referred to in Europe as a crane mounted on a truck carrier."

WAC 296-155-53300 Operator qualifications and certification.

- In the note after Table 3, added the words "covered under this part" for clarity. It reads, "Cranes and other lifting machines covered under this part that are exempt can be found in WAC 296-155-52900 (3)."

WAC 296-155-53306 Rigger qualifications.

- In subsection (1), clarified the language for consistency. It reads, "The rigger must meet the qualification requirements (subsection (3) of this section) prior to performing hoisting activities for assembly and disassembly work (WAC 296-155-53402 (19)(a)). A qualified rigger is required whenever employees are engaged in hooking, unhooking, or guiding the load, or in the initial connection of a load to a component or structure, and are within the fall zone (WAC 296-155-53400 (43)(c)). This requirement must be met by using either Option (1) or Option (2)."
- In subsection (3)(g), modified the note to allow an additional one hundred eighty days for employers to come into compliance with the requirement relating to having qualified riggers pass a written and practical test. It reads, "The provisions of subsection (3)(g) of this section are not required until February 1, 2013."
- Added a new note for clarity. It reads, "This section does not require that each and every worker associated with the rigging of a component or structure to be a "fully qualified rigger" as defined in this section, the requirement is for at least one of the workers to be a fully qualified rigger. However, all other associated workers must be qualified by training or experience to perform their assigned tasks (WAC 296-155-035(2))."

WAC 296-155-53400 General requirements.

- In subsection (1), added the words "covered under this part." It reads, "All cranes and derricks covered under this part, except for those exempted in WAC 296-155-52900(3), must be certified annually by an accredited certifier recognized by the department, for detailed information about this certification see WAC 296-155-532."
- In subsection (2), added the words "covered under this part." It reads, "All crane and derrick operators covered under this part, except for those exempted in WAC 296-155-52900(3), must be qualified as required by WAC 296-155-533."
- In subsection (4)(a), replaced the word "provide" with the words "develop and ensure compliance with" to match the federal equivalent. It reads, "Where the manufacturer procedures are unavailable, the employer must develop and ensure compliance with all procedures necessary for the safe operation of the crane/derrick and attachments."
- In subsection (29), replaced the language to match the federal equivalent. It reads,
 - (a) Load hooks (including latched and unlatched types), ball assemblies and load blocks must be of sufficient weight to overhaul the line from the highest hook position for boom or boom and jib lengths and the number of parts of the line in use.
 - (b) Crane hooks must be equipped with latches or self-locking devices unless a qualified person determines that it is safer to hoist and place the load with-

out latches (or with latches removed/tied back or otherwise disabled) and routes for the loads are pre-planned to ensure that no employee is required to work in the fall zone except for employees necessary for the hooking or unhooking of the load.

(c) The latch or self-locking device (when used) must bridge the throat opening of the hook for the purpose of retaining slings or other lifting devices under slack conditions."

- In subsection (43)(a), added the words "to the extent consistent with public safety" to match the federal equivalent. It reads, "Where available, hoisting routes that minimize the exposure of employees to hoisted loads must be used to the extent consistent with public safety."
- In subsection (43)(c)(ii), added a reference to subsection (29)(b).
- In subsection (54)(d), added language to match the federal equivalent. It reads, "If the competent person determines that there is slack rope condition requiring respooling of the rope, it must be verified (before starting the lift) that the rope is seated on the drum and in the sheaves as the slack is removed."
- In subsection (61), added language to match the federal equivalent. It reads, "Except for proof load testing required under WAC 296-155-53202 through 296-155-53212, no crane/derrick is permitted to be loaded beyond the specifications of the load rating chart, unless authorized by the crane manufacturer. The operator must not be required to operate the crane/derrick in a manner that would violate this requirement."
- Added a new subsection (64) to match the federal equivalent. It reads, "The brakes must be adjusted in accordance with manufacturer procedures to prevent unintended movement."
- Renumbered the remaining subsections.

WAC 296-155-53402 Assembly/disassembly.

- After subsection (1)(b), added a note to match the federal equivalent. It reads, "Note: The employer must follow manufacturer procedures when an employer uses synthetic slings during assembly or disassembly of cranes/derricks, see subsection (19) of this section."
- In subsection (18)(b), added language relating to locomotive cranes to match the federal equivalent. It reads, "The outriggers must be set to remove the crane weight from the wheels, except for locomotive cranes (see subsection (18)(f) of this section for use of outriggers or locomotive cranes)."
- Added a subsection (18)(f) relating to locomotive cranes to match the federal equivalent. It reads, "For locomotive cranes, when using outriggers or stabilizers to handle loads, the manufacturer's procedures must be followed. When lifting loads without using outriggers or stabilizers, the manufacturer's procedures must be met regarding truck wedges or screws."

WAC 296-155-53403 Fall protection.

- In subsection (2)(b), added language relating to boom walkways to match the federal equivalent. It reads, "Boom walkway criteria. The walkways must be at least twelve inches wide."
- In subsection (3)(b), added the word "derricks" for consistency.
- After subsection (5)(b), added a note for clarity. It reads, "Note: If the equipment is running and the employee is at or near the draw-works, precautions should be taken to ensure the fall protection gear will not become entangled."
- After subsection (6), added a note for clarity. It reads, "Note: If the equipment is running and the employee is at or near the draw-works, precautions should be taken to ensure the fall protection gear will not become entangled."
- After subsection (9)(a), added a note for clarity. It reads, "Note: If the equipment is running and the employee is at or near the draw-works, precautions should be taken to ensure the fall protection gear will not become entangled."

WAC 296-155-53404 Wire rope.

- In subsection (2)(c), updated a reference.

WAC 296-155-53406 Signals.

- After subsection (3)(a), added a reference to the hand signal chart located in the appendices of this part. It reads, "See WAC 296-155-56400 for the hand signal chart."

WAC 296-155-53408 Power line safety.

- In subsection (1)(b)(iii)(A)(IV), added a note that defines what a dedicated spotter is. Copied this definition from WAC 296-155-52902, it reads, "Note: To be considered a dedicated spotter, the requirements of WAC 296-155-53302 (signal person qualifications) must be met and his/her sole responsibility is to watch the separation between the power line and; the equipment, the load line and load (including rigging and lifting accessories), and ensure through communication with the operator that the applicable minimum approach distance is not breached."
- In subsection (2)(b)(iv)(B)(IV), added a note that defines what a dedicated spotter is. Copied this definition from WAC 296-155-52902, it reads, "Note: To be considered a dedicated spotter, the requirements of WAC 296-155-53302 (signal person qualifications) must be met and his/her sole responsibility is to watch the separation between the power line and; the equipment, the load line and load (including rigging and lifting accessories), and ensure through communication with the operator that the applicable minimum approach distance is not breached."
- In subsection (2)(d)(ii)(D), corrected a reference.
- In subsection (4), bolded the word "all."
- In subsection (4)(d)(i), added the language "but are not limited to" to match the federal equivalent. It reads, "The power line owner/operator or registered

professional engineer who is a qualified person with respect to electrical power transmission and distribution determines the minimum clearance distance that must be maintained to prevent electrical contact in light of the on-site conditions. The factors that must be considered in making this determination include, but are not limited to: Conditions affecting atmospheric conductivity; time necessary to bring the crane/derrick, load line and load (including rigging and lifting accessories) to a complete stop; wind conditions; degree of sway in the power line; lighting conditions, and other conditions affecting the ability to prevent electrical contact."

- In subsection (4)(e)(ii)(A), added the language "but are not limited to" to match the federal equivalent. It reads, "Be equipped with a visual aid to assist in identifying the minimum clearance distance. Examples of a visual aid include, but are not limited to: A clearly visible line painted on the ground; a clearly visible line on stanchions; a set of clearly visible line-of-sight landmarks (such as a fence post behind the dedicated spotter and a building corner ahead of the dedicated spotter)."
- In subsection (4)(e)(ii)(D)[(d)], added a note that defines what a dedicated spotter is. Copied this definition from WAC 296-155-52902, it reads, "Note: To be considered a dedicated spotter, the requirements of WAC 296-155-53302 (signal person qualifications) must be met and his/her sole responsibility is to watch the separation between the power line and; the equipment, the load line and load (including rigging and lifting accessories), and ensure through communication with the operator that the applicable minimum approach distance is not breached."

WAC 296-155-53409 Training.

- In subsection (1)(d)(iii), added the words "covered under this part" and update a reference. It reads, "For operators using equipment covered under this part that are exempt in WAC 296-155-52900 (3)(b), the employer must ensure that each operator is trained on the safe operation of the equipment the operator will be using."
- Added a new subsection (1)(e) to match the federal equivalent and renumber. It reads, "(e) The employer must train each operator of the equipment covered by this part in the following practices:
 - (i) On friction equipment, whenever moving a boom off a support, first raise the boom a short distance (sufficient to take the load of the boom) to determine if the boom hoist brake needs to be adjusted. On other types of equipment with a boom, the same practice is applicable, except that typically there is no means of adjusting the brake; if the brake does not hold, a repair is necessary. See WAC 296-155-53400 (68) and (69).
 - (ii) Where available, the manufacturer's emergency procedures for halting unintended equipment movement."

- Added a new subsection (2)(c) to match the federal equivalent. It reads, "Whenever the employer is required to provide training under this part, the employer must provide the training at no cost to the employee."

WAC 296-155-54200 Overhead/bridge and gantry cranes—General.

- In subsection (2), removed the words "in a manufacturing facility or a powerhouse" to be consistent with the federal equivalent. It reads, "Overhead and gantry cranes that are not permanently installed must follow the applicable requirements in chapter 296-155 WAC, Part L."

WAC 296-155-54410 Sideboom cranes.

- In subsection (1), updated a reference.

WAC 296-155-55110 Proof load test platforms and rigging.

- In subsection (1)(a)(ii), added the words "by controlled load lowering, braked," to match the federal equivalent. It reads, "The platform must be lowered by controlled load lowering, braked, and held in a suspended position for a minimum of five minutes with the test load evenly distributed on the platform."

WAC 296-155-55115 Trial lift.

- In subsection (6)(a), added the words "with the personnel and materials/tools on board" to match the federal equivalent. It reads, "The platform must be hoisted a few inches with the personnel and materials/tools on board and inspected by a competent person to ensure that it is secure and properly balanced."

WAC 296-155-55210 Crane or derrick operation requirements for personnel lifting.

- In subsection (1)(f), added the word "cautious" to match the federal equivalent. It reads, "Perform all movements of the platform or crane/derrick in a slow, controlled, cautious manner to minimize sudden movement of the platform;"
- In subsection (1)(j)(ii), replaced the word "or" with "and must be" to match the federal equivalent. It reads, "The crane/derrick operator must be at a set of crane controls that include boom and swing functions of the crane, and must be on-site and in view of the crane/derrick and platform."

WAC 296-155-55300 Personnel lifting requirements.

- In subsection (2), added the words "sustained or gusts" to match the federal equivalent. It reads, "Personnel platforms cannot be used in winds (sustained or gusts) in excess of twenty mph (32.2 km/hr) or in electric storms, snow, ice, sleet, or other adverse weather conditions which could affect the safety of personnel."

WAC 296-155-556 Rigging—General requirements.

- Deleted the words "The rigging requirements in this part apply to all construction activities."

WAC 296-155-55600 General requirements.

- In subsection (1), added clarifying language for consistency. It reads, "Employers must use at least one qualified rigger as follows:"
- In subsection (1)(a), removed the words "additionally, qualified riggers are required."
- In subsection (1)(b), added clarifying language and a note for consistency. It reads, "Whenever employees are engaged in hooking, unhooking, or guiding a load, or in the initial connection of a load to a component or structure, and are within the fall zone (WAC 296-155-53400 (43)(c)[])." The note reads, "Note: See qualified rigger requirements located in WAC 296-155-53306."
- Created a new subsection (9) and add language to match the federal equivalent and renumber. It reads, "Special custom design grabs, hooks, clamps, or other lifting accessories, for such units as modular panels, prefabricated structures and similar materials, must be marked to indicate the safe working loads and must be proof tested prior to use to one hundred and twenty-five percent of their rated load."
- Created a new subsection (12) and add language to match the federal equivalent. It reads, "All rigging hardware must have permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load."
- Renumbered the subsections in this section.

WAC 296-155-55805 Wire rope slings.

- In subsection (8), created a new subsection (8)(d) and add language to match the federal equivalent and renumber. It reads, "Protruding ends of strands in splices on slings and bridles must be covered or blunted."
- In subsection (8), create a new subsection (8)(e) and add language to match the federal equivalent and renumber. It reads, "A sling must not be pulled from under a load when the load is resting on the sling."

WAC 296-155-55820 Synthetic webbing slings.

- In subsection (6)(a), created a new subsection (6)(a)(vi) and add language to match the federal equivalent and renumber. It reads, "Fittings must be of a minimum breaking strength equal to that of the sling."
- In subsection (6), created a new subsection (6)(b) and add language to match the federal equivalent and renumber. It reads, "Webbing. Synthetic webbing must be of uniform thickness and width and selvage edges must not be split from the webbing's width."

WAC 296-155-56100 General requirements.

- In subsection (3)(c), added the words "at least one of the workers" for clarity. It reads, "At least one of the workers using rigging hardware must meet the requirements of WAC 296-155-53306."

WAC 296-155-56400 Mobile crane hand signal chart.

- Deleted the illustration in this section and added the following language, "See ASME B30.5 - 2011, Standard hand signals for controlling crane operations."

WAC 296-155-704 Hoisting and rigging.

- In subsection (3)(b), added language for clarity. It reads, "A qualified rigger (when a crane/derrick is being used as the hoisting machinery) is a rigger that meets the requirements in WAC 296-155-53306 and all rigging gear must be inspected prior to each shift in accordance with WAC 296-155-556 through 296-155-56220. A qualified rigger (when hoisting machinery other than a crane/derrick is being used) must meet the requirements in WAC 296-155-33700 and all rigging gear must be inspected prior to each shift in accordance with WAC 296-155-337 through 296-155-34025."

REPEALED SECTION:**WAC 296-155-329 Qualified person—Rigging.**

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Other Authority: Chapter 49.17 RCW, 29 C.F.R. 1926, Subpart CC, Cranes and Derricks in Construction.

Adopted under notice filed as WSR 12-20-054 on October 2, 2012.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments received or for clarification purposes, the following sections are being changed as indicated below:

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

WAC 296-155-33805 Wire rope slings.

- Subsection (8)(e): Added a parenthesis after the words "Figure 8." It now reads, "Decrease the rated load of the sling when D/d ratios (Figure 8) smaller than twenty-five to one. Consult the sling manufacturer for specific data or refer to the wire rope sling user's manual (wire rope technical board)."

WAC 296-155-33815 Synthetic rope slings.

- Subsection (5)(e): In Figure 13, corrected a reference to another figure. It now reads, "The symbols below represent load or support in contact with the rope sling. The contact surface diameter divided by the rope diameter is designated D/d ratio as described in Figure 8."

WAC 296-155-52900 Scope.

- Subsection (1)(a): Added the word "/bridge" after the word ["j]overhead." It now reads, "Power-oper-

ated cranes and derricks used in construction that can hoist, lower and horizontally move a suspended load (with or without attachments). Such equipment includes, but is not limited to: Articulating boom cranes (such as knuckle-boom cranes); crawler cranes; floating cranes; cranes on barges; locomotive cranes; mobile cranes (such as wheel-mounted, rough-terrain, all-terrain, commercial truck-mounted, and boom truck cranes); multipurpose machines when configured to hoist and lower (by means of a winch or hook) and horizontally move a suspended load; industrial cranes (such as carry-deck cranes); cranes being used as dedicated pile drivers; service/mechanic trucks with a hoisting device; a crane on a monorail; tower cranes (such as fixed jib ("hammerhead boom"), luffing boom and self-erecting); pedestal cranes; portal cranes; overhead/bridge and gantry cranes; straddle cranes; side-boom tractors; derricks; and variations of such equipment; and"

- Subsection (3)(d): Deleted subdivision (d) to be at least-as-effective-as OSHA which stated, "Overhead/bridge, gantry cranes, semi-gantry, cantilever gantry, wall cranes, storage bridge cranes, launching gantry cranes, and similar equipment having the same fundamental characteristics, irrespective of whether it travels on tracks, wheels, or other means, when performing construction activities and not permanently installed."

WAC 296-155-53402 Assembly/disassembly.

- Subsection (18)(e): Corrected a reference. It now reads, "Meet the requirements in subsection (10)(b) and (c) of this section."

WAC 296-155-55600 General requirements.

- Subsection (1)(b): Added the words "of this part" at the end of the note. It now reads, "Note: See qualified rigger requirements located in WAC 296-155-53306 of this part."

WAC 296-155-56400 Mobile crane hand signal chart.

- Added an updated mobile crane hand signal chart. Deleted the language referencing ASME B-30.5-2011.

WAC 296-155-704 Hoisting and rigging.

- Subsection (1): Added clarifying language. It now reads, "All the applicable provisions of Part L of this chapter apply to hoisting and rigging while using a crane/derrick. All applicable provisions of Part F-1 of this chapter apply to material handling hoisting equipment when a crane/derrick is not being used."
- Subsection (3)(b): Modified the language. It now reads, "A qualified rigger (a rigger who is also a qualified person) must inspect the rigging prior to each shift."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 26, Amended 25, Repealed 1; 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 26, Amended 25, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 26, Amended 25, Repealed 1.

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: December 31, 2012.

Judy Schurke
Director

PART F (~~MATERIAL HANDLING~~) STORAGE, USE, AND DISPOSAL

PART F-1 RIGGING REQUIREMENTS FOR MATERIAL HANDLING

NEW SECTION

WAC 296-155-336 Rigging requirements for material handling.

NEW SECTION

WAC 296-155-33600 Scope. (1) This part applies to material/load handling activities when using slings, rigging hardware, below-the-hook lifting devices when performing construction activities.

(2) This part does not apply to power-operated cranes and derricks when performing construction activities that fall under the scope of Part L of this chapter.

NEW SECTION

WAC 296-155-33605 Definitions. Angle of loading means the acute angle between horizontal and the leg of the rigging, often referred to as horizontal angle. See Figures 7 and 22.

Anti two-block device means a device that, when activated, disengages all crane functions whose movement can cause two-blocking.

Basket hitch means a method of rigging a sling in which the sling is passed around the load and both loop eyes or end fittings are attached to the lifting device.

Below-the-hook lifting device means a device used for attaching loads to a hoist. The device may contain components such as slings, hooks, rigging hardware, and lifting attachments.

Bird caging means the twisting of fiber or wire rope in an isolated area of the rope in the opposite direction of the rope lay, thereby causing it to take on the appearance of a bird cage.

Braided wire rope means a wire rope formed by plaiting component wire ropes.

Bridle wire rope sling means a sling composed of multiple legs with the top ends gathered in a fitting that goes over the lifting hook.

Cable laid endless sling-mechanical joint means a wire rope sling made endless from one continuous length of cable laid rope with the ends joined by one or more metallic fittings.

Cable laid grommet-hand tucked means an endless wire rope sling made from one continuous length of rope formed to make a body composed of six ropes around a rope core. The rope ends are tucked into the body, thus forming the core. No sleeves are used.

Center of gravity means the center of gravity of any object is the point in the object around which its weight is evenly distributed. If you could put a support under that point, you could balance the object on the support.

Choker hitch means a method of rigging a sling in which the sling is passed around the load, then through one loop eye, end fitting, or other device, with the other loop eye or end fitting attached to the lifting device. This hitch can be done with a sliding choker hook or similar device.

Come-a-long means a mechanical device typically consisting of a chain or cable attached at each end that is used to facilitate movement of materials through leverage.

Competent person means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

Cross rod means a wire used to join spirals of metal mesh to form a complete fabric. See Figure 11.

Design factor means the ratio between nominal or minimum breaking strength and rated load.

Electrical contact means when a person, object, or equipment makes contact or comes close in proximity with an energized conductor or equipment that allows the passage of current.

Fabric (metal mesh) means the flexible portion of the sling exclusive of end fittings consisting of a series of transverse spirals and cross rods.

Fall zone means the area (including, but not limited to, the area directly beneath the load) in which it is reasonably foreseeable that partially or completely suspended materials could fall in the event of an accident.

Flange points means a point of contact between rope and drum flange where the rope changes layers.

Hitch (hitched) means a method of rigging (attaching) a sling temporarily to a load or object for the purpose of lifting.

Hoist means a mechanical device for lifting and lowering loads by winding rope onto or off a drum.

Hoisting means the act of raising, lowering or otherwise moving a load in the air with equipment covered by this standard. As used in this standard, "hoisting" can be done by means other than wire rope/hoist drum equipment.

Hoisting equipment means a machine for lifting and lowering a load and moving it horizontally. The machine may be fixed or mobile and be driven manually, by power, or by a combination of both.

Hook latch means a mechanical device used to close the throat opening of a hook.

Load is the weight of the object being lifted or lowered, including the weight of the load-attaching equipment such as the load block, ropes, slings, shackles, and any other auxiliary attachment.

Load ratings means a set of rated loads for stipulated hoisting equipment configurations and operating conditions.

Master coupling link means an alloy steel welded coupling link used as an intermediate link to join alloy steel chain to master links.

Master link means forged or welded steel link used to support all members (legs) of an alloy steel chain sling or wire rope sling.

Mechanical coupling link (alloy steel chain) means a nonwelded, mechanically closed link used primarily to attach fittings to alloy steel chain.

Operational controls means levers, switches, pedals and other devices for controlling equipment operation.

Procedures include, but are not limited to: Instructions, diagrams, recommendations, warnings, specifications, protocols, and limitations.

Qualified person means a person who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training and experience, successfully demonstrated the ability to solve/resolve problems relating to the subject matter, the work, or the project.

Qualified rigger is a rigger who meets the requirements in WAC 296-155-33700.

Rated capacity means the maximum working load permitted by the manufacturer under specified working conditions. Such working conditions typically include a specific combination of factors such as equipment configuration, radii, boom length, and other parameters of use.

Rotation resistant rope means a type of wire rope construction which reduces the tendency of a rope to rotate about its axis under load. Usually, this consists of an inner system of core strands laid in one direction covered by an outer system of strands laid in the opposite direction.

RPE means a registered professional engineer licensed under RCW 18.43.040(1).

RPSE means a registered professional structural engineer licensed under RCW 18.43.040(1).

Running wire rope is a wire rope that moves over sheaves or drums.

Safety or health standard means a standard adopted under this chapter.

Section means a section of this part, unless otherwise specified.

Sling means an assembly to be used for lifting when connected to a lifting mechanism. The upper portion of the sling is connected to the lifting mechanism and the lower supports the load, as described in this part.

Spiral means a single transverse coil that is the basic element from which metal mesh is fabricated.

Standing wire rope means a supporting wire rope which maintains a constant distance between the points of attachment to the two components connected by the wire rope.

Two blocking means a condition in which a component that is uppermost on the hoist line such as the load block,

hook block, overhaul ball, or similar component, comes in contact with the boom tip, fixed upper block or similar component. This binds the system and continued application of power can cause failure of the hoist rope or other component.

Vertical hitch means a method of rigging a sling in which the load is attached to the loop eye or end fitting at one end of the sling and the loop eye or end fitting at the other end is attached to the lifting device. Any hitch less than five degrees from the vertical may be considered a vertical hitch.

Wire rope means a flexible rope constructed by laying steel wires into various patterns of multiwired strands around a core system to produce a helically wound rope.

Working load means the external load applied to the hoisting equipment, including the personnel lifting platform, its contents, and the load attaching equipment, such as lowered load block, shackles, and slings.

NEW SECTION

WAC 296-155-337 Rigging—General requirements.

NEW SECTION

WAC 296-155-33700 Rigger qualifications. Riggers must be a qualified person who, by possession of a recognized degree or certificate of professional standing, or who, by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating the subject matter. Also has the authorization or authority by the nature of their position to take prompt corrective measures to eliminate them. The person must be knowledgeable in the requirements of this part as applicable to the tasks assigned, including but not limited to:

- "Know and understand of the requirements for slings, rigging hardware, and below-the-hook lifting devices, including their limitations, rigging practices, associated hazards, and inspection requirements;
- "Know and understand the application of the type of hitches used;
- "Know and understand load weight estimation, center of gravity, effect of angle on rigging components, and load turning.

NEW SECTION

WAC 296-155-33705 General requirements. (1) Employers must ensure all rigging activities covered under this part are performed by a qualified rigger or performed under the direction and supervision of a qualified rigger.

(2) All slings in use must meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in ASME B30.9-2010.

(3) All rigging hardware in use must meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in ASME B30.26-2010.

(4) All rigging gear must be used in accordance with the manufacturer's recommendations or a qualified person.

(5) All below-the-hook lifting devices in use must meet the applicable requirements for design, inspection, construc-

tion, testing, maintenance and operation as prescribed in ASME B30.20-2010.

(6) All hooks in use must meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in ASME B30.10-2009.

(7) Repair of hooks must be approved by the manufacturer or qualified person and as follows:

(a) Cracks, nicks, and gouges may be repaired by a competent person, all other repairs are done by the manufacturer or a qualified person;

(b) Grind longitudinally, following the contour of the hook;

(c) Do not reduce the dimension of the hook more than ten percent from the original.

(8) Hooks must not be modified by welding and/or drilling unless written approval by the manufacturer has been received.

(9) A qualified person must inspect the rigging equipment before each day or shift and:

(a) Consider the application the equipment will be used for, and determine if it's safe for use;

(b) Remove the equipment from service if using it will create a hazard or meets any of the removal criteria listed in this chapter.

(10) The rated load of the rigging equipment must not be exceeded.

(11) All rigging hardware must be inspected in accordance with Table 1, each day before using. If a daily inspection is not feasible because the hardware is in a semipermanent or inaccessible location, a periodic inspection is allowed instead of daily.

(12) Rigging hardware must be removed from service when it shows any conditions listed in Table 1, or any other hazardous condition.

**Table 1
Rigging Hardware Inspection/Removal Criteria**

For all hardware, inspect for the following:
Missing or illegible identification.
Indications of heat damage, including weld spatter or arc strikes.
Excessive pitting or corrosion.
Load bearing components that are: <ul style="list-style-type: none"> • Bent; • Twisted; • Distorted; • Stretched; • Elongated; • Cracked; • Broken.
Excessive nicks or gouges.
10% reduction of the original or catalog dimension at any point.
Excessive thread damage or wear, where applicable.
Evidence of unauthorized welding or modification.

For all hardware, inspect for the following:
Any other conditions that cause doubt as to the safety of continued use.
On shackles , also inspect for incomplete pin engagement.
On swivels and swivel hoist rings , check for lack of ability to freely rotate or pivot.
On compression hardware , also check for: Unauthorized replacement components; Insufficient number of wire rope clips; Improperly tightened wire rope clips; Damaged wire rope; Indications of wire rope slippage; Improper assembly.
On swivels , check for loose or missing nuts, bolts, cotter pins, snap rings, or other fasteners and retaining devices.
On blocks check for: – Loose or missing nuts, bolts, cotter pins, snap rings, or other fasteners and retaining devices; – Misalignment or wobble in sheaves; – Excessive sheave groove corrugation or wear.

(13) Any alteration or modification of rigging hardware must be in accordance with the hardware manufacturer or a qualified person and proof load tested to one hundred twenty-five percent. This test must be documented and available upon request.

(14) Welding of rigging hardware is prohibited unless authorized by the manufacturer or an RPE.

(15) Replacement parts must meet or exceed the original rigging hardware manufacturer's specifications.

(16) Rigging hardware selection must have the characteristics suitable for the application and environment where it will be used.

(17) Workers must keep all parts of their body from between the load and any rigging during the lift.

(18) If handling intermodal shipping containers at a construction site, the employer must follow the requirements in chapter 296-56 WAC, longshore, stevedore and waterfront related operations, Part F, Specialized terminals and the guidelines found in International Organization for Standardization (ISO) 3874 - Series 1 Freight Containers, fifth edition - Handling and Securing.

NEW SECTION

WAC 296-155-338 Slings.

NEW SECTION

WAC 296-155-33800 Chain slings. (1) Only use chain slings that are made from grade eighty or higher alloy steel chain.

(2) The following requirements must be met if manufacturing your own chain slings:

- (a) Have a design factor of four;
- (b) Meet the rated load requirements in subsection (9) of this section.

(3) Rate chain slings with the load capacity of the lowest rated component of the sling. For example, if you use fittings that are rated lower than the sling material itself, identify the sling with the lower rated capacity.

(4) Makeshift fittings, such as hooks or links formed from bolts, rods, or other parts are prohibited.

(5) All chain slings must have legible identification information attached to the sling which includes the following information:

- (a) Name or trademark of the manufacturer;
 - (b) Grade;
 - (c) Nominal chain size;
 - (d) Number of legs;
 - (e) Rated loads for the vertical hitch and bridle hitch and the angle upon which it is based;
 - (f) Length (reach);
 - (g) Individual sling identification (e.g., serial numbers);
 - (h) Repairing agency, if the sling was ever repaired.
- (6) Inspections.

(a) A qualified person must inspect chain slings before their initial use, according to Table 2, both:

- (i) When the sling is new; and
- (ii) Whenever a repair, alteration, or modification has been done.

(b) A qualified person must perform a visual inspection for damage, each day or shift the chain sling is used. Immediately remove from service any sling damaged beyond the criteria in Table 2.

(c) A qualified person must perform periodic inspections on chain slings according to Table 2.

(i) Each link and component must be examined individually, taking care to expose and examine all surfaces including the inner link surfaces.

- (ii) Remove slings from use:
 - If any of the conditions in Table 2 are found;
 - When they have been exposed to temperatures above one thousand degrees Fahrenheit.

(d) A written record of the most recent periodic inspection must be kept, including the condition of the sling.

Note: An external code mark on the sling is an acceptable means of recording the inspection as long as the code can be traced back to a record.

**Table 2
Chain Sling Inspection/Removal Criteria**

Inspect alloy steel chain slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • Missing or illegible sling identification. • Cracks or breaks. • Excessive nicks, gouges, or wear beyond that allowed in Table 3, Minimum Allowable Thickness at Any Point on a Link. 	<ul style="list-style-type: none"> • At least once a year for slings in normal service, which means use within the rated load.

Inspect alloy steel chain slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • Stretched chain links or components. • Bent, twisted or deformed chain links or components. • Evidence of heat damage. • Excessive pitting or corrosion. • Inability of chain or components to hinge (articulate) freely. • Weld spatter. • Hooks that have any of the following conditions: <ul style="list-style-type: none"> – Any visibly apparent bend or twist from the plane of the unbent hook; – Any distortion causing an increase in throat opening of five percent, not to exceed one-quarter inch, or as otherwise recommended by the manufacturer; – Wear exceeding ten percent of the original section dimension of the hook or its load pin, or as otherwise recommended by the manufacturer; – A self-locking mechanism that does not lock (if applicable); – Any latch that does not close the hook's throat (if applicable). • Other visible damage that raises doubt about the safety of the sling. 	<ul style="list-style-type: none"> • At least once a quarter for slings in severe service, which involves abnormal operating conditions. • As recommended by a qualified person for slings in special service, which is anything other than normal or severe.

Table 3
Minimum Allowable Thickness at Any Point on a Link

Nominal chain or coupling link size		Minimum allowable thickness at any point on the link	
Inches	Millimeters	Inches	Millimeters
7/32	5.5	0.189	4.80
9/32	7	0.239	6.07
5/16	8	0.273	6.93
3/8	10	0.342	8.69
1/2	13	0.443	11.26
5/8	16	0.546	13.87
3/4	20	0.687	17.45
7/8	22	0.750	19.05
1	26	0.887	22.53
1 1/4	32	1.091	27.71

- (7) Repair, alterations, or modifications.
 - (a) Chain slings must be repaired as follows:
 - (i) Slings must only be repaired by the manufacturer or a qualified person;
 - (ii) Chain used for sling repair must be alloy steel chain manufactured and tested in accordance with ASTM A 391/A 391M for Grade 80 chain and ASTM A 973/A 973M for Grade 100 chain;
 - (iii) Components for alloy steel chain slings must be manufactured and tested in accordance with ASTM A 952/A 952M;
 - (iv) The use of mechanical coupling links within the body of a chain sling to connect two pieces of chain is prohibited;
 - (v) Replace cracked, broken, or bent chain links or components instead of repairing them.
 - (b) The sling must be marked to show the repairing agency.
 - (c) Repaired slings must be proof tested according to the requirements in subsection (8) of this section. If only replacing components of the sling, and the components were individually proof tested, the sling does not have to be tested as a whole.

Note: For additional requirements relating to repair and modification see WAC 296-155-33705(9).

(8) Proof test chain slings. Prior to initial use, all new and repaired chain and components of an alloy steel chain sling, either individually or as an assembly must be proof tested by the sling manufacturer or a qualified person. Follow the requirements in Table 4, Chain Sling Proof Load Requirements.

Table 4
Chain Sling Proof Load Requirements

When proof testing this type of equipment:	Then proof load:
<ul style="list-style-type: none"> • Single or multiple leg slings. • Components attached to single legs. 	Each leg and component to at least two times the single leg vertical hitch rated load.
<ul style="list-style-type: none"> • Master links for double leg bridle slings. • Single basket slings. • Master coupling links connected to two legs. 	To at least four times the single leg vertical hitch rated load.
<ul style="list-style-type: none"> • Master links for triple and quadruple leg bridle slings. • Double basket bridle sling. 	To at least six times the single leg vertical hitch rated load.

(9) Chain slings rated loads, the term "working load limit" is commonly used to describe rated load.

- Note:** Rated loads are based on the following factors:
- Strength of sling materials;
 - Design factor;
 - Type of hitch;
 - Angle of loading.

(a) Chain slings must be used within the rated loads shown in Tables 1 through 4 of ASME B30.9-2010. For angles that are not shown in these tables, either use the rated load for the next lower angle or one calculated by a qualified person.

(b) The use of horizontal sling angles less than thirty degrees are prohibited, unless recommended by the sling manufacturer or a qualified person. See Figure 1, Multiple-Leg Bridle Sling Hitch.

(c) Rated loads must be verified for slings used in a choker meet the values shown in the above referenced tables provided that the angle of choke is one hundred twenty degrees or greater. See Figure 2, Single-Leg Choker Hitch.

(d) Rated loads for angles of choke less than one hundred twenty degrees must be determined by the manufacturer or a qualified person.

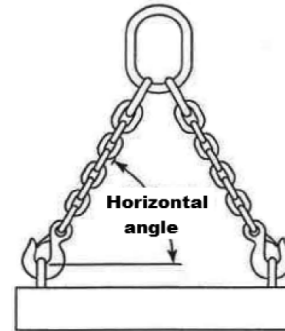


Figure 1
Multiple-Leg Bridle Sling Hitch

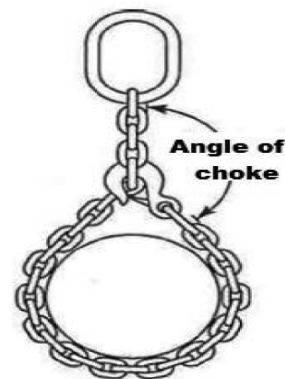


Figure 2
Single-Leg Choker Hitch

(10) Use of chain slings.

(a) Shorten or adjust slings using only methods approved by the manufacturer or a qualified person.

(b) Slings must not be shortened or lengthened by knotting or twisting.

(c) Twisting and kinking must be avoided.

(d) Hitch slings in a way that provides control of the load.

(e) Balance the load in slings used in a basket hitch to prevent it from slipping.

(f) Slings must be protected from sharp edges of the load. See Figure 3.

(g) The sling must be prevented from snagging anything during the lift, with or without load.



Softeners can be made from split pipe, padding or blocking

Figure 3
Softeners

NEW SECTION

WAC 296-155-33805 Wire rope slings. (1) Manufacturing wire rope slings.

(a) Wire rope slings must be made from new or unused regular lay wire rope. The wire rope must be manufactured and tested in accordance with ASTM A 1023-02 and ASTM A 586.

- (b) The following fabrication methods must be used to make wire rope slings:
 - (i) Hand splicing;
 - (ii) Turnback eye;
 - (iii) Return loop;
 - (iv) Flemish eye mechanical splicing;
 - (v) Poured or swaged socketing.
- (c) Wire rope slings must have a design factor of five.
- (d) Wire rope slings must meet the requirements in Table 6.

- 6.
- (e) Using any of the following when making wire rope slings is prohibited:
 - (i) Rotation resistant wire rope;
 - (ii) Malleable cast iron clips;
 - (iii) Knots;
 - (iv) Wire rope clips, unless:
 - The application of the sling prevents using prefabricated slings;
 - The specific application is designed by a qualified person.

(f) Wire rope clips, if used, must be installed and maintained in accordance with the recommendations of the clip manufacturer or a qualified person, or in accordance with the provisions of ASME B30.26-2010.

(g) Slings made with wire rope clips must not be used as a choker hitch.

Note: If using wire rope clips under these conditions, follow the guidance given in Table 5.

Table 5

Number, Torque Values, and Turn Back Requirements for U-Bolt Wire Rope Clips				Number, Torque Values, and Turn Back Requirements for Double Saddle (Fist Grip) Wire Rope Clips			
Clip & Wire Rope Size (inches)	Min. No. of Clips	Amount of Rope Turn Back in Inches	*Torque in Ft. Lbs.	Clip & Wire Rope Size (inches)	Min. No. of Clips	Amount of Rope Turn Back in Inches	*Torque in Ft. Lbs.
1/8	2	3-1/4	4.5	3/16-1/4	2	4	30
3/16	2	3-3/4	7.5	5/16	2	5	30
1/4	2	4-3/4	15	3/8	2	5-1/4	45
5/16	2	5-1/4	30	7/16	2	6-1/2	65
3/8	2	6-1/2	45	1/2	3	11	65
7/16	2	7	65	9/16	3	12-3/4	130
1/2	3	11-1/2	65	5/8	3	13-1/2	130
9/16	3	12	95	3/4	4	16	225
5/8	3	12	95	7/8	4	26	225
3/4	4	18	130	1	5	37	225
7/8	4	19	225	1-1/8	5	41	360
1	5	26	225	1-1/4	6	55	360
1-1/8	6	34	225	1-3/8	6	62	500
1-1/4	7	44	360	1-1/2	7	78	500
1-3/8	7	44	360				
1-1/2	8	54	360				
1-5/8	8	58	430				
1-3/4	8	61	590				
2	8	71	750				

Number, Torque Values, and Turn Back Requirements for U-Bolt Wire Rope Clips				Number, Torque Values, and Turn Back Requirements for Double Saddle (Fist Grip) Wire Rope Clips			
Clip & Wire Rope Size (inches)	Min. No. of Clips	Amount of Rope Turn Back in Inches	*Torque in Ft. Lbs.	Clip & Wire Rope Size (inches)	Min. No. of Clips	Amount of Rope Turn Back in Inches	*Torque in Ft. Lbs.
2-1/4	8	73	750				
2-1/2	9	84	750				
2-3/4	10	100	750				
3	10	106	1200				
3-1/2	12	149	1200				

* The tightening torque values shown are based upon the threads being clean, dry, and free of lubrication.

Table 6
Wire Rope Sling Configuration Requirements

If you have:	Then you need:
<ul style="list-style-type: none"> Slings made of rope with 6x19 and 6x36 classification. Cable laid slings. 	A minimum clear length of rope ten times the rope diameter between splices, sleeves, or end fittings (see Figure 4, Minimum Sling Length) unless approved by a qualified person.
<ul style="list-style-type: none"> Braided slings. 	A minimum clear length of rope forty times the component rope diameter between the loops or end fittings (see Figure 5, Minimum Braided Sling Length) unless approved by a qualified person.
<ul style="list-style-type: none"> Grommets and endless slings. 	A minimum circumferential length of ninety-six times the body diameter of the grommet or endless sling unless approved by a qualified person.
<ul style="list-style-type: none"> Other configurations. 	Specific limitation data provided by a qualified person. These slings must meet all other requirements of ASME B30.9-2010.

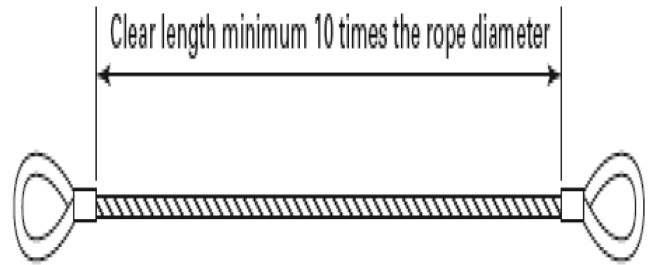


Figure 4 Minimum Sling Length
For rope with 6x19 and 6x36 classification or Cable Laid Slings

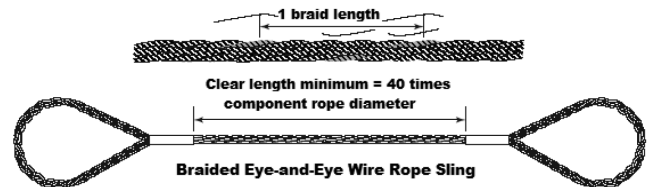


Figure 5
Minimum Braided Sling Length

- (2) Wire rope sling fittings.
 - (a) Fittings must be used according to the fitting manufacturer's directions.
 - (b) Rate slings with the load capacity of the lowest rated component of the sling. For example, if you use fittings that are rated lower than the sling material itself, identify the sling with the lower rated capacity.
 - (c) Weld any end attachments, except covers to thimbles, before assembling the sling.
- (3) Identification information. All wire rope slings must have legible identification information attached to the sling which includes the information below, see sample tag in Figure 6. For slings in use that are manufactured before the effective date of this rule, the information below must be added before use or at the time the periodic inspection is completed.
 - (a) Name or trademark of the manufacturer.
 - (b) Diameter or size.
 - (c) Rated loads for the types of hitches used and the angle that the load is based on.

(c) Rated loads for the types of hitches used and the

- (d) Number of legs, if more than one.
- (e) Repairing agency, if the sling is ever repaired.






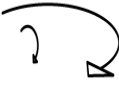
Vert. 	Chock 	Vert. Basket 
2.2 Tons	1.6 Tons	4.4 Tons
Rated Capacity by Angle		
60° 	45° 	30° 
3.8 Tons	3.1 Tons	2.2 Tons

Figure 6
Sample Wire Rope Sling ID Tag

Note: Sample tag for a 1/2" single-leg sling 6x19 or 6x36 classification, extra improved plow steel (EIPS) grade fiber core (FC) wire rope with a mechanical splice (ton = 2,000 lb).

- (4) Inspection.
 - (a) A qualified person must inspect wire rope slings before their initial use, according to Table 7, both:
 - (i) When the sling is new; and
 - (ii) Whenever a repair, alteration, or modification has been done.
 - (b) A qualified person must perform a visual inspection for damage, each day or shift the wire rope sling is used:
 - (i) Include all fastenings and attachments;
 - (ii) Immediately remove any sling from service that is damaged beyond the criteria listed in Table 7; or
 - (iii) Remove fiber core wire rope slings that have been exposed to temperatures higher than one hundred eighty degrees Fahrenheit.
 - (c) A qualified person must perform periodic inspections on wire rope slings according to Table 7.
- (5) Repair, alterations, or modifications.
 - (a) Repair wire rope slings as follows:
 - (i) Make sure slings are only repaired by the sling manufacturer or a qualified person;
 - (ii) Mark the sling to show the repairing agency;
 - (iii) Do not repair wire rope used in slings, wire rope must be replaced. Only end attachments and fittings can be repaired on a wire rope sling.
 - (b) Modification or alterations to end attachments or fittings must be considered as repairs and must conform to all other provisions of this part.
 - (c) Proof load test repaired slings according to the requirements in subsection (6) of this section.

(6) Proof load tests. Make sure the sling manufacturer or a qualified person proof load tests the following slings before initial use, according to Table 8:

- (a) All repaired slings;
- (b) All slings incorporating previously used or welded fittings;
- (c) For single- or multiple-leg slings and endless slings, each leg must be proof loaded according to the requirements listed in Table 8 based on fabrication method. The proof load test must not exceed fifty percent of the component ropes' or structural strands' minimum breaking strength;

Table 7
Wire Rope Sling Inspection and Removal Criteria

Inspect wire rope slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • Missing or illegible sling identification. • Severe localized abrasion or scraping. • Kinking, crushing, bird-caging, or any other condition resulting in damage to the rope structure. • Evidence of heat damage. • Severe corrosion of the rope, end attachments, or fittings. • End attachments that are cracked, deformed, or worn to the extent that the strength of the sling is substantially affected. • Broken wires: <ul style="list-style-type: none"> – For strand-laid and single-part slings, ten randomly distributed broken wires in one rope lay, or five broken wires in one strand in one rope lay; – For cable-laid slings, twenty broken wires per lay; – For six-part braided slings, twenty broken wires per braid; 	<ul style="list-style-type: none"> • At least once a year for slings in normal service. • At least once a quarter for slings in severe service. • As recommended by a qualified person for slings in special service.

