

WSR 14-01-025**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed December 9, 2013, 1:34 p.m.]

Subject of Possible Rule Making: The department is proposing to amend chapter 16-230 WAC to exempt liquid formulations of ready-to-use phenoxy hormone-type herbicides from being declared use restricted pesticides in eastern Washington.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.58.040 and 17.21.030, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Adopting rules exempting ready-to-use liquid formulations in quantities greater than one gallon would benefit human and environmental health. Ready-to-use formulations are generally safer for the applicator since there is no mixing or loading involved and the percentage of active ingredient is generally much less than that found in a concentrate material. The potential for human exposure, and negative impacts from exposure if it should occur, are significantly reduced. It is also safer for the environment since it is less likely that product will be over-applied and less likely that there will be a need for disposal of unused product. Finally, it complies with the intent of the rule by significantly reducing the amount of active ingredient being purchased by an unlicensed person.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None, no other state or federal agencies regulate this subject.

Process for Developing New Rule: Department staff will continue discussions [with] affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period, and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cliff Weed, Policy Assistant, Pesticide Management Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2036, fax (360) 902-2093.

December 9, 2013
Ted Maxwell
Assistant Director

WSR 14-01-037**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed December 11, 2013, 10:12 a.m.]

This serves as the notice of withdrawal for the preproposal statement of inquiry published as WSR 13-15-145 on July 23, 2013. The purpose of the rule making was to adopt the United States Environmental Protection Agency's

Revised Total Coliform Rule requirements into chapter 246-290 WAC, Group A public water supplies.

During the summer and fall of 2012, the department of health conducted a review of chapter 246-290 WAC, which included stakeholder feedback. After considering the results of the review, the Washington state board of health decided to begin rule-making activities on water system planning and disinfection in addition to the revisions necessary to adopt the federal Revised Total Coliform Rule. To minimize stakeholder confusion, the board will file a new preproposal statement of inquiry to conduct these rule-making activities together.

For more information about this rule making, contact Theresa Phillips at (360) 236-3147.

Tami Thompson
Regulatory Affairs Manager

WSR 14-01-053**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

(Public Employees Benefits Board)

[PEBB Admin # 2014-01—Filed December 12, 2013, 12:04 p.m.]

Subject of Possible Rule Making: Enrollment, eligibility and appeal rules in chapters 182-08, 182-12, and 182-16 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) will consider amendments and new rules to implement the following:

- A wellness program as directed by Executive Order 13-06.
- A \$25 per month surcharge to premiums for members who use tobacco products as directed by sections 932, 933, and 939 of the 2013-2015 state operating budget (3ESSB 5034).
- A \$50 per month surcharge to the premiums for members who enroll a spouse or domestic partner who chose not to enroll in other employer-based group health insurance where the actuarial value of benefits and premiums are not less than ninety-five percent of the actuarial value of the UMP classic plan as directed by sections 932, 933, and 939 of the 2013-2015 state operating budget (3ESSB 5034).

Process for Developing New Rule: HCA welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, HCA will file a notice of proposed rule making (CR-102) with the office of the code reviser. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals wishing to receive PEBB rule-making notices are encouraged to join the PEBB-RULE-MAKING-

NOTICE listserv available by following this path <http://listserv.wa.gov/archives/pebb-rule-making-notice.html> or by logging on to listserv.wa.gov and selecting our LISTSERV from the Public E-mail List. If you have questions about this rule making, contact Barbara Scott at (360) 725-0830 or Rob Parkman at (360) 725-0883, at the HCA, P.O. Box 42684, Olympia, WA 98504-2684, fax (360) 586-9727, TTY 1-800-848-5429, e-mail Barbara.Scott@hca.wa.gov, or Robert.Parkman@hca.wa.gov.

December 12, 2013
Kevin M. Sullivan
Rules Coordinator

WSR 14-01-066

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 13-10—Filed December 13, 2013, 10:14 a.m.]