Inspect wire rope slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> – For eight-part braided slings, forty broken wires per braid. • Hooks that have any of the following conditions: <ul style="list-style-type: none"> – Any visibly apparent bend or twist from the plane of the unbent hook; – Any distortion causing an increase in throat opening five percent, not to exceed one-quarter inch, or as recommended by the manufacturer; – Wear exceeding ten percent, of the original section dimension of the hook or its load pin, or as recommended by the manufacturer; – Self-locking mechanism that does not lock. • Other visible damage that raises doubt about the safety of the sling. 	

Table 8

Wire Rope Sling Proof Load Test Requirements

Type of equipment:	Proof load test:
<ul style="list-style-type: none"> • Mechanical splice slings. 	Each leg to at least two times the single leg vertical hitch rated load.
<ul style="list-style-type: none"> • Swaged socket and poured socket slings. 	Each leg to at least two times, but not more than two and one-half times, the single-leg vertical hitch rated load.
<p>Note: For mechanical splice, swaged socket and poured socket slings follow the rope manufacturer's recommendations for proof load testing provided that it is within the above-specified proof load range, including (c) of this subsection.</p>	

Type of equipment:	Proof load test:
<ul style="list-style-type: none"> • Hand tucked slings, if proof load tested. 	To at least one, but not more than one and one-quarter, times the single-leg vertical hitch rated load.

(d) The proof load test for components (fittings) attached to single legs must meet the requirements in (c) of this subsection;

(e) Proof load testing for master links must be in accordance with Table 9.

Table 9

Proof Load Test for Master Links on Wire Rope Slings

<ul style="list-style-type: none"> • Master links for two-leg bridle slings. 	To at least four times the single-leg vertical hitch rated load.
<ul style="list-style-type: none"> • Master links for three-leg bridle slings. 	To at least six times the single-leg vertical hitch rated load.
<ul style="list-style-type: none"> • Master links for four-leg bridle slings. 	To at least eight times the single-leg vertical hitch rated load.

(7) Rated load. The term "rated capacity" is commonly used to describe rated load.

- Note:** Rated loads are based on the following factors:
- Strength of sling material;
 - Design factor;
 - Type of hitch;
 - Angle of loading (see Figure 7, Angle of Loading);
 - Diameter of curvature over which the sling is used (D/d) (see Figure 8, D/d ratio);
 - Fabrication efficiency.

(a) Wire rope slings must be used within the rated loads shown in Tables 7 through 15 in ASME B30.9-2010. For angles that are not shown in these tables, either use the rated load for the next lower angle or have a qualified person calculate the rated load.

(b) Prohibit the use of horizontal sling angles less than thirty degrees unless recommended by the sling manufacturer or a qualified person. See Figure 7.

(c) Rated loads for slings used in a choker hitch must conform to the values shown in the above referenced tables, provided that the angle of choke is one hundred twenty degrees or greater. See Figure 9 and Table 10, Angle of Choke.

(d) Use either Figure 9 and Table 10, the manufacturer, or a qualified person to determine the rated load if the angle of choke in a choker hitch is less than one hundred twenty degrees.

(i) Inspect the entire length of the sling including splices, end attachments, and fittings.

(ii) Remove slings from use if any of the conditions in Table 7 are found.

(iii) Keep a record of the most recent periodic inspection available, including the condition of the sling.

- Note:** An external code mark on the sling is an acceptable means of recording the inspection as long as the code can be traced back to a record.

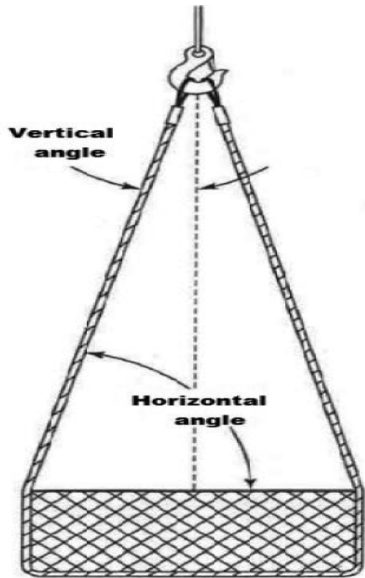


Figure 7
Angle of Loading

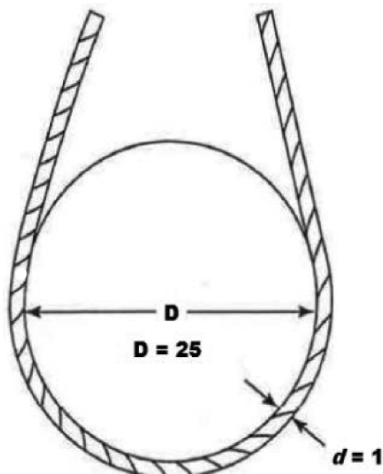


Figure 8
D/d Ratio

Note: When D is 25 times the component rope diameter (d) the D/d ratio is expressed as 25/1.

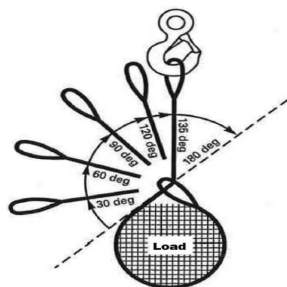


Figure 9
Angle of Choke

Table 10
Angle of Choke

Angle of Choke, deg.	Rated Capacity, %
Over 120	100
90 - 120	87
60 - 89	74
30 - 59	62
0 - 29	49

Note: Percent of sling rated capacity in a choker hitch.

- (8) Use of wire rope slings.
 - (a) Hitch the slings in a way that provides control of the load.
 - (b) Shorten or adjust slings using only the methods approved by the manufacturer or qualified person.
 - Do **not** shorten or lengthen by knotting, twisting, or by wire rope clips.
 - (c) Keep all parts of the human body from between the sling and the load, crane, or hoist hook.
 - (d) Prohibit all of the following:
 - (i) Intentional shock loading;
 - (ii) Avoid twisting and kinking.
 - (e) Decrease the rated load of the sling when D/d ratios (Figure 8) smaller than twenty-five to one. Consult the sling manufacturer for specific data or refer to the *Wire Rope Sling User's Manual* (wire rope technical board).
 - (f) Follow Table 11, Use of Wire Rope Slings or Clips, when using any of the identified wire rope slings or clips.
 - (g) Slings in contact with edges, corners, or protrusions must be protected with a material of sufficient strength, thickness, and construction to prevent damage to the sling. See Figure 3.

Table 11
Use of Wire Rope Slings or Clips

If you are using:	Then:
Single leg slings used with multiple-leg slings.	Make sure the rating shown is not exceeded in any leg of the multiple-leg sling.
Hand tucked slings are used in a single leg vertical lift.	Do not allow the sling or load to rotate.
Slings made with wire rope clips.	Must not be used as a choker hitch.
U-bolt wire rope clips.	Use only U-bolt wire rope clips that are made of drop-forged steel.
	Follow Table 5 for the number and spacing of the clips.
	Apply the U-bolt so the "U" section is in contact with the dead end of the rope (see Figure 10, Installation and Loading).

Table 12
Metal Mesh Sling Inspection Table

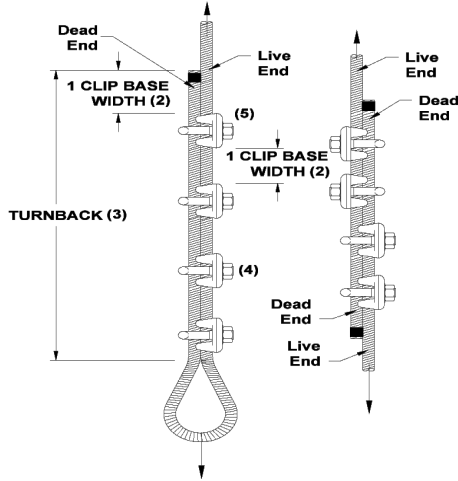


Figure 10

Installation and Loading
Proper Installation Requires

- Correct number of clips for wire rope size
- Correct spacing of clips
- Correct turnback length
- Correct torque on nuts
- Correct orientation of saddle on live end

NEW SECTION

WAC 296-155-33810 Metal mesh slings. (1) Identification information on metal mesh slings. Make sure all slings have legible identification information permanently attached to the sling which includes all of the following information:

- (a) Name or trademark of the manufacturer;
 - (b) Rated loads for the types of hitches used, and the angle they're based on;
 - (c) Width and gauge;
 - (d) Number of legs, if more than one;
 - (e) Individual sling identification (e.g., serial numbers);
 - (f) Repairing agency, if the sling has ever been repaired.
- (2) Inspection.

(a) A qualified person must inspect metal mesh slings before their initial use, according to Table 12, both:

- (i) When the sling is new; and
- (ii) Whenever a repair, alteration, or modification has been done.

(b) A qualified person must perform a visual inspection for damage, each day or shift the metal mesh sling is used. Immediately remove from service any sling damaged beyond the criteria in Table 12.

(c) A qualified person must perform periodic inspections on metal mesh slings according to Table 12.

(i) Inspect the entire length, including splices, end attachments, and fittings.

(ii) Remove slings from use if any of the conditions in Table 12 are found.

(iii) Keep a record of the most recent periodic inspection available, including the condition of the sling.

Note: An external code mark on the sling is an acceptable means of recording the inspection as long as the code can be traced back to a record.

Inspect metal mesh slings for conditions such as the following:	Perform inspections:
<ul style="list-style-type: none"> • Missing or illegible sling identification; • Broken welds along the sling edge; • Broken brazed joints along the sling edge; • Broken wire in any part of the mesh; • Reduction in wire diameter of: <ul style="list-style-type: none"> – Twenty-five percent due to abrasion; – Fifteen percent due to corrosion; • Lack of flexibility due to the distortion of the mesh; • Distortion of the choker fitting so the depth of the slot is increased by more than ten percent; • Distortion of either end fitting so the width of the eye opening is decreased by more than ten percent; • A fifteen percent reduction of the original cross-sectional area of any point around the hook opening of the end fitting; • Visible distortion of either end fitting out of its plane; • Cracked end fitting; • Slings in which the spirals are locked or without free articulation; • Fittings that are pitted, corroded, cracked, bent, twisted, gouged, or broken; 	<ul style="list-style-type: none"> • At least once a year for slings in normal service; • At least once a quarter for slings in severe service; • As recommended by a qualified person for slings in special service.

<p>Inspect metal mesh slings for conditions such as the following:</p>	<p>Perform inspections:</p>
<ul style="list-style-type: none"> • Other visible damage that raises doubt about the safety of the sling. 	

(3) Repair, alteration, or modifications. Repair metal mesh slings as follows:

- (a) Make sure slings are only repaired by the manufacturer or a qualified person;
- (b) Straightening of spiral or cross rods, or forcing a spiral into position is prohibited (see Figure 11);
- (c) Mark the sling to show the repairing agency;
- (d) Replace cracked, broken, bent or damaged metal mesh or components instead of repairing them;
- (e) Proof load test repaired slings according to subsection (4) of this section.

(4) Proof load testing.

(a) Make sure the sling manufacturer or a qualified person proof load tests all new and repaired metal mesh slings before initial use;

(b) Use a proof load test that is a minimum of two times the vertical hitch rated load.

(5) Rated load.

Note: Rated loads are based on the following factors:

- Strength of sling material;
- Design factor;
- Type of hitch;
- Angle of loading.

(a) Metal mesh slings must be used within the rated loads shown in Table 7 in ASME B30.9-2010. For angles that are not shown in these tables, use either the rated load for the next lower angle or one calculated by a qualified person.

(b) Rate slings with the load capacity of the lowest rated component of the sling. For example, if fittings are rated lower than the sling material itself, identify the sling with the lower rated capacity.

(c) The use of horizontal sling angles less than thirty degrees is prohibited, unless recommended by the sling manufacturer or a qualified person.

(d) Rated loads for slings used in a choker hitch must conform to the values shown in the above referenced table, provided that the angle of choke is one hundred twenty degrees or greater.

(e) Have the manufacturer or a qualified person determine the rated load if the angle of choke in a choker hitch is less than one hundred twenty degrees.

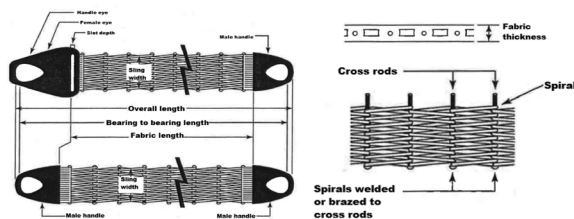


Figure 11
Metal Mesh Sling

(6) Use of metal mesh slings.
(a) Use metal mesh slings safely by doing all of the following:

- (i) Shorten or adjust slings using only the methods approved by the manufacturer or a qualified person;
- (ii) Sling legs must not be kinked;
- (iii) Hitch slings in a way that provides control of the load.

(b) Keep all parts of the human body from between the sling and the load, crane, or hoist hook.

(c) Prohibit the following:

- (i) The use of metal mesh slings as bridles on suspended personnel platforms;
- (ii) Intentional shock loading;
- (iii) Straightening a spiral or cross rod or forcing a spiral into position;
- (iv) Avoid twisting and kinking.

Note: Slings in contact with edges, corners, or protrusions should be protected with a material of sufficient strength, thickness, and construction to prevent damage. See Figure 3.

NEW SECTION

WAC 296-155-33815 Synthetic rope slings. (1) Identification. Verify all slings have legible identification information attached to the sling which includes the following information:

- (a) Name or trademark of the manufacturer;
- (b) Manufacturer's code or stock number;
- (c) Type of fiber material;
- (d) Rated loads for the types of hitches used, and the angle that the load is based on;
- (e) Number of legs, if more than one;
- (f) Repairing agency, if the sling has ever been repaired.

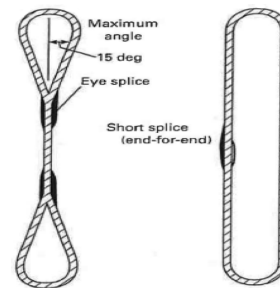


Figure 12
Synthetic Fiber Rope Slings

(2) Inspection.

(a) A qualified person must inspect synthetic fiber rope slings before their initial use, according to Table 13, both:

- (i) When the sling is new; and
- (ii) Whenever a repair, alteration, or modification has been done.

(b) A qualified person must perform a visual inspection for damage, each day or shift the synthetic fiber rope sling is used. Immediately remove any sling from service that is damaged beyond the criteria listed in Table 13.

(c) A qualified person must perform periodic inspections on synthetic fiber rope slings, according to Table 13.

(i) Examine each sling and component individually, taking care to expose and examine all surfaces.

(ii) Inspect the entire length including splices, end attachments, and fittings.

(iii) Remove slings from use if any of the conditions in Table 13 are found.

(iv) Keep a record of the most recent periodic inspection available, including the condition of the sling.

Note: An external code mark on the sling is an acceptable means of recording the inspection as long as the code can be traced back to a record.

Table 13

Synthetic Rope Sling Inspection and Removal Criteria

Inspect synthetic rope slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • Missing or illegible sling identification; • Cuts, gouges, or areas of extensive fiber breakage along the length; • Abraded areas on the rope; • Damage that is estimated to have reduced the effective diameter of the rope by more than ten percent; • Uniform fiber breakage along the major part of the length of the rope in the sling such that the entire rope appears covered with fuzz or whiskers; • Inside the rope, fiber breakage, fused or melted fiber (observed by prying or twisting to open the strands) involving damage estimated at ten percent of the fiber in any strand or the rope as a whole; • Discoloration, brittle fibers, and hard or stiff areas that may indicate chemical, ultraviolet or heat damage; • Dirt and grit in the interior of the rope structure that is deemed excessive; 	<ul style="list-style-type: none"> • At least once a year for slings in normal service; • At least once a quarter for slings in severe service; • As recommended by a qualified person for slings in special service.

Inspect synthetic rope slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • Foreign matter that has permeated the rope, making it difficult to handle and attracting and holding grit; • Kinks or distortion in the rope structure, particularly if caused by forcibly pulling on loops (known as hockles); • Melted, hard, or charred areas that affect more than ten percent of the diameter of the rope or affect several adjacent strands along the length that affect more than ten percent of strand diameters; • Poor condition of thimbles or other components manifested by corrosion, cracks, distortion, sharp edges, or localized wear; • Hooks that have any of the following conditions: <ul style="list-style-type: none"> – Any visibly apparent bend or twist from the plane of the unbent hook; – Any distortion causing an increase in throat opening five percent, not to exceed one-quarter inch, or as recommended by the manufacturer; – Wear exceeding ten percent, of the original section dimension of the hook or its load pin, or as recommended by the manufacturer; – Self-locking mechanism that does not lock. 	

Inspect synthetic rope slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> Other visible damage that raises doubt about the safety of the sling. 	

(3) Repair, alteration, or modifications. Meet the following requirements when repairing synthetic rope slings:

(a) Synthetic rope slings must only be repaired by the manufacturer or a qualified person;

(b) Mark the sling to show the repairing agency;

(c) Use components that meet the requirements of this part for sling repair;

(d) Do not repair slings by knotting or resplicing existing sling ropes;

(e) Proof load test repaired slings according to the requirements in subsection (4) of this section.

(4) Proof load test. The sling manufacturer or a qualified person must proof load test repaired slings and slings incorporating previously used or welded fittings before initial use, according to Table 14:

Table 14

Synthetic Rope Sling Proof Load Requirements

Type of equipment:	Proof load test:
<ul style="list-style-type: none"> Single leg slings; Multiple leg slings; Endless slings; Fittings attached to single legs. 	To a minimum of two times the single leg vertical hitch rated load.
Master links for two-leg bridle slings.	To a minimum of four times the single leg vertical hitch rated load.
Master links for three-leg bridle slings.	To a minimum of six times the single leg vertical hitch rated load.
Master links for four-leg bridle slings.	To a minimum of eight times the single leg vertical hitch rated load.

(5) Rated load.

- Note:** Rated loads are based on the following factors:
- Strength of the sling material;
 - Design factor;
 - Type of hitch (see Figure 13, Hitch Types for Synthetic Rope Slings);
 - Angle of loading (see Figure 7, Angle of Loading);
 - Diameter of curvature over which the sling is used (see Figure 8, D/d Ratio).

(a) Synthetic rope slings must be used within the rated loads shown in Tables 18 and 19 in ASME B30.9-2010. For angles that are not shown in these tables, either use the rated load for the next lower angle or one calculated by a qualified person.

(b) Rate slings with the load capacity of the lowest rated component of the sling. For example, if you use fittings that are rated lower than the sling material itself, identify the sling with the lower-rated capacity.

(c) The use of horizontal sling angles less than thirty degrees is prohibited, unless recommended by the sling manufacturer or a qualified person. (See Figure 7.)

(d) Rated loads for slings used in a choker hitch must conform to the values shown in the above referenced tables, provided that the angle of choke is one hundred twenty degrees or greater.

(e) Use Figure 9, the manufacturer, or a qualified person to determine the rated load if the angle of choke in a choker hitch is less than one hundred twenty degrees.

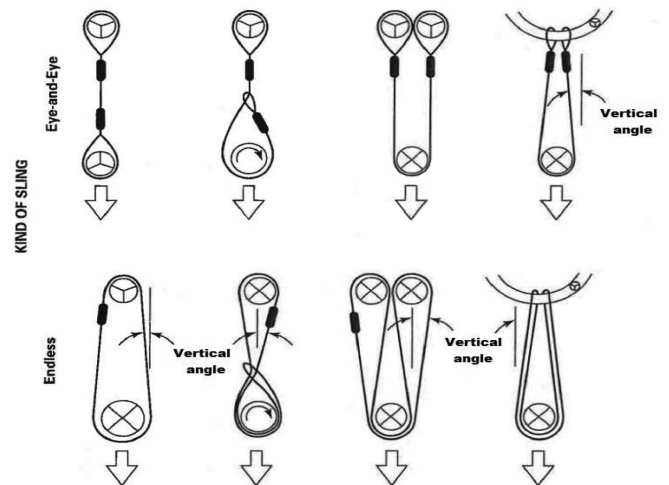


Figure 13
Hitch Types for Synthetic Rope

The symbols below represent load or support in contact with the rope sling. The contact surface diameter divided by the rope diameter is designated D/d ratio as described in Figure 8.



Represents a contact surface which must have a diameter of curvature at least double the diameter of the rope from which the sling is made.



Represents a contact surface which must have a diameter of curvature at least eight times the diameter of the rope.



Represents a load in choker hitch and illustrates the rotary force on the load and/or the slippage of the rope in contact with the load. Diameter of curvature of load surface must be at least double the diameter of the rope.

Note: Legs five degrees or less from vertical may be considered vertical. For slings more than five degrees vertical, the actual angle must be used.

(6) Use of synthetic ropes.

(a) Use synthetic rope slings safely by doing all of the following:

- (i) Shorten or adjust slings only with methods approved by the manufacturer or qualified person;
 - (ii) Slings must not be shortened or lengthened by knotting or twisting;
 - (iii) Hitch slings in a way that provides control of the load;
 - (iv) Slings in contact with edges, corners, protrusions, or abrasive surfaces must be protected with a material of sufficient strength, thickness, and construction to prevent damage, see Figure 3;
 - (v) Do not allow the sling or load to rotate when hand-tucked slings are used in a single leg vertical lift application; and
 - (vi) Keep all parts of the human body from between the sling and the load, crane, or hoist hook.
- (b) All of the following is prohibited:

- (i) Intentional shock loading; and
- (ii) Twisting or kinking.

NEW SECTION

WAC 296-155-33820 Synthetic webbing slings. (1) Identification. Make sure all slings have legible identification information permanently attached to the sling which includes the following information:

- (a) Name or trademark of the manufacturer;
- (b) Manufacturer's code or stock number;
- (c) Rated loads for the types of hitches used, and the angle that the load is based on;
- (d) Type of synthetic web material;
- (e) Number of legs, if more than one;
- (f) Repairing agency, if the sling is ever repaired.

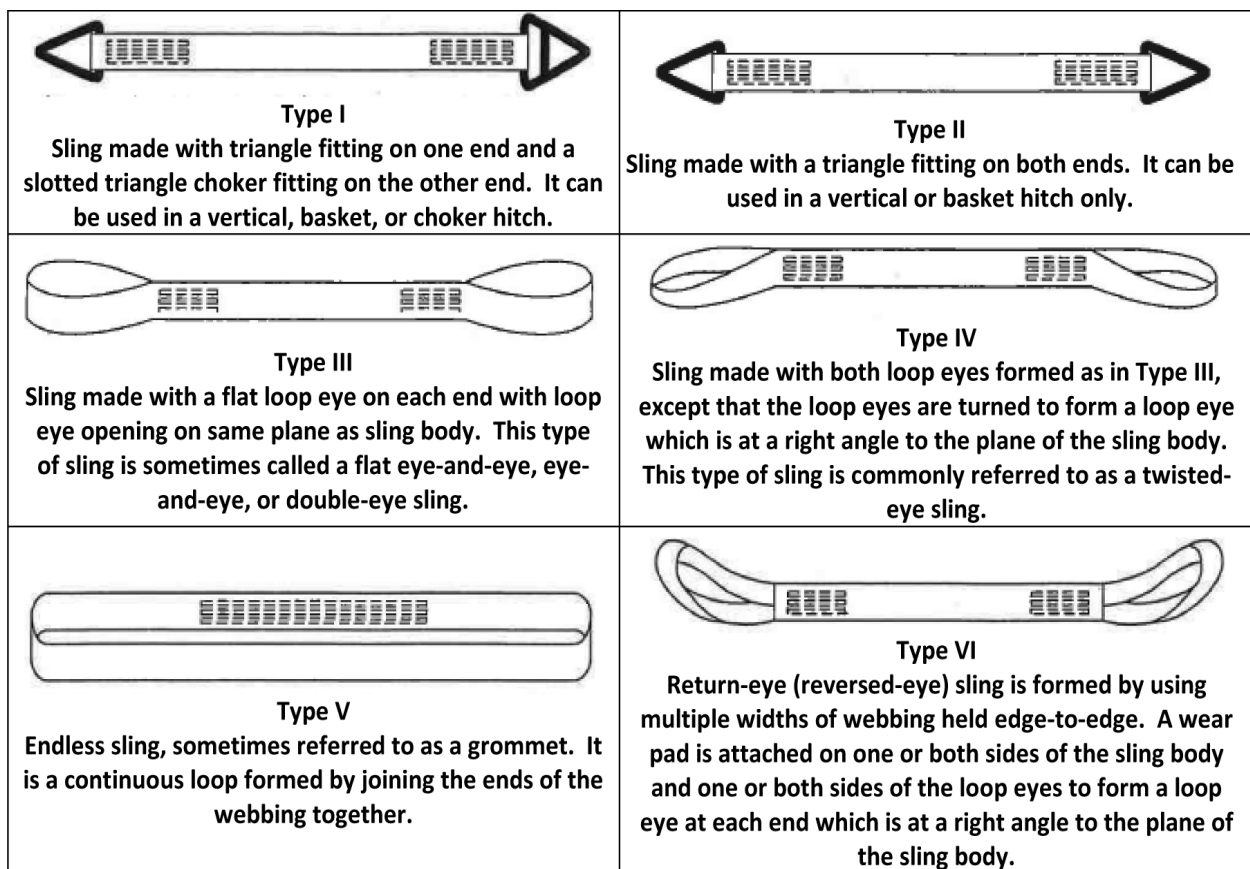


Figure 14
Synthetic Webbing Slings

- (2) Inspection.
- (a) A qualified person must inspect synthetic webbing slings before their initial use, according to Table 14:
- (i) When the sling is new; and
 - (ii) Whenever a repair, alteration, or modification has been done.
- (b) A qualified person must perform a visual inspection for damage, each day or shift the synthetic webbing sling is used. Immediately remove from service any sling that is damaged beyond the criteria listed in Table 15.

- (c) A qualified person must perform periodic inspections on synthetic webbing slings, according to Table 15.
- (i) Examine each sling and component individually, taking care to expose and examine all surfaces.
 - (ii) Remove slings from use if any of the conditions in Table 15 are found.
 - (iii) Keep a written record of the most recent periodic inspection available, including the condition of the sling.

Note: An external code mark on the sling is an acceptable means of recording the inspection as long as the code can be traced back to a record.

Table 15
Synthetic Webbing Sling Inspection

Inspect synthetic webbing slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • Missing or illegible sling identification; • Acid or caustic burns; • Melting or charring on any part of the sling; • Holes, tears, cuts or snags; • Broken or worn stitching in load bearing splices; • Excessive abrasive wear; • Knots in any part of the sling; • Discoloration, brittle fibers, and hard or stiff areas that may indicate chemical or ultraviolet/sunlight damage; • Fittings that are pitted, corroded, cracked, bent, twisted, gouged or broken; • Hooks that have any of the following conditions: <ul style="list-style-type: none"> – Any visibly apparent bend or twist from the plane of the unbent hook; – Any distortion causing an increase in throat opening five percent, not to exceed one-quarter inch, or as recommended by the manufacturer; – Wear exceeding ten percent, of the original section dimension of the hook or its load pin, or as recommended by the manufacturer; 	<ul style="list-style-type: none"> • At least once a year for slings in normal service; • At least once a quarter for slings in severe service; • As recommended by a qualified person for slings in special service.

Inspect synthetic webbing slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> – Self-locking mechanism that does not lock. • Other visible damage that causes doubt about the safety of continued use of the sling. 	

(3) Repair, alterations, or modifications.

(a) Meet the following requirements when repairing synthetic webbing slings:

- (i) Slings are only to be repaired by the manufacturer or a qualified person;
- (ii) Temporary repairs are prohibited;
- (iii) Mark the sling to show the repairing agency;
- (iv) Components used for sling repair must meet the requirements of this part;
- (v) Cracked, broken, melted, or otherwise damaged webbing material or fittings other than hooks must not be repaired;
- (vi) Load bearing splices must not be repaired;

(b) Proof load test repaired slings according to the requirements in subsection (4) of this section.

(4) Proof load test. The sling manufacturer or a qualified person must proof load test repaired slings and slings that have been altered or modified before initial use according to Table 16:

Table 16
Synthetic Webbing Sling Proof Test Requirements

Type of equipment:	Proof load test:
<ul style="list-style-type: none"> • Single leg slings; • Multiple leg slings; • Endless slings; • Fittings attached to single legs. 	To a minimum of two times the single leg vertical hitch rated load.
Master links for two-leg bridle slings.	To a minimum of four times the single leg vertical hitch rated load.
Master links for three-leg bridle slings.	To a minimum of six times the single leg vertical hitch rated load.
Master links for four-leg bridle slings.	To a minimum of eight times the single leg vertical hitch rated load.

(5) Rated loads.

Note: Rated loads are based on the following factors:

- Strength of the material;
- Design factor;
- Type of hitch;
- Angle of loading (see Figure 7, Angle of Loading);
- Fabrication efficiency;
- Diameter of curvature over which the sling is used.

(a) Synthetic web slings must be used within the rated loads shown in Tables 20 through 24 in ASME B30.9-2010. For angles that are not shown in these tables, use either the rated load for the next lower angle or one calculated by a qualified person.

(b) Rate slings with the load capacity of the lowest rated component of the sling. For example, if you use fittings that are rated lower than the sling material itself, identify the sling with the lower-rated capacity.

(c) The use of horizontal sling angles less than thirty degrees is prohibited, unless recommended by the sling manufacturer or a qualified person. (See Figure 7.)

(d) Use Figure 9, Angle of Choke, the manufacturer, or a qualified person to determine the rated load if the angle of choke in a choker hitch is less than one hundred twenty degrees.

(e) Rated loads for slings used in a choker hitch must conform to the values shown in the above referenced tables, provided that the angle of choke is one hundred twenty degrees or greater. (See Figure 9.)

(6) Use of synthetic webbing slings.

(a) Use synthetic webbing slings safely by meeting all of the following requirements:

(i) Shorten or adjust slings only with methods approved by the manufacturer or qualified person;

(ii) Slings must not be shortened or lengthened by knotting or twisting;

(iii) Hitch slings in a way that provides control of the load;

(iv) Protect slings with material of sufficient strength, thickness, and construction to prevent damage from sharp edges, corners, protrusions, or abrasive surfaces. See Figure 3;

(v) Keep all parts of the human body from between the sling and the load, crane, or hoist hook.

(b) Intentional shock loading is prohibited.

NEW SECTION

WAC 296-155-33825 Synthetic roundslings. (1) Identification. All synthetic roundslings must be marked with the following information:

(a) Name or trademark of the manufacturer;

(b) Manufacturer's code or stock number;

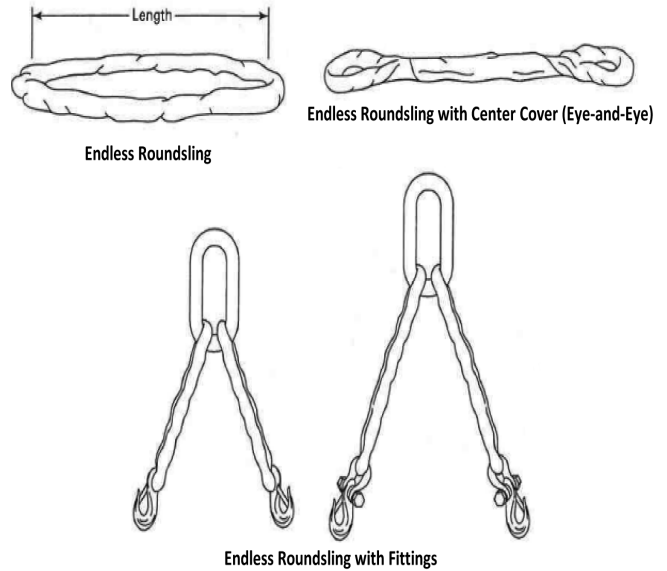
(c) Core material;

(d) Cover material if different from core material;

(e) Rated loads for the types of hitches used, and the angle that the load is based on;

(f) Number of legs, if more than one;

(g) Repairing agency, if the sling is ever repaired.



**Figure 15
Synthetic Roundslings**

(2) Inspection.

(a) A qualified person must inspect synthetic roundslings before their initial use, according to Table 17, both:

(i) When the sling is new; and

(ii) Whenever a repair, alteration, or modification has been done.

(b) A qualified person must perform a visual inspection for damage, each day or shift the synthetic roundsling is used. Immediately remove from service any sling that is damaged beyond the criteria listed in Table 17.

(c) A qualified person must perform periodic inspections on synthetic roundslings, according to Table 17.

(i) Examine each sling and component individually, taking care to expose and examine all surfaces.

(ii) Remove slings from use if any of the conditions in Table 17 are found.

(iii) Keep a written record of the most recent periodic inspection available, including the condition of the sling.

Note: An external code mark on the sling is an acceptable means of recording the inspection as long as the code can be traced back to a record.

**Table 17
Synthetic Roundsling Inspection and Removal Criteria**

Inspect synthetic roundslings for conditions such as the following:	Perform inspections:
<ul style="list-style-type: none"> • Missing or illegible sling identification. • Acid or caustic burns. • Evidence of heat damage. • Holes, tears, cuts, abrasive wear or snags that expose the core yarns. 	

Inspect synthetic roundslings for conditions such as the following:	Perform inspections:
<ul style="list-style-type: none"> • Broken or damaged core yarns. • Weld spatter that exposes core yarns. • Roundslings that are knotted. • Fittings that are pitted, corroded, cracked, bent, twisted, gouged or broken. • Hooks that have any of the following conditions: <ul style="list-style-type: none"> – Any visibly apparent bend or twist from the plane of the unbent hook. – Any distortion causing an increase in throat opening five percent, not to exceed one-quarter inch, or as recommended by the manufacturer. – Wear exceeding ten percent, of the original section dimension of the hook or its load pin, or as recommended by the manufacturer. – Self-locking mechanism that does not lock. • Other visible damage that causes doubt about the safety of continued use of the sling. 	<ul style="list-style-type: none"> • At least once a year for slings in normal service. • At least once a quarter for slings in severe service. • As recommended by a qualified person for slings in special service.

(3) Repair, alterations, or modifications.

(a) Meet the following requirements when repairing synthetic roundslings:

(i) Only the manufacturer or a qualified person can repair slings;

(ii) Mark the sling to show the repairing agency;

(iii) Only use components that meet the requirements of this rule to repair slings;

(iv) Replace cracked, broken, or bent fittings other than hooks; do not repair them.

(b) Both of the following are prohibited:

(i) Temporary repairs of roundslings or fittings; and

(ii) The repair of load bearing yarns.

Proof load test repaired slings according to the requirements in subsection (4) of this section.

(4) Proof load tests. The sling manufacturer or a qualified person must proof load test repaired slings and slings that have been altered or modified before initial use, according to Table 18:

Table 18
Synthetic Roundslings Proof Test Requirements

Type of equipment:	Proof load test:
<ul style="list-style-type: none"> • Single leg slings. • Multiple leg slings. • Endless slings. • Fittings attached to single legs. 	To a minimum of two times the single leg vertical hitch rated load.
Master links for two-leg bridle slings.	To a minimum of four times the single leg vertical hitch rated load.
Master links for three-leg bridle slings.	To a minimum of six times the single leg vertical hitch rated load.
Master links for four-leg bridle slings.	To a minimum of eight times the single leg vertical hitch rated load.

(5) Rated loads.

Note: Rated loads are based on the following factors:

- Strength of the material.
- Design factor.
- Type of hitch.
- Angle of loading. (See Figure 7, Angle of Loading.)
- Diameter of curvature over which the sling is used.

(a) Synthetic roundslings must be used within the rated loads shown in Table 25 in ASME B30.9-2010. For angles that are not shown in these tables, either use the rated load for the next lower angle or one calculated by a qualified person.

(b) Rate slings with the load capacity of the lowest rated component of the sling. For example, if you use fittings that are rated lower than the sling material itself, identify the sling with the lower rated capacity.

(c) Prohibit the use of horizontal sling angles less than thirty degrees unless recommended by the sling manufacturer or a qualified person.

(d) Use Figure 7, Angle of Choke, the manufacturer, or a qualified person to determine the rated load if the angle of choke in a choker hitch is less than one hundred twenty degrees.

(e) Rated loads for slings used in a choker hitch must conform to the values shown in the above referenced Table 10 provided that the angle of choke is one hundred twenty degrees or greater. (See Figure 7.)

(6) Use of synthetic roundslings.

(a) Use methods approved by the manufacturer or qualified person to shorten or adjust slings. Slings must not be shortened or lengthened by knotting or twisting.

(b) Hitch slings in a way that provides control of the load.

(c) Protect slings with material of sufficient strength, thickness, and construction to prevent damage from sharp edges, corners, protrusions, or abrasive surfaces. (See Figure 3.)

(d) Keep all parts of the human body from between the sling and the load, crane, or hoist hook.

(e) Intentional shock loading is prohibited.

NEW SECTION

WAC 296-155-339 Rigging hardware and lifting devices other than slings and rigging hardware.

NEW SECTION

WAC 296-155-33900 General requirements. (1) Inspections.

(a) A qualified person must perform an inspection on all hardware according to Table 19, each day before using. If a daily inspection is not feasible because the hardware is in a semipermanent or inaccessible location, a periodic inspection is allowed instead of daily.

(b) Hardware must be removed from service when it shows any conditions listed in Table 19, or any other hazardous condition.

**Table 19
Hardware Inspection**

For all hardware, inspect for the following:
<ul style="list-style-type: none"> • Missing or illegible identification. • For shackles, missing or illegible manufacturer's name or trademark and/or rated load identification.
<ul style="list-style-type: none"> • Indications of heat damage, including weld spatter or arc strikes.
<ul style="list-style-type: none"> • Excessive pitting or corrosion.
<ul style="list-style-type: none"> • Load bearing components that are: <ul style="list-style-type: none"> – Bent. – Twisted. – Distorted. – Stretched. – Elongated. – Cracked. – Broken.
<ul style="list-style-type: none"> • Excessive nicks or gouges. For riggings blocks, excessive nicks, gouges and wear.
<ul style="list-style-type: none"> • Ten percent reduction of the original or catalog dimension at any point. For shackles, this includes at any point around the body or pin.
<ul style="list-style-type: none"> • Excessive thread damage or wear, where applicable.
<ul style="list-style-type: none"> • Evidence of unauthorized welding or modification.
<ul style="list-style-type: none"> • Any other conditions that cause doubt as to the safety of continued use.

For all hardware, inspect for the following:
<ul style="list-style-type: none"> • On shackles, also inspect for incomplete pin engagement.
<ul style="list-style-type: none"> • On swivels and swivel hoist rings, check for lack of ability to freely rotate or pivot.
<ul style="list-style-type: none"> • On compression hardware, also check for: <ul style="list-style-type: none"> – Unauthorized replacement components. – Insufficient number of wire rope clips. – Improperly tightened wire rope clips. – Damaged wire rope. – Indications of wire rope slippage. – Improper assembly.
<ul style="list-style-type: none"> • On swivels, check for loose or missing nuts, bolts, cotter pins, snap rings, or other fasteners and retaining devices.
<ul style="list-style-type: none"> • On blocks check for: <ul style="list-style-type: none"> – Loose or missing nuts, bolts, cotter pins, snap rings, or other fasteners and retaining devices. – Misalignment or wobble in sheaves. – Excessive sheave groove corrugation or wear.

(2) Repairs, alterations, or modifications.

(a) Rigging hardware must be repaired, altered or modified according to the hardware manufacturer or a qualified person.

(b) Welding of hardware is prohibited unless authorized by the manufacturer.

(c) Replacement parts must meet or exceed the original rigging hardware manufacturer's specifications.

(3) Hardware use.

(a) Hardware must be selected with the characteristics suitable for the application and environment where it will be used.

(b) The rated load of the hardware must not be exceeded.

(c) At least one of the workers using rigging hardware must meet the requirements of WAC 296-155-33700.

NEW SECTION

WAC 296-155-33905 Shackles. (1) Pins must be connected to the choking eye of the sling when a shackle is used in a choker hitch.

(2) Screw pins must be:

(a) Fully engaged, with the shoulder in contact with the shackle body (see Figure 16, Typical Shackle Components).

(b) Rigged in a way that keeps the pin from unscrewing while in use.

(c) Secured from rotation or loosening if used for long-term installations.

(3) Cotter pins must be kept in good working condition.

(4) If the shackle is side loaded, reduce the rated load, according to the recommendations of the manufacturer or a qualified person (see Figure 17, Side Loading).

Note: See Figure 18, Shackle Types, for examples of types of shackles covered by this rule.

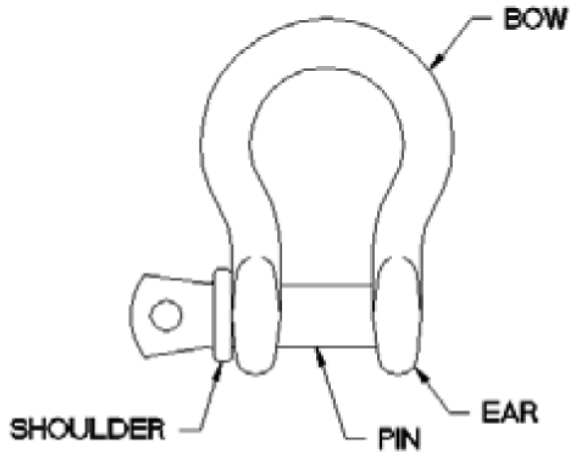


Figure 16
Typical Shackle Components

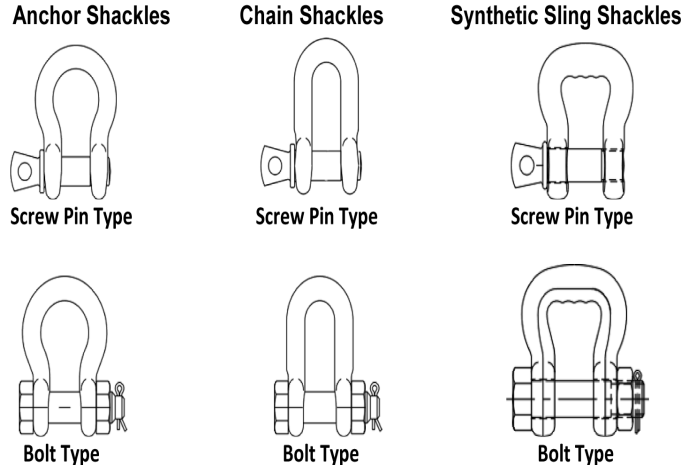


Figure 18
Shackle Types

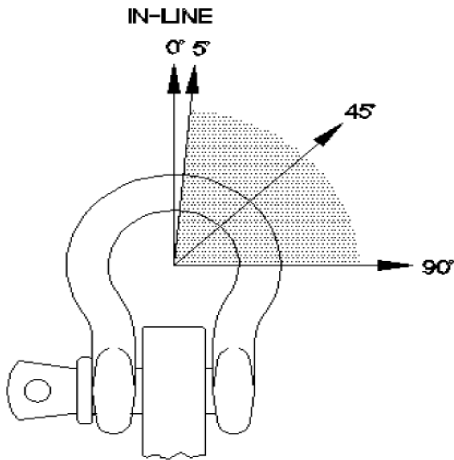


Figure 17
Side Loading

NEW SECTION

WAC 296-155-33910 Adjustable hardware. (1) Turnbuckles. Follow these rigging practices for turnbuckles:

- (a) Locking nuts, if used, must be compatible with the threads of the turnbuckle end. (See Figure 19, Turnbuckle Types.)
- (b) For long-term installations, secure turnbuckles in a way that prevents unscrewing.
- (c) Turnbuckle end fitting threads must be fully engaged in the body threads.
- (d) Components, including pins, bolts, nuts, or cotter pins used with jaw ends, must be in good working condition prior to use.

- Notes:**
- See Figure 19 for types of turnbuckles covered by this rule.
 - Pipe bodies conceal the length of thread engagement. Verify full engagement before loading. (See Figure 19.)

Side Loading Angle, deg.	% Rated Load Reduction
In-line (0) to 5	None
6 to 45	30%
46 to 90	50%
Over 90	Not permitted unless authorized by manufacturer or qualified person

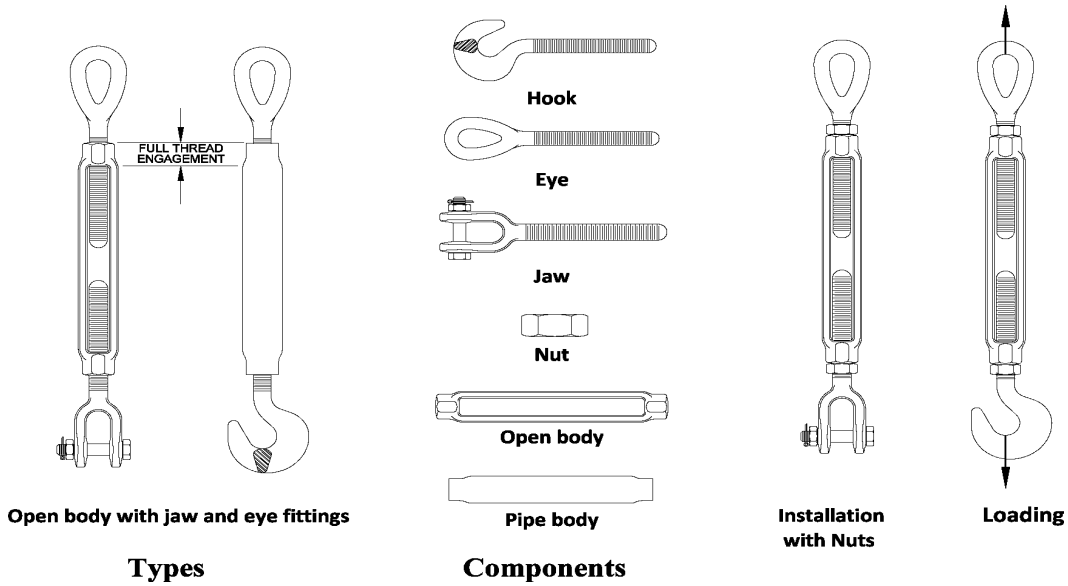


Figure 19
Turnbuckle Types

(2) Eyebolts. Follow these rigging practices for eyebolts:
(a) Eyebolts not shouldered to the load must only be used for in-line loads. (See Figure 20, Eyebolts.)

(b) Only shoulder eyebolts must be used for angular lifting.

(i) The shoulder must be flush and securely tightened against the load.

(ii) The working load limit (WLL) must be reduced as shown in Figure 31.

(iii) For angular lifts, the plane of the eye must be aligned with the direction of loading. If needed, flat washers can be used under the shoulder to position the plane of the eye. (See Figure 20.)

(c) When using eyebolts in a tapped blind hole, the effective thread length must be at least one and one-half times the diameter of the bolt for engagement in steel. (See Figure 20.) For other engagements, or engagements in other materials, contact the eyebolt manufacturer or a qualified person.

(d) When using eyebolts in a tapped through-hole of less than one diameter thickness, a nut must be used under the load, and must be fully engaged and tightened securely against the load. (See Figure 20.)

(e) When eyebolts are used in an untapped through-hole, the nut under the load must be fully engaged. If the eyebolt is not shouldered to the load, a second nut on top of the load should be used if possible. (See Figure 20.)

Note: See Figure 20 for examples of eyebolts covered by this rule.

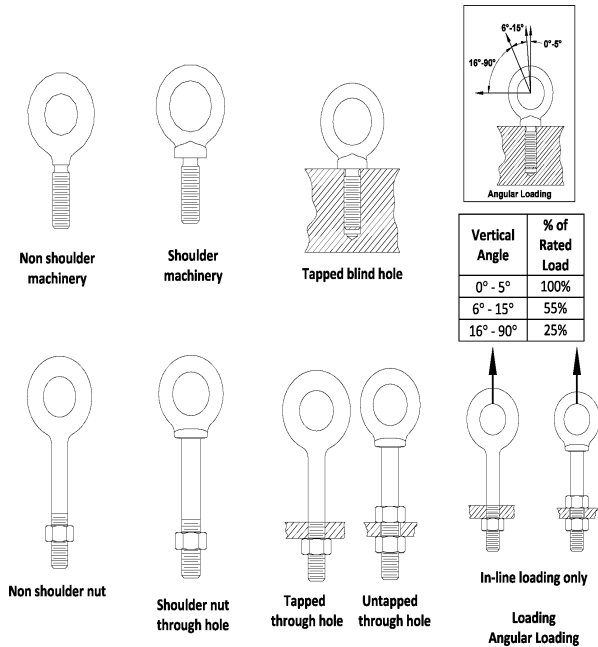


Figure 20
Eyebolts

(3) Eye nuts. Follow these rigging practices for eye nuts (see Figure 21, Eye Nuts):

(a) The threads of eye nuts must be fully engaged;

(b) Eye nuts must only be used for in-line loads;

(c) Components must be in good working condition prior to use.

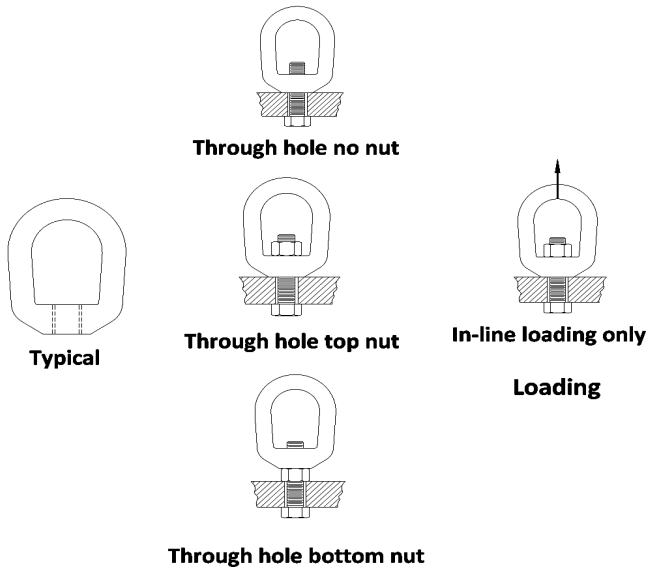


Figure 21
Eye Nuts

(4) Swivel hoist rings. Follow these rigging practices for swivel hoist rings:

- (a) The swivel hoist ring working load limit (WLL) must meet or exceed the anticipated angular rigging tension. (See Figure 22, Angle of Loading.)
- (b) Swivel hoist rings must be tightened to the torque specifications of the manufacturer.
- (c) The swivel hoist ring must be free to rotate and pivot without interference during lifting. (See Figure 23, Swivel Hoist Rings.)
- (d) The load applied to the swivel hoist ring must be centered in the bail to prevent side loading.
- (e) Any attached lifting component must be narrower than the inside width of the bail to avoid spreading.
- (f) When using swivel hoist rings in a threaded-hole, the effective thread length must be one and one-half times the diameter of the bolt for steel. (See Figure 23.) For other thread engagements or engagement in other materials, contact the manufacturer or a qualified person.
- (g) When using swivel hoist rings in a through-hole application, a nut and washer must be used. A washer and nut must be in accordance with the manufacturer's recommendations. The nut must be fully engaged. (See Figure 23.)
- (h) The bushing flange must fully contact the load surface. (See Figure 23.)
- (i) Spacers or washers must not be used between the bushing flange and the mounting surface of the load being lifted.

Note: See Figure 23 for examples of swivel hoist rings covered by this rule.

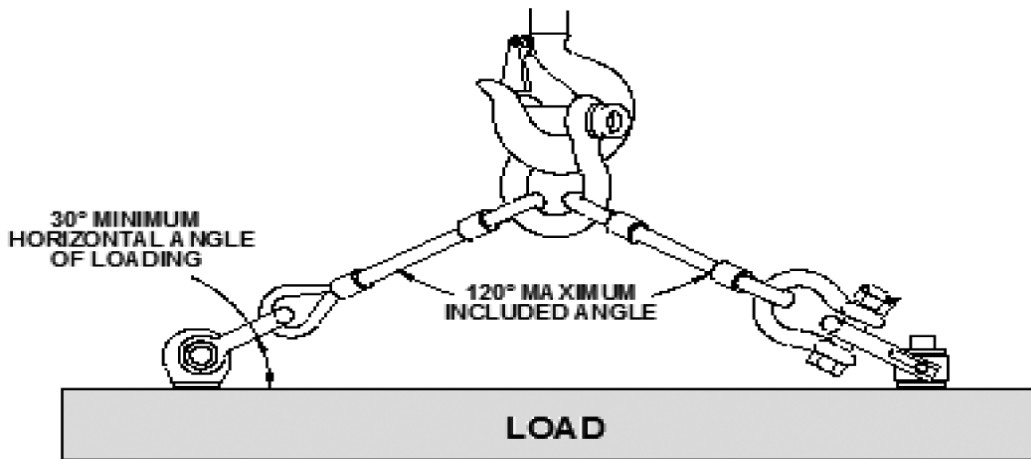


Figure 22
Angle of Loading (Adjustable Hardware)

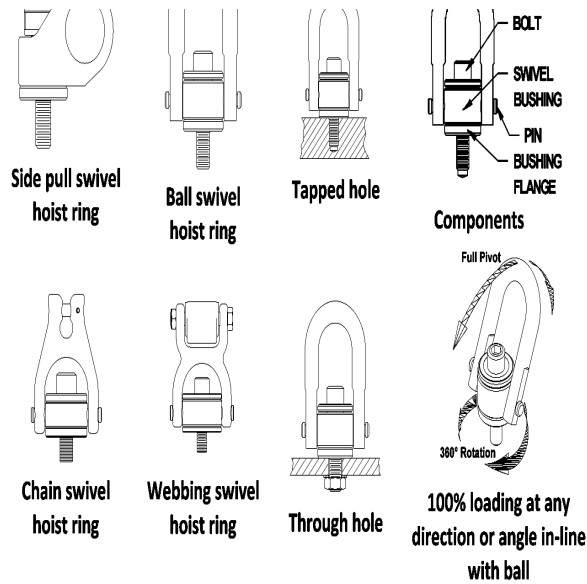


Figure 23
Swivel Hoist Rings

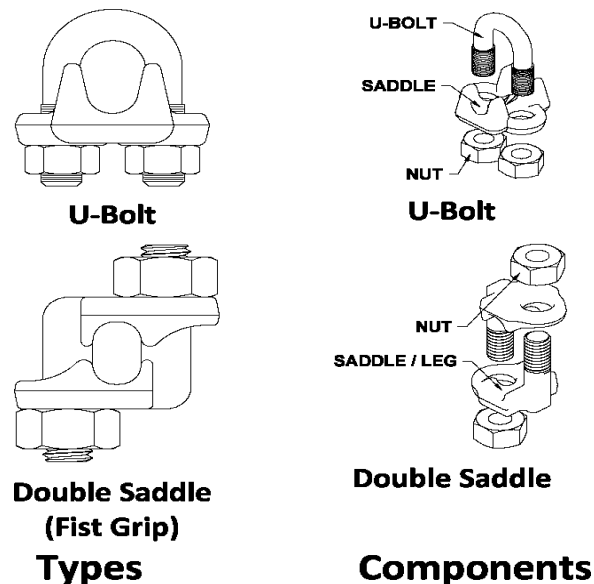


Figure 24
Wire Rope Clips

NEW SECTION

WAC 296-155-33915 Compression hardware. (1) Wire rope clips. Follow these assembly requirements for wire rope clips:

(a) Before installing a wire rope clip on plastic coated or plastic impregnated wire rope, the wire rope clip manufacturer, wire rope manufacturer or a qualified person must be consulted.

(b) For U-bolt clips used to create end terminations, the saddle must be placed on the live end of the wire rope, with the U-bolt on the dead end side. (See Figure 24, Wire Rope Clips.)

(c) The assembly must be tested by loading the connection to at least the expected working load. After unloading, retighten the wire rope clips to the torque recommended by the manufacturer or a qualified person.

(d) Follow the manufacturer's recommendations for the minimum number of clips, spacing and turn-back measurements, and to the recommended torque values. In the absence of the manufacturer's recommendations follow Table 5.

(2) Wedge sockets. Follow these assembly requirements for wedge sockets:

(a) Wedge sockets must be assembled as recommended by the manufacturer or a qualified person.

(b) Before installing a wedge socket on plastic coated or plastic impregnated wire rope the wedge socket manufacturer, wire rope manufacturer or a qualified person must be consulted.

(c) The assembler must match the proper wedge with the socket for the wire rope to be installed. Wedges must not be interchanged between different manufacturers' sockets or models.

(d) The live end of the wire rope in the wedge socket cavity must be in alignment with the socket's pin. (See Figure 25, Wedge Sockets.)

(e) The length of the dead end tail of the wire rope must be as required by the manufacturer or a qualified person.

(f) The tail of the dead end of the wire rope extending beyond the wedge socket must be secured as recommended by the wedge socket manufacturer or a qualified person.

(g) The dead end of the wire rope must not be secured to the live end of the wire rope in a way that restricts the movement of the live end. (See Figure 25.)

(h) After assembly the connection must be loaded to fully seat the wedge before use.

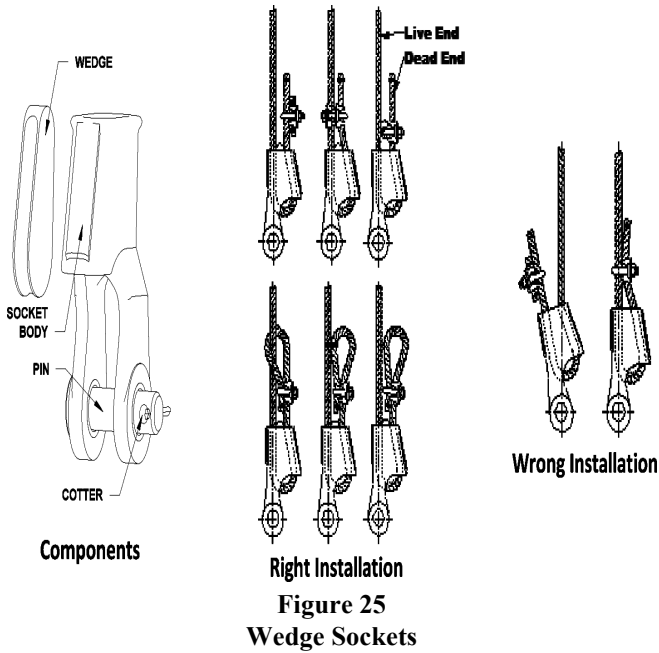


Figure 25
Wedge Sockets

NEW SECTION

WAC 296-155-33920 Links, rings, and swivels. (1)

Follow these rigging practices for links and rings:

- (a) The link or ring must be of the proper shape and size to make sure it seats properly in the hook or lifting device.
- (b) Multiple slings or rigging hardware gathered in a link or ring must not exceed a one hundred twenty degree included angle. (See Figure 22, Angle of Loading.)

Note: See Figure 26, Links and Rings, for examples of links and rings covered by this rule.

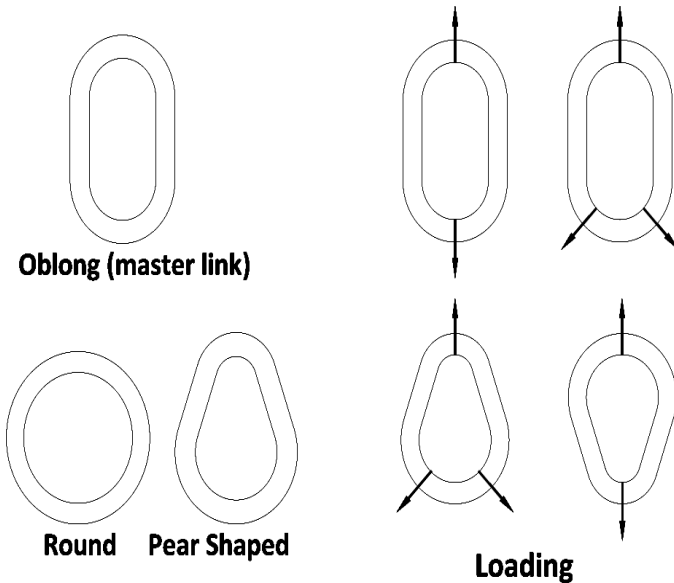


Figure 26
Links and Rings

- (2) Follow these rigging practices for swivels:
- (a) Swivels must only be used on in-line loads. (See Figure 27, Swivels.)

Note: Swivels are positioning hardware, and are not intended to be rotated under load.

- (b) Swivels must be of the proper shape and size to make sure it seats correctly in the hook or lifting device.
- (c) All swivel components must be kept in good working condition.

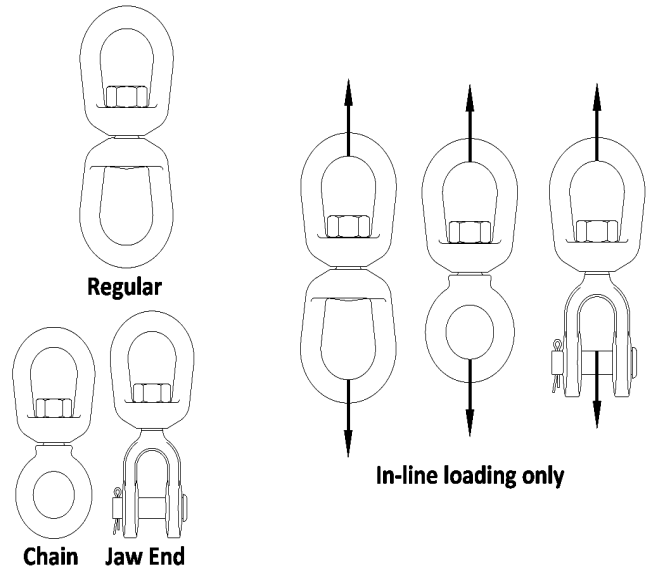
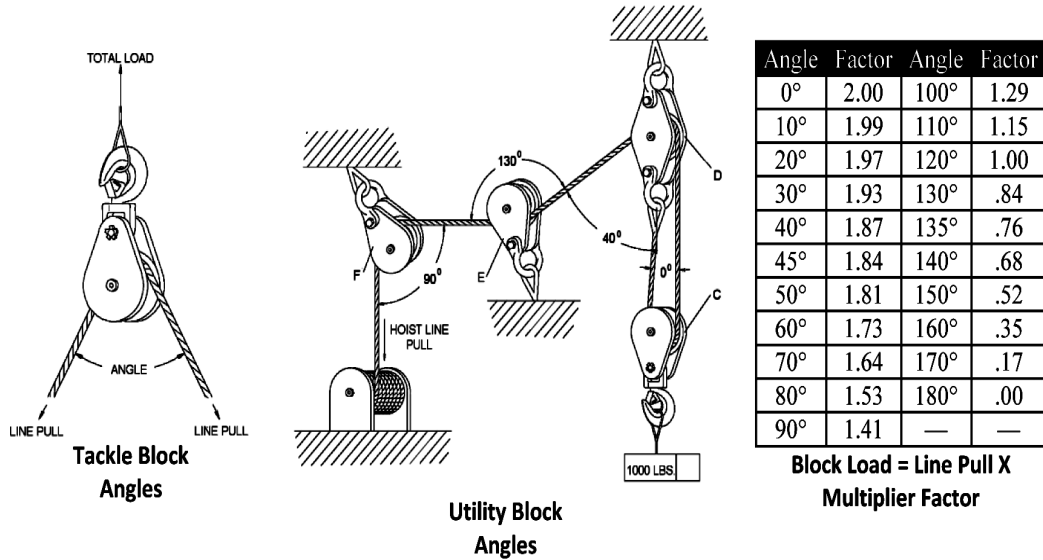


Figure 27
Swivels

NEW SECTION

WAC 296-155-33925 Rigging blocks. (1) The rigging block components must be fully engaged, with all fasteners and retaining devices in place and in good working order before use.

- (2) The rope must be in the sheave groove when the rigging block begins to take load.
- (3) The load line multiplied by the block load factor must not exceed the rated load of the rigging block. (See Figure 28, Block Load Factor Multipliers.)
- (4) Load line fittings must not contact the rigging block sheave(s).



Example: Load = 1,000 lb
Line Pull: 1,000 lb ÷ 2 = 500 lb
Load Block "C" = 500 lb x 2 = 1,000 lb
 (line pull x factor for 0 deg. angle)
Load Block "D" = 500 lb x 1.87 + 500 lb = 1,435 lb
 (line pull x factor for 40 deg. angle + dead-end load)
Load Block "E" = 500 lb x 0.84 = 420 lb
 (line pull x factor for 130 deg. angle)
Load Block "F" = 500 lb x 1.41 = 705 lb
 (line pull x factor for 90 deg. angle)

Figure 28
Block Load Factor Multipliers

NEW SECTION

WAC 296-155-340 Lifting devices other than slings and rigging hardware.

NEW SECTION

WAC 296-155-34005 Structural and mechanical lifters. (1) Structural and mechanical lifting devices must be constructed in accordance with ASME B30.20-2010, Below-the-Hook Lifting Devices.

(2) The rated load of the lifting device must be legibly marked on the main structure or on a tag attached to it where it is visible. If the lifting device is made up of several lifters, each detachable from the group, these lifters must also be marked with their individual rated loads.

(3) All structural and mechanical lifting devices must be marked with the following information:

- (a) Manufacturer's name and address;
- (b) Serial number;
- (c) Lifter weight, if over one hundred pounds (45 kg);

(d) Rated load as required in subsection (2) of this section;

(e) Name and address of repairer or modifier, when the lifting device has been repaired or modified.

(4) Installation.

(a) Structural and mechanical lifters must be assembled and installed according to manufacturer's instructions.

(b) The installer must check for correct rotation of all motors.

(5) Inspection.

(a) A qualified person must inspect all new, altered, repaired, or modified lifting devices according to Tables 20 and 21. The inspection of altered, repaired or modified lifting devices can be limited to the parts affected, if a qualified person determines that is all that is needed.

(b) The operator must inspect the lifting device before and during every lift for any indication of damage. Check the following items:

- (i) Surface of the load for debris;
- (ii) Condition and operation of the controls; and
- (iii) Condition and operation of the indicators and meters when installed.

(c) Lifting devices must be inspected, by the operator or another competent person, according to Table 20.

(i) If any damage is found, have a qualified person determine whether there is a hazard.

(ii) Hazardous conditions must be corrected before continuing use.

Table 20
Structural and Mechanical Lifter Frequent Inspection

Inspect for:	How often:
Structural members for: <ul style="list-style-type: none"> • Deformation. • Cracks. 	

Inspect for:	How often:
<ul style="list-style-type: none"> Excessive wear on any part of the lifter. 	<ul style="list-style-type: none"> Normal service - Monthly. Heavy service - Weekly to monthly. Severe service - Daily to weekly. Special or infrequent service - As recommended by a qualified person before and after each occurrence. Before use, when any lifter has been idle for at least one month.
The device for:	
<ul style="list-style-type: none"> Loose or missing: <ul style="list-style-type: none"> Guards. Fasteners. Covers. Stops. Nameplates. 	
<ul style="list-style-type: none"> All functional operating mechanisms for maladjustments interfering with operation. Automatic hold-and-release mechanisms for maladjustments interfering with operation. 	

Note:

- Normal service means service that involves operation with various weights within the rated load limit, averaging less than sixty-five percent of rated load limits.
- Heavy service means service that involves operation within the rated load limit, that exceeds the limits of normal service.
- Severe service means service that involves normal or heavy service with abnormal operating conditions.

(d) A qualified person must perform a periodic inspection on structural and mechanical lifters according to Table 21. Include the items in Table 20 of this section.

(i) Hazardous conditions must be corrected before continuing use.

(ii) Dated inspection reports must be kept of the most recent periodic inspection.

Table 21
Structural and Mechanical Lifting Device Periodic Inspection

Inspect for:	How often:
Loose bolts or fasteners.	<ul style="list-style-type: none"> Normal service for equipment in place - Yearly.

Inspect for:	How often:
Cracked or worn gear, pulleys, sheaves, sprockets, bearings, chains, and belts.	<ul style="list-style-type: none"> Heavy service - Semi-annually. Severe service - Quarterly. Special or infrequent service - As recommended by a qualified person before the first such occurrence and as directed by the qualified person for any subsequent occurrences.
Excessive wear of friction pads, linkages, and other mechanical parts.	
Excessive wear at hoist hooking points and load support clevises or pins.	

Note:

- Normal service means service that involves operation with various weights within the rated load limit, averaging less than sixty-five percent of rated load limits.
- Heavy service means service that involves operation within the rated load limit, that exceeds the limits of normal service.
- Severe service means service that involves normal or heavy service with abnormal operating conditions.

(6) Operational tests.

(a) A qualified person must perform an operational test on new, altered, repaired, or modified lifters before use. The qualified person can limit the testing of altered, repaired or modified lifters to the parts affected.

(b) The following items must be tested:

(i) Lifters with moving parts must be tested to determine that the lifter operates according to the manufacturer's instructions.

(ii) Lifters with manually operated or automatic latches must be tested to determine that the latch operates according to manufacturer's instructions.

(iii) All indicator lights, gages, horns, bells, alarms, pointers, and other warning devices must be tested.

(c) Dated reports of all operational tests must be kept on file.

(7) Repair.

(a) Structural and mechanical lifting devices must be repaired as follows:

(i) Adjustments and testing must be done only by a qualified person;

(ii) Replacement parts used must be at least equal to the original manufacturer's specifications;

(iii) The device must be inspected according to subsection (5) of this section before returning to service.

(b) The following precautions must be taken before repairs on a lifting device are started:

(i) Disconnect, lock out and tag all sources of power "Out of Service," if applicable;

(ii) Tag the lifting device removed from service for repair "Out of Service."

(8) Lifting devices must be operated only by qualified personnel.

(9) Operators must do the following:

(a) Test all controls before use, each shift;

- (b) Consult a competent person before handling the load whenever there is any doubt as to safety;
- (c) Respond only to instructions from competent persons, except for stop signals. The operator must obey a stop order at all times, no matter who gives it;
- (d) Do not load the lifting device in excess of its rated load or with any load that it is not specifically designed for;
- (e) Apply the lifter to the load according to the instruction manual;
- (f) Check that:
 - (i) Lifter ropes or chains are not kinked.
 - (ii) Multiple part lines are not twisted around each other.
 - (g) Bring the lifter over the load in a way that minimizes swinging;
 - (h) Keep the load or lifter from contacting any obstruction;
 - (i) Set down any attached load and store the lifting device before leaving it;
 - (j) Check that all personnel are clear of the load;
 - (k) Using the lifter for side pulls or sliding the load is prohibited, unless specifically authorized by a qualified person;
 - (l) Riding on loads or the lifting device is prohibited.

NEW SECTION

WAC 296-155-34010 Vacuum lifters. (1) Vacuum lifting devices must be constructed in accordance with ASME B30.20-2010, Below-the-Hook Lifting Devices.

- (2) Rated load.
 - (a) The rated load of each lifter and each pad must be legibly marked on the main structure or on a tag attached to it where it is visible. The marking must refer to the instruction manual for information about decreases in rating due to loads:
 - (i) Rigidity;
 - (ii) Strength;
 - (iii) Overhang;
 - (iv) Surface condition;
 - (v) Angle of load;
 - (vi) Temperature;
 - (vii) Number of pads;
 - (viii) Elevation and vacuum level.
 - (b) If the vacuum lifting device has shut-off valves on individual pads or groups of pads, the rated load of each pad must also be marked.
 - (3) The vacuum lifter must be clearly marked on the main structure with all of the following:
 - (a) Manufacturer's name and address;
 - (b) Model number;
 - (c) Serial number;
 - (d) Lifter weight;
 - (e) Electrical power requirements, if applicable;
 - (f) Pressure and volume of compressed air required, if applicable;
 - (g) Rated load, as required in subsection (2) of this section;
 - (h) If repaired or modified, the name, address, and lifter identification of repairer or modifier.
 - (4) Installation.

- (a) Vacuum lifters must be assembled and installed according to manufacturer's instructions.
- (b) The installer must check:
 - (i) That the power supply is the same as what is shown on the nameplate.
 - (ii) For correct rotation of all motors.
 - (c) Connect the electrical power supply to the vacuum lifter to either:
 - (i) The line side of the crane disconnect; or
 - (ii) An independent circuit.
 - (5) Inspection.
 - (a) A qualified person must inspect all new, altered, repaired, or modified vacuum lifters. A qualified person can limit the inspection of altered, repaired or modified lifters to the affected parts.
 - (b) The operator must inspect the lifter before and during every lift for any indication of damage, including all of the following:
 - (i) Surface of the load for debris;
 - (ii) Seal of the vacuum pad for debris;
 - (iii) Condition and operation of the controls;
 - (iv) Condition and operation of the indicators, meters and pumps when installed.
 - (c) Lifters must be inspected, by the operator or another competent person, according to Table 22.
 - (d) A qualified person must determine whether signs of damage indicate a hazard.
 - (e) Hazardous conditions must be corrected before continuing use.
 - (f) A qualified person must perform a periodic inspection of vacuum lifters according to Table 23. Include the items in Table 22 of this section.
 - (g) Dated inspection records must be kept on all critical items such as supporting structure, motors, controls, and other auxiliary components.
 - (h) Hazardous conditions must be corrected before continuing use.

**Table 22
Vacuum Lifter Frequent Inspection**

Inspect for:	How often:
Structural members for: <ul style="list-style-type: none"> • Deformation. • Cracks. • Excessive wear. 	<ul style="list-style-type: none"> • Normal service - Monthly. • Heavy service - Weekly to monthly. • Severe service - Daily to weekly. • Special or infrequent service - As recommended by a qualified person before and after each occurrence.
The vacuum generator for output.	
The vacuum pad seal rings for:	

Inspect for:	How often:
<ul style="list-style-type: none"> • Cuts. • Tears. • Excessive wear. • Foreign particles. 	<ul style="list-style-type: none"> • Before using, when a lifting device has been idle for more than one month.
Vacuum lines and connections for: <ul style="list-style-type: none"> • Leakage. • Cuts. • Kinks. • Collapsed areas of hoses. 	
The vacuum reservoir for: <ul style="list-style-type: none"> • Leaks. • Visible damage. 	
The entire vacuum system including indicator lights, gages, horns, bells, pointers or other warning devices, and vacuum level indicators: <ul style="list-style-type: none"> • Attach a nonporous, clean surface to the vacuum pad or pads. • Stop the vacuum source. • Check that the vacuum level in the system does not decrease by more than the manufacturer's specified rate. 	

Table 23
Vacuum Lifting Device Periodic Inspection

Inspect for:	How often:
External evidence of: <ul style="list-style-type: none"> • Looseness. • Wear. • Deformation. 	<ul style="list-style-type: none"> • Normal service for equipment in place - Yearly. • Heavy service - Semi-annually. • Severe service - Quarterly.

Inspect for:	How often:
<ul style="list-style-type: none"> • Cracking. • Corrosion. 	<ul style="list-style-type: none"> • Special or infrequent service - As recommended by a qualified person before the first such occurrence and as directed by the qualified person for any subsequent occurrences.
External evidence of damage to: <ul style="list-style-type: none"> • Supporting structure. • Motors. • Controls. • Other auxiliary components. 	
Clear warning labels.	

- Note:**
- Normal service means service that involves operation with various weights within the rated load limit, averaging less than sixty-five percent of rated load limits.
 - Heavy service means service that involves operation within the rated load limit, that exceeds the limits of normal service.
 - Severe service means service that involves normal or heavy service with abnormal operating conditions.

- (6) Operational tests.
- (a) A qualified person must perform an operational test on new, altered, repaired, or modified vacuum lifters before use. The qualified person can limit the testing of altered, repaired or modified lifters to the parts affected.
- (b) The following items must be tested:
- (i) Moving parts;
 - (ii) Latches;
 - (iii) Stops;
 - (iv) Limit switches;
 - (v) Control devices;
 - (vi) Vacuum lines;
 - (vii) The seals and connections must be tested for leaks by attaching a smooth nonporous clean material to the vacuum pad or pads and then stopping the vacuum source. The vacuum level in the system must not decrease more than the manufacturer's specified rate.
- (c) Dated reports of all operations tests must be kept on file.
- (7) Load tests.
- (a) Prior to initial use, all new, altered, repaired, or modified vacuum lifting devices must be load tested and inspected by a qualified person. The qualified person can limit the test to the areas affected by the alteration, repair or modification.
- (b) Test loads must not be more than one hundred twenty-five percent of the rated load of the system, unless otherwise recommended by the manufacturer or a qualified person.
- (c) Written reports must be kept confirming the load rating of the vacuum lifting device.

(d) The load test must consist of one of the following procedures:

(i) Actual load test:

(A) Attach pads to the designated test load.

(B) Raise the test load a small distance to make sure the load is supported by the vacuum-lifting device.

(C) Hold the load for two minutes.

(D) Lower the load for release.

(ii) Simulated load test. Using a test fixture, apply forces to all load bearing components either individually or in assemblies equivalent to the forces encountered by the components if they were supporting a load that was one hundred twenty-five percent of the rated load.

(e) After the test, the vacuum lifting device must be visually inspected. Any condition that constitutes a hazard must be corrected before the lifting device is placed in service. If the correction affects the structure, then the lifter must be retested.

(8) Repair.

(a) Repair vacuum lifting devices as follows:

(i) Adjustments and testing must be done only by a qualified person;

(ii) Use replacement parts that are at least equal to the original manufacturer's specification;

(iii) The lifting device must be inspected before returning to service as required in subsection (5) of this section.

(b) Take the following precautions before repairs on a lifting device are started:

(i) Move the vacuum-lifting device to an area where it will cause the least interference with other operations;

(ii) Disconnect, lock out and tag all sources of power "Out of Service," if applicable;

(iii) Tag the lifting device removed from service for repair "Out of Service."

(9) Lifting devices must be operated only by qualified personnel.

(10) Operators must do the following:

(a) Test all controls before use during a shift;

(b) Consult a competent person before handling the load whenever safety is in doubt;

(c) Respond only to instructions from competent persons, except for stop orders. The operator must obey a stop order at all times, no matter who gives it;

(d) Do not load the lifter in excess of its rated load or with any load that it isn't specifically designed for;

(e) Apply the lifter to the load according to the manufacturer's instructions;

(f) Check that:

(i) Ropes or chains are not kinked.

(ii) Multiple part lines are not twisted around each other.

(iii) The pad contact surface is clean and free of loose particles.

(g) Check that vacuum lines are not:

(i) Kinked or twisted.

(ii) Wrapped around or looped over parts of the lifting device that will move during the lift.

(h) Bring the lifter over the load in a way that minimizes swinging;

(i) Lift the load a few inches to make sure that the lifting device was correctly applied;

(j) Keep the load or lifter from contacting any obstruction;

(k) Do the following if power goes off while making a lift:

(i) Warn all people in the area;

(ii) Set the load down if possible.

(l) Set down any attached load and store the lifting device before leaving it;

(m) Check that all personnel are clear of the load;

(n) Using the lifter for side pulls or sliding the load is prohibited, unless specifically authorized by a qualified person;

(o) Riding on the load or the lifter is prohibited.

NEW SECTION

WAC 296-155-34015 Close proximity lifting magnets. (1) Close proximity lifting magnets must be constructed in accordance with ASME B30.20-2010, Below-the-Hook Lifting Devices.

(2) Rated load.

(a) General application magnets must have the rated load (capacity) marked either on the lifting magnet or on a tag attached to it. The marking must refer to the instruction manual for information about decreases in rating due to the loads.

(i) Surface condition.

(ii) Thickness.

(iii) Percentage of contact with the magnet.

(iv) Temperature.

(v) Metallurgical composition.

(vi) Deflection.

(b) Specified application magnets must have the rated load (capacity) either on the lifting magnet or on a tag attached to it, referring to the specific loads for which the capacity applies.

(3) Identification. All close proximity lifting magnets must be marked with the following information:

(a) Manufacturer's name and address;

(b) Model and lifting magnet unit identification;

(c) Weight of lifting magnet;

(d) Rated load, as required in subsection (2) of this section;

(e) Duty cycle, if applicable;

(f) Cold current (amps) at sixty-eight degrees Fahrenheit (twenty degrees Celsius), if applicable; and

(g) Voltage of primary power supply or battery, if applicable.

(h) If repaired or modified, name and address of repairer or modifier and (a) through (g) of this subsection if changed.

(4) Lifting magnets must be installed according to manufacturer's instructions.

(5) Inspection.

(a) A qualified person must inspect all new, altered, repaired, or modified lifting magnets according to Tables 24 and 25. The inspection of altered, repaired or modified lifting magnets can be limited to the parts affected, if a qualified person determines that is all that is needed.

(b) The operator must inspect the lifting magnet before and during every lift for any indication of damage. Check all of the following items:

- (i) Lifting magnet face and surface of the load for foreign materials and smoothness;
- (ii) Condition and operation of the:
 - (A) Control handle of a manually controlled permanent magnet;
 - (B) Indicators and meters when installed.
- (c) Lifting magnets must be inspected, by the operator or another competent person, according to Table 24.
- (d) A qualified person must determine whether signs of damage indicate a hazard.
- (e) Hazardous conditions must be corrected before continuing use.

Table 24
Close Proximity Lifting Magnet Frequent Inspection

Inspect for:	How often:
Structural and suspension members for: <ul style="list-style-type: none"> • Deformation. • Cracks. • Excessive wear on any part of the lifting magnet. 	<ul style="list-style-type: none"> • Normal service - Monthly. • Heavy service - Weekly to monthly. • Severe service - Daily to weekly. • Special or infrequent service - As recommended by a qualified person before and after each occurrence. • Before using, when a lifting magnet has been idle for more than one month.
The lifting magnet face for: <ul style="list-style-type: none"> • Foreign materials. • Smoothness. 	
Condition of lifting bail or sling suspension.	
Condition and operation of control handle.	
Condition and operation of indicators and meters, if applicable.	
Electrical conductors, if applicable, that are visible without disassembly for: <ul style="list-style-type: none"> • Loose connections. • Continuity. • Corrosion. • Damage to insulation. 	
Battery operated electromagnets for:	

Inspect for:	How often:
<ul style="list-style-type: none"> • Proper level of battery electrolyte. • Corrosion of battery posts or connectors. 	
Cracked housings, welds, and loose bolts.	
Legible labels and marking.	

- Note:**
- Normal service means service that involves operation with various weights within the rated load limit, averaging less than sixty-five percent of rated load limits.
 - Heavy service means service that involves operation within the rated load limit, that exceeds the limits of normal service.
 - Severe service means service that involves normal or heavy service with abnormal operating conditions.

(f) A qualified person must perform periodic inspections of close proximity lifting magnets according to Table 25. Include the items in Table 24 of this section.

(g) Dated inspection records must be kept on all critical items such as structural and suspension members, lifting magnet face, lifting bail, control handle, indicators and meters.

(h) Hazardous conditions must be corrected before continuing use.

Table 25
Close Proximity Lifting Magnet Periodic Inspection

Inspect for:	How often:
Members, fasteners, locks, switches, warning labels, and lifting parts for: <ul style="list-style-type: none"> • Deformation. • Wear. • Corrosion. 	<ul style="list-style-type: none"> • Normal service for equipment in place - Yearly. • Heavy service, unless external conditions indicate that disassembly should be done to permit detailed inspection - Quarterly.
All electrical components, including controllers, battery, external power supply, power disconnects, meters, indicators, and alarms for: <ul style="list-style-type: none"> • Proper operation. 	
	<ul style="list-style-type: none"> • Severe service - Monthly.

Inspect for:	How often:
<ul style="list-style-type: none"> Condition. 	<ul style="list-style-type: none"> Special or infrequent service - As recommended by a qualified person before the first occurrence and as directed by the qualified person for any subsequent occurrences.
<p>Lifting magnet coil must be tested for:</p> <ul style="list-style-type: none"> Ohmic and ground readings compared to manufacturer's standards. 	

- Note:**
- Normal service means service that involves operation with various weights within the rated load limit, averaging less than sixty-five percent of rated load limits.
 - Heavy service means service that involves operation within the rated load limit, that exceeds the limits of normal service.
 - Severe service means service that involves normal or heavy service with abnormal operating conditions.

(6) Operational tests.

(a) All new, altered, repaired or modified lifting magnets must be tested either by or under the direction of a qualified person before use. The qualified person can limit the testing of altered, repaired or modified lifting magnets to the parts affected.

(b) The following items must be tested:

- (i) Moving parts;
- (ii) Latches;
- (iii) Stops;
- (iv) Switches;
- (v) Control devices;
- (vi) Alarms; and
- (vii) Warning devices, including:
 - (A) Indicator lights;
 - (B) Gauges;
 - (C) Horns;
 - (D) Bells; and
 - (E) Pointers.

(c) Dated reports of all operational tests must be kept on file.

(7) Load tests.

(a) Prior to initial use, all new, altered, repaired, or modified close proximity lifting devices must be load tested and inspected by a qualified person. The qualified person can limit the test to the areas affected by the alteration, repair, or modification.

(b) The breakaway force of lifting magnets must be tested according to manufacturer's directions or ANSI B30.20-2010.

(8) Repair.

(a) Close proximity lifting magnets must be repaired as follows:

- (i) Adjustments and testing must be done by or under the direction of a qualified person;
- (ii) Replacement parts used must be at least equal to the original manufacturer's specifications;
- (iii) The magnet must be inspected before returning to service as required in subsection (5) of this section.
- (b) The following precautions must be taken before repairs on a magnet are started:
 - (i) Disconnect, lock out and tag all sources of power "Out of Service," if applicable; and
 - (ii) Tag any lifting magnet removed from service for repair "Out of Service."
- (9) Lifting magnets must be operated only by qualified personnel.
- (10) Operators must do the following:
 - (a) Test all controls before use, each shift;
 - (b) Check all meters and indicators for proper operation before making a lift;
 - (c) Consult a competent person before handling the load whenever there is any doubt as to safety;
 - (d) Respond only to instructions from competent persons, except for stop orders. Operators must obey a stop order at all times, no matter who gives it;
 - (e) Do not load the lifting magnet in excess of its rated load or with any load that it isn't specifically designed for;
 - (f) Apply the magnet to the load according to the instruction manual;
 - (g) Check that:
 - (i) Lifter ropes or chains are not kinked;
 - (ii) Multiple part lines are not twisted around each other;
 - (iii) The lifting magnet face and the contact area on the load are clean.
 - (h) Bring the magnet over the load in a way that minimizes swinging;
 - (i) Lift the load a few inches to make sure that the lifting magnet has been correctly applied;
 - (j) Keep the load or lifting magnet from contact with any obstruction;
 - (k) Set down any attached load and store the lifting magnet before leaving it;
 - (l) Check that all people near the lift are warned before lifting;
 - (m) Using the lifter for side pulls or sliding the load is prohibited, unless specifically authorized by a qualified person; and
 - (n) Riding on loads or the lifting magnet is prohibited.

NEW SECTION

WAC 296-155-34020 Remotely operated lifting magnets. (1) Remotely operated lifting magnets must be constructed in accordance with ASME B30.20-2010, Below-the-Hook Lifting Devices.

(2) Identification. All remotely operated lifting magnets must be marked with the following information:

- (a) Manufacturer's name and address;
- (b) Model or unit identification;
- (c) Weight of lifting magnet;
- (d) Duty cycle;
- (e) Cold current;

- (f) Voltage;
- (g) If repaired or modified, name and address of repairer or modifier and (a) through (g) of this subsection if changed.
- (3) Lifting magnets must be installed according to manufacturer's instructions.
- (4) Inspections.
 - (a) A qualified person must inspect all new, altered, repaired or modified lifting magnets according to Tables 26 and 27. A qualified person can limit the inspection of altered, repaired or modified lifting magnets to the parts affected.
 - (b) Lifting magnets must be inspected, by the operator or another competent person, according to Table 26.
 - (c) A qualified person must determine whether signs of damage indicate a hazard.
 - (d) Hazardous conditions must be corrected before continuing use.
 - (e) A qualified person must perform periodic inspections of remotely operated lifting magnets according to Table 27. Include the items in Table 26.
 - (f) Make records of apparent external conditions to provide the basis for a continuing evaluation.
 - (g) Hazardous conditions must be corrected before continuing use.