Subject of Possible Rule Making: Ecology proposes to amend chapter 173-182 WAC, Oil spill contingency plan, to update the definition of plan holder to include all persons listed in RCW 88.46.060 and update the definition of "umbrella plan" to ensure the term is used only when referring to nonprofit corporations. Ecology also plans to amend the rule so that owner/operators, if operating under a plan that covers multiple parties, are not required to comply with provisions of the rule that apply specifically to "plan holders."

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.46.060, 90.46.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Inconsistencies between governing RCWs and chapter 173-182 WAC create a confusing and potentially harmful situation in which ecology is unable to adequately regulate oil spill contingency plans. RCW 88.46.060 and WAC 173-182-110 provide owner/operators, nonprofit corporations, PRCs, and agents the opportunity to submit a contingency plan covering one or more vessels or facilities. The definition of "plan holder," however, only includes owner/operators and nonprofit corporations. Many of the provisions throughout the rule apply specifically to "plan holders." Some entities may not be subject to many of the rule requirements. RCW 88.46.060 (3)(a) and (b) states that an "umbrella plan" may only be submitted by a nonprofit entity. The rule language, however, uses the term to apply to all plan holders covering multiple entities, regardless of corporate structure. A contingency plan assures that, in the event of a spill, the vessel or facility will have adequate response equipment, local spill response teams, spill notifications, and response coordination with state and federal partners. A vessel operating without the important services and regulatory safeguards that a plan provides creates a threat to public health, safety and general welfare. Ecology wants to amend its rule consistent with the statute to clarify that for-profit companies like the National Response Corporation (NRC) are subject to the same or similar requirements as the companies that have traditionally provided contingency plan coverage for multiple vessels (the nonprofits) and to clarify what requirements vessels covered under the plan must still meet.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Coast Guard regulates vessel traffic in Washington waters. Ecology will inform them of this rule making and coordinate with them on subjects of mutual interest.

Process for Developing New Rule: This rule making is to amend an existing rule. Ecology is seeking input from the public, industry, environmental groups, and tribal, state, and federal representatives. A minimum of one public hearing will be conducted. The proposed amendments will be provided to all parties that have identified themselves as interested in this rule making, and will be posted on the internet at <http://www.ecy.wa.gov/programs/spills/rules/main.html>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amanda Righi, Spill Prevention, Preparedness, and Response, P.O. Box 47600, Lacey, WA, (360) 407-7040, amanda.righi@ecy.wa.gov.

December 9, 2013
Dale Jensen
Program Manager

WSR 14-01-076

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed December 16, 2013, 10:34 a.m.]

Subject of Possible Rule Making: WAC 246-824-220 Retention of contact lens records, the department is considering expanding the rule to include retention of records related to eyeglass examinations and prescriptions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.130.050(14).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rule requires retention of contact lens records. The rule does not require that examination records or prescription information for eyeglasses be retained by the dispensing optician. Rule making will examine whether maintenance of eyeglass examination and eyeglass prescription records is vital for the continuity of care of patients, for verification of a prescription to other practitioners and when ordering additional eyeglasses or prescription sunglasses.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Stakeholders will be notified and invited to participate in an open public rules workshop and may submit written comments for consideration. Stakeholders will be notified through listserv and posting to the web site. Contact Judy Haenke, Program Manager, Department of Health, Dispensing Optician Program, P.O. Box 47852, Olympia, WA

98504-7852, judy.haenke@doh.wa.gov, phone (360) 236-4947, fax (360) 236-2901.

December 13, 2013
John Wiesman, DrPh, MPH
Secretary

WSR 14-01-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed December 16, 2013, 4:20 p.m.]

Subject of Possible Rule Making: WAC 308-88-020 Application and registration of rental vehicle businesses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.87.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Technical amendments to WAC 308-88-020 are necessary to accommodate the recent transfer of the business licensing program from the department of licensing to the department of revenue.

Process for Developing New Rule: Internal review and solicitation of stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cathie Jelvik, Administrative Assistant, Vehicle and Vessel Licensing, Mailstop 48203, P.O. Box 9909, Olympia, WA 98507, e-mail (preferred) cjelvik@dol.wa.gov, phone (360) 902-3812.