Table 26

Remotely Operated Lifting Magnet Frequent Inspection

Inspect for:	How often:
Structural and suspension members for: <ul style="list-style-type: none"> • Deformation. • Cracks. • Excessive wear on any part of the lifting magnet. 	<ul style="list-style-type: none"> • Normal service - Monthly. • Heavy service - Weekly to monthly. • Severe service - Daily to weekly. • Special or infrequent service - As recommended by a qualified person before and after each occurrence. • Before using, when a lifting magnet has been idle for more than one month.
The lifting magnet face for: <ul style="list-style-type: none"> • Foreign materials. • Smoothness. 	
Electrical conductors that are visible without disassembly.	
Cracked housings, welds, and loose bolts.	

Note:

- Normal service means service that involves operation with various weights within the rated load limit, averaging less than sixty-five percent of rated load limits.
- Heavy service means service that involves operation within the rated load limit, that exceeds the limits of normal service.

- Severe service means service that involves normal or heavy service with abnormal operating conditions.

Table 27

Remotely Operated Lifting Magnet Periodic Inspection

Inspect for:	How often:
Members, fasteners, and lifting parts for: <ul style="list-style-type: none"> • Deformation. • Wear. • Corrosion. 	<ul style="list-style-type: none"> • Normal service for equipment in place - Yearly. • Heavy service - Quarterly. • Severe service - Monthly. • Special or infrequent service - As recommended by a qualified person before the first occurrence and as directed by the qualified person for any subsequent occurrences.
All electrical components for: <ul style="list-style-type: none"> • Proper operation. • Condition. 	
Magnet coil for: <ul style="list-style-type: none"> • Ohmic and ground readings compared to manufacturer's standards. 	

- (5) Operational tests.
 - (a) All new, altered, repaired or modified lifting magnets must be tested either by or under the direction of a qualified person before use. The qualified person can limit the testing of altered, repaired or modified lifting magnets to the parts affected.
 - (b) The following items must be tested:
 - (i) All electrical equipment for proper operation;
 - (ii) Warning devices, including:
 - (A) Indicator lights;
 - (B) Gauges;
 - (C) Horns;
 - (D) Bells; and
 - (E) Pointers.
 - (c) Dated reports of all operational tests must be kept on file.
 - (6) Repair.
 - (a) Remotely operated lifting magnets must be repaired as follows:
 - (i) Have adjustments and testing done only by or under the direction of a qualified person;
 - (ii) Use replacement parts that are at least equal to the original manufacturer's specifications; and
 - (iii) Inspect the lifter according to subsection (4) of this section, before returning to service.

(b) The following precautions must be taken before repairs on a lifter are started:

(i) Disconnect, lock out and tag all sources of power "Out of Service."

(ii) Tag any magnet removed from service for repair "Out of Service."

(7) Lifting devices must be operated only by qualified personnel.

(8) Operators must do the following:

(a) Test all controls before use during a shift;

(b) Consult a competent person before handling the load whenever there is any doubt as to safety;

(c) Respond only to instructions from competent persons, except for stop orders. Operators must obey a stop order at all times, no matter who gives it;

(d) Do not load the lifting magnet in excess of its rated load or with any load that it is not specifically designed for;

(e) Apply the lifting magnet to the load according to the instruction manual;

(f) Check that:

(i) Lifter ropes or chains are not kinked;

(ii) Multiple part lines are not twisted around each other.

(g) Bring the lifting magnet over the load in a way that minimizes swinging;

(h) Keep the load or magnet from contact with any obstruction;

(i) Set down any attached load and store the lifting magnet before leaving it;

(j) Check that all people are clear of the load;

(k) Using the lifter for side pulls or sliding the load is prohibited, unless specifically authorized by a qualified person; and

(l) Riding on loads or the lifting magnet is prohibited.

NEW SECTION

WAC 296-155-34025 Scrap and material handling grapples. (1) Grapples must be constructed in accordance with ASME B30.20-2010, Below-the-Hook Lifting Devices.

(2) Identification. All grapples must be marked with the following information:

(a) Manufacturer's name and address;

(b) Serial number or unit identification;

(c) Grapple weight;

(d) Rated voltage, if applicable;

(e) Operating hydraulic pressure(s), if applicable;

(f) Rated capacity;

(g) If repaired or modified, name and address of repairer or modifier and (a) through (f) of this subsection if changed.

(3) Grapple installation.

(a) Grapples must be installed according to manufacturer's instructions.

(b) The hydraulic flows and pressures must be the same as shown in the manufacturer's instructions.

(4) Inspections.

(a) A qualified person must inspect all new, altered, repaired and modified grapples according to Table 28. A qualified person can limit the inspection of altered, repaired or modified grapples to the parts affected.

(b) Grapples must be visually inspected each shift they are used, by the operator or another competent person, according to Table 28.

(c) A qualified person must determine whether signs of damage indicate a hazard.

(d) Hazardous conditions must be corrected before continuing use.

**Table 28
Grapple Frequent Inspection**

Inspect for:	How often:
Structural members for:	<ul style="list-style-type: none"> • Normal service - Monthly. • Heavy service - Weekly to monthly. • Severe service - Daily to weekly. • Special or infrequent service - As recommended by a qualified person before and after each occurrence.
• Deformation.	
• Cracks.	
• Excessive wear on any part of the grapple.	
Pins and bushings.	
Hydraulic lines.	
Hydraulic cylinders.	<ul style="list-style-type: none"> • Before using, when a grapple has been idle for more than one month.
Loose bolts.	
Electrical conductors that are visible without disassembly.	

Note:

- Normal service means service that involves operation with various weights within the rated load limit, averaging less than sixty-five percent of rated load limits.
- Heavy service means service that involves operation within the rated load limit, that exceeds the limits of normal service.
- Severe service means service that involves normal or heavy service with abnormal operating conditions.

(e) A qualified person must perform a periodic inspection of grapples according to Table 29. Include the items from Table 28 of this section.

(f) Data inspection reports must be kept on critical items such as structural members, fasteners, lifting parts, hydraulic hoses, fittings and tubing, hydraulic motors and hydraulic cylinders.

(g) Hazardous conditions must be corrected before continuing use.

**Table 29
Grapple Periodic Inspection**

Inspect for:	How often:
Members, fasteners, and lifting parts for:	<ul style="list-style-type: none"> • Normal service for equipment in place - Yearly.

Inspect for:	How often:
<ul style="list-style-type: none"> • Deformation. • Wear. • Corrosion. 	<ul style="list-style-type: none"> • Heavy service, unless external conditions indicate that disassembly should be done to permit detailed inspection - Quarterly.
<p>Hydraulic hose, fittings, and tubing for:</p> <ul style="list-style-type: none"> • Evidence of leakage at the surface of the hose or its junction with metal couplings. • Blistering or abnormal deformation of the outer covering of the hose. • Leakage at threaded or clamped joints that cannot be eliminated by normal tightening or recommended procedures. • Excessive abrasion or scrubbing on the outer surface of hoses, rigid tubes, or fittings. 	<ul style="list-style-type: none"> • Severe service - Monthly. • Special or infrequent service - As recommended by a qualified person before the first occurrence and as directed by the qualified person for any subsequent occurrences.
<p>Hydraulic motors for:</p> <ul style="list-style-type: none"> • Loose bolts or fasteners. • Leaks at joints between sections. • Shaft seal leaks. • Unusual noises or vibration. • Loss of operating speed. • Excessive heating of the fluid. • Loss of pressure. 	
<p>Hydraulic cylinders for:</p> <ul style="list-style-type: none"> • Drifting caused by fluid leaking across the piston seals. • Rod seal leakage. • Leaks at welded joints. • Scored, nicked, or dented cylinder rods. 	

Inspect for:	How often:
<ul style="list-style-type: none"> • Dented case (barrel). • Loose or deformed rod eyes or connecting joints. 	
<p>All electrical components, including meters, indicators and alarms for:</p> <ul style="list-style-type: none"> • Proper operation. • Condition. 	

- (5) Operational tests.
 - (a) All new, altered, repaired or modified grapples must be tested either by or under the direction of a qualified person before use. The qualified person can limit the testing of altered, repaired or modified grapples to the parts affected.
 - (b) All warning devices must be tested, including:
 - (i) Indicator lights;
 - (ii) Gauges;
 - (iii) Horns;
 - (iv) Bells;
 - (v) Pointers;
 - (vi) Other warning devices.
 - (c) Dated reports of all operational tests must be kept on file.
- (6) Repair.
 - (a) Grapples must be repaired as follows:
 - (i) Have adjustments and testing done only by or under the direction of a qualified person;
 - (ii) Use replacement parts that are at least equal to the original manufacturer's specifications;
 - (iii) Inspect the grapple according to subsection (4) of this section, before returning to service;
 - (b) The following precautions must be taken before repairs on a grapple are started:
 - (i) Disconnect, lock out and tag all sources of power "Out of Service";
 - (ii) Tag any grapple removed from service for repair "Out of Service."
- (7) Grapples must be operated only by qualified personnel.
- (8) Operators must do the following:
 - (a) Test all controls before use during a shift;
 - (b) Check all meters and indicators for proper operation before making a lift;
 - (c) Consult a competent person before handling the load whenever there is any doubt as to safety;
 - (d) Respond only to instructions from competent persons, except for stop orders. An operator must obey a stop order at all times, no matter who gives it;
 - (e) Do not load grapples in excess of the rated load or with any load that they are not specifically designed for;
 - (f) Apply the grapple to the load according to the instruction manual;
 - (g) Bring the grapple over the load in a way that minimizes swinging;
 - (h) Keep the load or grapple from contact with any obstruction;

- (i) Set down any attached load and store the grapple before leaving it;
- (j) Don't let anyone ride on loads or the grapple;
- (k) Check that all people stay clear of the load.

AMENDATORY SECTION (Amending WSR 08-22-080, filed 11/4/08, effective 1/1/10)

WAC 296-155-529 ((Crane certifier accreditation and crane certification.)) Scope and definitions.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-52900 Scope. (1) Except as provided in subsection (3) of this section, this part applies to the following:

(a) Power-operated cranes and derricks used in construction that can hoist, lower and horizontally move a suspended load (with or without attachments). Such equipment includes, but is not limited to: Articulating boom cranes (such as knuckle-boom cranes); crawler cranes; floating cranes; cranes on barges; locomotive cranes; mobile cranes (such as wheel-mounted, rough-terrain, all-terrain, commercial truck-mounted, and boom truck cranes); multipurpose machines when configured to hoist and lower (by means of a winch or hook) and horizontally move a suspended load; industrial cranes (such as carry-deck cranes); cranes being used as dedicated pile drivers; service/mechanic trucks with a hoisting device; a crane on a monorail; tower cranes (such as fixed jib ("hammerhead boom"), luffing boom and self-erecting); pedestal cranes; portal cranes; overhead/bridge and gantry cranes; straddle cranes; side-boom tractors; derricks; and variations of such equipment(-); and

(b) Personnel lifting with attached or suspended platforms using cranes or derricks (WAC 296-155-547).

(2) Attachments. This standard applies to equipment included in subsection (1) of this section when used with attachments. Such attachments, whether crane-attached or suspended include, but are not limited to:

- Hooks;
- Magnets;
- Grapples;
- Clamshell buckets;
- Orange peel buckets;
- Concrete buckets;
- Draglines;
- Personnel platforms;
- Augers or drills; and
- Pile driving equipment.

(3) The equipment listed below are exempted from WAC ((296-155-529)) 296-155-531 and 296-155-532 (Crane certifier accreditation and crane certification) through 296-155-53300 (Operator qualifications and certification):

(a) Cranes having a maximum rated capacity of one ton or less ((are exempt from this rule for the purposes of crane certification and operator certification)). See WAC 296-155-53414 for additional requirements.

(b) ((Equipment included in subsection (1) of this section while it has been converted or adapted for nonhoisting/lifting use. Such conversions/adaptations include, but are not limited to, power shovels, excavators and concrete pumps.

(c) ~~Power shovels, excavators, wheel loaders, backhoes, loader backhoes, track loaders. This machinery is also excluded when used with chains, slings or other rigging to lift suspended loads. For rigging requirements see WAC 296-155-556 through 296-155-562.~~

(d) ~~Automotive wreckers and tow trucks when used to clear wrecks and haul vehicles.~~

(e) ~~Digger derricks when used for activities that are covered under chapter 296-45 WAC, Safety standards for electrical workers, or chapter 296-32 WAC, Safety standards for telecommunications. Cranes other than digger derricks when used for activities that are covered under chapter 296-45 WAC, Safety standards for electrical workers, or chapter 296-32 WAC, Safety standards for telecommunications are NOT exempt.~~

(f) ~~Equipment originally designed as vehicle-mounted aerial devices (for lifting personnel) and self-propelled elevating work platforms.~~

(g) ~~Hydraulic jacking systems, including telescopic/hydraulic gantries.~~

(h) ~~Stacker cranes.~~

(i) ~~Powered industrial trucks (forklifts) ((except)) when configured to hoist and lower (by means of a winch or hook) and horizontally move a suspended load((-Powered industrial trucks including their attachments do not need to be certified by an accredited certifier)) are exempted from WAC 296-155-532 (crane certification). Operators must also follow the requirements in chapter 296-863 WAC, Forklifts and other powered industrial trucks ((and WAC 296-155-53300 of this chapter.)~~

(j) ~~Mechanic's truck with a hoisting device when used in activities related to equipment maintenance and repair.~~

(k) ~~Equipment that hoists by using a come-a-long or chainfall.~~

(l) ~~Overhead/bridge cranes or hoists that travel or trolley manually.~~

(m) ~~Dedicated drilling rigs.~~

(n) ~~Gin poles used for the erection of communication towers.~~

(o) ~~Tree trimming and tree removal work.~~

(p) ~~Anchor handling or dredge-related operations with a vessel or barge using an affixed A-frame.~~

(q) ~~Roustabouts).~~

((+)) (c) ~~Service cranes with booms that rotate manually.~~

((s) ~~Machines equipped with a boom that is limited to up and down movement only and does not rotate.~~

(t) ~~Conveyors.~~

(u) ~~Pump hoists with booms that do not rotate.~~

(v) ~~Permanently installed overhead/bridge, gantry cranes, semigantry, cantilever gantry, wall cranes, storage bridge cranes, and others having the same fundamental characteristics which are located in manufacturing facilities or powerhouses.~~

(w) Cranes and their operators used on-site in manufacturing facilities or powerhouses for occasional or routine maintenance and repair work.

(x) Helicopter cranes.

(4) Digger derricks that do not meet the exemption criteria in subsection (3)(e) of this section must comply with WAC 296-155-529 (Crane certifier accreditation and crane certification) through WAC 296-155-53300 (Operator qualifications and certification) one hundred eighty days after the effective date of this section.)

(4) The equipment listed below are exempt from this part:

(a) Equipment included in subsection (1) of this section while it has been converted or adapted for nonhoisting/lifting use. Such conversions/adaptations include, but are not limited to, power shovels, excavators and concrete pumps.

(b) Power shovels, excavators, wheel loaders, backhoes, loader backhoes, track loaders. This machinery is also excluded when used with chains, slings or other rigging to lift suspended loads.

(c) Automotive wreckers and tow trucks when used to clear wrecks and haul vehicles.

(d) Equipment originally designed as vehicle-mounted aerial devices (for lifting personnel) and self-propelled elevating work platforms.

(e) Hydraulic jacking systems, including telescopic/hydraulic gantries.

(f) Stacker cranes.

(g) Mechanic's truck with a hoisting device when used in activities related to equipment maintenance and repair.

(h) Equipment that hoists by using a come-a-long or chainfall.

(i) Dedicated drilling rigs.

(j) Gin poles used for the erection of communication towers.

(k) Tree trimming and tree removal work.

(l) Anchor handling or dredge-related operations with a vessel or barge using an affixed A-frame.

(m) Roustabouts.

(n) Machines equipped with a boom that is limited to up and down movement only and does not rotate.

(o) Conveyors.

(p) Pump hoists with booms that do not rotate.

(q) Cranes and their operators used on-site in manufacturing facilities or powerhouses for occasional or routine maintenance and repair work.

(r) Helicopter cranes.

(s) Permanently installed overhead/bridge, gantry cranes, semi-gantry, cantilever gantry, wall cranes, storage bridge cranes, and others having the same fundamental characteristics.

(t) Digger derricks when used for activities that are covered under chapter 296-45 WAC, Safety standards for electrical workers, or chapter 296-32 WAC, Safety standards for telecommunications. Cranes other than digger derricks when used for activities that are covered under chapter 296-45 WAC, Safety standards for electrical workers, or chapter 296-32 WAC, Safety standards for telecommunications are NOT exempt.

(u) Powered industrial trucks (forklifts) except when configured to hoist and lower (by means of a winch or hook) and horizontally move a suspended load.

Note: Rigging requirements for material handling is located in Part F-1 of this chapter.

(5) Digger derricks that do not meet the exemption criteria in subsection (4) of this section must comply with WAC 296-155-531 (crane certifier accreditation and crane certification) through WAC 296-155-53300 (Operator qualifications and certification) one hundred eighty days after the effective date of this section.

~~((5))~~ (6) Where provisions of this standard direct an operator, crewmember, or other employee to take certain actions, the employer must establish, effectively communicate to the relevant persons, and enforce work rules, to ensure compliance with such provisions.

~~((6))~~ (7) Work covered by chapter 296-45 WAC, Safety standards for electrical workers is deemed in compliance with WAC 296-155-53408.

~~((7))~~ (8) WAC 296-155-53400 (35) through (39) does not apply to cranes designed for use on railroad tracks, when used on railroad tracks that are used as part of the general railroad system of transportation that is regulated pursuant to the Federal Railroad Administration under C.F.R. 49, Part 213, and that comply with applicable Federal Railroad Administration requirements. See WAC 296-155-53400(39).

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-52902 Definitions. Accredited crane certifier means a crane inspector who has been accredited by the department.

A/D director (assembly/disassembly) director means an individual who meets the requirements in this part for an A/D director, irrespective of the person's formal job title or whether the person is nonmanagement or management personnel.

Angle of loading means the acute angle between horizontal and the leg of the rigging, often referred to as horizontal angle. See Figures 18 and 33.

Anti two-block device means a device that, when activated, disengages all crane functions whose movement can cause two-blocking.

Apprentice operator or trainee means a crane operator who has not met requirements established by the department under RCW 49.17.430.

Articulating boom crane means a crane whose boom consists of a series of folding, pin connected structural members, typically manipulated to extend or retract by power from hydraulic cylinders.

Assembly/disassembly means the assembly and/or disassembly of components or attachments covered under this part. With regard to tower cranes, "erecting and climbing" replaces the term "assembly," and "dismantling" replaces the term "disassembly." Regardless of whether the crane is initially erected to its full height or is climbed in stages, the process of increasing height of the crane is an erection process.

Assist crane means a crane used to assist in assembling or disassembling a crane.

Attachments mean((s)) any device that expands the range ((of)) of tasks that can be done by the crane/derrick. Examples include, but are not limited to: An auger, drill, magnet, pile-driver, and boom-attached personnel platform.

Audible signal means a signal made by a distinct sound or series of sounds. Examples include, but are not limited to, sounds made by a bell, horn, or whistle.

Basket hitch means a method of rigging a sling in which the sling is passed around the load and both loop eyes or end fittings are attached to the lifting device.

Below-the-hook lifting device means a device used for attaching loads to a hoist. The device may contain components such as slings, hooks, rigging hardware, and lifting attachments.

Bird caging means the twisting of fiber or wire rope in an isolated area of the rope in the opposite direction of the rope lay, thereby causing it to take on the appearance of a bird cage.

Blocking (also referred to as "cribbing") means wood or other material used to support equipment or a component and distribute loads to the ground. It is typically used to support latticed boom sections during assembly/disassembly and under outrigger and stabilizer floats.

Boatswain's chair means a single-point adjustable suspension scaffold consisting of a seat or sling (which may be incorporated into a full body harness) designed to support one employee in a sitting position.

Bogie. See "travel bogie."

Boom (other than tower crane) means an inclined spar, strut, or other long structural member which supports the upper hoisting tackle on a crane or derrick. Typically, the length and vertical angle of the boom can be varied to achieve increased height or height and reach when lifting loads. Booms can usually be grouped into general categories of hydraulically extendible, cantilevered type, latticed section, cable supported type or articulating type.

Boom (tower cranes) on tower cranes: If the "boom" (i.e., principal horizontal structure) is fixed, it is referred to as a jib; if it is moveable up and down, it is referred to as a boom.

Boom angle indicator means a device which measures the angle of the boom relative to horizontal.

Boom hoist limiting device includes boom hoist disengaging device, boom hoist shut-off, boom hoist disconnect, boom hoist hydraulic relief, boom hoist kick-outs, automatic boom stop device, or derricking limiter. This type of device disengages boom hoist power when the boom reaches a predetermined operating angle. It also sets brakes or closes valves to prevent the boom from lowering after power is disengaged.

Boom length indicator indicates the length of the permanent part of the boom (such as ruled markings on the boom) or, as in some computerized systems, the length of the boom with extensions/attachments.

Boom stop includes boom stops (belly straps with struts/standoff), telescoping boom stops, attachment boom stops, and backstops. These devices restrict the boom from moving above a certain maximum angle and toppling over backward.

Boom suspension systems means a system of pendants, running ropes, sheaves, and other hardware which supports the boom tip and controls the boom angle.

Braided wire rope means a wire rope formed by plaiting component wire ropes.

Bridle wire rope sling means a sling composed of multiple legs with the top ends gathered in a fitting that goes over the lifting hook.

Builder means the builder/constructor of derricks.

Cable laid endless sling-mechanical joint means a wire rope sling made endless from one continuous length of cable laid rope with the ends joined by one or more metallic fittings.

Cable laid grommet-hand tucked means an endless wire rope sling made from one continuous length of rope formed to make a body composed of six ropes around a rope core. The rope ends are tucked into the body, thus forming the core. No sleeves are used.

Center of gravity means the center of gravity of any object is the point in the object around which its weight is evenly distributed. If you could put a support under that point, you could balance the object on the support.

Certified crane inspector means a crane certifier accredited by the department.

Certified welder means a welder who meets nationally recognized certification requirements applicable to the task being performed.

Choker hitch means a method of rigging a sling in which the sling is passed around the load, then through one loop eye, end fitting, or other device, with the other loop eye or end fitting attached to the lifting device. This hitch can be done with a sliding choker hook or similar device.

Climbing means the process in which a tower crane is raised or lowered to a new working height, either by adding or removing tower sections to the top of the crane (top climbing), or by a system in which the entire crane is raised or lowered inside the structure (inside climbing).

Come-a-long means a mechanical device typically consisting of a chain or cable attached at each end that is used to facilitate movement of materials through leverage.

Competent person means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

Construction work means (for the purposes of this part) all or any part of excavation, construction, erection, alteration, repair, demolition, and dismantling of buildings and other structures and all related operations; the excavation, construction, alteration, and repair of sewers, trenches, caissons, conduits, pipelines, roads, and all related operations; the moving of buildings and other structures, and the construction, alteration, repair, or removal of wharfs, docks, bridges, culverts, trestles, piers, abutments, or any other related construction, alteration, repair, or removal work. Construction work does not include the normal day-to-day activities at manufacturing facilities or powerhouses.

Controlled load lowering means lowering a load by means of a mechanical hoist drum device that allows a hoisted load to be lowered with maximum control using the

gear train or hydraulic components of the hoist mechanism. Controlled load lowering requires the use of the hoist drive motor, rather than the load hoist brake, to lower the load.

Controlling entity means an employer that is a prime contractor, general contractor, construction manager or any other legal entity which has the overall responsibility for the construction of the projects, its planning, quality, and completion.

Counterjib (counterweight jib) means a horizontal member of the tower crane on which the counterweights and usually the hoisting machinery are mounted.

Counterweight means weight used to supplement the weight of equipment in providing stability for lifting loads by counterbalancing those loads.

Crane means power-operated equipment used in construction that can hoist, lower, and horizontally move a suspended load. "Crane" includes, but is not limited to: Articulating boom cranes, such as knuckle-boom cranes; crawler cranes; floating cranes; cranes on barges; locomotive cranes; mobile cranes, such as wheel-mounted, rough-terrain, all-terrain, commercial truck mounted, and boom truck cranes; multipurpose machines when configured to hoist and lower by means of a winch or hook and horizontally move a suspended load; industrial cranes, such as carry-deck cranes; dedicated pile drivers; service/mechanic trucks with a hoisting device; a crane on a monorail; tower cranes, such as fixed jib, hammerhead boom, luffing boom, and self-erecting; pedestal cranes; portal cranes; overhead and gantry cranes; straddle cranes; side-boom tractors; derricks; and variations of such equipment.

Crane/derrick type means cranes or derricks as established by American Society of Mechanical Engineers (ASME). Crane operator means an individual engaged in the operation of a crane.

Crane level indicator means a device for determining true horizontal (also see safety devices).

Crawler crane means equipment that has a type of base mounting which incorporates a continuous belt of sprocket driven track.

Critical lift means a lift that:

- Exceeds seventy-five percent of the crane or derrick rated load chart capacity; or
- Requires the use of more than one crane or derrick.

Cross rod means a wire used to join spirals of metal mesh to form a complete fabric. See Figure 22.

Crossover points means locations on a wire rope which is spooled on a drum where one layer of rope climbs up on and crosses over the previous layer. This takes place at each flange of the drum as the rope is spooled onto the drum, reaches the flange, and begins to wrap back in the opposite direction.

Dedicated channel means a line of communication assigned by the employer who controls the communication system to only one signal person and crane/derrick or to a coordinated group of cranes/derricks/signal persons.

Dedicated drilling rig means a machine which creates bore holes and/or shafts in the ground.

Dedicated pile-driver is a machine that is designed to function exclusively as a pile-driver. These machines typi-

cally have the ability to both hoist the material that will be pile-driven and to pile-drive that material.

Dedicated spotter (power lines): To be considered a dedicated spotter, the requirements of WAC 296-155-53302 (Signal person qualifications) must be met and his/her sole responsibility is to watch the separation between the power line and the equipment, the load line and load (including rigging and lifting accessories), and ensure through communication with the operator that the applicable minimum approach distance is not breached.

Derrick is an apparatus consisting of a mast or equivalent member held at the end by guys or braces, with or without a boom, for use with a hoisting mechanism and operating ropes.

Design factor means the ratio between nominal or minimum breaking strength and rated load.

Digger derrick means a multipurpose vehicle-mounted machine which is primarily designed to accommodate components that dig holes, set poles, and position materials and apparatus.

Directly under the load means a part or all of an employee is directly beneath the load.

Dismantling includes partial dismantling (such as dismantling to shorten a boom or substitute a different component).

Drum rotation indicator is a device on a crane or hoist which indicates in which direction and at what relative speed a particular hoist drum is turning.

Electrical contact means when a person, object, or equipment makes contact or comes close in proximity with an energized conductor or equipment that allows the passage of current.

Employer-made equipment means floating cranes/derricks designed and built by an employer for the employer's own use.

Encroachment is where any part of the crane, load line or load (including rigging and lifting accessories) breaches a minimum clearance distance that this part requires to be maintained from a power line.

Equipment criteria means instructions, recommendations, limitations and specifications.

Fabric (metal mesh) means the flexible portion of the sling exclusive of end fittings consisting of a series of transverse spirals and cross rods.

Fall protection equipment means guardrail systems, safety net systems, personal fall arrest systems, positioning device systems or fall restraint systems.

Fall restraint system means a fall protection system that prevents the user from falling any distance. The system is comprised of either a body belt or body harness, along with an anchorage, connectors, and other necessary equipment. The other components typically include a lanyard, and may also include a lifeline and other devices.

Fall zone means the area (including, but not limited to, the area directly beneath the load) in which it is reasonably foreseeable that partially or completely suspended materials could fall in the event of an accident.

Flange points means a point of contact between rope and drum flange where the rope changes layers.

Floating cranes/derricks means equipment designed by the manufacturer (or employer) for marine use by permanent attachment to a barge, pontoons, vessel or other means of flotation.

Free fall (of the load line) means when only the brake is used to regulate the descent of the load line (the drive mechanism is not used to drive the load down faster or retard its lowering).

Free rated load test means testing stability and operation of crane, carrier, wheels, tires, tracks, brakes, etc., under load, when lifting without outriggers and/or traveling with the load are permitted at the activity for the type of crane being tested.

Free surface effect is the uncontrolled transverse movement of liquids in compartments which reduce a vessel's transverse stability.

Functional testing means the testing of a crane, typically done with a light load or no load, to verify the proper operation of a crane's primary function, i.e., hoisting, braking, booming, swinging, etc. A functional test is contrasted to testing the crane's structural integrity with heavy loads.

Gin pole derrick means a boom without a mast which has guys arranged from its top to permit leaning the mast in one or more directions. The load is lifted and lowered by ropes reeved through sheaves or blocks at the top of the mast and the lower block.

Ground conditions means the ability of the ground to support the crane/derrick (including slope, compaction, and firmness).

Ground crew means those individuals who are involved in the personnel lift, other than the hoisting equipment operator and the platform occupants. These individuals include riggers, signal persons, and supervision.

Gudgeon pins means a pin connecting the mast cap to the mast allowing rotation of the mast.

Guy means a rope used to steady or secure the mast, boom, or other member in the desired position.

Hairpin anchors means a hairpin-shaped, guy-supporting anchor that is placed in footings or walls before concrete is poured and held in place by the cured concrete.

Hitch (hitched) means a method of rigging (attaching) a sling temporarily to a load or object for the purpose of lifting.

Hoist means a mechanical device for lifting and lowering loads by winding rope onto or off a drum.

Hoisting means the act of raising, lowering or otherwise moving a load in the air with equipment covered by this standard. As used in this standard, "hoisting" can be done by means other than wire rope/hoist drum equipment.

Hoisting equipment means a machine for lifting and lowering a load and moving it horizontally. The machine may be fixed or mobile and be driven manually, by power, or by a combination of both.

Hook latch means a mechanical device used to close the throat opening of a hook.

Insulating link/device means an insulating device listed, labeled, or accepted by a nationally recognized testing laboratory in accordance with 29 C.F.R. 1910.7.

Intermediate rail means the middle member of a barrier along the edges of a platform, located approximately one-half the distance between the platform floor and top rail.

Jib means an extension attached to the boom point to provide added boom length for lifting specified loads. The jib may be in line with the boom or offset to various angles in the vertical plane of the boom. For tower cranes, see boom (tower cranes).

Jib stop (also referred to as a jib backstop), is the same type of device as a boom stop but is for a fixed or luffing jib.

Land crane/derrick means equipment not originally designed by the manufacturer for marine use by permanent attachment to barges, pontoons, vessels, or other means of flotation.

List means the angle of inclination about the longitudinal axis of a barge, pontoons, vessel, or other means of flotation.

Live boom means a boom whose lowering is controlled by a brake without the aid of other lowering retarding devices (free-fall capable).

Live load line means a load line whose lowering is controlled by a brake without the aid of other lowering retarding devices (free-fall capable).

Load is the weight of the object being lifted or lowered, including the weight of the load-attaching equipment such as the load block, ropes, slings, shackles, and any other auxiliary attachment.

Load moment (or rated capacity) indicator means a system which aids the equipment operator by sensing the overturning moment on the equipment, i.e., load X radius. It compares this lifting condition to the equipment's rated capacity, and indicates to the operator the percentage of capacity at which the equipment is working. Lights, bells, or buzzers may be incorporated as a warning of an approaching overload condition.

Load moment (or rated capacity) limiter means a system which aids the equipment operator by sensing the overturning moment on the equipment, i.e., load X radius. It compares this lifting condition to the equipment's rated capacity, and when the rated capacity is reached, it shuts off power to those equipment functions which can increase the severity of loading on the equipment, e.g., hoisting, telescoping out, or luffing out. Typically, those functions which decrease the severity of loading on the equipment remain operational, e.g., lowering, telescoping in, or luffing in.

Load ratings means a set of rated loads for stipulated hoisting equipment configurations and operating conditions.

Load sustaining/bearing parts means those parts of a crane that support the crane or load and upon failure could cause dropping, uncontrolled shifting, or uncontrolled movement of the crane or load.

Locomotive crane means a crane mounted on a base or car equipped for travel on a railroad track.

Luffing boom is a member hinged to the rotating superstructure and used for supporting the hoisting tackle.

Luffing jib limiting device is similar to a boom hoist limiting device, except that it limits the movement of the luffing jib.

Marine worksite means a construction worksite located in, on or above the water.

Master coupling link means an alloy steel welded coupling link used as an intermediate link to join alloy steel chain to master links.

Master link means forged or welded steel link used to support all members (legs) of an alloy steel chain sling or wire rope sling.

Mechanical coupling link (alloy steel chain) means a nonwelded, mechanically closed link used primarily to attach fittings to alloy steel chain.

Mobile cranes means a lifting device incorporating a cable suspended latticed boom or hydraulic telescopic boom designed to be moved between operating locations by transport over the road. ~~((These are referred to in Europe as a crane mounted on a truck carrier.))~~

Moving point-to-point means the times during which an employee is in the process of going to or from a work station.

Multipurpose machine means a machine that is designed to be configured in various ways, at least one of which allows it to hoist (by means of a winch or hook) and horizontally move a suspended load. For example, a machine that can rotate and can be configured with removable forks/tongs (for use as a forklift) or with a winch pack, jib (with a hook at the end) or jib used in conjunction with a winch. When configured with the forks/tongs, it is not covered by this part. When configured with a winch pack, jib (with a hook at the end) or jib used in conjunction with a winch, it is covered by this part.

Multiple lift rigging means a rigging assembly manufactured by wire rope rigging suppliers that facilitates the attachment of up to five independent loads to the hoist rigging of a crane.

Nationally recognized accrediting agency is an organization that, due to its independence and expertise, is widely recognized as competent to accredit testing organizations.

Nonconductive means that, because of the nature and condition of the materials used, and the conditions of use (including environmental conditions and condition of the material), the object in question has the property of not becoming energized (that is, it has high dielectric properties offering a high resistance to the passage of current under the conditions of use).

Nonstandard tower crane base means any deviation from the structural support or base configuration recommended by the crane manufacturer.

Occasional or routine maintenance and repair work means regular, customary and foreseeable work necessary to keep equipment in good repair and/or condition. This also includes regular, customary and foreseeable work necessary to return equipment to sound condition after damage.

Operational aid means an accessory that provides information to facilitate operation of a crane or that takes control of particular functions without action of the operator when a limiting condition is sensed. Examples of such devices include, but are not limited to, the following: Anti-two-block device, rated capacity indicator, rated capacity (load) limiter, boom angle or radius indicator, lattice boom hoist disconnect device, boom length indicator, drum rotation indicator, load indicator, and wind speed indicator.

Operational controls means levers, switches, pedals and other devices for controlling equipment operation.

Operator is a person who is operating the equipment.

Outriggers means extendable or fixed members attached to the mounting base, which rests on supports at the outer ends, used to support the crane.

Overhead/bridge and gantry cranes includes overhead/bridge cranes, cranes on monorails, under hung cranes, semigantry, cantilever gantry, wall cranes, storage bridge cranes, launching gantry cranes, and similar equipment, irrespective of whether it travels on tracks, wheels, or other means.

Pendants includes both wire and bar types. Wire type: A fixed length of wire rope with mechanical fittings at both ends for pinning segments of wire rope together. Bar type: Instead of wire rope, a bar is used. Pendants are typically used in a latticed boom crane system to easily change the length of the boom suspension system without completely changing the rope on the drum when the boom length is increased or decreased.

Personal fall arrest system means a system used to arrest an employee in a fall from a working level. It consists of an anchorage, connectors, and a body harness and may include a lanyard, deceleration device, lifeline, or suitable combination of these.

Personnel lifting means raising, lowering, or transporting personnel using a crane/derrick.

Personnel platform - Boom attached means a platform attached to the boom of the crane.

Personnel platform - Suspended means a platform attached to a crane/derrick using wire rope, chain, or a jointed attachment and that has no installed motion controls for the platform itself.

Personnel platform suspension system means the rope or chain slings and other components, including fastening devices, used to connect the crane/derrick to the personnel platform.

Platform occupant means a person who is within the guardrail barrier while the personnel platform is in a hoisted position.

Platform rating means the maximum capacity of a personnel lifting platform, established by the platform manufacturer, in terms of total weight and the number of occupants allowed.

Portal crane is a type of crane consisting of a rotating upper structure, hoist machinery, and boom mounted on top of a structural gantry which may be fixed in one location or have travel capability. The gantry legs or columns usually have portal openings in between to allow passage of traffic beneath the gantry.

Power controlled lowering means a system or device in the power train, other than the load hoist brake, that can regulate the lowering rate of speed of the load hoist mechanism.

Powerhouse means a plant wherein electric energy is produced by conversion from some other form of energy (e.g., chemical, nuclear, solar, mechanical, or hydraulic) by means of suitable apparatus. This includes all generating station auxiliaries and other associated equipment required for the operation of the plant. Not included are stations producing power exclusively for use with communication systems.

Power lines means electrical distribution and electrical transmission lines.

Procedures include, but are not limited to: Instructions, diagrams, recommendations, warnings, specifications, protocols, and limitations.

Proximity alarm is a device that provides a warning of proximity to a power line that has been listed, labeled or accepted by a nationally recognized testing laboratory in accordance with 29 C.F.R. 1910.7.

Qualified crane operator means a crane operator who meets the requirements established by the department under RCW 49.17.430.

Qualified evaluator (not a third party) means a person employed by the signal person's or the rigger's employer (as applicable) who has demonstrated that he/she is competent in accurately assessing whether individuals meet the qualification requirements in this part for a signal person or a rigger.

Qualified evaluator (third party) means an entity that, due to its independence and expertise, has demonstrated that it is competent in accurately assessing whether individuals meet the qualification requirements in this part for a signal person or a rigger.

Qualified person means a person who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training and experience, successfully demonstrated the ability to solve/resolve problems relating to the subject matter, the work, or the project.

Qualified rigger is a rigger who meets the requirements in WAC 296-155-53306.

Qualified signal person is a signal person who meets the requirements in WAC 296-155-53302.

Range control limit device is a device that can be set by an equipment operator to limit movement of the boom or jib tip to a plane or multiple planes.

Range control warning device is a device that can be set by an equipment operator to warn that the boom or jib tip is at a plane or multiple planes.

Rated capacity means the maximum working load permitted by the manufacturer under specified working conditions. Such working conditions typically include a specific combination of factors such as equipment configuration, radii, boom length, and other parameters of use.

Rated capacity indicator, see load moment indicator.

Rated capacity limiter, see load moment limiter.

Repetitive pickup points refer to, when operating on a short cycle operation, the rope being used on a single layer and being spooled repetitively over a short portion of the drum.

Rotation resistant rope means a type of wire rope construction which reduces the tendency of a rope to rotate about its axis under load. Usually, this consists of an inner system of core strands laid in one direction covered by an outer system of strands laid in the opposite direction.

RPE means a registered professional engineer licensed under RCW 18.43.040(1).

RPSE means a registered professional structural engineer licensed under RCW 18.43.040(1).

Running wire rope is a wire rope that moves over sheaves or drums.

Runway means a firm, level surface designed, prepared and designated as a path of travel for the weight and configuration of the crane being used to lift and travel with the crane suspended platform. An existing surface may be used as long as it meets these criteria.

Safety devices, examples of safety devices are, but are not limited to, the following: Horn, boom/jib or trolley stops, crane level indicator, hydraulic holding device/check valve, rail clamps, rail stops, brakes, deadman control or forced neutral return control, emergency stop switch, guards, handrails, audible and visual alarms, etc.

Safety or health standard means a standard adopted under this chapter.

Section means a section of this part, unless otherwise specified.

Side-boom crane means a track-type or wheel-type tractor having a boom mounted on the side of the tractor, used for lifting, lowering, or transporting a load suspended on the load hook. The boom or hook can be lifted or lowered in a vertical direction only.

Sling means an assembly to be used for lifting when connected to a lifting mechanism. The upper portion of the sling is connected to the lifting mechanism and the lower supports the load, as described in this part.

Special hazard warnings means warnings of site-specific hazards (for example, proximity of power lines).

Spiral means a single transverse coil that is the basic element from which metal mesh is fabricated.

Stability (flotation device) means the tendency of a barge, pontoons, vessel, or other means of flotation to return to an upright position after having been inclined by an external force.

Stabilizer means an extendable or fixed member attached to the mounting base to increase the stability of the crane, but that may not have the capability of relieving all of the weight from the wheels or tracks.

Standard method means the hand signals established in the applicable ASME B30 series and WAC 296-155-56400, Mobile crane hand signal chart.

Standing wire rope means a supporting wire rope which maintains a constant distance between the points of attachment to the two components connected by the wire rope.

Superstructure: See upperworks.

Supporting materials means blocking, mats, cribbing, marsh buggies (in marshes/wetlands), or similar supporting materials or devices.

Taglines means a rope (usually fiber) attached to a lifted load for purposes of controlling load spinning and pendular motions or used to stabilize a bucket or magnet during material handling operations.

Tender means an individual responsible for monitoring and communication with a diver.

Tilt up or tilt down operation means raising/lowering a load from the horizontal to vertical or vertical to horizontal.

Toe board means a vertical barrier at foot level, along the edges of the platform, to protect against material from falling over the edge.

Top rail means the top member of a barrier along the edges of a platform to protect against persons from falling off the platform.

Tower crane means a type of lifting structure which utilizes a vertical mast or tower to support a working boom (jib) in an elevated position. Loads are suspended from the working boom. While the working boom may be of the fixed type (horizontal or angled) or have luffing capability, it can always rotate to swing loads, either by rotating on the top of the tower (top slewing) or by the rotation of the tower (bottom slewing). The tower base may be fixed in one location or ballasted and moveable between locations. Mobile cranes that are configured with a luffing jib and/or tower attachments are not considered tower cranes under this part.

Travel means the function of the hoisting equipment moving under its own power from one location to another.

Travel bogie (tower cranes) means an assembly of two or more axles arranged to permit vertical wheel displacement and equalize the loading on the wheels.

Trim means the angle of inclination about the transverse axis of a barge, pontoons, vessel or other means of flotation.

Two blocking means a condition in which a component that is uppermost on the hoist line such as the load block, hook block, overhaul ball, or similar component, comes in contact with the boom tip, fixed upper block or similar component. This binds the system and continued application of power can cause failure of the hoist rope or other component.

Unavailable procedures means procedures that are no longer available from the manufacturer, or have never been available from the manufacturer.

Upperstructure: See upperworks.

Upperworks means the revolving frame of equipment on which the operating machinery (and many cases the engine) are mounted along with the operator's cab. The counterweight is typically supported on the rear of the upperstructure and the boom or other front end attachment is mounted on the front.

Up to means "up to and including."

Vertical hitch means a method of rigging a sling in which the load is attached to the loop eye or end fitting at one end of the sling and the loop eye or end fitting at the other end is attached to the lifting device. Any hitch less than five degrees from the vertical may be considered a vertical hitch.

Wire rope means a flexible rope constructed by laying steel wires into various patterns of multiwired strands around a core system to produce a helically wound rope.

Working load means the external load applied to the hoisting equipment, including the personnel lifting platform, its contents, and the load attaching equipment, such as lowered load block, shackles, and slings.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-53300 Operator qualifications and certification. (1) Prior to operating any crane covered under chapter 296-155 WAC, Part L, with the exception of the trainee/apprentice requirements outlined in subsection (2) of this section and those cranes exempt in WAC 296-155-52900(3), the employer must ensure that the operator meets the following requirements:

(a) Has a valid crane operator certificate, for the type of crane to be operated, issued by a crane operator testing orga-

nization which has an accredited program, accredited by a nationally recognized accrediting agency. The operator certification must include a successful passing of a written and practical examination for each crane category listed in Table 3 and by crane type for mobile cranes.

(b) A determination through a written test that:

(i) The individual knows the information necessary for safe operation of the specific type of crane/derrick the individual will operate, including all of the following:

(A) The controls and operational/performance characteristics.

(B) Use of, and the ability to calculate, load/capacity information on a variety of configurations of the crane/derrick.

(C) Procedures for preventing and responding to power line contact.

(D) Technical knowledge similar to the subject matter criteria listed in WAC 296-155-56420 of this part applicable to the specific type of crane/derrick the individual will operate. Use of WAC 296-155-56420 criteria meets the requirements of this provision.

(E) Technical knowledge applicable to:

(I) The suitability of the supporting ground and surface to handle expected loads.

(II) Site hazards.

(III) Site access.

(F) This part, including applicable incorporated materials.