December 16, 2013
Damon Monroe
Rules Coordinator

WSR 14-01-085
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Dental Quality Assurance Commission)

[Filed December 17, 2013, 8:29 a.m.]

Subject of Possible Rule Making: WAC 246-817-770 General anesthesia and deep sedation, the dental quality assurance commission (commission) is considering changing monitoring requirements when dentists administer general anesthesia or deep sedation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.640 and 18.32.0365.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 246-817-770 requires that licensed dentists obtain an authorizing permit in order to administer general anesthesia or deep sedation. It requires specific training and lists procedures, equipment, record-keeping, and medications for administration of general anesthesia. A change in carbon dioxide (CO₂) level is the first indication there may be a problem with a patient under general anesthesia. As of January 2014, the American Association of Oral and Maxillofacial Surgeons will require CO₂ monitoring for its members. The commission is considering

changes to monitoring requirements to ensure patient safety and to remain consistent with the recognized standard of care.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may sign up for the commission's listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=dental-qac&A=1>. Notices will be e-mailed through the commission's listserv to its interested parties list. Stakeholders will be invited to participate in open public commission meetings and commission designated committee meetings where rule drafting will occur. Department of Health, Dental Quality Assurance Commission, Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, (360) 236-4893, jennifer.santiago@doh.wa.gov.

December 17, 2013
Blake T. Maresh
Executive Director

WSR 14-01-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 17, 2013, 9:52 a.m.]

Subject of Possible Rule Making: WAC 296-20-135 Conversion factors, 296-23-220 Physical therapy rules, and 296-23-230 Occupational therapy rules; medical aid rules updates regarding rate setting for most professional health care services for injured workers. These updates may also impact rates for health care services provided to crime victims.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The affected rules describe elements used in the process of updating the maximum allowable payments for most professional health care services. These elements are set in rule in order to follow the established methodologies of L&I and maintain consistency with the health care authority and medicaid purchasing administration. Specifically, the proposed rule changes will do the following:

1. WAC 296-20-135, update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services. The conversion factors will be updated to correspond to changes in the medical procedure codes, the relative value units, and anesthesia base units. These changes will enable the department to continue a reimbursement methodology consistent with other state agencies. Cost-of-living increases may be incorporated into the changes in the conversion factors.

2. WAC 296-23-220 and 296-23-230, update the maximum daily reimbursement level for physical and occupational therapy services so the department may, if necessary, give cost-of-living increases to affected providers.

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

Process for Developing New Rule: The department works with external stakeholders through its technical advisory groups and the provider listserv on updates to conversion factors and to the physical and occupational therapy maximum daily reimbursement level. The department coordinates these updates with the health care authority, the medicaid purchasing administration and the Centers for Medicare and Medicaid Services to insure consistent health care purchasing policies when possible. The proposed changes will be presented to the advisory groups, published on the provider listserv and publicized in a letter to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tom Davis, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6687, fax (360) 902-4249, e-mail Thomas.Davis@Lni.wa.gov.

December 17, 2013
Joel Sacks
Director

WSR 14-01-093

PREPROPOSAL STATEMENT OF INQUIRY RECREATION AND CONSERVATION OFFICE

[Filed December 17, 2013, 1:45 p.m.]

Subject of Possible Rule Making: Changes in the rule making will include: (1) Change the agency's name from the interagency committee for outdoor recreation to the recreation and conservation office or the recreation and conservation funding board, (2) revisions to the general grant assistance rules for grant application procedures and deadlines, matching shares, and retroactive costs, (3) change the planning eligibility for applicants from five to six years in the boating facilities program, and (4) remove references as to the length for long-term grant compliance for projects funded by the firearms and archery range recreation program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 39, chapter 241, Laws of 2007; RCW 46.09.530, 79A.25.210, 79A.15.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency name and board name needs to be changed to reflect 2007 statutory changes. The grant application rules need to be changed to clarify the process and deadlines and the agency director's authorities. The boating facilities program and firearms and archery range recreation changes are to align programs with other agency policies.