(ii) The individual is able to read and locate relevant information in the equipment manual and other materials containing information referred to in (i) of this subsection.

(c) A determination through a practical test that the individual has the skills necessary for safe operation of the crane/derrick, including the following:

(i) Ability to recognize, from visual and auditory observation, the items listed in WAC 296-155-53405(2).

(ii) Operational and maneuvering skills.

(iii) Application of load chart information.

(iv) Application of safe shut-down and securing procedures.

Notes:

- An operator's certificate issued by the accredited testing agency is valid for a five-year period, and must be renewed to ensure operators maintain qualified operator status.
- For self-erecting tower cranes, the department will accept a tower crane certification issued by a nationally accrediting testing agency.
- For derricks, the department will accept, at a minimum, a lattice boom truck or crawler mobile crane operator's certificate.
- An operator will be deemed qualified to operate a crane if the operator is certified under (a) of this subsection for the type and capacity of the crane or for higher-capacity crane of the same type.

(d) If there is no accredited written or practical test for operator certification available, the employer must ensure the operator has been completely trained, evaluated and tested by the employer on the operating procedures for the piece of equipment in use as recommended by the crane/equipment manufacturer and the applicable ASME standard. This process must be documented and made available upon request.

(e) Has crane hours of experience as shown in Table 3; and

(f) Pass a substance abuse test conducted by a recognized laboratory.

Exemption:

When it is necessary in the performance of their duties, manufacture representatives, factory representatives and maintenance personnel are not required to be certified crane operators.

**Crane Operator Experience for Cranes Used in the Construction Industry
Table 3**

The 5 Categories of Cranes and their Types	Number of Hours of Actual Crane Operating Experience	Number of Hours of Crane Related Experience
(1) Mobile Cranes		
(a) Lattice Boom Crawler Cranes (LBC)	300 tons and above 1000 Hours	300 tons and above 1000 Hours
	Under 300 tons 500 Hours	Under 300 tons 500 Hours
(b) Lattice Boom Truck Cranes (LBT)	300 tons and above 1000 Hours	300 tons and above 1000 Hours
	Under 300 tons 500 Hours	Under 300 tons 500 Hours
(c) Large Telescopic Boom Cranes (Swing Cab) (TLL) (including digger derricks)	Over 130 tons 750 Hours	Over 130 tons 750 Hours
	Over 40 tons to 130 tons 250 Hours	Over 40 tons to 130 tons 250 Hours
	40 tons and under 40 Hours	40 tons and under 40 Hours
(d) Small Telescopic Boom Cranes (Fixed Cab) (TSS) (including digger derricks)	15 tons and above 40 Hours	15 tons and above 40 Hours
	Over 5 tons and under 15 tons 20 Hours	Over 5 tons and under 15 tons 20 Hours
	5 tons and under 8 hours	5 tons and under 16 hours
(2) Articulating Boom Cranes	20 Hours	20 Hours
(3) Tower Cranes		
(a) Hammerhead	500 Hours	500 Hours
(b) Luffer	500 Hours	500 Hours
(c) Self-Erecting	50 Hours	50 Hours
(4) Overhead/Bridge and Gantry Cranes		
(a) Cab Operated	40 Hours	40 Hours
(b) Pendant/Remote	40 Hours	40 Hours
(5) Derricks (not including digger derricks)	20 Hours	500 Hours
<p>Hours of actual crane operating experience. For all cranes: Time while the operator is at the controls of the crane; and/or has direct control of that crane; and/or a combination of operating hours within the same crane type. For mobile cranes: It also includes time while installing/removing boom sections, luffing boom, jib, extending and retracting outriggers/stabilizers, leveling crane, and replacing hoisting rope. For tower cranes: It includes time while jumping (increasing the height of the tower/mast).</p> <p>Note: Additional actual crane operator experience may account for crane related experience.</p>		
<p>Hours of crane related experience: Time as a signalperson/bellman, oiler, crane mechanic, crane inspector, formal classroom training, crane simulator operation, and a combination of operating hours on other categories of cranes.</p>		

Note: Cranes and other lifting machines covered under this part that are exempt can be found in WAC 296-155-52900(3).

as part of his/her training providing the following requirements are met:

(2) Prequalification/certification training period. An employee who is not a qualified crane operator as outlined in subsection (1) of this section is permitted to operate the crane

(a) The employee ("trainee/apprentice") must be provided with sufficient training prior to operating the crane to enable the trainee to operate the crane safely under limita-

tions established by this section (including continuous supervision) and any additional limitations established by the employer.

(b) The tasks performed by the trainee/apprentice while operating the crane must be within the trainee's ability, as determined by the supervising qualified crane operator.

(c) Qualified crane/derrick operator. While operating the crane/derrick, the trainee/apprentice must be continuously supervised by a qualified crane/derrick operator who meets the following requirements:

(i) The qualified crane/derrick operator is an employee or agent of the trainee's/apprentice's employer.

(ii) The qualified crane/derrick operator under this section is familiar with the proper use of the crane's/derrick's controls.

(iii) While supervising the trainee/apprentice, the qualified crane/derrick operator performs no tasks that detract from the qualified crane/derrick operator's ability to supervise the trainee/apprentice.

(iv) For cranes other than tower cranes: The qualified crane/derrick operator and the trainee/apprentice must be in direct line of sight of each other. In addition, they must communicate verbally or by hand signal.

(v) For tower cranes: The qualified crane operator and the trainee/apprentice must be in direct communication with each other.

(d) The trainee/apprentice must not operate the crane in any of the following circumstances:

(i) If any part of the crane, load line or load (including rigging and lifting accessories), if operated up to the crane's maximum working radius in the work zone, could get within twenty feet of a power line that is up to three hundred fifty kV, or within fifty feet of a power line that is over three hundred fifty kV;

(ii) If the crane is used to hoist personnel;

(iii) In a multiple-crane or multiple load line lift situations; or

(iv) Multiple-lift rigging, as defined in WAC 296-155-52902, can only be accomplished by the trainee/apprentice when the qualified crane operator determines that the trainee's/apprentice's skills are sufficient for this high-skill work.

(v) Critical lifts, as defined in WAC 296-155-52902, can only be accomplished by the trainee/apprentice when the qualified crane operator determines that the trainee's/apprentice's skills are sufficient for this high-skill work.

(3) The employer must obtain documentation showing hours of crane operator experience and crane related experience separated out by crane type and capacity.

Note: The employer may accept a signed declaration from the crane operator attesting to actual hours of crane operator experience and crane related experience separated out by crane type and capacity. For sample declaration form see WAC 296-155-56425.

(4) The department may recognize crane operator certification from another state or territory of the United States as equivalent to qualified crane operator requirements if the department determines that the other jurisdiction's credentialing standards are substantially similar to the qualified crane operator requirements.

(5) Crane operator experience and crane related experience must be documented and separated out by crane type and capacity; this documentation need only show the minimum amount of hours as outlined in Table 3 above. If the employer is documenting crane operating and/or related crane experience hours, the employer must provide a copy of the hours to the operator as soon as practical, if requested.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-53306 Rigger qualifications. (1) The rigger must meet the qualification requirements (subsection (3) of this section) prior to performing hoisting activities for assembly and disassembly work (WAC 296-155-53402 (19)(a)). A qualified rigger is required whenever ~~((workers))~~ employees are ~~((within the fall zone and))~~ engaged in hooking, unhooking, or guiding ~~((a))~~ the load, or ~~((doing))~~ in the initial connection of a load to a component or structure, and are within the fall zone (WAC 296-155-53400 (43)(c)). This requirement must be met by using either Option (1) or Option (2).

(a) Option (1) - Third-party qualified evaluator. The rigger has documentation from a third-party qualified evaluator showing that the rigger meets the qualification requirements listed in subsection (3) of this section.

(b) Option (2) - Employer's qualified evaluator. The employer has its qualified evaluator assess the individual and determine that the individual meets the qualification requirements listed in subsection (3) of this section and provides documentation of that determination. An assessment by an employer's qualified evaluator under this option is not portable meaning other employers are not permitted to use this qualification to meet the requirements of this section.

(c) The employer must make the documentation for whichever option is used available at the site while the rigger is employed by the employer. The documentation must specify each type of rigging for which the rigger meets the requirements of subsection (3) of this section.

(2) If subsequent actions by the rigger indicate that the individual may not meet the qualification requirements listed in subsection (3) of this section, the employer must not allow the individual to continue working as a rigger until retraining is provided and a reassessment is made in accordance with subsection (1) of this section that confirms that the individual meets the qualification requirements.

(3) Qualification requirements. Each rigger must:

(a) Know and understand the requirements located in ASME B30.7-2006, Base-Mounted Drum Hoists, B30.9-2010, Slings, B30.10-2009, Hooks, B30.16-2007, Overhead Hoists (Underhung), B30.20-2010, Below-the-Hook Lifting Devices, B30.21-2005, Manually Lever Operated Hoists and B30.26-2004, Rigging Hardware, as applicable.

(b) Know and understand the type of sling and hitch used. For example, if synthetic web slings are used, the rigger must know and understand the removal criteria for this type of sling and how to properly use the sling.

(c) Be competent in the application of the type of hitches used.

(d) Have a basic understanding of slings, rigging hardware and below-the-hook lifting devices (as applicable); their limitations, rigging practices, associated hazards and inspection requirements.

(e) Know and understand load weight estimation, center of gravity, effect of angles on rigging components, load turning, knots/tag lines, chain hoist/come-a-long usage, winch and block usage, and basic hand signals, as applicable.

(f) Know and understand the relevant requirements of WAC 296-155-556 through 296-155-56220 and this section.

(g) Demonstrate that they meet the requirements in (a) through (e) of this subsection through a written test and through a practical test. All tests must be documented.

- Notes:**
- The provisions of subsection (3)(g) of this section are ~~((applicable one hundred eighty days after the effective date of this section))~~ not required until February 1, 2013.
 - This section does not require that each and every worker associated with the rigging of a component or structure to be a "fully qualified rigger" as defined in this section. The requirement is for at least one of the workers to be a fully qualified rigger. However, all other associated workers must be qualified by training or experience to perform their assigned tasks (WAC 296-155-035(2)).

(4) Qualification period. A rigger qualification cannot exceed a five-year period; this qualification must be renewed every five years to ensure riggers maintain qualified status. At a minimum, this renewal must include a documented written exam.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-53400 General requirements. (1) All cranes and derricks covered under this part, except for those exempted in WAC 296-155-52900(3), must be certified annually by an accredited certifier recognized by the department, for detailed information about this certification see WAC 296-155-532.

(2) All crane and derrick operators covered under this part, except for those exempted in WAC 296-155-52900(3), must be qualified as required by WAC 296-155-533.

(3)(a) Cranes must meet the requirements for design, construction, installation and testing as prescribed in the applicable ASME standard at the time the crane or derrick was manufactured.

(b) Where manufacturer's specifications are not available the limitations assigned to the crane must be based on the determinations of a registered professional engineer (RPE), competent in this field and such determinations must be appropriately documented and recorded.

(c) Attachments used with cranes must not exceed the capacity, rating, or scope recommended by the manufacturer or RPE.

(4) Unavailable operation procedures.

(a) Where the manufacturer procedures are unavailable, the employer must ~~((provide))~~ develop and ensure compliance with all procedures necessary for the safe operation of the crane/derrick and attachments.

(b) Procedures for the operational controls must be developed by a qualified person.

(c) Procedures related to the capacity of the crane/derrick must be developed and signed by a registered professional engineer familiar with this equipment.

(5) Warning decals and placards must be installed and legible as prescribed by this part and the crane manufacturer.

(6) The procedures applicable to the operation of the crane/derrick including a legible and applicable operator's manual and load rating chart, written in the English language with customary grammar and punctuation, must be in the operator's cab or station when the crane is in operation. Where rated capacities are available in the cab only in electronic form: In the event of a failure which makes the rated capacities inaccessible, the operator must immediately cease operations or follow safe shut-down procedures until the rated capacities (in electronic or other form) are available.

(7) Rated capacity and related information. The information available in the operator's cab or station (see WAC 296-155-53400(6)) regarding "rated capacity" and related information must include, at a minimum, the following information:

(a) A complete range of the manufacturer's rated capacities, as follows:

(i) At all manufacturer approved operating radii, boom angles, work areas, boom lengths and configurations, jib lengths and angles (or offset).

(ii) Alternate ratings for use and nonuse of optional equipment which affects rated capacities, such as outriggers, stabilizers, and extra counterweights.

(iii) When available from the manufacturer load ratings where structural competence governs lifting performance must be identified.

(b) A work area chart for which capacities are listed in the load chart.

Note: An example of this type of chart for mobile cranes is in WAC 296-155-56435.

(c) The work area figure and load chart must clearly indicate the areas where no load is to be handled.

(d) Recommended reeving for the hoist lines must be shown.

(e) Recommended parts of hoist reeving, size, and type of wire rope for various crane loads.

(f) Recommended boom hoist reeving diagram, where applicable; size, type, and length of wire rope.

(g) Tire pressure (where applicable).

(h) Caution or warnings relative to limitations on cranes and operating procedures, including an indication of the least stable direction.

(i) Position of the gantry and requirements for intermediate boom suspension (where applicable).

(j) Instructions for boom erection and conditions under which the boom, or boom and jib combinations, may be raised or lowered.

(k) Whether the hoist holding mechanism is automatically or manually controlled, whether free fall is available, or any combination of these.

(l) The maximum telescopic travel length of each boom telescopic section.

(m) Whether sections are telescoped manually or with power.

(n) The sequence and procedure for extending and retracting the telescopic boom section.

(o) Maximum loads permitted during the boom extending operation, and any limiting conditions or cautions.

(p) Hydraulic relief valve settings specified by the manufacturer.

(8) All manufacturer procedures applicable to the operational functions of cranes/derricks, including its use with attachments must be complied with.

(9) The operator must not engage in any practice or activity that diverts his/her attention while actually engaged in operating the crane/derrick, such as the use of cellular phones (other than when used for signal communications).

(10) A portable fire extinguisher, with a basic minimum extinguisher rating of 10 BC, must be installed in the cab or at the machinery housing. Additional requirements relating to portable fire extinguishers can be found in WAC 296-800-300.

(11) Cabs. Cranes/derricks with cabs must meet the following requirements:

(a) Cabs must be designed with a form of adjustable ventilation and method for clearing the windshield for maintaining visibility and air circulation. Examples of means for adjustable ventilation include air conditioner or window that can be opened (for ventilation and air circulation); examples of means for maintaining visibility include heater (for preventing windshield icing), defroster, fan, windshield wiper.

(b) Cab doors (swinging, sliding) must be designed to prevent inadvertent opening or closing while traveling or operating the machine. Swinging doors adjacent to the operator must open outward. Sliding operator doors must open rearward.

(c) Windows.

(i) The cab must have windows in front and on both sides of the operator. Forward vertical visibility must be sufficient to give the operator a view of the boom point at all times.

(ii) Windows may have sections designed to be opened or readily removed. Windows with sections designed to be opened must be designed so that they can be secured to prevent inadvertent closure.

(iii) Windows must be of safety glass or material with similar optical and safety properties that introduce no visible distortion or otherwise obscure visibility that interferes with the safe operation of the equipment.

(d) A clear passageway must be provided from the operator's station to an exit door on the operator's side.

(e) Areas of the cab roof that serve as a workstation for rigging, maintenance, or other equipment-related tasks must be capable of supporting two hundred fifty pounds without permanent distortion.

(12) Personal belongings must be stored in such a manner as to not interfere with access or operation of the crane.

(13) Rigging gear, tools, oil cans, waste, and other articles must be stored in the toolbox or another appropriate location, and must not be permitted to lie loose in or about the cab or operator's work station.

(14) Operating controls must be properly marked to indicate the function of the controls in each position.

(15) The employer must designate a competent person who must inspect the cranes and components daily when

used, and periodically during use to make sure it is in safe operating condition. Any deficiencies that effect the safe operation of the crane must be repaired, or defective parts replaced, before continued use.

Note: For additional requirements relating to inspections see WAC 296-155-53405.

(16) Before starting the engine, the operator must verify that all controls are in the proper starting position and that all personnel are in the clear.

(17) While in operation, belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or other moving parts or equipment must be guarded if such parts are exposed to contact by employees, or otherwise create a hazard. Guarding must meet the requirements of chapter 296-806 WAC, Machine safety.

(18) Neither the load nor the boom is allowed to be lowered below the point where less than two full wraps of rope remain on their respective drums.

(19) All exhaust pipes, turbochargers, and charge air coolers must be guarded or insulated in areas where contact by employees is possible in the performance of normal duties and are discharged in a direction away from the operator.

(20) Hydraulic and pneumatic lines must be protected from damage to the extent feasible.

(21) Friction mechanisms. Where friction mechanisms (such as brakes and clutches) are used to control the boom hoist or load line hoist, they must be:

(a) Of a size and thermal capacity sufficient to control all rated loads with the minimum recommended reeving.

(b) Adjustable to permit compensation for lining wear to maintain proper operation.

(22) Hydraulic load hoists. Hydraulic drums must have an integrally mounted holding device or internal static brake to prevent load hoist movement in the event of hydraulic failure.

(23) Whenever internal combustion engine powered crane/derrick exhausts in enclosed spaces, tests must be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. (See chapter 296-62 WAC, General occupational health standards and chapter 296-841 WAC, Airborne contaminants.)

(24) If access to the cab roof is necessary, a ladder or steps must be provided to give access to a cab roof.

(25) All steps, running boards, and ladders must be of substantial construction and in good repair at all times.

(26) Guardrails, handholds, and steps must be provided on cranes for easy access to the cab in accordance with Parts C-1 and J of this chapter.

(27) Platforms and walkways must have antiskid surfaces.

(28) Cranes/derricks fuel tank filler pipe must be located in such a position, or protected in such a manner, as to not allow spill or overflow to run onto the engine, exhaust, or electrical equipment of any crane being fueled. In addition, cranes/derricks must be refueled as follows:

(a) Make sure the engine is turned off before refueling.

(b) When refueling with gasoline using portable containers, make sure only an approved safety-type can with an automatic closing cap and flame arrester is used.

(c) Smoking or open flames is prohibited in the refueling area.

(29) Crane hook ball assemblies and load blocks.

(a) ~~((All crane hook ball assemblies and load blocks must be labeled with their rated capacity and their weight.))~~ Load hooks (including latched and unlatched types), ball assemblies, and load blocks must be of sufficient weight to overhaul the line from the highest hook position for boom or boom and jib lengths and the number of parts of the line in use.

(b) Crane hooks must be equipped with latches or self-locking devices unless a qualified person determines that it is safer to hoist and place the load without latches (or with the latches removed/tied back(⊖) or otherwise disabled) and routes for the loads are preplanned to ensure that no employee is required to work in the fall zone except for employees necessary for the hooking or unhooking of the load.

(c) The latch or self-locking device (when used) must bridge the throat opening of the hook for the purpose of retaining slings or other lifting devices under slack conditions.

(30) Repair or replace a hook when it shows:

(a) Any cracks, nicks, or gouges.

(b) Wear of more than ten percent of the original sectional dimension, or as recommended by the manufacturer.

(c) Any visibly apparent bend or twist from the plane of the unbent hook.

(d) Any distortion causing an increase in the throat opening of five percent, not to exceed one-fourth inch or as recommended by the manufacturer.

(e) Repair or replace hook latches or self-locking devices when they become inoperative.

(31) A qualified person must determine if a damaged hook needs to be replaced or can be repaired.

(32) When repairing a hook, the requirements below must be followed:

(a) Unless otherwise recommended by the manufacturer, only a qualified person can repair cracks, nicks and gouges by grinding longitudinally, following the contour of the hook.

Note: The dimension of the hook cannot be reduced more than ten percent of its original value, unless otherwise recommended by the manufacturer.

(b) All other repairs must be performed by the hook manufacturer or the qualified person.

(c) Weld repairs or reshaping must not be performed on hooks, unless approved by the manufacturer.

(33) Replacement parts, such as load pins for clevis hooks must be at least equal to the original manufacturer's specifications.

Note: For requirements relating to wedge sockets, see WAC 296-155-56115(2).

(34) Before traveling a crane with a load, it must be determined that this practice is not prohibited by the manufacturer. If not, a qualified person must be responsible for the operation. Decisions such as the necessity to reduce crane ratings, load position, boom location, ground support, travel route, and speed of movement must be in accordance with that person's determination. Specified tire pressure must be

maintained. The boom should be carried in line with the direction of travel. Sudden starts and stops should be avoided.

(35) The crane/derrick must not be assembled or used unless ground conditions are firm, drained, and graded to a sufficient extent as determined by a competent person, so that, in conjunction (if necessary) with the use of supporting materials, the crane/derrick manufacturer's specifications for adequate support and degree of level of the crane/derrick are met. The requirement for the ground to be drained does not apply to marshes/wetlands. For additional requirements for self-erecting tower cranes, see WAC 296-155-54100.

(36) The controlling entity must:

(a) Ensure that ground preparations necessary to meet the requirements in subsection (35) of this section are provided.

(b) Inform the user of the crane/derrick and the operator of the location of hazards beneath the crane/derrick set-up area (such as voids, tanks, utilities) if those hazards are identified in documents (such as site drawings, as-built drawings, and soil analyses) if they are available to the controlling entity that are in the possession of the controlling entity (whether at the site or off-site) or the hazards are otherwise known to that controlling entity.

(37) If there is no controlling entity for the project, the requirement in subsection (36)(a) of this section must be met by the employer that has authority at the site to make or arrange for ground preparations needed to meet subsection (35) of this section.

(38) If the assembly/disassembly director or the operator determines that ground conditions do not meet the requirements in subsection (35) of this section, that person's employer must have a discussion with the controlling entity regarding the ground preparations that are needed so that, with the use of suitable supporting materials/devices (if necessary), the requirements in subsection (35) of this section can be met.

(39) This section does not apply to cranes designed for use on railroad tracks when used on railroad tracks that are part of the general railroad system of transportation that is regulated pursuant to the Federal Railroad Administration under 49 C.F.R. Part 213, and that comply with applicable Federal Railroad Administration requirements.

(40) Multiple crane/derrick coordination. Where any part of a crane/derrick is within the working radius of another crane/derrick, the controlling entity must institute a system to coordinate operations. If there is no controlling entity, the employer (if there is only one employer operating the multiple pieces of equipment), or employers, must institute such a system.

(41) Multiple crane or multiple load line lifts.

(a) Plan development. Before beginning a crane/derrick operation in which more than one crane/derrick will be supporting the load or multiple load lines on one crane will be supporting the load, the operation must be planned. The planning must meet the following requirements:

(i) The plan must be developed by a qualified person.

(ii) The plan must be designed to ensure that the requirements of this part are met.

(iii) Where the qualified person determines that engineering expertise is needed for the planning, the employer must ensure that it is provided.

(b) Plan implementation.

(i) The multiple-crane/derrick lift or multiple load line lifts must be directed by a person who meets the criteria for both a competent person and a qualified person, or by a competent person who is assisted by one or more qualified persons (lift director).

(ii) The lift director must review the plan in a meeting with all workers who will be involved with the operation.

(42) Work area control. Swing radius hazards.

(a) The requirements in (b) of this subsection apply where there are accessible areas in which the crane's rotating superstructure (whether permanently or temporarily mounted) poses a reasonably foreseeable risk of:

(i) Striking and injuring an employee; or

(ii) Pinching/crushing an employee against another part of the crane or another object.

(b) To prevent employees from entering these hazard areas, the employer must:

(i) Train each employee assigned to work on or near the crane (authorized personnel) in how to recognize struck-by and pinch/crush hazard areas posed by the rotating superstructure.

(ii) Erect and maintain control lines, warning lines, railings or similar barriers to mark the boundaries of the hazard areas.

Exception:

When the employer can demonstrate that it is neither feasible to erect such barriers on the ground nor on the crane, the hazard areas must be clearly marked by a combination of warning signs (such as Danger-Swing/Crush Zone) and high visibility markings on the crane that identify the hazard areas. In addition, the employer must train each employee to understand what these markings signify.

(c) Protecting employees in the hazard area.

(i) Before an employee goes to a location in the hazard area that is out of view of the operator, the employee (or someone instructed by the employee) must ensure that the operator is informed that he/she is going to that location.

(ii) Where the operator knows that an employee went to a location covered by subsection (43)(c)(i) of this section, the operator must not rotate the superstructure until the operator is informed in accordance with a prearranged system of communication that the employee is in a safe position.

(d) Where any part of a crane/derrick is within the working radius of another crane/derrick, the controlling entity must institute a system to coordinate operations. If there is no controlling entity, the employer (if there is only one employer operating the multiple pieces of equipment), or employers, must institute such a system.

(43) Keeping clear of the load.

(a) Where available, hoisting routes that minimize the exposure of employees to hoisted loads must be used to the extent consistent with public safety.

(b) While the operator is not moving a suspended load, no employee is allowed to be within the fall zone, except for employees:

(i) Engaged in hooking, unhooking or guiding a load; or

(ii) Engaged in the initial attachment of the load to a component structure; or

(iii) Operating a concrete hopper or concrete bucket.

(c) When employees are engaged in hooking, unhooking, or guiding the load, or in the initial connection of a load to a component or structure, and are within the fall zone, all of the following criteria must be met:

(i) The materials being hoisted must be rigged to prevent unintentional displacement.

(ii) Hooks with self-closing latches or their equivalent must be used, see subsection (29)(b) of this section. "J" hooks are permitted to be used for setting wooden trusses.

(iii) The materials must be rigged by a qualified rigger.

(d) Receiving a load. Only employees needed to receive a load are permitted to be within the fall zone when a load is being landed.

(e) During a tilt-up or tilt-down operation:

(i) Employees are not allowed to be directly under the load.

(ii) Only employees' essential to the operation are allowed to be in the fall zone (but not directly under the suspended load).

Note: An employee is essential to the operation if the employee is conducting one of the following operations and the employer can demonstrate it is infeasible for the employee to perform that operation from outside the fall zone:

- Physically guide the load;
- Closely monitor and give instructions regarding the load's movement; or
- Either detach it from or initially attach it to another component or structure (such as, but not limited to, making an initial connection or installing bracing).

(f) Boom free fall is prohibited when an employee is in the fall zone of the boom or load, and load line free fall is prohibited when an employee is directly under the load. See subsections (44) through (47) of this section.

(44) Boom free fall prohibitions.

(a) The use of cranes in which the boom is designed to free fall (live boom) is prohibited in each of the following circumstances:

(i) An employee is in the fall zone of the boom or load.

(ii) An employee is being hoisted.

(iii) The load or boom is directly over a power line, or over any part of the area listed in Table 4 located in WAC 296-155-53408, clearance distance to each side of the power line; or any part of the area extending the Table 4 clearance distance to each side of the power line is within the radius of vertical travel of the boom or the load.

(iv) The load is over a shaft, except where there are no employees in the shaft.

(v) The load is over a cofferdam, except where there are no employees in the fall zone of the boom or the load.

(vi) Lifting operations are taking place in a refinery or tank farm.

(b) The use of cranes in which the boom is designed to free fall (live boom) is permitted only where none of the circumstances listed in (a) of this subsection are present and:

(i) The crane was manufactured prior to October 31, 1984; or

(ii) The crane is a floating crane or a land crane on a vessel/flotation device.

(45) Preventing boom free fall. Where the use of a crane with a boom that is designed to free fall (live boom) is prohibited (see subsection (44)(a) of this section), the boom hoist must have a secondary mechanism or device designed to prevent the boom from falling in the event the primary system used to hold or regulate the boom hoist fails, as follows:

(a) Friction drums must have:

(i) A friction clutch and, in addition, a braking device, to allow for controlled boom lowering.

(ii) A secondary braking or locking device, which is manually or automatically engaged, to back-up the primary brake while the boom is held (such as a secondary friction brake or a ratchet and pawl device).

(b) Hydraulic drums must have an integrally mounted holding device or internal static brake to prevent boom hoist movement in the event of hydraulic failure.

(c) Neither clutches nor hydraulic motors must be considered brake or locking devices for purposes of this part.

(d) Hydraulic boom cylinders must have an integrally mounted holding device.

(46) Preventing uncontrolled retraction. Hydraulic telescoping booms must have an integrally mounted holding device to prevent the boom from retracting in the event of hydraulic failure.

(47) Load line free fall. In each of the following circumstances, controlled load lowering is required and free fall of the load line hoist is prohibited:

(a) An employee is directly under the load.

(b) An employee is being hoisted.

(c) The load is directly over a power line, or over any part of the area listed in Table 4, located in WAC 296-155-53408, clearance distance to each side of the power line; or any part of the area extending the Table 4 of WAC 296-155-53408, clearance distance to each side of the power line is within the radius of vertical travel of the load.

(d) The load is over a shaft.

(e) The load is over a cofferdam, except where there are no employees in the fall zone of the load.

(48) Employees must not be allowed to ride on the hook or load.

(49) The hoist rope must not be wrapped around the load.

(50) All loads must be attached to the hook by means of suitable slings or other devices of sufficient lifting capacity.

(51) When moving a load it must be well secured and balanced in the sling or lifting device before it is lifted more than a few inches.

(52) Leaving the crane/derrick unattended. The operator must not leave the controls while the load is suspended, except where all of the following are met:

(a) The operator remains adjacent to the crane/derrick and is not engaged in any other duties.

(b) The load is to be held suspended for a period of time exceeding normal lifting operations.

(c) The competent person determines that it is safe to do so and implements measures necessary to restrain the boom hoist and telescoping, load, swing, and outrigger or stabilizer functions.

(d) Barricades or caution lines, and notices, are erected to prevent all employees from entering the fall zone. No

employees, including those listed in subsection (43)(b), (d), and (e) of this section, are permitted in the fall zone.

Exemption: The provisions in this section do not apply to working gear (such as slings, spreader bars, ladders, and welding machines) where the weight of the working gear is negligible relative to the lifting capacity of the equipment as positioned, and the working gear is suspended over an area other than an entrance or exit.

Note: For additional requirements relating to leaving the crane unattended for tower, self-erecting, overhead/bridge and derricks see:

- WAC 296-155-53915, Tower cranes—Operations;
- WAC 296-155-54115, Self-erecting tower cranes—Operations;
- WAC 296-155-54215, Overhead/bridge cranes and gantry cranes—Operations;
- WAC 296-155-54320, Derricks—Operations.

(53) While moving the load the lift and swing path must be clear of obstructions.

(54) Before starting to lift the following conditions must be met:

(a) The hoist rope must not be kinked.

(b) Multiple-part lines must not be twisted around each other.

(c) The hook must be brought over the load in such a manner as to minimize swinging.

(d) If the competent person determines that there is slack rope condition requiring respooling of the rope, it must be ((determined)) verified (before starting the lift) that the rope is seated on the drum and in the sheaves as the slack is removed.

(e) The competent person must adjust the crane/derrick and/or operations to address the effect of wind, ice, and snow on equipment stability and rated capacity.

(f) If possible, the load must be free to be lifted; it is neither caught nor attached to other objects.

(55) During lifting operations, care must be taken that there is no sudden acceleration or deceleration of the moving load and that the load boom or other parts of the crane do not contact any obstruction. Rotational speed of the crane/derrick must be such that the load does not swing out beyond the radius at which it can be controlled.

(56) Side loading of booms (jibs) must be limited to freely suspended loads. Cranes must not be used for dragging loads sideways.

(57) The operator must test the brakes each time a load that is ninety percent or more of the maximum line pull is handled by lifting the load a few inches and applying the brakes. In duty cycle and repetitive lifts where each lift is ninety percent or more of the maximum line pull, this requirement applies to the first lift but not to successive lifts.

(58) Modifications or additions which affect the capacity or safe operation of the crane/derrick are prohibited except where the requirements of (a) or (b) of this subsection are met. For recertification requirements see WAC 296-155-53214 (1)(c).

(a) Manufacturer review and approval.

(i) The manufacturer approves the modifications/additions in writing.

(ii) The load charts, procedures, instruction manuals and instruction plates/tags/decals are modified as necessary to accord with the modification/addition.

(iii) The original safety factor of the crane/derrick is not reduced.

(b) Where manufacturer is unavailable or has refused to review a request. The manufacturer is provided a detailed description of the proposed modification/addition, is asked to approve the modification/addition, but it declines to review the technical merits of the proposal or fails, within thirty days, to acknowledge the request or initiate the review, and all of the following are met:

(i) A registered professional engineer who is a qualified person with respect to the crane/derrick involved:

(A) Approves the modification/addition and specifies the crane/derrick configurations to which that approval applies; and

(B) Modifies load charts, procedures, instruction manuals and instruction plates/tags/decals as necessary to accord with the modification/addition.

(ii) The original safety factor of the crane/derrick is not reduced.

(c) Manufacturer does not complete the review within one hundred twenty days of the request. The manufacturer is provided a detailed description of the proposed modification/addition, is asked to approve the modification/addition, agrees to review the technical merits of the proposal, but fails to complete the review of the proposal within one hundred twenty days of the date it was provided the detailed description of the proposed modification/addition, and the requirements of subsection (58)(b)(i) and (ii) of this section are met.

(d) Multiple manufacturers of equipment designed for use on marine worksites. The equipment is designed for marine worksites, contains major structural components from more than one manufacturer, and the requirements of subsection (58)(b)(i) and (ii) of this section are met.

(59) No modifications or additions which affect the capacity or safe operation of the crane can be made by the employer without the manufacturers' written approval. If components of more than one crane manufacturer are being combined, the employer must obtain written approval from all manufacturers prior to use. If the manufacturer(s) is/are not available a registered professional structural engineer's (RPSE) written approval must be obtained. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, must be changed accordingly. In no case must the original safety factor of the crane be reduced.

Note: The provisions in subsections (58) and (59) of this section do not apply to modifications made or approved by the U.S. military.

(60) All applicable controls must be tested by the operator at the start of a new shift, if possible. If any controls fail to operate properly, they must be adjusted or repaired before operations are initiated.

(61) Except for proof load testing required under WAC 296-155-53202 through 296-155-53212, no crane/derrick is permitted to be loaded beyond the specifications of the load rating chart, unless authorized by the crane manufacturer. The operator must not be required to operate the crane/derrick in a manner that would violate this requirement.

(62) Load weight. The operator must verify that the load is within the rated capacity of the crane/derrick by at least one of the following methods:

(a) The weight of the load must be determined from a reliable source recognized by the industry (such as the load's manufacturer), or by a reliable calculation method recognized by the industry (such as calculating a steel beam from measured dimensions and a known per foot weight), or by other equally reliable means. In addition, when requested by the operator, this information must be provided to the operator prior to the lift; or

(b) The operator must begin hoisting the load to determine, using a load weighing device, load moment indicator, rated capacity indicator, or rated capacity limiter. If the load exceeds seventy-five percent of the maximum rated capacity at the longest radius that will be used during the lift operation, the operator must not proceed with the lift until it is verified that the weight of the load is in accordance with (a) of this subsection.

(63) Tag lines or restraint lines must be used when rotation or swinging of the load is hazardous or if the load needs guidance. Tag lines are not required when all of the following criteria are met:

- The suspended load can be expected to remain still when in a static (nonmoving) condition or does not swing or rotate in a hazardous manner;

- The movement of the crane or boom cannot be expected to cause the load to swing or rotate in an uncontrolled manner that may create a hazard;

- The operator is in control of the movement of the load and a hazardous condition is not created.

(64) All brakes must be adjusted in accordance with manufacturer procedures to prevent unintended movement.

(65) Safety devices and/or operational aids must not be used as a substitute for the exercise of professional judgment by the operator.

~~((65))~~ (66) Storm warning. When a local storm warning has been issued, the competent person must determine whether it is necessary to implement manufacturer recommendations for securing the crane/derrick.

~~((66))~~ (67) Whenever there is a concern as to safety, the operator has the authority to stop and refuse to handle loads until a qualified person has determined that safety has been assured.

~~((67))~~ (68) Tag-out.

(a) Tagging out of service. Where the employer has taken the crane/derrick out of service, a tag must be placed in the cab or at the operator station stating that the equipment is out of service and is not to be used. Where the employer has taken a function(s) out of service, a tag must be placed in a conspicuous position stating that the function is out of service and is not to be used.

(b) Response to do not operate/tag-out signs.

(i) If there is a warning (tag-out or maintenance/do not operate) sign on the crane/derrick or starting control, the operator must not activate the switch or start the crane/derrick until the sign has been removed by a person authorized to remove it, or until the operator has verified that:

(A) No one is servicing, working on or otherwise in a dangerous position around the machine.

(B) The crane/derrick has been repaired and is working properly.

(ii) If there is a warning (tag-out or maintenance/do not operate) sign on any other switch or control, the operator must not activate that switch or control until the sign has been removed by a person authorized to remove it, or until the operator has verified that the requirements in (b)(i)(A) and (B) of this subsection have been met.

Note: For additional lockout/tagout procedures for electrical circuits, see WAC 296-155-429.

~~((68))~~ (69) If crane/derrick adjustments or repairs are necessary:

(a) The operator must, in writing, promptly inform the person designated by the employer to receive such information and, where there are successive shifts, to the next operator; and

(b) The employer must notify all affected employees, at the beginning of each shift, of the necessary adjustments or repairs and all alternative measures.

~~((69))~~ (70) All cranes and derricks mounted on barges or other floating structures must meet the requirements as outlined in ASME B30.8-2004 for construction, installation, inspection, maintenance and operation.

~~((70))~~ (71) Swinging locomotive cranes. A locomotive crane must not be swung into a position where railway cars on an adjacent track could strike it, until it is determined that cars are not being moved on the adjacent track and that proper flag protection has been established.

~~((71))~~ (72) Remote control cranes/derricks. Before an operator leaves the crane/derrick to operate remotely, the operator must ensure that the crane/derrick will be used in accordance with the manufacturer's recommendations. Provisions must be made to prevent simultaneous activation of controls when more than one control station (remote control) is provided.

~~((72))~~ (73) Remote-operated cranes/derricks must function so that if the control signal for any crane/derrick motion becomes ineffective, the crane/derrick motion must stop.

~~((73))~~ (74) Remote-operated cranes/derricks must be equipped with an "emergency stop" system, located at the operator's remote station to provide the means to remove power from the crane in the event of a malfunction.

~~((74))~~ (75) A preventative maintenance program must be established based on the recommendation of the crane/derrick manufacturer. If manufacturer's recommendations are not available, then those of a qualified person must be followed. Dated records must be kept available.

~~((75))~~ (76) Working with a diver. The employer must meet the following additional requirements when working with a diver in the water:

(a) If a crane/derrick is used to get a diver into and out of the water, it must not be used for any other purpose until the diver is removed from the water. When used for more than one diver, it must not be used for any other purpose until all divers are all out of the water.

(b) The operator must remain at the controls of the crane/derrick at all times.

(c) In addition to the requirements in WAC 296-155-53406, Signals, either:

(i) A clear line of sight must be maintained between the operator and dive tender; or

(ii) The signals between the operator and dive tender must be transmitted electronically.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-53402 Assembly/disassembly. (1) When assembling and disassembling crane/derrick (or attachments), the employer must comply with all applicable manufacturer prohibitions and must comply with either:

(a) Manufacturer procedures applicable to assembly and disassembly; or

(b) Employer procedures for assembly and disassembly. Employer procedures may be used only where the employer can demonstrate that the procedures used meet the requirements in subsection (17) of this section.

Note: The employer must follow manufacturer procedures when an employer uses synthetic slings during assembly or disassembly of cranes/derricks, see subsection (19) of this section.

(2) Supervision - Competent/qualified person.

(a) Assembly/disassembly must be directed by a person who meets the criteria for both a competent person and a qualified person, or by a competent person who is assisted by one or more qualified persons (assembly/disassembly director).

(b) Where the assembly/disassembly is being performed by only one person, that person must meet the criteria for both a competent person and a qualified person. For purposes of this part, that person is considered the assembly/disassembly director.

(3) Knowledge of procedures. The assembly/disassembly director must understand the applicable assembly/disassembly procedures.

(4) Review of procedures. The assembly/disassembly director must review the applicable assembly/disassembly procedures immediately prior to the commencement of assembly/disassembly unless the assembly/disassembly director has applied them to the same type and configuration of crane/derrick (including accessories, if any).

(5) Preassembly inspection.

(a) Prior to assembling crane/derrick components or attachments the assembly/disassembly director must inspect these components and attachments to ensure that they meet the manufacturer's recommendations. This inspection must include a visual inspection to ensure that the components and attachments are of sound physical condition and functional within the manufacturer's recommendations.

(b) Documentation of this inspection must remain at the job site while the crane/derrick is in use.

(6) Crew instructions.

(a) Before commencing assembly/disassembly operations, the assembly/disassembly director must ensure that the crew members understand the following:

(i) Their tasks;

(ii) The hazards associated with their tasks;

(iii) The hazardous positions/locations that they need to avoid.

(b) During assembly/disassembly operations, before a crew member takes on a different task, or when adding new personnel during the operations, the requirements in (a)(i) through (iii) of this subsection must be met.

(7) Protecting assembly/disassembly crew members out of operator view.

(a) Before a crew member goes to a location that is out of view of the operator and is either: In, on, under, or near the crane/derrick (or load) where the crew member could be injured by movement of the crane/derrick (or load), the crew member must inform the operator that they are going to that location.

(b) Where the operator knows that a crew member went to a location covered by (a) of this subsection, the operator must not move any part of the crane/derrick (or load) until the operator is informed in accordance with a prearranged system of communication that the crew member is in a safe position.

(8) Working under the boom, jib or other components.

(a) When pins (or similar devices) are being removed, employees must not be under the boom, jib, or other components, except where the requirements in (b) of this subsection are met.

(b) Exception. Where the employer demonstrates that site constraints require one or more employees to be under the boom, jib, or other components when pins (or similar devices) are being removed, the assembly/disassembly director must implement procedures that minimize the risk of unintended dangerous movement and minimize the duration and extent of exposure under the boom. (See WAC 296-155-56430, Assembly/disassembly—Working under the boom, jib or other components—Sample procedures for minimizing the risk of unintended dangerous boom movement.)

(9) Capacity limits. During all phases of assembly/disassembly, rated capacity limits for loads imposed on the crane/derrick, components (including rigging), lifting lugs and crane/derrick accessories must not be exceeded.

(10) Addressing specific hazards. The assembly/disassembly director supervising the assembly/disassembly operation must address the hazards associated with the operation, which include:

(a) Site and ground bearing conditions. Site and ground conditions must be adequate for safe assembly/disassembly operations and to support the crane/derrick during assembly/disassembly (see WAC 296-155-53400 (34) through (38) for ground condition requirements).

(b) Blocking material. The size, amount, condition and method of stacking blocking must be sufficient to sustain the loads and maintain stability.

(c) Proper location of blocking. When used to support lattice booms or components, blocking must be appropriately placed to:

(i) Protect the structural integrity of the crane/derrick; and

(ii) Prevent dangerous movement and collapse.

(d) Verifying assist crane loads. When using an assist crane, the loads that will be imposed on the assist crane at each phase of assembly/disassembly must be verified in accordance with WAC 296-155-53400(61) before assembly/disassembly begins.

(e) Boom and jib pick points. The point(s) of attachment of rigging to a boom (or boom sections or jib or jib sections) must be suitable for preventing structural damage and facilitating safe handling of these components.

(f) Center of gravity.

(i) The center of gravity of the load must be identified if it is necessary for the method used for maintaining stability.

(ii) Where there is insufficient information to accurately identify the center of gravity, measures designed to prevent unintended dangerous movement resulting from an inaccurate identification of the center of gravity must be used. (See WAC 296-155-56430, Assembly/disassembly—Working under the boom, jib or other components—Sample procedures for minimizing the risk of unintended dangerous boom movement.)

(g) Stability upon pin removal. The boom sections, boom suspension systems (such as gantry A-frames and jib struts), and components must be rigged or supported to maintain stability upon the removal of the pins.

(h) Snagging. Suspension ropes and pendants must not be allowed to catch on the boom or jib connection pins or cotter pins (including keepers and locking pins).

(i) Struck by counterweights. The potential for unexpected movement from inadequately supported counterweights and from hoisting counterweights.

(j) Boom hoist brake failure. Each time reliance is to be placed on the boom hoist brake to prevent boom movement during assembly/disassembly, the brake must be tested prior to such reliance to determine if it is sufficient to prevent boom movement. If it is not sufficient, a boom hoist pawl, other locking device/back-up braking device, or another method of preventing dangerous movement of the boom (such as blocking or using an assist crane) from a boom hoist brake failure must be used.

(k) Loss of backward stability. Backward stability before swinging the upperworks, travel, and when attaching or removing crane/derrick components.

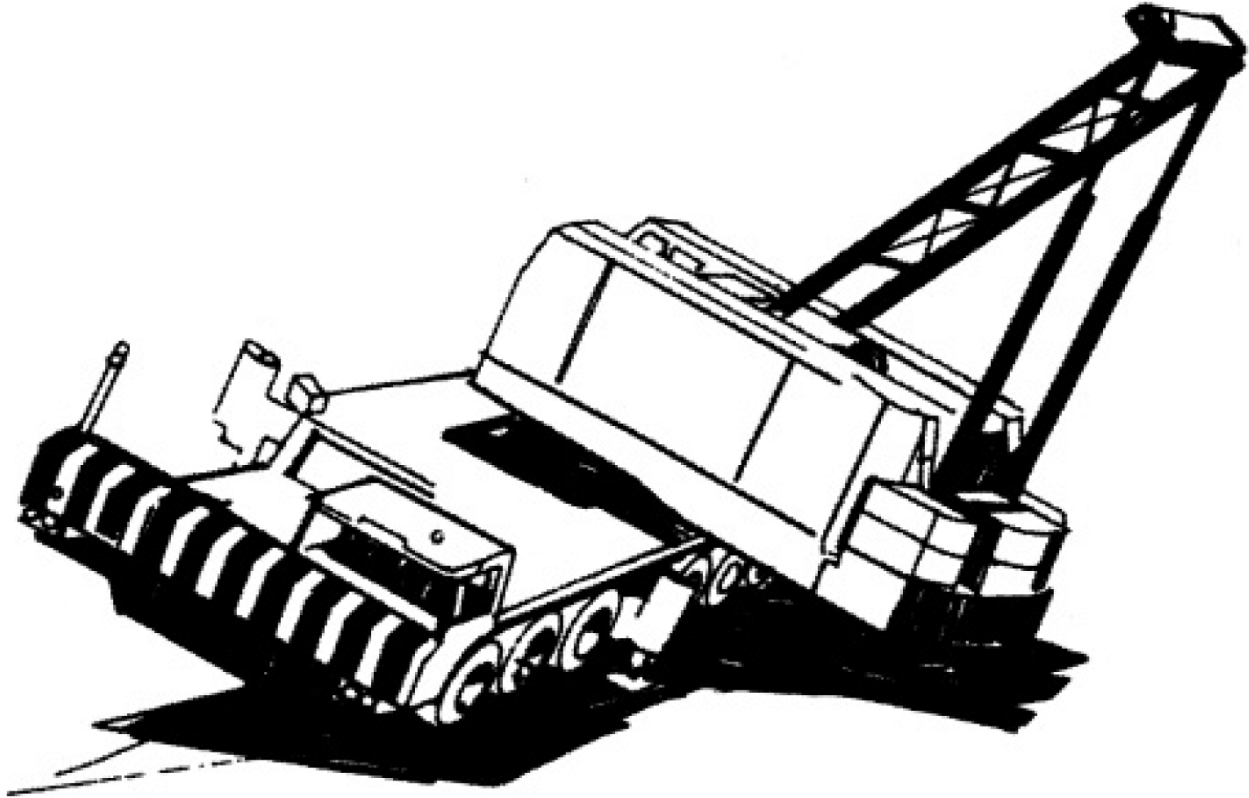


Figure 2. Lack of backward stability results in superstructure toppling.

(l) Wind speed and weather. The effect of wind speed and weather on the crane/derrick.

(11) Cantilevered boom sections. Manufacturer limitations on the maximum amount of boom supported only by cantilevering must not be exceeded. Where these are unavailable, a registered professional engineer familiar with the type of crane/derrick involved must determine this limitation in writing, which must not be exceeded.

(12) Weight of components. The weight of each of the components must be readily available.

(13) Components and configuration.

(a) The selection of components and configuration of the crane/derrick that affect the capacity or safe operation of this equipment must be in accordance with:

(i) Manufacturer's instructions, prohibitions, limitations, and specifications. Where these are unavailable, a registered professional engineer familiar with the type of crane/derrick involved must approve, in writing, the selection and configuration of components; or

(ii) Approved modifications that meet the requirements of WAC 296-155-53400 (58) and (59) (crane/derrick modifications).

(b) Post-assembly inspection. Upon completion of assembly, the crane/derrick must be inspected by the assembly/disassembly director to ensure compliance with (a) of this subsection and as follows:

(i) Upon completion of assembly, the crane/derrick must be inspected by a qualified person to assure that it is configured in accordance with manufacturer's criteria. For tower

cranes, this inspection must be done by an accredited crane certifier.

(ii) Where manufacturer's criteria is unavailable, a qualified person must determine if a registered professional engineer (RPE) familiar with the type of crane/derrick involved is needed to develop criteria for the configuration. If an RPE is not needed, the employer must ensure that the criteria are developed by the qualified person. If an RPE is needed, the employer must ensure that they are developed by an RPE.

(c) Crane/derrick must not be used until an inspection demonstrates that it is configured in accordance with the applicable criteria.

(d) Documentation of this inspection must remain at the job site while the crane/derrick is in use.

(14) Shipping pins. Reusable shipping pins, straps, links, and similar equipment must be removed. Once they are removed they must either be stowed or otherwise stored so that they do not present a falling object hazard.

(15) Pile driving. Cranes used for pile driving must not have a jib attached during pile driving operations.

(16) The following are additional requirements for dismantling of booms and jibs, including dismantling for changing the length of booms and jibs (applies to both the use of manufacturer procedures and employer procedures):

(a) None of the pins in the pendants are to be removed (partly or completely) when the pendants are in tension. See, for example, Figure 3.

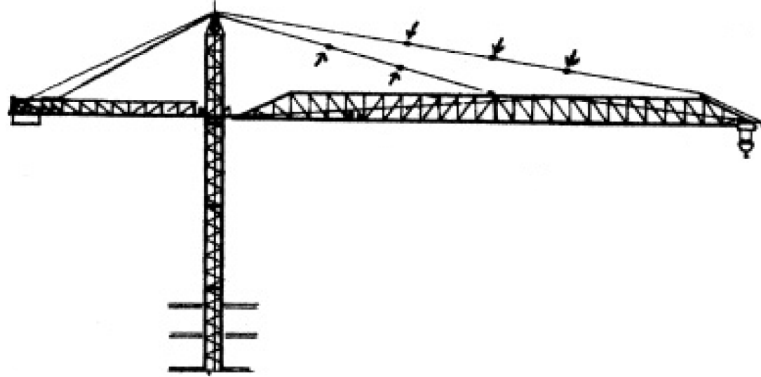


Figure 3. Pins (indicated by arrows) are not to be removed while pendants remain in tension.

(b) None of the pins (top and bottom) on boom sections located between the pendant attachment points and the crane/derrick body are to be removed (partly or completely) when the pendants are in tension. See, for example, Figures 4 and 5.

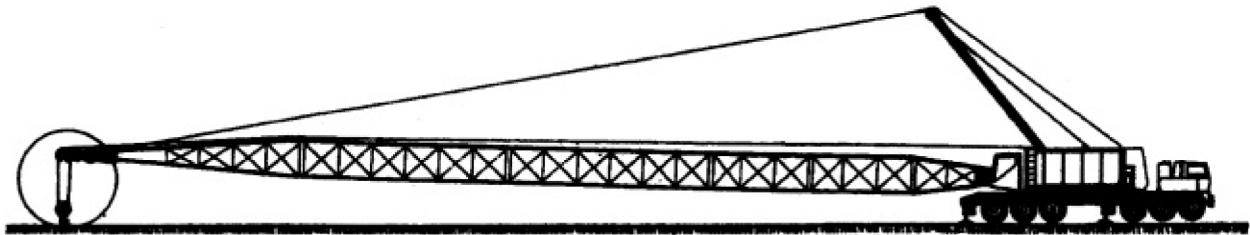


Figure 4. Pendant is in tension while connected to uppermost boom section, and no pins are to be removed.

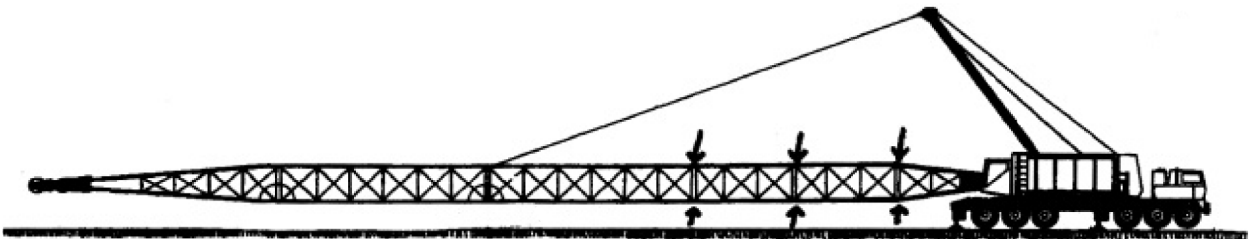


Figure 5. Pendant is in tension, and pins between pendant attachment point and crane body (indicated by arrows) are not to be removed. Note that, because the cantilevered portion of the boom is not supported, only the bottom pins ahead of the pendant may be removed. See Figure 8.

(c) None of the pins (top and bottom) on boom sections located between the uppermost boom section and the crane/derrick body are to be removed (partly or completely) when the boom is being supported by the uppermost boom section resting on the ground (or other support). See, for example, Figure 6.

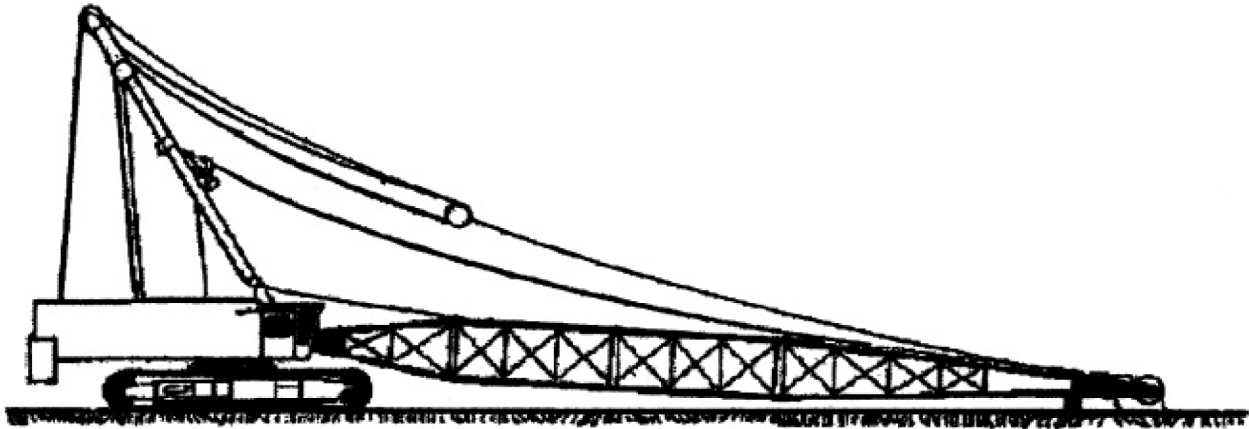


Figure 6. Uppermost boom section is resting on ground, and no pins between uppermost boom section and crane body are to be removed.

(d) None of the top pins on boom sections located on the cantilevered portion of the boom being removed (the portion being removed ahead of the pendant attachment points) are to be removed (partly or completely) until the cantilevered section to be removed is fully supported. See, for example, Figures 7 and 8.

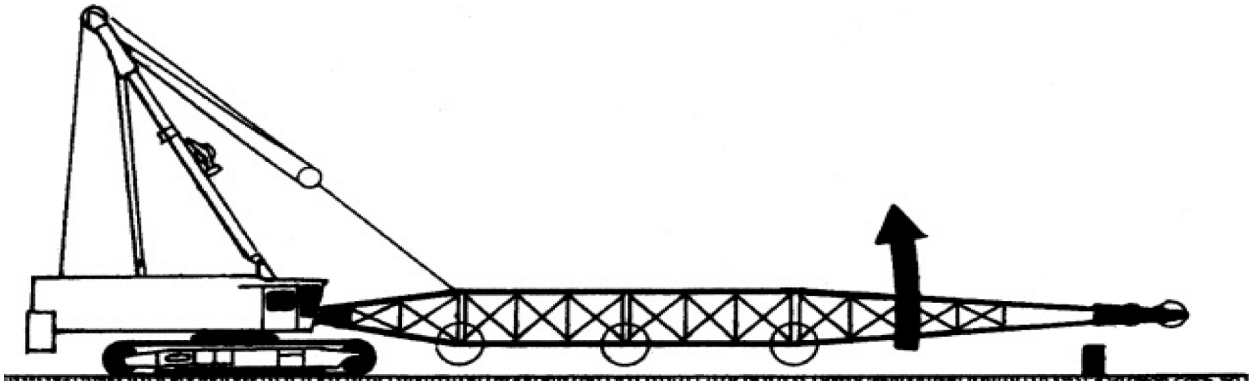


Figure 7. Cantilevered portion of boom is not supported, and top pins therefore are not to be removed. Bottom pins (circled) may be removed.

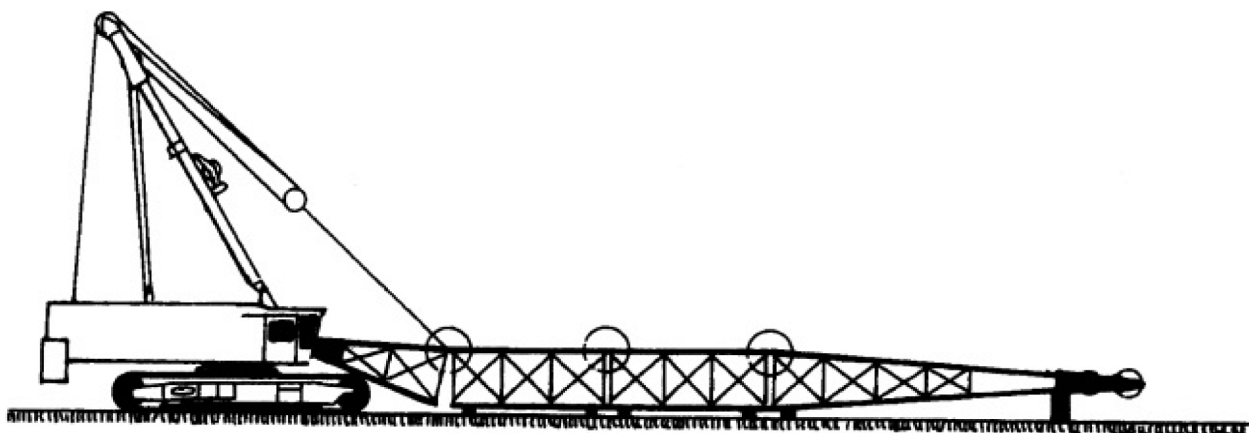


Figure 8. Cantilevered portion of boom is supported, and top pins (circled) may therefore be removed.

(17) When using employer procedures instead of manufacturer procedures for assembling or disassembling, the employer must ensure that the procedures are designed to:

(a) Prevent unintended dangerous movement, and to prevent collapse, of any parts of the crane/derrick.

(b) Provide adequate support and stability of all parts of the crane/derrick during the assembly/disassembly process.

(c) Position employees involved in the assembly/disassembly operation so that their exposure to movement or collapse is minimized.

(d) Qualified person. Employer procedures must be developed by a qualified person.

(18) Outriggers and stabilizers. When the load to be handled and the operating radius require the use of outriggers or stabilizers, or at any time when outriggers or stabilizers are used, the following requirements must be met:

(a) The outriggers or stabilizers must be either fully extended or, if manufacturer procedures permit, deployed as specified in the load chart.

(b) The outriggers must be set to remove the crane weight from the wheels, except for locomotive cranes (see (f) of this subsection for use of outriggers on locomotive cranes). This provision does not apply to stabilizers.

(c) When outrigger floats are used, they must be attached to the outriggers. When stabilizer floats are used they must be attached to the stabilizers.

(d) Each outrigger or stabilizer must be visible to the operator or to a signal person during extension and setting.

(e) Outrigger and stabilizer blocking must:

(i) Meet the requirements in subsection ~~((9))~~ (10)(b) and (c) of this section.

(ii) Be placed only under the outrigger or stabilizer float/pad of the jack or, where the outrigger or stabilizer is designed without a jack, under the outer bearing surface of the extended outrigger or stabilizer beam.

(f) For locomotive cranes, when using outriggers or stabilizers to handle loads, the manufacturer's procedures must be followed. When lifting loads without using outriggers or stabilizers, the manufacturer's procedures must be met regarding truck wedges or screws.

(19) Rigging. In addition to the following requirements in WAC 296-155-556, 296-155-558, 296-155-560 and 296-155-562 and other requirements in this and other standards applicable to rigging, when rigging is used for assembly/disassembly, the employer must ensure that:

(a) The rigging work is done by a qualified rigger. See WAC 296-155-53306.

(b) Synthetic slings are protected from: Abrasive, sharp or acute edges, and configurations that could cause a reduction of the sling's rated capacity, such as distortion or localized compression. See WAC 296-155-55815(6), 296-155-55820(6) and 296-155-55825(6).

Note: Requirements for the protection of wire rope slings are contained in WAC 296-155-55805.

(c) When synthetic slings are used, the synthetic sling manufacturer's instructions, limitations, specifications and recommendations must be followed.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-53403 Fall protection. (1) Application.

(a) Subsections (2), (3)(b), (5) and (6) of this section apply to all cranes/derricks covered by this part except tower cranes.

(b) Subsections (3)(a), (4), (7), (10) and (11) of this section apply to all cranes/derricks covered by this part.

(c) Subsections (3)(c) and (9) of this section apply only to tower cranes.

(2) Boom walkways.

(a) Cranes/derricks manufactured after the effective date of this section with lattice booms must be equipped with walkways on the boom(s) if the vertical profile of the boom (from cord centerline to cord centerline) is six or more feet.

(b) Boom walkway criteria (~~must meet manufacturer's specifications after the effective date of this section~~). The walkways must be at least twelve inches wide.

(3) Steps, handholds, ladders, grabrails, guardrails and railings.

(a) All steps, handholds, ladders and guardrails/railings/grabrails must be maintained in good condition.

(b) Cranes/derricks manufactured after the effective date of this section must be equipped so as to provide safe access and egress between the ground and the operator work station(s), including the forward and rear positions, by the provision of devices such as steps, handholds, ladders, and guardrails/railings/grabrails. These devices must meet the following criteria:

(i) Steps, handholds, ladders and guardrails/railings/grabrails must meet the criteria of SAE J185 (May 2003) or ISO 11660-2:1994(E) except where infeasible.

(ii) Walking/stepping surfaces, except for crawler treads, must have slip-resistant features/properties (such as diamond plate metal, strategically placed grip tape, expanded metal, or slip-resistant paint).

(c) Tower cranes manufactured after the effective date of this section must be equipped so as to provide safe access and egress between the ground and the cab, machinery platforms, and tower (mast), by the provision of devices such as steps, handholds, ladders, and guardrails/railings/grabrails. These devices must meet the following criteria:

(i) Steps, handholds, ladders, and guardrails/railings/grabrails must meet the criteria of ISO 11660-1:2008(E) and ISO 11660-3:2008(E) or SAE J185 (May 2003) except where infeasible.

(ii) Walking/stepping surfaces must have slip-resistant features/properties (such as diamond plate metal, strategically placed grip tape, expanded metal, or slip-resistant paint).

(4) Personal fall arrest and fall restraint systems must conform to the criteria in WAC 296-155-24510. Body harnesses must be used in personal fall arrest and fall restraint systems.

(5) For nonassembly/disassembly work, the employer must provide and ensure the use of fall protection equipment for employees who are on a walking/working surface with an unprotected side or edge more than six feet above a lower level as follows:

(a) When moving point-to-point:

(i) On nonlattice booms (whether horizontal or not horizontal).

(ii) On lattice booms that are not horizontal.

(iii) On horizontal lattice booms where the fall distance is ten feet or more.

(b) While at a work station on any part of the crane (including the boom, of any type).

Note: If the equipment is running and the employee is at or near the draw-works, precautions should be taken to ensure the fall protection gear will not become entangled.

(6) For assembly/disassembly work, the employer must provide and ensure the use of fall protection equipment for employees who are on a walking/working surface with an unprotected side or edge more than ten feet above a lower level.

Note: If the equipment is running and the employee is at or near the draw-works, precautions should be taken to ensure the fall protection gear will not become entangled.

(7) Anchorage criteria.

(a) Anchorages used for attachment of personal fall arrest equipment must be independent of any anchorage being used to support or suspend platforms and capable of supporting at least five thousand pounds (22.2 kN) per employee attached, or must be designed, installed, and used as follows:

(i) As part of a complete personal fall arrest system which maintains a safety factor of at least two; and

(ii) Under the supervision of a qualified person.

(b) Positioning devices must be secured to an anchorage capable of supporting at least twice the potential impact load of an employee's fall or three thousand pounds (13.3 kN), whichever is greater.

(c) Anchorages for personal fall arrest and positioning device systems.

(i) Personal fall arrest systems must be anchored to any apparently substantial part of the equipment unless a competent person, from a visual inspection, without an engineering analysis, would conclude that the criteria in (a) of this subsection would not be met.

(ii) Positioning device systems must be anchored to any apparently substantial part of the crane unless a competent person, from a visual inspection, without an engineering analysis, would conclude that the criteria in (b) of this subsection would not be met.

(iii) Attachable anchor devices (portable anchor devices that are attached to the crane) must meet the anchorage criteria in (a) of this subsection for personal fall arrest systems and (b) of this subsection for positioning device systems.

(8) Anchorages for fall restraint systems. Fall restraint systems must be anchored to any part of the crane that is capable of withstanding twice the maximum load that an employee may impose on it during reasonably anticipated conditions of use.

(9) Tower cranes.

(a) For work other than erecting, climbing, and dismantling, the employer must provide and ensure the use of fall protection equipment for employees who are on a walk-

ing/working surface with an unprotected side or edge more than six feet above a lower level.

Note: If the equipment is running and the employee is at or near the draw-works, precautions should be taken to ensure the fall protection gear will not become entangled.

(b) For erecting, climbing, and dismantling work, the employer must provide and ensure the use of fall protection equipment for employees who are on a walking/working surface with an unprotected side or edge more than ten feet above a lower level.

(10) Anchoring to the load line. A personal fall arrest system is permitted to be anchored to the crane/derrick's hook (or other part of the load line) where all of the following requirements are met:

(a) A qualified person has determined that the set-up and rated capacity of the crane/derrick (including the hook, load line and rigging) meets or exceeds the requirements in subsection (7)(a) of this section.

(b) The crane operator must be at the worksite and informed that the crane is being used for this purpose.

(c) No load is suspended from the load line when the personal fall arrest system is anchored to the crane/derrick's hook (or other part of the load line).

(11) Training. The employer must train each employee who may be exposed to fall hazards while on, or hoisted by, cranes/derricks covered by this section on all of the following:

(a) The requirements in this part that address fall protection.

(b) The applicable requirements in Parts C-1 and K of this chapter.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-53404 Wire rope. (1) Selection and installation criteria.

(a) Original crane/derrick wire rope and replacement wire rope must be selected and installed in accordance with the requirements of this section. Selection of replacement wire rope must be in accordance with the recommendations of the wire rope manufacturer, the crane/derrick manufacturer, or a qualified person.

(b) Wire rope design criteria: Wire rope (other than rotation resistant rope) must comply with either Option (1) or Option (2) of this section, as follows:

(i) Option (1). Wire rope must comply with Section 5-1.7.1 of ASME B30.5-2007 except that section's paragraph (c) must not apply.

(ii) Option (2). Wire rope must be designed to have, in relation to the crane's/derrick's rated capacity, a sufficient minimum breaking force and design factor so that compliance with the applicable inspection provisions in this section will be an effective means of preventing sudden rope failure.

(c) Wire rope must be compatible with the safe functioning of the crane/derrick.

(d) Boom hoist reeving.

(i) Fiber core ropes must not be used for boom hoist or luffing attachment reeving, except for derricks.

(ii) Rotation resistant ropes must be used for boom hoist reeving only where the requirements of (e) of this subsection are met.

(e) Rotation resistant ropes.

(i) Definitions.

(A) Type I rotation resistant wire rope (Type I). Type I rotation resistant rope is stranded rope constructed to have little or no tendency to rotate or, if guided, transmits little or no torque. It has at least fifteen outer strands and comprises an assembly of at least three layers of strands laid helically over a center in two operations. The direction of lay of the outer strands is opposite to that of the underlying layer.

(B) Type II rotation resistant wire rope (Type II). Type II rotation resistant rope is stranded rope constructed to have resistance to rotation. It has at least ten outer strands and comprises an assembly of two or more layers of strands laid helically over a center in two or three operations. The direction of lay of the outer strands is opposite to that of the underlying layer.

(C) Type III rotation resistant wire rope (Type III). Type III rotation resistant rope is stranded rope constructed to have limited resistance to rotation. It has no more than nine outer strands, and comprises an assembly of two layers of strands laid helically over a center in two operations. The direction of lay of the outer strands is opposite to that of the underlying layer.

(ii) Requirements.

(A) Types II and III with an operation design factor of less than five must not be used for duty cycle or repetitive lifts.

(B) Rotation resistant ropes (including Types I, II and III) must have an operating design factor of no less than 3.5.

(C) Type I must have an operating design factor of no less than five, except where the wire rope manufacturer and the crane/derrick manufacturer approves the design factor, in writing.

(D) Types II and III must have an operating design factor of no less than five, except where the requirements of (e)(iii) of this subsection are met.

(iii) When Types II and III with an operation design factor of less than five are used (for nonduty cycle, nonrepetitive lifts), the following requirements must be met for each lifting operation:

(A) A qualified person must inspect the rope in accordance with subsection (2)(a) of this section. The rope must be used only if the qualified person determines that there are no deficiencies constituting a hazard. In making this determination, more than one broken wire in any one rope lay must be considered a hazard.

(B) Operations must be conducted in such a manner and at such speeds as to minimize dynamic effects.

(C) Each lift made under these provisions must be recorded in the monthly and annual inspection documents. Such prior uses must be considered by the qualified person in determining whether to use the rope again.

(iv) Additional requirements for rotation resistant ropes for boom hoist reeving.

(A) Rotation resistant ropes must not be used for boom hoist reeving, except where the requirements of (e)(iv)(B) of this subsection are met.

(B) Rotation resistant ropes may be used as boom hoist reeving when load hoists are used as boom hoists for attachments such as luffing attachments or boom and mast attachment systems. Under these conditions, all of the following requirements must be met:

(I) The drum must provide a first layer rope pitch diameter of not less than eighteen times the nominal diameter of the rope used.

(II) The requirements in WAC 296-155-53400(44) (irrespective of the date of manufacture of the crane/derrick), and WAC 296-155-53400(45).

(III) The requirements of ANSI/ASME B30.5-2007, Section 5-1.3.2(a), (a)(2) through (a)(4), (b) and (d), except that the minimum pitch diameter for sheaves used in multiple rope reeving is eighteen times the nominal diameter of the rope used instead of the value of sixteen specified in Section 5-1.3.2(d).

(IV) All sheaves used in the boom hoist reeving system must have a rope pitch diameter of not less than eighteen times the nominal diameter of the rope used.

(V) The operating design factor for the boom hoist reeving system must be not less than five.

(VI) The operating design factor for these ropes must be the total minimum breaking force of all parts of rope in the system divided by the load imposed on the rope system when supporting the static weights of the structure and the load within the crane's/derrick's rated capacity.

(VII) When provided, a power-controlled lowering system must be capable of handling rated capacities and speeds as specified by the manufacturer.

(f) Wire rope clips used in conjunction with wedge sockets must be attached to the unloaded dead end of the rope only, except that the use of devices specifically designed for dead-ending rope in a wedge socket is permitted.

(g) Socketing must be done in the manner specified by the manufacturer of the wire rope or fitting.

(h) Prior to cutting a wire rope, seizings must be placed on each side of the point to be cut. The length and number of seizings must be in accordance with the wire rope manufacturer's instructions.

(2) Inspection of wire ropes.

(a) Shift inspection.

(i) A competent person must begin a visual inspection prior to each shift the crane/derrick is used, which must be completed before or during that shift. The inspection must consist of observation of accessible wire ropes (running and standing) that are likely to be in use during the shift for apparent deficiencies, including those listed in (a)(ii) of this subsection. Untwisting (opening) of wire rope or booming down is not required as part of this inspection.

(A) Category I. Apparent deficiencies in this category include the following:

(I) Distortion of the wire rope structure such as kinking, crushing, unstranding, birdcaging, signs of core failure or steel core protrusion between the outer strands.

(II) Corrosion.

(III) Electric arc damage (from a source other than power lines) or heat damage.

(IV) Improperly applied end connections.

(V) Corroded, cracked, bent, or worn end connections (such as from severe service).

(B) Category II. Apparent deficiencies in this category are:

(I) Visibly broken wires in running wire ropes: Six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay, where a rope lay is the length along the rope in which one strand makes a complete revolution around the rope;

(II) Visibly broken wires in rotation resistant ropes: Two randomly distributed broken wires in six rope diameters or four randomly distributed broken wires in thirty rope diameters;

(III) Visibly broken wires in pendants or standing wire ropes: More than two broken wires in one rope lay located in rope beyond end connections and/or more than one broken wire at an end connection; and

(IV) A diameter reduction of more than five percent from nominal diameter.

(C) Category III. Apparent deficiencies in this category include the following:

(I) In rotation resistant wire rope, core protrusion or other distortion indicating core failure.

(II) Prior electrical contact with a power line.

(III) A broken strand.

(ii) Critical review items. The competent person must give particular attention to all of the following:

(A) Rotation resistant wire rope in use.

(B) Wire rope being used for boom hoists and luffing hoists, particularly at reverse bends.

(C) Wire rope at flange points, crossover points and repetitive pickup points on drums.

(D) Wire rope at or near terminal ends.

(E) Wire rope in contact with saddles, equalizer sheaves or other sheaves where rope travel is limited.

(iii) Removal from service.

(A) If a deficiency in Category I is identified, an immediate determination must be made by the competent person as to whether the deficiency constitutes a safety hazard. If the deficiency is determined to constitute a safety hazard, operations involving use of the wire rope in question must be prohibited until:

(I) The wire rope is replaced; or

(II) If the deficiency is localized, the problem is corrected by removing the damaged section of the wire rope; the undamaged portion may continue to be used. Joining lengths of wire rope by splicing is prohibited. If a rope is shortened under this subsection, the employer must ensure that the drum will still have two wraps of wire when the load and/or boom is in its lowest position.

(B) If a deficiency in Category II is identified, operations involving use of the wire rope in question must be prohibited until:

(I) The employer complies with the wire rope manufacturer's established criterion for removal from service or a different criterion that the wire rope manufacturer has approved in writing for that specific wire rope;

(II) The wire rope is replaced.

(C) If the deficiency is localized, the problem is corrected by severing the wire rope in two; the undamaged por-

tion may continue to be used. Joining lengths of wire rope by splicing is prohibited. If a rope is shortened under this subsection, the employer must ensure that the drum will still have two wraps of wire when the load and/or boom is in its lowest position. If a deficiency in category III is identified, operations involving use of the wire rope in question must be prohibited until:

(I) The wire rope is replaced; or

(II) If the deficiency (other than power line contact) is localized, the problem is corrected by severing the wire rope in two; the undamaged portion may continue to be used. Joining lengths of wire rope by splicing is prohibited. Repair of wire rope that contacted an energized power line is also prohibited. If a rope is shortened under this subsection, the employer must ensure that the drum will still have two wraps of wire when the load and/or boom is in its lowest position.

(D) Where a wire rope is required to be removed from service under this section, either the crane/derrick (as a whole) or the hoist with that wire rope must be tagged-out, in accordance with WAC 296-155-53400(67), until the wire rope is repaired or replaced.

(b) Monthly inspection.

(i) Each month an inspection must be conducted in accordance with (a) of this subsection (shift inspection).

(ii) The inspection must include any deficiencies that the qualified person who conducts the annual inspection determines under (c)(iii) of this subsection must be monitored.

(iii) Wire ropes on a crane/derrick must not be used until an inspection under this subsection demonstrates that no corrective action under (a)(iii) of this subsection is required.

(iv) This inspection must be documented and be kept and made available upon request. Electronic records are acceptable.

(c) Annual/comprehensive, for cranes and derricks not covered by WAC ((~~296-155-529~~) 296-155-531 through 296-155-53214.

(i) At least every twelve months, wire ropes in use on the crane/derrick must be inspected by a qualified person in accordance with (a) of this subsection (shift inspection).

(ii) In addition, at least every twelve months, the wire ropes in use on the crane/derrick must be inspected by a qualified person, as follows:

(A) The inspection must be for deficiencies of the types listed in (a)(i)(B) of this subsection.

(B) The inspection must be complete and thorough, covering the surface of the entire length of the wire ropes, with particular attention given to all of the following:

(I) Critical review items listed in (a)(ii) of this subsection.

(II) Those sections that are normally hidden during shift and monthly inspections.

(III) Wire rope in contact with saddles, equalizer sheaves or other sheaves where rope travel is limited.

(IV) Wire rope subject to reverse bends.

(V) Wire rope passing over sheaves.

(VI) Wire rope at or near terminal ends.

(C) Exception: In the event an inspection under (c)(ii) of this subsection is not feasible due to existing set-up and configuration of the crane/derrick (such as where an assist crane is needed) or due to site conditions (such as a dense urban set-

ting). The inspection must consist of observation of the working range plus three additional wraps (running and standing) prior to use.

(iii) If a deficiency is identified, an immediate determination must be made by the qualified person as to whether the deficiency constitutes a safety hazard.

(A) If the deficiency is determined to constitute a safety hazard, operations involving the use of the wire rope in question is prohibited until:

(I) The wire rope is replaced; or

(II) If the deficiency is localized, the problem is corrected by severing the wire rope in two; the undamaged portion may continue to be used. Joining lengths of wire rope by splicing is prohibited. If a rope is shortened under this subsection, the employer must ensure that the drum will still have two wraps of wire when the load and/or boom is in its lowest position.

(B) If the qualified person determines that, though not presently a safety hazard, the deficiency needs to be monitored, the employer must ensure that the deficiency is checked in the monthly inspections.

(iv) This inspection must be documented and be kept and made available upon request. Electronic records are acceptable.

(d) Rope lubricants that are of the type that hinder inspection must not be used.

(3) All documents produced under this section must be available, during the applicable document retention period, to all persons who conduct inspections under this section.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-53406 Signals. (1) A qualified signal person that meets the requirements in WAC 296-155-53302 must be provided in each of the following situations:

(a) The point of operation, meaning the load travel or the area near or at load placement, is not in full view of the crane/derrick operator.

(b) When the crane is traveling, the view in the direction of travel is obstructed.

(c) Due to site specific safety concerns, either the crane/derrick operator or the person handling the load determines that it is necessary.

(2) Types of signals. Signals to crane/derrick operators must be by hand, voice, audible, or other means at least as effective.

(3) Hand signals.

(a) When using hand signals, the standard method as established in the applicable ASME B30 standards must be used. Where use of the standard method for hand signals is infeasible, or where an operation or use of an attachment is not covered in the standard method, nonstandard hand signals may be used in accordance with (b) of this subsection.

Note: See WAC 296-155-56400 for the hand signal chart.

(b) Nonstandard hand signals. When using nonstandard hand signals, the signal person, operator, and lift director must contact each other prior to the operation and agree on the nonstandard hand signals that will be used.

(4) Signals other than hand, voice or audible signals may be used where the employer demonstrates that the signals provided are at least equally effective communications as voice, audible, or standard method hand signals.

(5) Use and suitability.

(a) Prior to beginning operations, the operator, signal person, and lift director, must contact each other and agree on the voice signals that will be used. Once the voice signals are agreed upon, these employees need not meet again to discuss voice signals unless another employee is added or substituted, there is confusion about the voice signals, or a voice signal is to be changed.

(b) Each voice signal must contain the following three elements, given in the following order: Function (such as hoist, boom, etc.) and direction; distance and/or speed; function stop.

(c) The operator, signal person and lift director, must be able to effectively communicate in the language used.

(d) The signals used (hand, voice, audible, or other effective means), and means of transmitting the signals to the operator (such as direct line of sight, video, radio, etc.) must be appropriate for the site conditions.

(e) Signals must be discernible or audible at all times. The crane operator must not respond unless signals are clearly understood.

(6) During operations requiring signals, the ability to transmit signals between the operator and signal person must be maintained. If that ability is interrupted at any time, the operator must safely stop operations requiring signals until it is reestablished and a proper signal is given and understood.

(7) If the operator becomes aware of a safety problem and needs to communicate with the signal person, the operator must safely stop operations. Operations must not resume until the operator and signal person agree that the problem has been resolved.

(8) Only one person gives signals to a crane/derrick at a time, except in circumstances covered by subsection (9) of this section.

(9) Anyone who becomes aware of a safety problem must alert the operator or signal person by giving the stop or emergency stop signal. The operator must obey a stop (or emergency stop) signal, irrespective of who gives it.

(10) All directions given to the operator by the signal person must be given from the operator's direction perspective.

(11) Communication with multiple cranes/derricks. Where a signal person(s) is in communication with more than one crane/derrick, a system for identifying the crane/derrick for which each signal is intended must be used, as follows:

(a) For each signal, prior to giving the function/direction, the signal person must identify the crane/derrick for which the signal is intended; or

(b) An equally effective method of identifying which crane/derrick the signal is intended for must be used.

(12) Hand signal chart. Hand signal charts must be either posted on the crane/derrick or conspicuously posted in the vicinity of the hoisting operations.

(13) Radio, telephone or other electronic transmission of signals.

(a) The device(s) used to transmit signals must be tested on site before beginning operations to ensure that the signal transmission is effective, clear, and reliable.

(b) Signal transmission must be through a dedicated channel except:

(i) Multiple cranes/derricks and one or more signal persons may share a dedicated channel for the purpose of coordinating operations.

(ii) Where a crane is being operated on or adjacent to railroad tracks, and the actions of the crane operator need to be coordinated with the movement of other equipment or trains on the same or adjacent tracks.

(c) The operator's reception of signals must be made by a hands-free system.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-53408 Power line safety. (1) Assembly and disassembly of crane/derrick.

(a) Before assembling or disassembling crane/derrick, the employer must determine if any part of the crane/derrick, load line or load (including rigging and lifting accessories) could get, in the direction or area of assembly, closer than twenty feet of a power line that is up to 350 kV or closer than fifty feet of a power line that exceeds 350 kV during the assembly/disassembly process. If so, the employer must meet the requirements in Option (1), Option (2), or Option (3), as follows:

(i) Option (1) - Deenergize and ground. Confirm from the utility owner/operator that the power line has been deenergized and visibly grounded at the worksite.

(ii) Option (2) - Clearance. Ensure that no part of the crane/derrick, load line or load (including rigging and lifting accessories), gets closer than twenty feet of a power line that is up to 350 kV or closer than fifty feet of a power line that exceeds 350 kV by implementing the measures specified in (b) of this subsection.

(iii) Option (3) - Table 4 clearance.

(A) Determine the line's voltage and the minimum approach distance permitted under Table 4 of this section.

(B) Determine if any part of the crane/derrick, load line or load (including rigging and lifting accessories), could get closer than the minimum approach distance of the power line permitted under Table 4 of this section. If so, then the employer must follow the requirements in (b) of this subsection to ensure that no part of the crane/derrick, load line, or load (including rigging and lifting accessories), gets closer to the line than the minimum approach distance.

(b) Preventing encroachment/electrocution. Where encroachment precautions are required under Option (2), or Option (3), all of the following requirements must be met:

(i) Conduct a planning meeting with the assembly/disassembly director, operator, assembly/disassembly crew and the other workers who will be in the assembly/disassembly area to review the location of the power line(s) and the steps that will be implemented to prevent encroachment/electrocution.

(ii) If tag lines are used, they must be nonconductive.

(iii) At least one of the following additional measures must be in place. The measure selected from this list must be effective in preventing encroachment. The additional measures are:

(A) Use a dedicated spotter who is in continuous contact with the crane/derrick operator, plus an elevated warning line, barricade, or line of signs, in view of the spotter, equipped with flags or similar high-visibility markings. The dedicated spotter must:

(I) Be equipped with a visual aid to assist in identifying the minimum clearance distance. Examples of a visual aid include: A clearly visible line painted on the ground; a clearly visible line on stanchions; a set of clearly visible line-of-sight landmarks (such as a fence post behind the dedicated spotter and a building corner ahead of the dedicated spotter).

(II) Be positioned to effectively gauge the clearance distance.

(III) Where necessary, use equipment that enables the dedicated spotter to communicate directly with the operator, in accordance with WAC 296-155-53406(13) (radio, telephone, or other electronic transmission of signals).

(IV) Give timely information to the operator so that the required clearance distance can be maintained.

Note: To be considered a dedicated spotter, the requirements of WAC 296-155-53302 (Signal person qualifications) must be met and his/her sole responsibility is to watch the separation between the power line and the equipment, the load line and load (including rigging and lifting accessories), and ensure through communication with the operator that the applicable minimum approach distance is not breached.

(B) A proximity alarm set to give the operator sufficient warning to prevent encroachment.

(C) A device that automatically warns the operator when to stop movement, such as a range control warning device. Such a device must be set to give the operator sufficient warning to prevent encroachment.

(D) A device that automatically limits range of movement, set to prevent encroachment.

(c) Assembly/disassembly below power lines is prohibited. No part of a crane/derrick, load line or load (including rigging and lifting accessories), whether partially or fully assembled, is allowed below a power line unless the employer has confirmed that the utility owner/operator has deenergized and (at the worksite) visibly grounded the power line.

(d) Assembly/disassembly inside Table 4 clearance is prohibited. No part of a crane/derrick, load line or load (including rigging and lifting accessories), whether partially or fully assembled, is allowed closer than the minimum approach distance under Table 4 of a power line unless the employer has confirmed that the utility owner/operator has deenergized and (at the worksite) visibly grounded the power line.

(e) Voltage information. Where Option (3) is used, the utility owner/operator of power lines must provide the requested voltage information prior to commencement of work or within two working days of the employer's request.

(f) Power lines presumed energized. The employer must assume that all power lines are energized unless the utility owner/operator confirms that the power line has been and

continues to be deenergized and visibly grounded at the worksite.

(g) Posting of electrocution warnings. There must be at least one electrocution hazard warning conspicuously posted in the cab so that it is in view of the operator and (except for overhead gantry and tower cranes) at least two on the outside of the crane/derrick.

(2) Operation of crane/derrick.

(a) Hazard assessments and precautions inside the work zone. Before beginning crane/derrick operations, the employer must:

(i) Identify the work zone.

(A) Define a work zone by demarcating boundaries (such as with flags, or a device such as a range limit device or range control warning device) and prohibiting the operator from operating the crane/derrick past those boundaries; or

(B) Define the work zone as the area three hundred sixty degrees around the crane/derrick, up to its maximum working radius.

(ii) Determine if any part of the crane/derrick, load line or load (including rigging and lifting accessories), if operated up to its maximum working radius in the work zone, could get closer than twenty feet of a power line that is up to 350 kV or closer than fifty feet of a power line that exceeds 350 kV. If so, the employer must meet the requirements in Option (1), Option (2), or Option (3) as follows:

(A) Option (1) - Deenergize and ground. Confirm from the utility owner/operator that the power line has been deenergized and visibly grounded at the worksite.

(B) Option (2) - Twenty-foot clearance. Ensure that no part of the crane/derrick, load line, or load (including rigging and lifting accessories), gets closer than twenty feet to the power line by implementing the measures specified in (b) of this subsection.

(C) Option (3) - Table 4 clearance.

(I) Determine the line's voltage and the minimum approach distance permitted under Table 4 of this section.

(II) Determine if any part of the crane/derrick, load line or load (including rigging and lifting accessories), while operating up to its maximum working radius in the work zone, could get closer than the minimum approach distance of the power line permitted under Table 4 of this section. If so, then the employer must follow the requirements in (b) of this subsection to ensure that no part of the crane/derrick, load line, or load (including rigging and lifting accessories), gets closer to the line than the minimum approach distance.