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

cies: No other federal or state agencies regulate grant funding programs administered by the board and office.

Process for Developing New Rule: Our intent is to advance this proposal through a participatory process that includes distribution of the recommendations to the agency's advisory committees and other interested parties, including those who have asked to be placed on the agency's WAC notification listing. We will encourage comments via mail, e-mail, telephone, and in person at a scheduled recreation and conservation funding board meeting. Based on any comments, revisions will be considered before presentation of the final recommendations for adoption in an advertised and open public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Connelly, Rules Coordinator, Recreation and Conservation Office, 1111 Washington Street S.E., P.O. Box 40917, Olympia, WA 98504-0917, office (360) 902-3080, fax (360) 902-3026, leslie.connelly@rco.wa.gov.

December 17, 2013
Leslie Connelly
Rules Coordinator

WSR 14-01-098

PREPROPOSAL STATEMENT OF INQUIRY TRANSPORTATION COMMISSION

[Filed December 18, 2013, 7:55 a.m.]

Subject of Possible Rule Making: SR 520 Bridge toll rate, fee, discount and policy setting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.850 and 47.56.870.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission must consider toll rates that will help maintain travel time, speed, and reliability on the SR 520 corridor and must set and adjust toll rates and policies to generate revenue sufficient and necessary to cover costs and obligations described in RCW 47.56.830 and 47.56.850.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of transportation will review and coordinate with the transportation commission on this rule-making process.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The transportation commission will hold public input meetings in the regional area surrounding the SR 520 Bridge in the spring of 2014. More details will be issued in coming months. Public comment will be taken at the public input meetings as well as at the final hearing. Comments may also be submitted in writing to the Transportation Commission, P.O. Box 47308, Olympia, WA 98504-7308, phone (360) 705-7070, fax (360) 705-6802, or e-mail transc@wsdot.wa.gov.

December 18, 2013
Reema Griffith
Executive Director

WSR 14-01-099

**PREPROPOSAL STATEMENT OF INQUIRY
TRANSPORTATION COMMISSION**

[Filed December 18, 2013, 7:56 a.m.]

Subject of Possible Rule Making: Tacoma Narrows Bridge toll rate, fee, discount and policy setting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.46.100, 47.56.030, and 47.56.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: State statute requires rates must be sufficient to meet maintenance and operational costs, insurance costs, and make principal and interest payments on the debt. In order to meet the requirements in state law, Tacoma Narrows Bridge toll rates and policies will need to be reviewed and possibly adjusted.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of transportation will review and coordinate with the transportation commission on this rule-making process.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The transportation commission will hold public input meetings in the regional area surrounding the Tacoma Narrows Bridge in the spring of 2014. More details will be issued in coming months. Public comment will be taken at the public input meetings as well as at the final hearing. Comments may also be submitted in writing to the Transportation Commission, P.O. Box 47308, Olympia, WA 98504-7308, phone (360) 705-7070, fax (360) 705-6802, or e-mail transc@wsdot.wa.gov.

December 18, 2013
Reema Griffith
Executive Director

rules and make the rules more uniform, and to ensure compliance with the Americans with Disabilities Act (ADA).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of fish and wildlife (WDFW) works with the United States Fish and Wildlife Service, the Department of Interior (Civil Rights Division), and the Department of Justice on ADA compliance. WDFW will share draft language and coordinate with those agencies as needed through WDFW's ADA program access manager.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dolores Noyes, ADA Program Access Manager, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2349. Fax (360) 902-2162, e-mail Dolores.Noyes@dfw.wa.gov. Contact by January 29, 2014. Expected proposal filing on or after February 5, 2014.

December 18, 2013
Joanna M. Eide
Criminal Justice Liaison
Rules Coordinator

WSR 14-01-114

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

[Filed December 18, 2013, 11:09 a.m.]

Subject of Possible Rule Making: Updates to rules regarding hunters and fishers with disabilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.047, 77.32.237, 77.32.238, and 77.32.400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to rules related to hunters and fishers with disabilities are needed to streamline