(b) Preventing encroachment/electrocution. Where encroachment precautions are required under Option (2) or Option (3), all of the following requirements must be met:

(i) Conduct a planning meeting with the operator and the other workers who will be in the area of the crane/derrick or load to review the location of the power line(s), and the steps that will be implemented to prevent encroachment/electrocution.

(ii) If tag lines are used, they must be nonconductive.

(iii) Erect and maintain an elevated warning line, barricade, or line of signs, in view of the operator, equipped with flags or similar high-visibility markings, at twenty feet from a power line that is up to 350 kV or fifty feet from a power line that exceeds 350 kV (if using Option (2)) or at the mini-

imum approach distance under Table 4 of this section (if using Option (3)). If the operator is unable to see the elevated warning line, a dedicated spotter must be used as described in (iv)(B) of this subsection in addition to implementing one of the measures described in (b)(i), (iii) through (v) of this subsection.

(iv) Implement at least one of the following measures:

(A) A proximity alarm set to give the operator sufficient warning to prevent encroachment.

(B) Use a dedicated spotter who is in continuous contact with the crane/derrick operator, plus an elevated warning line, barricade, or line of signs, in view of the spotter, equipped with flags or similar high-visibility markings. The dedicated spotter must:

(I) Be equipped with a visual aid to assist in identifying the minimum clearance distance. Examples of a visual aid include: A clearly visible line painted on the ground; a clearly visible line on stanchions; a set of clearly visible line-of-sight landmarks (such as a fence post behind the dedicated spotter and a building corner ahead of the dedicated spotter).

(II) Be positioned to effectively gauge the clearance distance.

(III) Where necessary, use equipment that enables the dedicated spotter to communicate directly with the operator.

(IV) Give timely information to the operator so that the required clearance distance can be maintained.

Note: To be considered a dedicated spotter, the requirements of WAC 296-155-53302 (Signal person qualifications) must be met and his/her sole responsibility is to watch the separation between the power line and the equipment, the load line and load (including rigging and lifting accessories), and ensure through communication with the operator that the applicable minimum approach distance is not breached.

(C) A device that automatically warns the operator when to stop movement, such as a range control warning device. Such a device must be set to give the operator sufficient warning to prevent encroachment.

(D) A device that automatically limits range of movement, set to prevent encroachment.

(E) An insulating link/device, as defined in WAC 296-155-52902, installed at a point between the end of the load line (or below) and the load.

(v) The requirements of (b)(iv) of this subsection do not apply to work covered by chapter 296-45 WAC.

(c) Voltage information. Where Option (3) is used, the utility owner/operator of power lines must provide the requested voltage information prior to commencement of work or within two working days of the employer's request.

(d) Operations below power lines.

(i) No part of the crane/derrick, load line or load (including rigging and lifting accessories) is allowed below a power line unless the employer has confirmed that the utility owner/operator has deenergized and (at the worksite) visibly grounded the power line, except where one of the exceptions in (d)(ii) of this subsection apply.

(ii) Exceptions. (d)(i) of this subsection is inapplicable where the employer demonstrates that one of the following applies:

(A) The work is covered by chapter 296-45 WAC.

(B) For cranes/derricks with nonextensible booms: The uppermost part of the crane/derrick, with the boom at true

vertical, would be more than twenty feet below the plane of a power line that is up to 350 kV, fifty feet below the plane of a power line that exceeds 350 kV or more than the Table 4 minimum clearance distance below the plane of the power line.

(C) For cranes with articulating or extensible booms: The uppermost part of the crane, with the boom in the fully extended position, at true vertical, would be more than twenty feet below the plane of a power line that is up to 350 kV, fifty feet below the plane of a power line that exceeds 350 kV or more than the Table 4 minimum clearance distance below the plane of the power line.

(D) The employer demonstrates that compliance with (d)(i) of this subsection is infeasible and meets the requirements of subsection ~~((3))~~ (4) of this section.

(e) Power lines presumed energized. The employer must assume that all power lines are energized unless the utility owner/operator confirms that the power line has been and continues to be deenergized and visibly grounded at the worksite.

(f) Training.

(i) The employer must train each operator and crew member assigned to work with the crane/derrick on all the following:

(A) The procedures to be followed in the event of electrical contact with a power line. Such training must include:

(I) Information regarding the danger of electrocution from the operator simultaneously touching the crane/derrick and the ground.

(II) The importance to the operator's safety of remaining inside the cab except where there is an imminent danger of fire, explosion, or other emergency that necessitates leaving the cab.

(III) The safest means of evacuating from the crane/derrick that may be energized.

(IV) The danger of the potentially energized zone around the crane/derrick (step potential).

(V) The need for crew in the area to avoid approaching or touching the crane/derrick and the load.

(VI) Safe clearance distance from power lines.

(B) Power lines are presumed to be energized unless the utility owner/operator confirms that the power line has been and continues to be deenergized, and visibly grounded at the worksite.

(C) Power lines are presumed to be uninsulated unless the utility owner/operator or a registered engineer who is a qualified person with respect to electrical power transmission and distribution confirms that a power line is insulated.

(D) The limitations of an insulating link/device, proximity alarm, and range control (and similar) device, if used.

(E) The procedures to be followed to properly ground equipment and the limitations of grounding.

(ii) Employees working as dedicated spotters must be trained to enable them to effectively perform their task, including training on the applicable requirements of this section.

(iii) Training under this section must be administered in accordance with WAC 296-155-53409(2).

(g) Devices originally designed by the manufacturer for use as: A safety device (see WAC 296-155-53410), opera-

tional aid (see WAC 296-155-53412), or a means to prevent power line contact or electrocution, when used to comply with this section, must meet the manufacturer's procedures for use and conditions of use.

(3) Prior to working near a transmitter/communication tower where an electrical charge can be induced in the crane/derrick or materials being handled, the transmitter must be deenergized or the following precautions must be taken:

(a) The crane/derrick must be provided with an electrical ground directly to the crane/derrick frame;

(b) Ground jumper cables must be attached to materials being handled by boom equipment when electrical charge is induced while working near energized transmitters. Crews must be provided with nonconductive poles having large alligator clips or other similar protection to attach the ground cable to the load;

(c) Combustible and flammable materials must be removed from the immediate area prior to operations; and

(d) If tag lines are used, they must be nonconductive.

(4) Operation of the crane/derrick inside the Table 4 zone. Operations in which any part of the crane/derrick, load line or load (including rigging and lifting accessories) is either closer than the minimum approach distance under Table 4 of an energized power line or the power line voltage is undetermined and the crane/derrick load line or load is within twenty feet from the power line is prohibited, except where the employer demonstrates that all of the following requirements are met:

(a) Notify the crane safety program within the department of labor and industries.

(b) The employer determines that it is infeasible to do the work without breaching the minimum approach distance under Table 4 of this section.

(c) The employer determines that, after consultation with the utility owner/operator, it is infeasible to deenergize and ground the power line or relocate the power line.

(d) Minimum clearance distance.

(i) The power line owner/operator or registered professional engineer who is a qualified person with respect to electrical power transmission and distribution determines the minimum clearance distance that must be maintained to prevent electrical contact in light of the on-site conditions. The factors that must be considered in making this determination include, but are not limited to: Conditions affecting atmospheric conductivity; time necessary to bring the crane/derrick, load line and load (including rigging and lifting accessories) to a complete stop; wind conditions; degree of sway in the power line; lighting conditions, and other conditions affecting the ability to prevent electrical contact.

(ii) Subsection (4)(d)(i) of this section does not apply to work covered by chapter 296-45 WAC; instead, for such work, the minimum clearance distances specified in chapter 296-45 WAC, Table 1 apply. Employers covered by chapter 296-45 WAC are permitted to work closer than the distances in chapter 296-45 WAC, Table 1, where both the requirements of this rule and WAC 296-45-375(10) are met.

(e) A planning meeting with the employer and utility owner/operator (or registered professional engineer who is a qualified person with respect to electrical power transmission and distribution) is held to determine the procedures that will

be followed to prevent electrical contact and electrocution. At a minimum these procedures must include:

(i) If the power line is equipped with a device that automatically reenergizes the circuit in the event of a power line contact, before the work begins, the automatic reclosing feature of the circuit interrupting device must be made inoperative if the design of the device permits.

(ii) A dedicated spotter who is in continuous contact with the operator. The dedicated spotter must:

(A) Be equipped with a visual aid to assist in identifying the minimum clearance distance. Examples of a visual aid include, but are not limited to: A clearly visible line painted on the ground; a clearly visible line on stanchions; a set of clearly visible line-of-sight landmarks (such as a fence post behind the dedicated spotter and a building corner ahead of the dedicated spotter).

(B) Be positioned to effectively gauge the clearance distance.

(C) Where necessary, use equipment that enables the dedicated spotter to communicate directly with the operator.

(D) Give timely information to the operator so that the required clearance distance can be maintained.

Note: To be considered a dedicated spotter, the requirements of WAC 296-155-53302 (Signal person qualifications) must be met and his/her sole responsibility is to watch the separation between the power line and the equipment, the load line and load (including rigging and lifting accessories), and ensure through communication with the operator that the applicable minimum approach distance is not breached.

(iii) An elevated warning line, or barricade (not attached to the crane), in view of the operator (either directly or through video equipment), equipped with flags or similar high-visibility markings, to prevent electrical contact. However, this provision does not apply to work covered by chapter 296-45 WAC.

(iv) Insulating link/device.

(A) An insulating link/device installed at a point between the end of the load line (or below) and the load.

(B) For work covered by chapter 296-45 WAC, the requirement in (e)(iv)(A) of this subsection applies only when working inside the clearance distances of Table 1 in chapter 296-45 WAC.

(C) For work covered by chapter 296-45 WAC, electrical workers, involving operations where use of an insulating link/device is infeasible, the requirements of WAC 296-45-375 (10)(c)(ii) or (iii) may be substituted for the requirement in (e)(iv)(A) of this subsection.

(v) Until one year after the effective date of this part, the following procedure may be substituted for the requirement in (e)(iv)(A) of this subsection: All employees, excluding equipment operators located on the equipment, who may come in contact with the equipment, the load line, or the load must be insulated or guarded from the equipment, the load line, and the load. Insulating gloves rated for the voltage involved are adequate insulation for the purposes of this section.

(vi) Until three years after the effective date of this part the following procedure may be substituted for the requirement in (e)(iv)(A) of this subsection:

(A) The employer must use a link/device manufactured on or before one year after the effective date of this part that

meets the definition of an insulating link/device, except that it has not been approved by a nationally recognized testing laboratory, and that is maintained and used in accordance with manufacturer requirements and recommendations, and is installed at a point between the end of the load line (or below) and the load; and

(B) All employees, excluding equipment operators located on the equipment, who may come in contact with the equipment, the load line, or the load must be insulated or guarded from the equipment, the load line, and the load through an additional means other than the device described in (e)(vi)(A) of this subsection. Insulating gloves rated for the voltage involved are adequate additional means of protection for the purposes of this section.

(vii) Use nonconductive rigging if the rigging may be within the Table 4 distance during the operation.

(viii) If the crane/derrick is equipped with a device that automatically limits range of movement, it must be used and set to prevent any part of the crane/derrick, load line or load (including rigging and lifting accessories) from breaching the minimum approach distance established under (d) of this subsection.

(ix) If a tag line is used, it must be of the nonconductive type.

(x) Barricades forming a perimeter at least ten feet away from the crane/derrick to prevent unauthorized personnel from entering the work area. In areas where obstacles prevent the barricade from being at least ten feet away, the barricade must be as far from the crane/derrick as feasible.

(xi) Workers other than the operator must be prohibited from touching the load line above the insulating link/device and crane. Operators remotely operating the equipment from the ground must use either wireless controls that isolate the operator from the equipment or insulating mats that insulate the operator from the ground.

(xii) Only personnel essential to the operation are permitted to be in the area of the crane and load.

(xiii) The crane/derrick must be properly grounded.

(xiv) Insulating line hose or cover-up must be installed by the utility owner/operator except where such devices are unavailable for the line voltages involved.

(f) The procedures developed to comply with (e) of this subsection are documented and immediately available on-site.

(g) The crane/derrick user and utility owner/operator (or registered professional engineer) meet with the operator and the other workers who will be in the area of the crane/derrick or load to review the procedures that will be implemented to prevent breaching the minimum approach distance established in (d) of this subsection and prevent electrocution.

(h) The procedures developed to comply with (e) of this subsection are implemented.

(i) The utility owner/operator (or registered professional engineer) and all employers of employees involved in the work must identify one person who will direct the implementation of the procedures. The person identified in accordance with this section must direct the implementation of the procedures and must have the authority to stop work at any time to ensure safety.

(j) If a problem occurs implementing the procedures being used to comply with (e) of this subsection, or indicating that those procedures are inadequate to prevent electrocution, the employer must safely stop operations and either develop new procedures to comply with (e) of this subsection or have the utility owner/operator deenergize and visibly ground or relocate the power line before resuming work.

(k) Devices originally designed by the manufacturer for use as: Safety devices (see WAC 296-155-53410), operational aids (see WAC 296-155-53412), or a means to prevent power line contact or electrocution, when used to comply with this section, must meet the manufacturer's procedures for use and conditions of use.

(l) The employer must train each operator and crew member assigned to work with the equipment in accordance with subsection (2)(f) of this section.

(5) Cranes while traveling.

(a) This section establishes procedures and criteria that must be met for cranes traveling under a power line on the construction site with no load. Equipment traveling on a construction site with a load is governed by subsections (2), (4), (6), and (7) of this section, whichever is appropriate, and WAC 296-155-53400(35).

(b) The employer must ensure that:

(i) The boom/mast and boom/mast support system are lowered sufficiently to meet the requirements of this section.

(ii) The clearances specified in Table 5 of this section are maintained.

(iii) The effects of speed and terrain on crane movement (including movement of the boom/mast) are considered so that those effects do not cause the minimum clearance distances specified in Table 5 of this section to be breached.

(iv) Dedicated spotter. If any part of the crane while traveling will get closer than twenty feet of the power line, the employer must ensure that a dedicated spotter who is in continuous contact with the driver/operator is used. The dedicated spotter must:

(A) Be positioned to effectively gauge the clearance distance.

(B) Where necessary, use equipment that enables the dedicated spotter to communicate directly with the operator.

(C) Give timely information to the operator so that the required clearance distance can be maintained.

Note: To be considered a dedicated spotter, the requirements of WAC 296-155-53302 (Signal person qualifications) must be met and his/her sole responsibility is to watch the separation between the power line and the equipment, the load line and load (including rigging and lifting accessories), and ensure through communication with the operator that the applicable minimum approach distance is not breached.

(v) Additional precautions for traveling in poor visibility. When traveling at night, or in conditions of poor visibility, in addition to the measures specified in (b)(i) through (iv) of this subsection, the employer must ensure that:

(A) The power lines are illuminated or another means of identifying the location of the lines must be used.

(B) A safe path of travel is identified and used.

(6) The requirements of subsections (1) and (2) of this section apply to power lines over 350 kV, and below 1000 kV except that wherever the distance "twenty feet" is specified, the distance "fifty feet" must be substituted.

(7) For power lines over 1000 kV, the minimum clearance distance must be established by the utility owner/operator or a registered professional engineer who is a qualified person with respect to power transmission and distribution.

Table 4—Minimum Clearance Distances

Voltage (nominal, kV)	Minimum clearance distance (feet)
up to 50	10
over 50 to 200	15
over 200 to 345	20
over 345 to 500	25
over 500 to 750	35
over 750 to 1,000	45
over 1,000	(as established by the utility owner/operator or registered professional engineer who is a qualified person with respect to electrical power transmission and distribution).

Note: The value that follows "to" is up to and includes that value.

Table 5—Minimum Clearance Distances While Traveling With No Load and Boom/Mast Lowered

Voltage (nominal, kV)	While traveling—Minimum clearance distance (feet)
up to 0.75	4 (while traveling/boom lowered)
over 0.75 to 50	6 (while traveling/boom lowered)
over 50 to 345	10 (while traveling/boom lowered)
over 345 to 750	16 (while traveling/boom lowered)
over 750 to 1,000	20 (while traveling/boom lowered)
over 1,000	(as established by the utility owner/operator or registered professional engineer who is a qualified person with respect to electrical power transmission and distribution).

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-53409 Training. (1) The employer must provide training as follows:

(a) Overhead power lines. The employer must ensure that each employee is trained in accordance with WAC 296-155-53408 (2)(g) and 296-155-53408 (4)(k) in the topics listed in WAC 296-155-53408 (2)(f).

(b) Qualified signal persons. The employer must ensure that each employee is trained who will be assigned to work as a signal person in accordance with the requirements of WAC 296-155-53302(3).

(c) Qualified rigger. The employer must ensure that each employee is trained who will be assigned to work as a rigger in accordance with the requirements of WAC 296-155-53306(3).

(d) Operators.

(i) Trainee/apprentice operator. The employer must ensure that each trainee/apprentice operator is trained in the areas addressed in WAC 296-155-53300 and 296-155-56420.

(ii) Operator. Operators who have met the requirements in WAC 296-155-53300 and 296-155-56420 will be considered trained.

(iii) For operators using equipment covered under this part that are exempt in WAC 296-155-52900 (3)(b), the employer must ensure that each operator is trained on the safe operation of the equipment the operator will be using.

(e) The employer must train each operator of the equipment covered by this part in the following practices:

(i) On friction equipment, whenever moving a boom off a support, first raise the boom a short distance (sufficient to take the load of the boom) to determine if the boom hoist brake needs to be adjusted. On other types of equipment with a boom, the same practice is applicable, except that typically there is no means of adjusting the brake; if the brake does not hold, a repair is necessary. See WAC 296-155-53400 (68) and (69).

(ii) Where available, the manufacturer's emergency procedures for halting unintended equipment movement.

(f) Competent persons and qualified persons. The employer must ensure that each competent person and each qualified person is trained regarding the requirements of this part applicable to their respective roles.

~~((f))~~ (g) Crush/pinch points. The employer must ensure that each employee is trained who works with the equipment to keep clear of holes, and crush/pinch points and the hazards addressed in WAC 296-155-53400(42) (work area control).

~~((g))~~ (h) Tag-out. The employer must ensure that each operator and each additional employee authorized to start/energize equipment or operate equipment controls (such as maintenance and repair employees) is trained, in the tag-out and start-up procedures in WAC 296-155-53400 (16) and (67).

(2) Training administration.

(a) The employer must evaluate each employee required to be trained under this part to confirm that the employee understands the information provided in the training.

(b) The employer must ensure that refresher training is provided in relevant topics for each employee when, based on the conduct of the employee or an evaluation of the employee's knowledge, there is an indication that retraining is necessary.

(c) Whenever the employer is required to provide training under this part, the employer must provide the training at no cost to the employee.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-54200 Overhead/bridge and gantry cranes—General. (1) Permanently installed overhead/bridge and gantry cranes which are located in a manufacturing facility or powerhouse must follow the requirements of WAC 296-24-235 (General safety and health standards), even when a construction activity is being performed. This requirement applies to overhead, bridge, gantry cranes,

including semigantry, cantilever gantry, wall cranes, storage bridge cranes, and others having the same fundamental characteristics.

(2) Overhead and gantry cranes that are not permanently installed (~~in a manufacturing facility or a powerhouse~~) must follow the applicable requirements in chapter 296-155 WAC Part L.

(3) Cranes included in this section must meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in:

(a) ASME B30.2-2005, Safety Standard for Overhead and Gantry Cranes (Top Running Bridge, Single or Multiple Girder, Top Running Trolley Hoist).

(b) ASME B30.11-2010, Safety Standards for Monorails and Underhung Cranes.

(c) ASME B30.17-2006, Safety Standards for Overhead and Gantry Cranes (Top Running Bridge, Single Girder, Underhung Hoist).

(d) It is not the intent of this rule to require retrofitting of existing cranes. However, when an item is being modified, its performance needs to be reviewed by a qualified person and compared to the applicable sections of this rule. For modification requirements see WAC 296-155-53400 (58) and (59). For cranes manufactured prior to the effective date of this rule the design and construction criteria must meet at a minimum, ASME B30.2.0-1990.

(4) The rated load of the crane must be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist must have its rated load marked on it or its load block, and this marking must be clearly legible from the ground or floor.

(5) The crane or surrounding structure must be marked to provide operating directions that match and are visible from the crane's operating controls, i.e., north/south, east/west or forward/back, left/right.

(6) Overhead and gantry cranes with bridge trucks must be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

(7) Except for floor-operated cranes, an effective warning device must be provided for each crane equipped with a power traveling mechanism.

(8) A wind-indicating device must be provided for all outdoor overhead and gantry cranes. The device must be mounted on the crane runway structure and must give a visible and audible alarm to the crane operator at a predetermined wind velocity. A single wind-indicating device may serve as an alarm for more than one crane.

(9) Electrical.

(a) Wiring and equipment must comply with Article 610 of ANSI/NFPA No. 70, National Electrical Code and chapter 296-155 WAC Part I.

(b) The control circuit voltage must not exceed 600 volts for AC or DC.

(c) The voltage at pendant pushbuttons must not exceed 150 volts for AC and 300 volts for DC.

(d) Where multiple conductor cable is used with a suspended pushbutton station, the station must be supported in a manner that will protect the electrical conductors against strain.

(e) Pendant control stations must be constructed to prevent electrical shock. The pushbutton enclosure must be at ground potential and marked for identification of functions.

(10) All welding procedures and welding operator qualifications to be used on load sustaining members must be in accordance with ANSI/AWS D1.1, except as modified by ANSI/AWS D14.1.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-54410 Sideboom cranes. (1) The provisions of this standard apply, except WAC 296-155-53400(34) (Ground conditions), WAC 296-155-53410 (Safety devices), WAC 296-155-53412 (Operational aids), WAC ((296-155-52900)) 296-155-531 through 296-155-53214 (crane certifier accreditation and crane certification) and WAC 296-155-53300 (Operator qualifications and certification).

(2) Sideboom cranes manufactured prior to the effective date of this section must meet the requirements of SAE J743a-1964. Sideboom cranes mounted on wheel or crawler tractors manufactured after the effective date of this section must meet the requirements of ASME B30.14-2010.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-55110 Proof load test platforms and rigging. (1) The platform and rigging must be proof load tested at each new location before lifting personnel. This may be done at the same time as the trial lift.

(a) Test as follows:

(i) Test to one hundred twenty-five percent of the platform's rated capacity.

(ii) The platform must be (~~hoisted, then~~) lowered by controlled load lowering, braked, and held in a suspended position for a minimum of five minutes with the test load evenly distributed on the platform.

(b) Do the following after proof load testing:

(i) A qualified person must inspect the platform and rigging to determine if the test has passed.

(ii) Any deficiencies that pose a safety hazard must be corrected prior to lifting personnel.

(iii) Another test must be performed after any deficiencies are corrected.

(c) Keep the most recent proof load testing records available at the job site.

(d) Personnel hoisting must not be conducted until a qualified person determines that the platform and rigging has successfully passed the proof load test.

(2) The platform and rigging must be proof load tested after any structural repair or modification, before lifting personnel.

(a) Test suspended platforms in the following order:

(i) Test to one hundred fifty percent of the platform's rated capacity;

(ii) The loaded platform must be raised, then lower it at a speed of at least one hundred ft/min;

(iii) Bring the platform to a stop by using the crane/derrick brakes;

(iv) The platform must hang for at least five minutes;

(v) A qualified person must inspect the platform and rigging;

(vi) Any deficiencies must be corrected;

(vii) Another test must be performed after any deficiencies are corrected.

(b) Test attached platforms in the following order:

(i) Test to one hundred twenty-five percent of the platform's rated capacity;

(ii) Hold the platform suspended for five minutes with the test load evenly distributed on the platform;

(iii) A qualified person must inspect the platform and rigging;

(iv) Any deficiencies must be corrected;

(v) Another test must be performed after any deficiencies are corrected.

(c) The most recent proof load testing records must be kept and available at the job site.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-55115 Trial lift. (1) A trial lift must be performed with the personnel platform, on each shift before lifting personnel, to check the following:

(a) Crane/derrick setup and configuration is correct;

(b) Load capacities are adequate;

(c) No hazardous interferences exist;

(d) The operator's operational competence.

(2) A trial lift with the unoccupied personnel platform loaded at least to the anticipated lift-weight must be made from ground level, or any other location where employees will enter the platform, to each location at which the platform is to be hoisted and positioned. Where there is more than one location to be reached from a single set-up position, either individual trial lifts for each location, or a single trial lift, in which the platform is moved sequentially to each location, must be performed; the method selected must be the same as the method that will be used to hoist the personnel.

(3) The trial lift must be repeated before lifting personnel whenever:

(a) The crane or derrick is moved and set up in a different location or returned to a previously used location;

(b) The crane or derrick is reconfigured;

(c) The operator is changed;

(d) The lift route has changed, unless the competent person determines that the new route presents no new factors affecting safety.

(4) A competent person must determine that:

(a) Safety devices and operational aids required by this section are activated and functioning properly. Other safety devices and operational aids must meet the requirements of WAC 296-155-53410 and 296-155-53412.

(b) Nothing interferes with the crane/derrick or the personnel platform in the course of the trial lift.

(c) The lift will not exceed fifty percent of the crane/derrick's rated capacity at any time during the lift.

(d) The load radius to be used during the lift has been accurately determined.

(5) Immediately after the trial lift, a competent person must:

(a) Conduct a visual inspection of the crane/derrick, base support or ground, and personnel platform, to determine whether the trial lift has exposed any defect or problem or produced any adverse effect.

(b) Confirm that, upon the completion of the trial lift process, the test weight has been removed.

(6) Immediately prior to each lift:

(a) The platform must be hoisted a few inches with the personnel and materials/tools on board and inspected by a competent person to ensure that it is secure and properly balanced.

(b) The following conditions must be determined by a competent person to exist before the lift of personnel proceeds:

(i) Hoist ropes must be free of deficiencies in accordance with WAC 296-155-53404.

(ii) Multiple part lines must not be twisted around each other.

(iii) The primary attachment must be centered over the platform.

(iv) If the load rope is slack, the hoisting system must be inspected to ensure that all ropes are properly seated on drums and in sheaves.

(7) Any condition found during the trial lift and subsequent inspection(s) that fails to meet a requirement of this standard or otherwise creates a safety hazard must be corrected before hoisting personnel.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-55210 Crane or derrick operation requirements for personnel lifting. (1) Before lifting personnel the following must be met:

(a) Operate crane/derrick with outriggers or stabilizers extended, blocked, and locked in accordance with the manufacturers' specifications;

(b) For crane/derrick that uses wire rope to hoist a personnel platform, verify that the crane/derrick has an anti two-block device or upper travel limit switch, installed and operational;

(c) Position the personnel platform so that it may be tied off to the structure to which the occupants are entering or leaving, if the platform cannot be landed during the entrance or exit of the occupants. If the platform has been tied off, the operator must not move the platform until it is verified that it is freely suspended;

(d) Not knowingly allow the platform load to exceed the platform rating, except during proof testing;

(e) Not travel the crane/derrick with personnel in the personnel platform except when they run on fixed rails or runways;

(f) Perform all movements of the platform or crane/derrick in a slow, controlled, cautious manner to minimize sudden movement of the platform;

(g) Engage the power-controlled lowering mechanism at all times the platform is occupied (no freefall);

(h) In the case of suspended or boom-mounted platforms, without controls, the operator must remain at the crane/derrick controls at all times when the platform is occupied;

(i) Reserved;

(j) Platforms with controls. Where the platform is equipped with controls, all of the following must be met at all times while the platform is occupied:

(i) The occupant using the controls in the platform must be a qualified person with respect to their use, including the safe limitations of the crane/derrick and hazards associated with its operation. See WAC 296-155-53300, Operator qualifications and certification.

(ii) The crane/derrick operator must be at a set of crane controls that include boom and swing functions of the crane, ~~((#))~~ and must be on-site and in view of the crane/derrick and platform.

(iii) The platform operating manual must be in the platform or on the crane/derrick.

Note: If lowering, retracting, and rotating primary power source becomes inoperative, the crane/derrick operator is allowed to leave the controls.

(k) Set all brakes and locks on the crane/derrick after positioning of the personnel platform and before personnel perform any work;

(l) Move the platform under controlled conditions and under the direction of a qualified signal person or platform occupant(s);

(m) Not move platforms over, under, or in the vicinity of power lines unless the requirements of WAC 296-155-55305 are met;

(n) Not lift any other loads, on any other load lines, while conducting a personnel lift. When the crane/derrick has a boom-attached platform without controls, it must not be used for other lifting service;

(o) Factory-produced boom-mounted personnel platforms that incorporate a winch as original equipment: Loads are permitted to be hoisted by such a winch while employees occupy the personnel platform only where the load on the winch line does not exceed five hundred pounds and does not exceed the rated capacity of the winch and platform, and does not exceed fifty percent of the crane's rated capacity at the radius and configuration used;

(p) Not disable, or allow to be disabled, any crane/derrick safety device during a personnel lift;

(q) Hoist the platform at a speed suitable for the safety of the operation but in no case in excess of ninety feet/minute (30 m/minute) or 1.5 feet/second (0.5 m/second).

(2) The operator must not move the platform without a discernible or audible signal from a signal person.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-55300 Personnel lifting requirements.

(1) Conditions must provide clear visibility. When conditions such as darkness, fog, or snow prevent clear visibility, a personnel lift must not be performed.

(2) Personnel platforms cannot be used in winds (sustained or gusts) in excess of twenty mph (32.2 km/hr) or in

electric storms, snow, ice, sleet, or other adverse weather conditions which could affect the safety of personnel.

(3) Other weather and environmental conditions. A qualified person must determine if, in light of indications of dangerous weather conditions, or other impending or existing danger, it is not safe to lift personnel. If it is not, the lifting operation must not begin (or, if already in progress, must be terminated).

(4) Personnel platforms must only be used for personnel, their tools, and sufficient material to do their work. They must not be used for solely transporting bulk materials.

(5) The number of employees occupying the personnel platform must not exceed the maximum number the platform was designed to hold or the number required to perform the work, whichever is less.

(6) A qualified person must evaluate the safety concerns of the operational environment and verify the platform and crane/derrick are suitable for use. Additionally, special work circumstances may require further precautions. Precautions such as, but not limited to, the following must be taken:

(a) When welding is to be accomplished from the personnel platform, suitable electrode holders must be provided to protect them from contact with any conducting components of the platform.

(b) Operators of cranes/derricks, installed on floating vessels, must be instructed not to lift personnel when the list or trim of the vessel exceeds five degrees. If a mobile crane/derrick is placed on floating vessels, operators must not lift personnel when the list or trim of the vessel exceeds one degree.

(c) Personnel fall protection devices with quick release features must be provided and required to be worn. The fall protection device must be appropriately attached while personnel are lifted over land and detached while personnel are lifted over water. See Part C-1 of this chapter for requirements for fall arrest system, including the attachment point (anchorage) used to comply with this subsection. When personnel lifts are conducted over water, U.S. Coast Guard approved (Type I, II, III, or V) personnel flotation devices must be provided and required to be worn.

(d) A boat/skiff with appropriate rescue personnel must be readily available at all times during a personnel lift over water.

(e) Appropriate personnel protective equipment must be provided and required to be used around toxic, flammable, or hazardous substances or fumes.

(f) Any concentrated loading of the platform must be reviewed to preclude the overstressing of any component or impairing the platform stability.

(g) Where the rotation of the platform, while hoisted, can create a hazard, appropriate restraining methods must be provided and required to be used.

(7) In order to safely perform the personnel lift, make sure the following are met:

(a) The personnel platform is **not** loaded with more than its rated load capacity;

(b) Materials and tools being lifted by a platform are:

(i) Secured to prevent movement;

(ii) Evenly distributed on the platform.

(c) The personnel platform is hoisted slowly, with no sudden movements;

(d) Tag lines are used to control the motion of suspended platforms, unless using them creates a hazard;

(e) The platform is secured to the structure where the work will be performed before employees exit or enter the platform, unless securing to the structure is unsafe;

(f) No other load lines on the crane or derrick are used to lift anything while personnel are on a platform;

(g) Brakes and locking devices are engaged when the personnel platform is occupied and in a stationary working position;

(h) The lowering motion of the hoist line and/or the boom is power-controlled only. Free fall is **not** allowed;

(8) The platform operation instructions in this rule are intended as minimum criteria. The platform manufacturer's information must be consulted for specific instruction on the platform's operation.

(9) Traveling.

(a) Rubber tired cranes are not allowed to travel while lifting personnel. Hoisting of employees while the crane is traveling is only allowed when:

(i) The crane travels on fixed rails; or

(ii) The crane has crawlers and is on a runway, and the employer demonstrates that there is no less hazardous way to perform the work.

(b) Where employees are hoisted while the crane is traveling, the following criteria must be met:

(i) Crane travel must be restricted to a fixed track or runway.

(ii) Where a runway is used, it must be a firm, level surface designed, prepared and designated as a path of travel for the weight and configuration of the crane/derrick being used to lift and travel with the personnel platform. An existing surface may be used as long as it meets these criteria.

(iii) Travel must be limited to boom length.

(iv) The boom must be parallel to the direction of travel, except where it is safer to do otherwise.

(v) A complete trial run must be performed to test the route of travel before employees are allowed to occupy the platform. This trial run can be performed at the same time as the trial lift required by WAC 296-155-55115 which tests the lift route.

(10) Derricks are prohibited from traveling while personnel are hoisted.

(11) Platform occupants must remain in continuous sight or in communication with the operator and in sight and communication of a signal person.

(12) Platform occupants must use personnel protective equipment, such as hard hats, safety glasses, hearing protection, and gloves, in conditions where a hazard of injury exists.

(13) Platform occupants must wear personnel fall protection devices with lanyards attached to a specific anchorage point(s), unless special work circumstance requirements dictate otherwise, such as working over water.

(14) Platform occupants must keep all parts of the body inside the platform during raising, lowering, and horizontal movement. This provision does not apply to an occupant of

the platform when necessary to position the platform or while performing the duties of a signal person.

(15) Platform occupants must not stand, sit on, or work from the top rail, intermediate rail, toe board, or use any other device to enhance their vertical height working capability.

(16) Platform occupants must not pull the platform out of plumb in relation to the crane/derrick.

(17) Platform occupants must not enter or exit a suspended platform while it is raised unless the platform has an installed gate and is physically secured to the structure to which the occupants are entering or exiting unless the employer can demonstrate that securing to the structure would create a greater hazard.

(18) Platform occupants must not operate a platform with motion controls without the platform operation manual available in the platform.

(19) If the platform is tied to the structure, the operator must not move the platform until the operator receives confirmation that it is freely suspended.

(20) The platform must be inspected prior to each lift to verify all attachments and the platform are safe to use.

(21) Verify the platform is evenly loaded, material secured, and the total platform weight does not exceed the platform rating or the reduced crane/derrick lift capacity.

(22) Communication requirements.

(a) Hand signals to the operator must be in accordance with the applicable crane/derrick portion of this part.

(b) Signals must be discernable or audible to the operator.

(c) Hand signals must be posted conspicuously at the following locations:

(i) On the crane/derrick as required by this part.

(ii) Inside the personnel platform.

(iii) At any platform motion control locations.

(d) Some operations may require additions to or modifications of standard signals.

(i) Any special signals must be agreed upon and understood by the signal persons and crane/derrick operator.

(ii) Special signs must not conflict with the crane/derrick standard signals.

(e) No response must be made unless signals are clearly understood.

(f) If communications between operator and platform occupants are disrupted, all operations must be stopped until communication is reestablished.

(g) Communication systems to be used during the lift must be verified as functioning and effective prior to commencing the lift.

Note: If radios or other electronic means of communication are used, they should operate on a secure channel.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-556 Rigging—General requirements. ((The rigging requirements in this part apply to all construction activities.))

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-55600 General requirements. (1) Employers must use at least one qualified rigger((s)) as follows:

(a) During hoisting activities for assembly and disassembly work (WAC 296-155-53402 (19)(a))~~((—Additionally, qualified riggers are required))~~;

(b) Whenever ((workers)) employees are ((within the fall zone and)) engaged in hooking, unhooking, or guiding a load, or ((doing)) in the initial connection of a load to a component or structure, and are within the fall zone (WAC 296-155-53400 (43)(c)).

Note: See qualified rigger requirements located in WAC 296-155-53306 of this part.

(2) All slings in use must meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in ASME B30.9-2010.

(3) All rigging hardware in use must meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in ASME B30.26-2010.

(4) All rigging gear must be used in accordance with the manufacturer's recommendations or a qualified person.

(5) All below-the-hook lifting devices in use must meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in ASME B30.20-2010.

(6) All hooks in use must meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in ASME B30.10-2009.

(7) Repair of hooks must be approved by the manufacturer or qualified person and as follows:

(a) Cracks, nicks, and gouges may be repaired by a competent person, all other repairs are done by the manufacturer or a qualified person;

(b) Grind longitudinally, following the contour of the hook;

(c) Do not reduce the dimension of the hook more than ten percent from the original.

(8) Hooks must not be modified by welding and/or drilling unless written approval by the manufacturer has been received.

(9) Special custom design grabs, hooks, clamps, or other lifting accessories, for such units as modular panels, prefabricated structures and similar materials, must be marked to indicate the safe working loads and must be proof tested prior to use to one hundred and twenty-five percent of their rated load.

(10) A qualified person must inspect the rigging equipment before each day or shift and:

(a) Consider the application the equipment will be used for, and determine if it's safe for use;

(b) Remove the equipment from service if using it will create a hazard or meets any of the removal criteria listed in this chapter.

~~((10))~~ (11) The rated load of the rigging equipment must not be exceeded.

(12) All rigging hardware must have permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load.

~~((11))~~ (13) All rigging hardware must be inspected in accordance with Table 11, each day before using. If a daily inspection is not feasible because the hardware is in a semi-permanent or inaccessible location, a periodic inspection is allowed instead of daily.

~~((12))~~ (14) Rigging hardware must be removed from service when it shows any conditions listed in Table 11, or any other hazardous condition.

**Table 11
Rigging Hardware Inspection/Removal Criteria**

For all hardware, inspect for the following:
Missing or illegible identification.
Indications of heat damage, including weld spatter or arc strikes.
Excessive pitting or corrosion.
Load bearing components that are: <ul style="list-style-type: none"> • Bent; • Twisted; • Distorted; • Stretched; • Elongated; • Cracked; • Broken.
Excessive nicks or gouges.
10% reduction of the original or catalog dimension at any point.
Excessive thread damage or wear, where applicable.
Evidence of unauthorized welding or modification.
Any other conditions that cause doubt as to the safety of continued use.
On shackles , also inspect for incomplete pin engagement.
On swivels and swivel hoist rings , check for lack of ability to freely rotate or pivot.
On compression hardware , also check for: <ul style="list-style-type: none"> Unauthorized replacement components; Insufficient number of wire rope clips; Improperly tightened wire rope clips; Damaged wire rope; Indications of wire rope slippage; Improper assembly.
On swivels , check for loose or missing nuts, bolts, cotter pins, snap rings, or other fasteners and retaining devices.
On blocks check for: <ul style="list-style-type: none"> • Loose or missing nuts, bolts, cotter pins, snap rings, or other fasteners and retaining devices; • Misalignment or wobble in sheaves; • Excessive sheave groove corrugation or wear.

~~((13))~~ (15) Any alteration or modification of rigging hardware must be in accordance with the hardware manufacturer or a qualified person and proof load tested to one hundred twenty-five percent. This test must be documented and available upon request.

~~((14))~~ (16) Welding of rigging hardware is prohibited unless authorized by the manufacturer or an RPE.

~~((15))~~ (17) Replacement parts must meet or exceed the original rigging hardware manufacturer's specifications.

~~((16))~~ (18) Rigging hardware selection must have the characteristics suitable for the application and environment where it will be used.

~~((17))~~ (19) Workers must keep all parts of their body from between the load and any rigging during the lift.

~~((18))~~ (20) If handling intermodal shipping containers at a construction site, the employer must follow the requirements in chapter 296-56 WAC, longshore, stevedore and waterfront related operations, Part F, Specialized terminals and the guidelines found in International Organization for Standardization (ISO) 3874 - Series 1 Freight Containers, fifth edition - Handling and Securing.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-55805 Wire rope slings. (1) Manufacturing wire rope slings.

(a) Wire rope slings must be made from new or unused regular lay wire rope. The wire rope must be manufactured and tested in accordance with ASTM A 1023-02 and ASTM A 586.

(b) The following fabrication methods must be used to make wire rope slings:

- (i) Hand splicing;
- (ii) Turnback eye;
- (iii) Return loop;
- (iv) Flemish eye mechanical splicing;
- (v) Poured or swaged socketing.

(c) Wire rope slings must have a design factor of five.

(d) Wire rope slings must meet the requirements in Table 16.

(e) Using any of the following when making wire rope slings is prohibited:

- (i) Rotation resistant wire rope;
- (ii) Malleable cast iron clips;
- (iii) Knots;
- (iv) Wire rope clips, unless:

- The application of the sling prevents using prefabricated slings;
- The specific application is designed by a qualified person.

(f) Wire rope clips, if used, must be installed and maintained in accordance with the recommendations of the clip manufacturer or a qualified person, or in accordance with the provisions of ASME B30.26-2010.

(g) Slings made with wire rope clips must not be used as a choker hitch.

Note: If using wire rope clips under these conditions, follow the guidance given in Table 15.

Table 15

Number, Torque Values, and Turn Back Requirements for U-Bolt Wire Rope Clips				Number, Torque Values and Turn Back Requirements for Double Saddle (Fist Grip) Wire Rope Clips			
Clip & Wire Rope Size (inches)	Min. No. of Clips	Amount of Rope Turn Back in Inches	*Torque in Ft. Lbs.	Clip & Wire Rope Size (inches)	Min. No. of Clips	Amount of Rope Turn Back in Inches	*Torque in Ft. Lbs.
1/8	2	3-1/4	4.5	3/16-1/4	2	4	30
3/16	2	3-3/4	7.5	5/16	2	5	30
1/4	2	4-3/4	15	3/8	2	5-1/4	45
5/16	2	5-1/4	30	7/16	2	6-1/2	65
3/8	2	6-1/2	45	1/2	3	11	65
7/16	2	7	65	9/16	3	12-3/4	130
1/2	3	11-1/2	65	5/8	3	13-1/2	130
9/16	3	12	95	3/4	4	16	225
5/8	3	12	95	7/8	4	26	225
3/4	4	18	130	1	5	37	225
7/8	4	19	225	1-1/8	5	41	360
1	5	26	225	1-1/4	6	55	360
1-1/8	6	34	225	1-3/8	6	62	500
1-1/4	7	44	360	1-1/2	7	78	500
1-3/8	7	44	360				
1-1/2	8	54	360				
1-5/8	8	58	430				
1-3/4	8	61	590				
2	8	71	750				
2-1/4	8	73	750				
2-1/2	9	84	750				
2-3/4	10	100	750				
3	10	106	1200				
3-1/2	12	149	1200				

* The tightening torque values shown are based upon the threads being clean, dry, and free of lubrication.

Table 16
Wire Rope Sling Configuration Requirements

If you have:	Then you need:
<ul style="list-style-type: none"> Slings made of rope with 6x19 and 6x36 classification. 	A minimum clear length of rope ten times the rope diameter between splices, sleeves, or end fittings (see Figure 15, Minimum Sling Length) unless approved by a qualified person.
<ul style="list-style-type: none"> Cable laid slings. 	
<ul style="list-style-type: none"> Braided slings. 	A minimum clear length of rope forty times the component rope diameter between the loops or end fittings (see

If you have:	Then you need:
	Figure 16, Minimum Braided Sling Length) unless approved by a qualified person.
<ul style="list-style-type: none"> Grommets and endless slings. 	A minimum circumferential length of ninety-six times the body diameter of the grommet or endless sling unless approved by a qualified person.
<ul style="list-style-type: none"> Other configurations. 	Specific limitation data provided by a qualified person. These slings must meet all other requirements of ASME B30.9-2010.

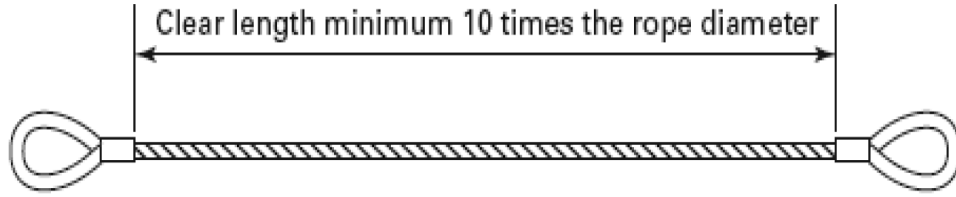


Figure 15
Minimum Sling Length
For rope with 6x19 and 6x36 classification
or Cable Laid Slings

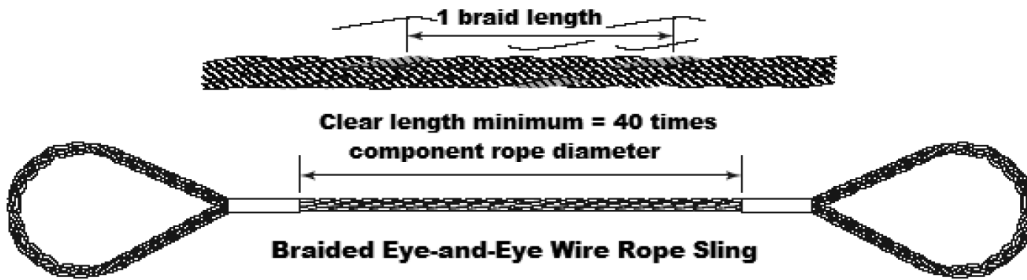


Figure 16 Minimum Braided Sling Length

(2) Wire rope sling fittings.

(a) Fittings must be used according to the fitting manufacturer's directions.

(b) Rate slings with the load capacity of the lowest rated component of the sling. For example, if you use fittings that are rated lower than the sling material itself, identify the sling with the lower rated capacity.

(c) Weld any end attachments, except covers to thimbles, before assembling the sling.

(3) Identification information. All wire rope slings must have legible identification information attached to the sling

which includes the information below, see sample tag in Figure 17. For slings in use that are manufactured before the effective date of this rule, the information below must be added before use or at the time the periodic inspection is completed.

(a) Name or trademark of the manufacturer.

(b) Diameter or size.

(c) Rated loads for the types of hitches used and the angle that the load is based on.

(d) Number of legs, if more than one.

(e) Repairing agency, if the sling is ever repaired.





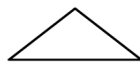
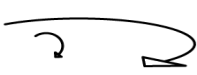
Vert. 	Chock 	Vert. Basket 
2.2 Tons	1.6 Tons	4.4 Tons
Rated Capacity by Angle		
60° 	45° 	30° 
3.8 Tons	3.1 Tons	2.2 Tons

Figure 17 Sample Wire Rope Sling ID Tag

Note: Sample tag for a 1/2" single-leg sling 6x19 or 6x36 classification, extra improved plow steel (EIPS) grade fiber core (FC) wire rope with a mechanical splice (ton = 2,000 lb).

(4) Inspection.

(a) A qualified person must inspect wire rope slings before their initial use, according to Table 17, both:

(i) When the sling is new; and

(ii) Whenever a repair, alteration, or modification has been done.

(b) A qualified person must perform a visual inspection for damage, each day or shift the wire rope sling is used:

(i) Include all fastenings and attachments;

- (ii) Immediately remove any sling from service that is damaged beyond the criteria listed in Table 17; or
- (iii) Remove fiber core wire rope slings that have been exposed to temperatures higher than one hundred eighty degrees Fahrenheit.
- (c) A qualified person must perform periodic inspections on wire rope slings according to Table 17.
- (5) Repair, alterations, or modifications.
 - (a) Repair wire rope slings as follows:
 - (i) Make sure slings are only repaired by the sling manufacturer or a qualified person;
 - (ii) Mark the sling to show the repairing agency;
 - (iii) Do not repair wire rope used in slings, wire rope must be replaced. Only end attachments and fittings can be repaired on a wire rope sling.
 - (b) Modification or alterations to end attachments or fittings must be considered as repairs and must conform to all other provisions of this part.
 - (c) Proof load test repaired slings according to the requirements in subsection (6) of this section.
 - (6) Proof load tests. Make sure the sling manufacturer or a qualified person proof load tests the following slings before initial use, according to Table 18:
 - (a) All repaired slings;
 - (b) All slings incorporating previously used or welded fittings;
 - (c) For single- or multiple-leg slings and endless slings, each leg must be proof loaded according to the requirements listed in Table 18 based on fabrication method. The proof load test must not exceed fifty percent of the component ropes' or structural strands' minimum breaking strength;

**Table 7
Wire Rope Sling Inspection and Removal Criteria**

Inspect wire rope slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • Missing or illegible sling identification. • Severe localized abrasion or scraping. • Kinking, crushing, birdcaging, or any other condition resulting in damage to the rope structure. • Evidence of heat damage. • Severe corrosion of the rope, end attachments, or fittings. 	<ul style="list-style-type: none"> • At least once a year for slings in normal service. • At least once a quarter for slings in severe service. • As recommended by a qualified person for slings in special service.

Inspect wire rope slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • End attachments that are cracked, deformed, or worn to the extent that the strength of the sling is substantially affected. • Broken wires: <ul style="list-style-type: none"> – For strand-laid and single-part slings, ten randomly distributed broken wires in one rope lay, or five broken wires in one strand in one rope lay; – For cable-laid slings, twenty broken wires per lay; – For six-part braided slings, twenty broken wires per braid; – For eight-part braided slings, forty broken wires per braid. • Hooks that have any of the following conditions: <ul style="list-style-type: none"> – Any visibly apparent bend or twist from the plane of the unbent hook; – Any distortion causing an increase in throat opening five percent, not to exceed one-quarter inch, or as recommended by the manufacturer; – Wear exceeding ten percent, of the original section dimension of the hook or its load pin, or as recommended by the manufacturer; – Self-locking mechanism that does not lock. 	

Inspect wire rope slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> Other visible damage that raises doubt about the safety of the sling. 	

Table 18
Wire Rope Sling Proof Load Test Requirements

Type of equipment:	Proof load test:
<ul style="list-style-type: none"> Mechanical splice slings. 	Each leg to at least two times the single leg vertical hitch rated load.
<ul style="list-style-type: none"> Swaged socket and poured socket slings. 	Each leg to at least two times, but not more than two and one-half, times the single-leg vertical hitch rated load.
<p>Note: For mechanical splice, swaged socket and poured socket slings follow the rope manufacturer's recommendations for proof load testing provided that it is within the above-specified proof load range, including (c) of this subsection.</p>	
<ul style="list-style-type: none"> Hand tucked slings, if proof load tested. 	To at least one, but not more than one and one-quarter, times the single-leg vertical hitch rated load.

(d) The proof load test for components (fittings) attached to single legs must meet the requirements in (c) of this subsection;

(e) Proof load testing for master links must be in accordance with Table 19.

Table 19
Proof Load Test for Master Links on Wire Rope Slings

<ul style="list-style-type: none"> Master links for two-leg bridle slings. 	To at least four times the single-leg vertical hitch rated load.
<ul style="list-style-type: none"> Master links for three-leg bridle slings. 	To at least six times the single-leg vertical hitch rated load.
<ul style="list-style-type: none"> Master links for four-leg bridle slings. 	To at least eight times the single-leg vertical hitch rated load.

(7) Rated load. The term "rated capacity" is commonly used to describe rated load.

- Note:** Rated loads are based on the following factors:
- Strength of sling material;
 - Design factor;
 - Type of hitch;
 - Angle of loading (see Figure 18, Angle of Loading);
 - Diameter of curvature over which the sling is used (D/d) (see Figure 19, D/d ratio);
 - Fabrication efficiency.

(a) Wire rope slings must be used within the rated loads shown in Tables 7 through 15 in ASME B30.9-2010. For angles that are not shown in these tables, either use the rated load for the next lower angle or have a qualified person calculate the rated load.

(b) Prohibit the use of horizontal sling angles less than thirty degrees unless recommended by the sling manufacturer or a qualified person. See Figure 18.

(c) Rated loads for slings used in a choker hitch must conform to the values shown in the above referenced tables, provided that the angle of choke is one hundred twenty degrees or greater. See Figure 20 and Table 20, Angle of Choke.

(d) Use either Figure 20 and Table 20, the manufacturer, or a qualified person to determine the rated load if the angle of choke in a choker hitch is less than one hundred twenty degrees.

(i) Inspect the entire length of the sling including splices, end attachments, and fittings.

(ii) Remove slings from use if any of the conditions in Table 17 are found.

(iii) Keep a record of the most recent periodic inspection available, including the condition of the sling.

Note: An external code mark on the sling is an acceptable means of recording the inspection as long as the code can be traced back to a record.

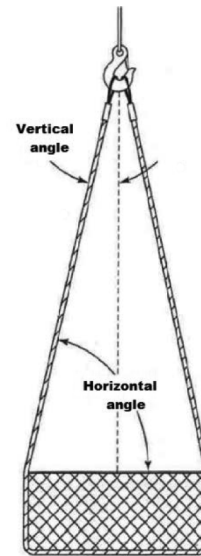


Figure 18
Angle of Loading

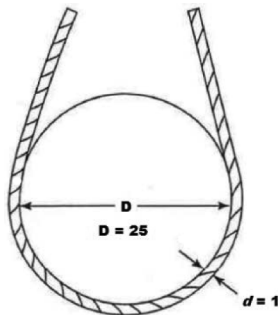


Figure 19
D/d Ratio

Note: When D is 25 times the component rope diameter (*d*) the D/*d* ratio is expressed as 25/1.

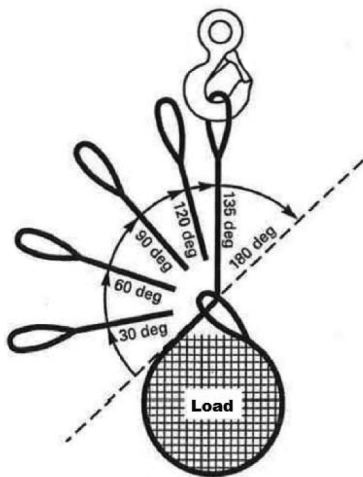


Figure 20
Angle of Choke

Table 20
Angle of Choke

Angle of Choke, deg.	Rated Capacity, %
Over 120	100
90 - 120	87
60 - 89	74
30 - 59	62
0 - 29	49

Note: Percent of sling rated capacity in a choker hitch.

- (8) Use of wire rope slings.
- (a) Hitch the slings in a way that provides control of the load.
- (b) Shorten or adjust slings using only the methods approved by the manufacturer or qualified person.
 - Do **not** shorten or lengthen by knotting, twisting, or by wire rope clips.
- (c) Keep all parts of the human body from between the sling and the load, crane, or hoist hook.
- (d) Protruding ends of strands in splices on slings and bridles must be covered or blunted.

(e) A sling must not be pulled from under a load when the load is resting on the sling.

(f) Prohibit all of the following:

- (i) Intentional shock loading;
- (ii) Avoid twisting and kinking.

((+)) (g) Decrease the rated load of the sling when D/*d* ratios (Figure 19) smaller than twenty-five to one. Consult the sling manufacturer for specific data or refer to the *Wire Rope Sling User's Manual* (wire rope technical board).

((+)) (h) Follow Table 21, Use of Wire Rope Slings or Clips, when using any of the identified wire rope slings or clips.

((+)) (i) Slings in contact with edges, corners, or protrusions must be protected with a material of sufficient strength, thickness, and construction to prevent damage to the sling. See Figure 14.

Table 21
Use of Wire Rope Slings or Clips

If you are using:	Then:
Single leg slings used with multiple-leg slings.	Make sure the rating shown is not exceeded in any leg of the multiple-leg sling.
Hand tucked slings are used in a single leg vertical lift.	Do not allow the sling or load to rotate.
Slings made with wire rope clips.	Must not be used as a choker hitch.
U-bolt wire rope clips.	Use only U-bolt wire rope clips that are made of drop-forged steel.
	Follow Table 15 for the number and spacing of the clips.
	Apply the U-bolt so the "U" section is in contact with the dead end of the rope (see Figure 21, Installation and Loading).

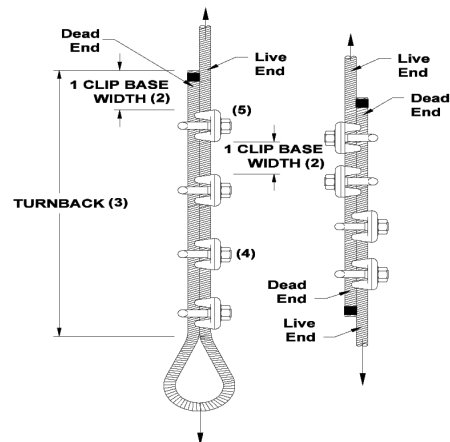


Figure 21
Installation and Loading

Proper Installation Requires

- Correct number of clips for wire rope size
- Correct spacing of clips
- Correct turnback length
- Correct torque on nuts
- Correct orientation of saddle on live end

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-55820 Synthetic webbing slings. (1) Identification. Make sure all slings have legible identification

information permanently attached to the sling which includes the following information:

- (a) Name or trademark of the manufacturer;
- (b) Manufacturer's code or stock number;
- (c) Rated loads for the types of hitches used, and the angle that the load is based on;
- (d) Type of synthetic web material;
- (e) Number of legs, if more than one;
- (f) Repairing agency, if the sling is ever repaired.

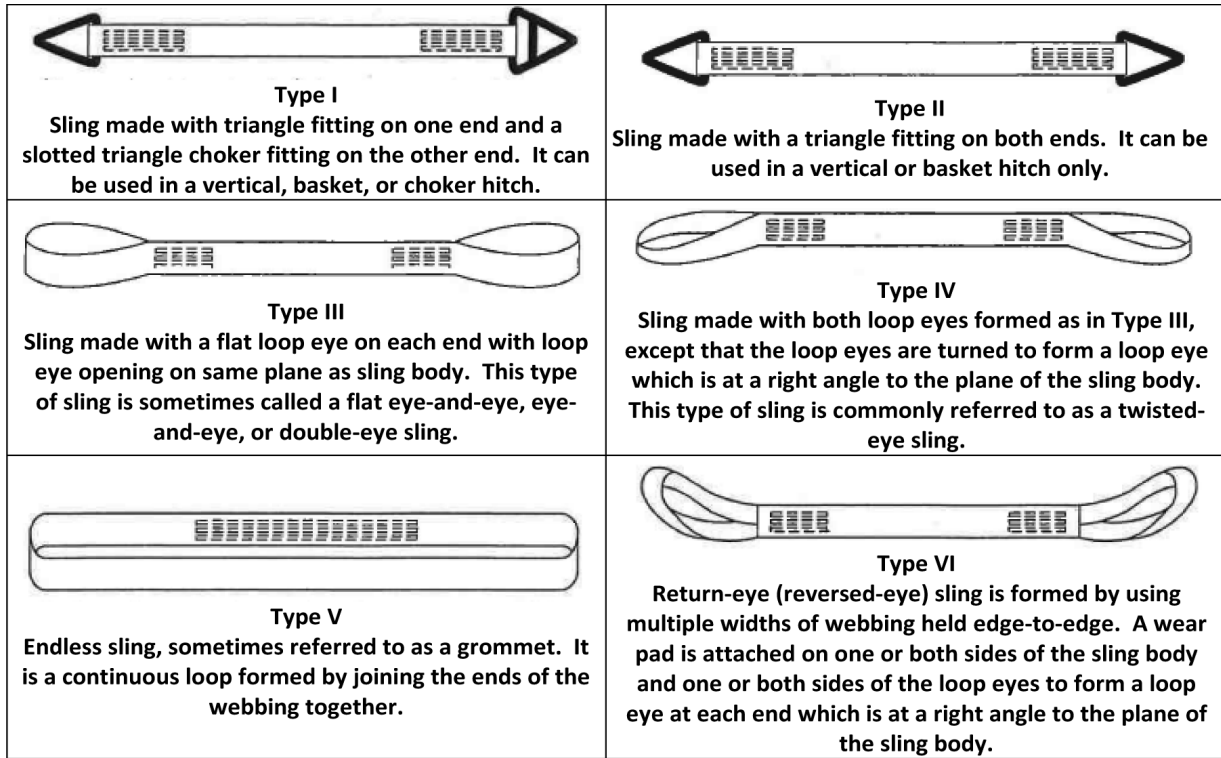


Figure 25
Synthetic Webbing Slings

- (2) Inspection.
- (a) A qualified person must inspect synthetic webbing slings before their initial use, according to Table 25:
- (i) When the sling is new; and
 - (ii) Whenever a repair, alteration, or modification has been done.
- (b) A qualified person must perform a visual inspection for damage, each day or shift the synthetic webbing sling is used. Immediately remove from service any sling that is damaged beyond the criteria listed in Table 25.
- (c) A qualified person must perform periodic inspections on synthetic webbing slings, according to Table 25.
- (i) Examine each sling and component individually, taking care to expose and examine all surfaces.
 - (ii) Remove slings from use if any of the conditions in Table 25 are found.
 - (iii) Keep a written record of the most recent periodic inspection available, including the condition of the sling.

Note: An external code mark on the sling is an acceptable means of recording the inspection as long as the code can be traced back to a record.

Table 25
Synthetic Webbing Sling Inspection

Inspect synthetic webbing slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • Missing or illegible sling identification; • Acid or caustic burns; • Melting or charring on any part of the sling; 	<ul style="list-style-type: none"> • At least once a year for slings in normal service; • At least once a quarter for slings in severe service;

Inspect synthetic webbing slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • Holes, tears, cuts or snags; • Broken or worn stitching in load bearing splices; • Excessive abrasive wear; • Knots in any part of the sling; • Discoloration, brittle fibers, and hard or stiff areas that may indicate chemical or ultraviolet/sunlight damage; • Fittings that are pitted, corroded, cracked, bent, twisted, gouged or broken; • Hooks that have any of the following conditions: <ul style="list-style-type: none"> – Any visibly apparent bend or twist from the plane of the unbent hook; – Any distortion causing an increase in throat opening five percent, not to exceed one-quarter inch, or as recommended by the manufacturer; – Wear exceeding ten percent, of the original section dimension of the hook or its load pin, or as recommended by the manufacturer; – Self-locking mechanism that does not lock. • Other visible damage that causes doubt about the safety of continued use of the sling. 	<ul style="list-style-type: none"> • As recommended by a qualified person for slings in special service.

(3) Repair, alterations, or modifications.

(a) Meet the following requirements when repairing synthetic webbing slings:

(i) Slings are only to be repaired by the manufacturer or a qualified person;

(ii) Temporary repairs are prohibited;

- (iii) Mark the sling to show the repairing agency;
- (iv) Components used for sling repair must meet the requirements of this part;
- (v) Cracked, broken, melted, or otherwise damaged webbing material or fittings other than hooks must not be repaired;
- (vi) Load bearing splices must not be repaired;
- (b) Proof load test repaired slings according to the requirements in subsection (4) of this section.
- (4) Proof load test. The sling manufacturer or a qualified person must proof load test repaired slings and slings that have been altered or modified before initial use according to Table 26:

Table 26
Synthetic Webbing Sling Proof Test Requirements

Type of equipment:	Proof load test:
<ul style="list-style-type: none"> • Single leg slings; • Multiple leg slings; • Endless slings; • Fittings attached to single legs. 	To a minimum of two times the single leg vertical hitch rated load.
Master links for two-leg bridle slings.	To a minimum of four times the single leg vertical hitch rated load.
Master links for three-leg bridle slings.	To a minimum of six times the single leg vertical hitch rated load.
Master links for four-leg bridle slings.	To a minimum of eight times the single leg vertical hitch rated load.

(5) Rated loads.

Note: Rated loads are based on the following factors:

- Strength of the material;
- Design factor;
- Type of hitch;
- Angle of loading (see Figure 18, Angle of Loading);
- Fabrication efficiency;
- Diameter of curvature over which the sling is used.

(a) Synthetic web slings must be used within the rated loads shown in Tables 20 through 24 in ASME B30.9-2010. For angles that are not shown in these tables, use either the rated load for the next lower angle or one calculated by a qualified person.

(b) Rate slings with the load capacity of the lowest rated component of the sling. For example, if you use fittings that are rated lower than the sling material itself, identify the sling with the lower-rated capacity.

(c) The use of horizontal sling angles less than thirty degrees is prohibited, unless recommended by the sling manufacturer or a qualified person. (See Figure 18.)

(d) Use Figure 20, Angle of Choke, the manufacturer, or a qualified person to determine the rated load if the angle of choke in a choker hitch is less than one hundred twenty degrees.

(e) Rated loads for slings used in a choker hitch must conform to the values shown in the above referenced tables, provided that the angle of choke is one hundred twenty degrees or greater. (See Figure 20.)

(6) Use of synthetic webbing slings.

(a) Use synthetic webbing slings safely by meeting all of the following requirements:

(i) Shorten or adjust slings only with methods approved by the manufacturer or qualified person;

(ii) Slings must not be shortened or lengthened by knotting or twisting;

(iii) Hitch slings in a way that provides control of the load;

(iv) Protect slings with material of sufficient strength, thickness, and construction to prevent damage from sharp edges, corners, protrusions, or abrasive surfaces. See Figure 14;

(v) Keep all parts of the human body from between the sling and the load, crane, or hoist hook((-~~th~~));

(vi) Fittings must be of a minimum breaking strength equal to that of the sling.

(b) Webbing. Synthetic webbing must be of uniform thickness and width and selvage edges must not be split from the webbing's width.

(c) Intentional shock loading is prohibited.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-56100 General requirements. (1) Inspections.

(a) A qualified person must perform an inspection on all hardware according to Table 29, each day before using. If a daily inspection is not feasible because the hardware is in a semipermanent or inaccessible location, a periodic inspection is allowed instead of daily.

(b) Hardware must be removed from service when it shows any conditions listed in Table 29, or any other hazardous condition.

**Table 29
Hardware Inspection**

For all hardware, inspect for the following:
<ul style="list-style-type: none"> • Missing or illegible identification. • For shackles, missing or illegible manufacturer's name or trademark and/or rated load identification.
<ul style="list-style-type: none"> • Indications of heat damage, including weld spatter or arc strikes.
<ul style="list-style-type: none"> • Excessive pitting or corrosion.
<ul style="list-style-type: none"> • Load bearing components that are: <ul style="list-style-type: none"> – Bent. – Twisted. – Distorted. – Stretched. – Elongated. – Cracked.

For all hardware, inspect for the following:
<ul style="list-style-type: none"> – Broken.
<ul style="list-style-type: none"> • Excessive nicks or gouges. For riggings blocks, excessive nicks, gouges and wear.
<ul style="list-style-type: none"> • Ten percent reduction of the original or catalog dimension at any point. For shackles, this includes at any point around the body or pin.
<ul style="list-style-type: none"> • Excessive thread damage or wear, where applicable.
<ul style="list-style-type: none"> • Evidence of unauthorized welding or modification.
<ul style="list-style-type: none"> • Any other conditions that cause doubt as to the safety of continued use.
<ul style="list-style-type: none"> • On shackles, also inspect for incomplete pin engagement.
<ul style="list-style-type: none"> • On swivels and swivel hoist rings, check for lack of ability to freely rotate or pivot.
<ul style="list-style-type: none"> • On compression hardware, also check for: <ul style="list-style-type: none"> – Unauthorized replacement components. – Insufficient number of wire rope clips. – Improperly tightened wire rope clips. – Damaged wire rope. – Indications of wire rope slippage. – Improper assembly.
<ul style="list-style-type: none"> • On swivels, check for loose or missing nuts, bolts, cotter pins, snap rings, or other fasteners and retaining devices.
<ul style="list-style-type: none"> • On blocks check for: <ul style="list-style-type: none"> – Loose or missing nuts, bolts, cotter pins, snap rings, or other fasteners and retaining devices. – Misalignment or wobble in sheaves. – Excessive sheave groove corrugation or wear.

(2) Repairs, alterations, or modifications.

(a) Rigging hardware must be repaired, altered or modified according to the hardware manufacturer or a qualified person.

(b) Welding of hardware is prohibited unless authorized by the manufacturer.

(c) Replacement parts must meet or exceed the original rigging hardware manufacturer's specifications.

(3) Hardware use.

(a) Hardware must be selected with the characteristics suitable for the application and environment where it will be used.

(b) The rated load of the hardware must not be exceeded.

(c) ~~((All personnel))~~ At least one of the workers using rigging hardware must meet the requirements of WAC 296-155-53306.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-56400 Mobile crane hand signal chart.

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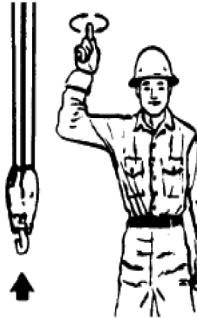
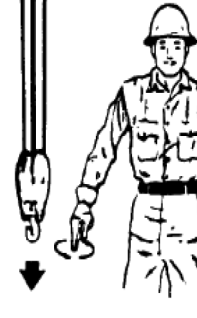





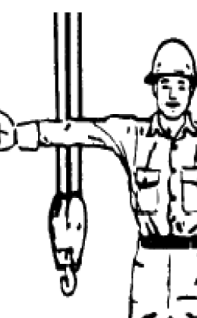
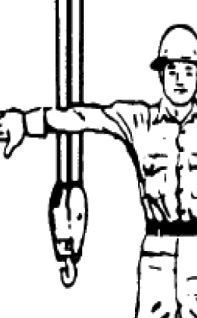
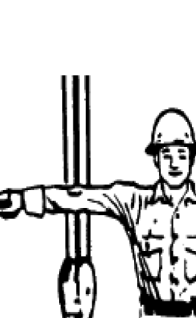
 <p>Hoist With forearm vertical, forefinger pointing up, move hand in small horizontal circles.</p>	 <p>Lower With arm extended downward, forefinger pointing down, move hand in small horizontal circles.</p>	 <p>Use Main Hoist Tap fist on head; then use regular signals</p>	 <p>Use Whip Line (Auxiliary Hoist) Tap elbow with one hand; then use regular signals.</p>	 <p>Raise Boom Arm extended, fingers closed, thumb pointing upward.</p>
 <p>Lower Boom Arm extended fingers closed, thumb pointing downward.</p>	 <p>Move Slowly Use one hand to give motion signal and place other hand motionless in front of hand giving the motion signal. (Hoist slowly shown as example.)</p>	 <p>Raise the Boom & Lower the Load With arm extended, thumb pointing up, flex fingers in and out as long as load movement is desired.</p>	 <p>Lower the Boom & Raise the Load With arm extended, thumb pointing down, flex fingers in and out as long as load movement is desired.</p>	 <p>Swing Arm extended, point with finger in direction of swing of boom.</p>

Figure 40—(STRICKEN GRAPHIC))

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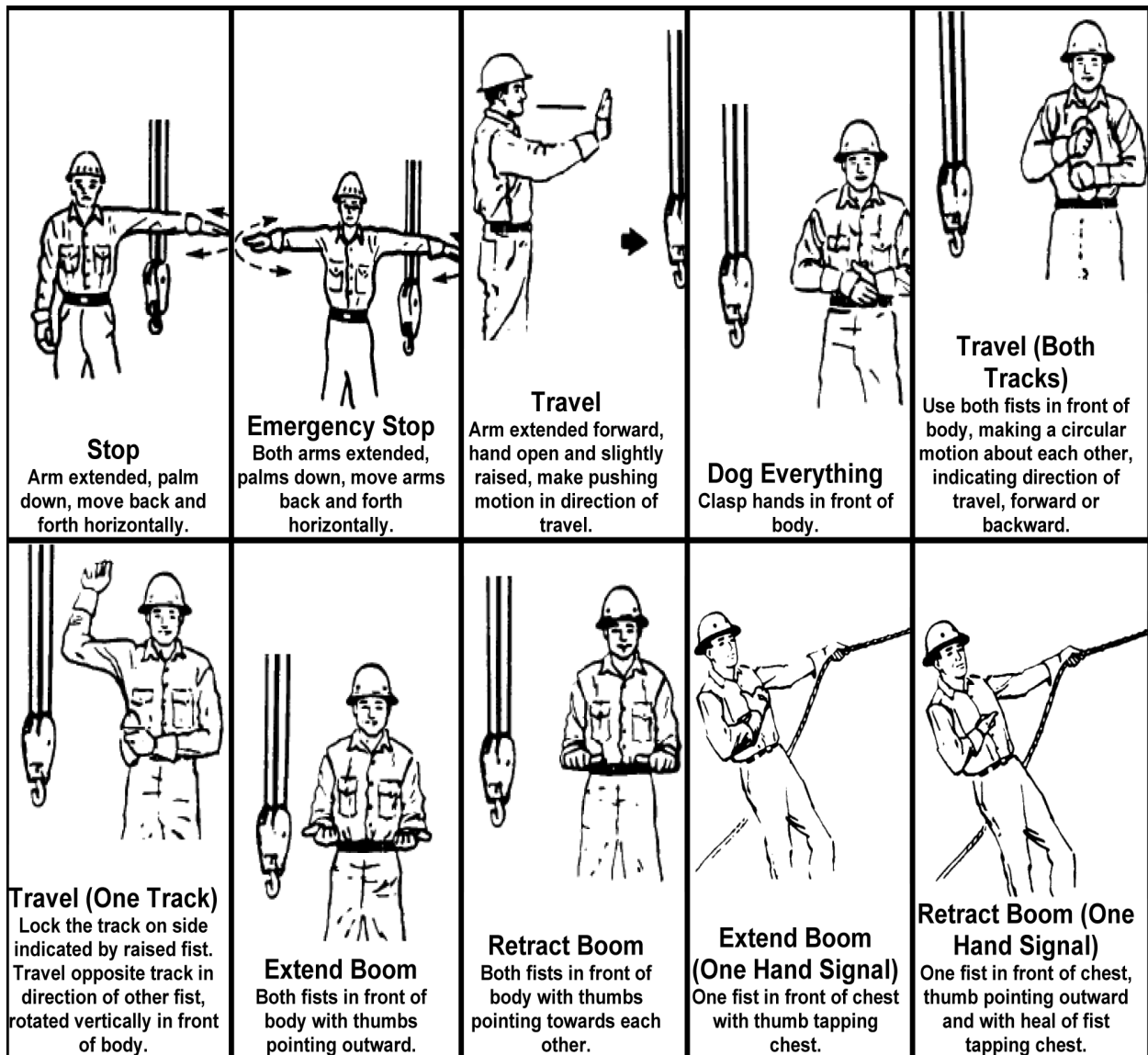
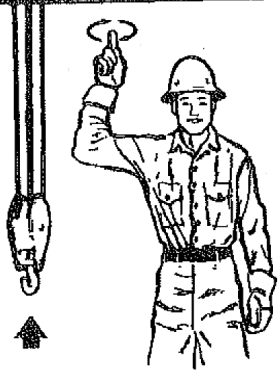
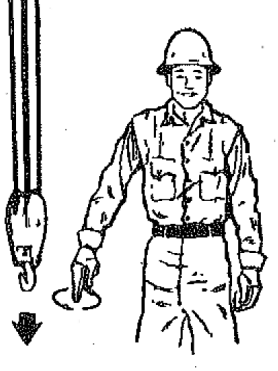


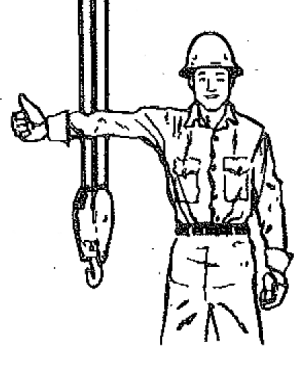
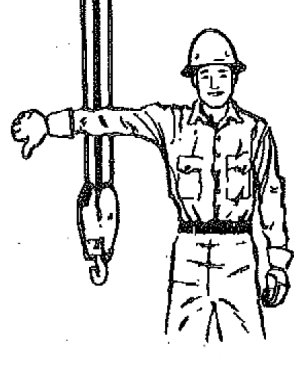
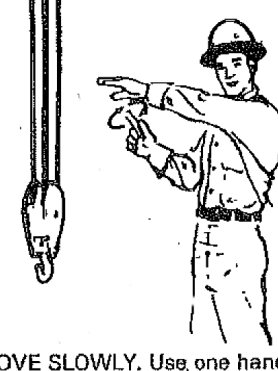
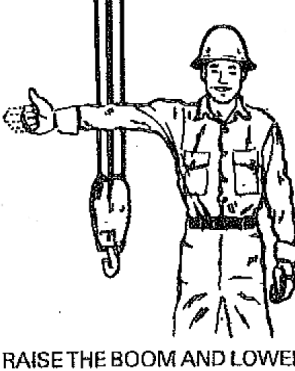
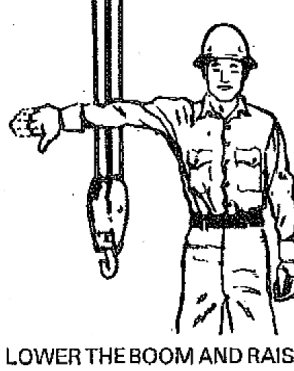
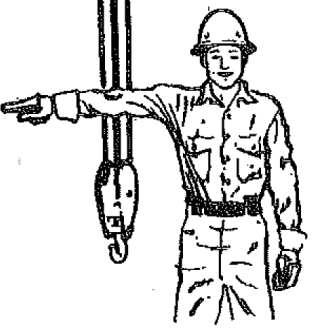
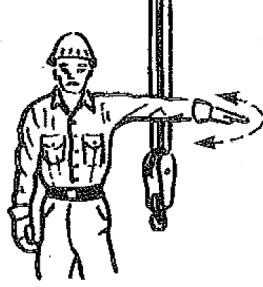
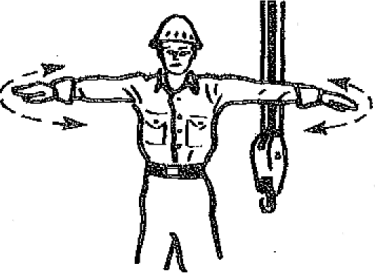
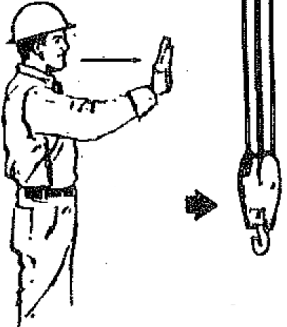
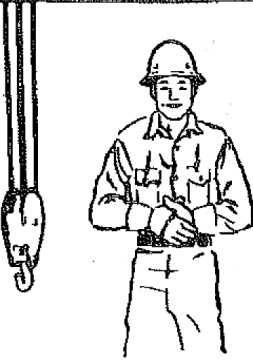
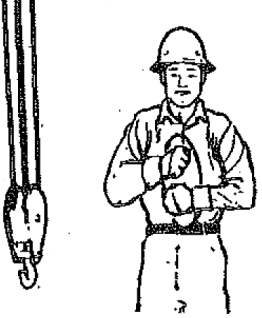

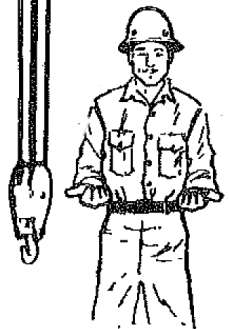
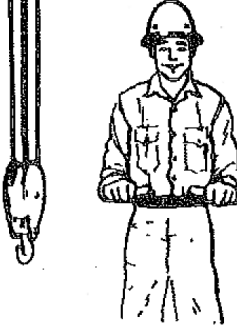


Figure 40—STRICKEN GRAPHIC))

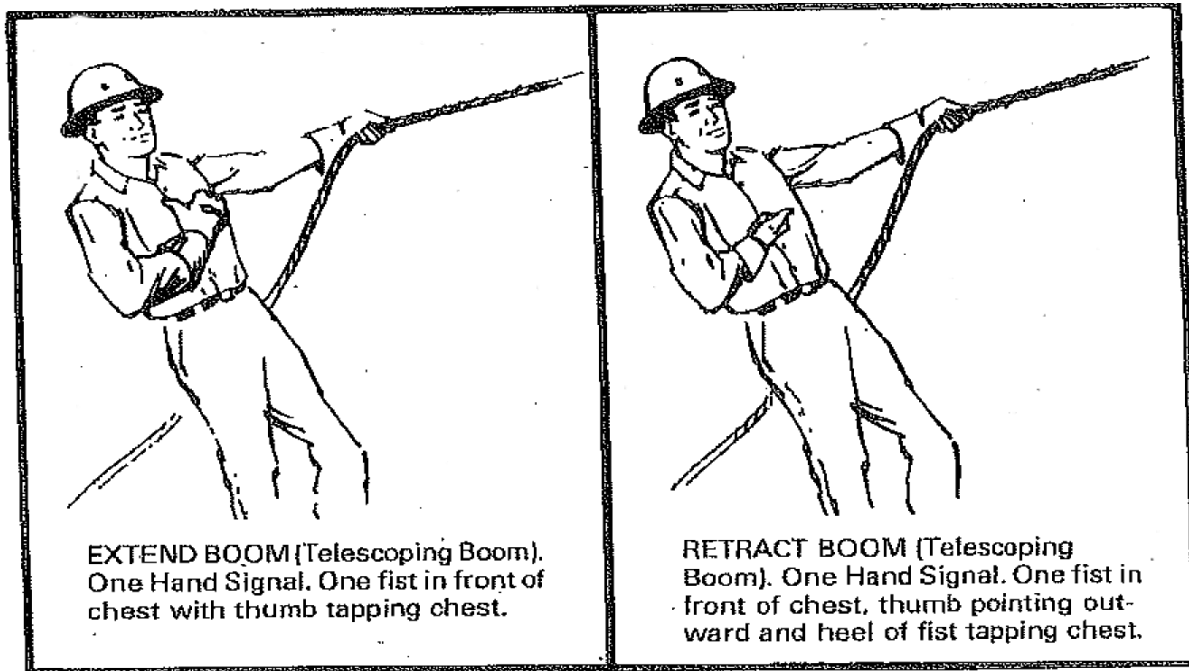
Standard Hand Signals for Controlling Crane Operations

 <p>HOIST. With forearm vertical, forefinger pointing up, move hand in small horizontal circle.</p>	 <p>LOWER. With arm extended downward, forefinger pointing down, move hand in small horizontal circle.</p>	 <p>USE MAIN HOIST. Tap fist on head; then use regular signals.</p>
 <p>USE WHIPLINE (Auxiliary Hoist). Tap elbow with one hand; then use regular signals.</p>	 <p>RAISE BOOM. Arm extended, fingers closed, thumb pointing upward.</p>	 <p>LOWER BOOM. Arm extended, fingers closed, thumb pointing downward.</p>
 <p>MOVE SLOWLY. Use one hand to give any motion signal and place other hand motionless in front of hand giving the motion signal. (Hoist slowly shown as example.)</p>	 <p>RAISE THE BOOM AND LOWER THE LOAD. With arm extended, thumb pointing up, flex fingers in and out as long as load movement is desired.</p>	 <p>LOWER THE BOOM AND RAISE THE LOAD. With arm extended, thumb pointing down, flex fingers in and out as long as load movement is desired.</p>

Standard Hand Signals for Controlling Crane Operations

 <p>SWING. Arm extended, point with finger in direction of swing of boom.</p>	 <p>STOP. Arm extended, palm down, move arm back and forth horizontally.</p>	 <p>EMERGENCY STOP. Both arms extended, palms down, move arms back and forth horizontally.</p>
 <p>TRAVEL. Arm extended forward, hand open and slightly raised, make pushing motion in direction of travel.</p>	 <p>DOG EVERYTHING. Clasp hands in front of body.</p>	 <p>TRAVEL (Both Tracks). Use both fists in front of body, making a circular motion about each other, indicating direction of travel, forward or backward. (For land cranes only.)</p>
 <p>TRAVEL (One Track) Lock the track on side indicated by raised fist. Travel opposite track in direction indicated by circular motion of other fist, rotated vertically in front of body. (For land cranes only.)</p>	 <p>EXTEND BOOM (Telescoping Booms). Both fists in front of body with thumbs pointing outward.</p>	 <p>RETRACT BOOM (Telescoping Booms). Both fists in front of body with thumbs pointing toward each other.</p>

Standard Hand Signals for Controlling Crane Operations



Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 12-01-086, filed 12/20/11, effective 2/1/12)

WAC 296-155-704 Hoisting and rigging. (1) All the applicable provisions of Part L of this chapter apply to hoisting and rigging while using a crane/derrick. All applicable provisions of Part F-1 of this chapter apply to material handling hoisting equipment when a crane/derrick is not being used.

(2) In addition, subsections (3) through (5) of this section apply regarding the hazards associated with hoisting and rigging.

(3) **General.**

(a) Crane preshift visual inspection.

(i) Cranes being used in steel erection activities must be visually inspected prior to each shift by a competent person. The inspection must include observation for deficiencies during operation and, as a minimum, must include:

- All control mechanisms for maladjustments;
- Control and drive mechanism for excessive wear of components and contamination by lubricants, water or other foreign matter;
- Safety devices, including boom angle indicators, boom stops, boom kick out devices, anti-two block devices, and load moment indicators where required;
- Air, hydraulic, and other pressurized lines for deterioration or leakage, particularly those which flex in normal operation;
- Hooks and latches for deformation, chemical damage, cracks, or wear;

- Wire rope reeving for compliance with hoisting equipment manufacturer's specifications;
- Electrical apparatus for malfunctioning, signs of excessive deterioration, dirt, or moisture accumulation;
- Hydraulic system for proper fluid level;
- Tires for proper inflation and condition;
- Ground conditions around the hoisting equipment for proper support, including ground settling under and around outriggers, ground water accumulation, or similar conditions;
- The hoisting equipment for level position; and
- The hoisting equipment for level position after each move and setup.

(ii) If any deficiency is identified, an immediate determination must be made by the competent person if the deficiency constitutes a hazard.

(iii) If the deficiency constitutes a hazard, the hoisting equipment must be removed from service until the deficiency has been corrected.

(iv) The operator is responsible for those operations under their direct control. Whenever there is any doubt as to safety, the operator must have the authority to stop and refuse to handle loads until safety has been assured.

(b) A qualified ~~((person))~~ rigger (a rigger who is also a qualified person) must inspect the rigging prior to each shift ~~((in accordance with WAC 296-155-556 through 296-155-56220)).~~

(c) The headache ball, hook or load must not be used to transport personnel, except as provided in (d) of this subsection.

(d) Cranes or derricks may be used to hoist employees on a personnel platform when work under this part is being conducted if all the applicable provisions of Part L of this chapter are met.

(e) Safety latches on hooks must not be deactivated or made inoperable except:

(i) When a qualified rigger has determined that the hoisting and placing of purlins and single joists can be performed more safely by doing so; or

(ii) When equivalent protection is provided in a site-specific erection plan.

(4) Working under loads.

(a) Routes for suspended loads must be preplanned to ensure that no employee works directly below a suspended load except when:

(i) Engaged in the initial connection of the steel; or

(ii) Necessary for the hooking or unhooking of the load.

(b) Whenever workers are within the fall zone and hooking, unhooking, or guiding a load, or doing the initial connection of a load to a component or structure (WAC 296-155-53400 (43)(c)), the following criteria must be met:

(i) Materials being hoisted must be rigged to prevent unintentional displacement;

(ii) Hooks with self-closing safety latches or their equivalent must be used to prevent components from slipping out of the hook; and

(iii) All loads must be rigged by a qualified rigger.

(5) Multiple lift rigging procedure.

(a) A multiple lift must only be performed if the following criteria are met:

- A multiple lift rigging assembly is used;
- A multiple lift is only permitted when specifically within the manufacturer's specifications and limitations;
- A maximum of five members are hoisted per lift;

Exception: Bundles of decking must not be lifted using the multiple lift rigging procedure, even though they meet the definition of structural members in WAC 296-155-702.

• Only beams and similar structural members are lifted; and

• All employees engaged in the multiple lift have been trained in these procedures in accordance with WAC 296-155-717 (3)(a).

(b) Components of the multiple lift rigging assembly must be specifically designed and assembled with a maximum capacity for total assembly and for each individual attachment point. This capacity, certified by the manufacturer or a qualified rigger, must be based on the manufacturer's specifications with a five to one safety factor for all components.

(c) The total load must not exceed:

- The rated capacity of the hoisting equipment specified in the hoisting equipment load charts; and
- The rigging capacity specified in the rigging-rating chart.

(d) The multiple lift rigging assembly must be rigged with members:

- Attached at their center of gravity and maintained reasonably level;
- Rigged from top down; and

- Rigged at least seven feet (2.1 m) apart.

(e) The members on the multiple lift rigging assembly must be set from the bottom up.

(f) Controlled load lowering must be used whenever the load is over the connectors.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-155-329 Qualified person—Rigging.