

**WSR 15-12-073**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Developmental Disabilities Administration)  
 [Filed May 29, 2015, 12:23 p.m.]

May 28, 2015  
 Katherine I. Vasquez  
 Rules Coordinator

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-05-076.

Title of Rule and Other Identifying Information: The department plans to create within chapter 388-825 WAC one new section, WAC 388-825-0168 How do I complain to DDA about my services or treatment?; update twenty-nine existing sections including WAC 388-825-058, 388-825-072, 388-825-074, 388-825-081, 388-825-084, 388-825-0871, 388-825-089, 388-825-091, 388-825-093, 388-825-094, 388-825-097, 388-825-098, 388-825-100, 388-825-101, 388-825-102, 388-825-103, 388-825-104, 388-825-105, 388-825-120, 388-825-125, 388-825-130, 388-825-135, 388-825-150, 388-825-165, 388-825-201, 388-825-206, 388-825-211, 388-825-300 and 388-825-360; and repeal seven existing sections, including WAC 388-825-061, 388-825-062, 388-825-063, 388-825-066, 388-825-069, 388-825-071, and 388-825-088.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on July 21, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than July 22, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., July 21, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by July 7, 2015, TTY (360) 664-6178 or (360) 664-6092 or e-mail Kildaja@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These updates will include housekeeping, processes, policies, eligibility information, and changes to the current verbiage to make it easier to comprehend.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.10.015, 71A.18.020, Title 71A RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Shannon Manion, DDA, P.O. Box 45310, Olympia, 98504-5310, (360) 725-3454.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules do not impact small business or nonprofits. They only impact DSHS clients.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules are exempt under RCW 34.05.328 (5)(b)(vii) and relate only to client medical or financial eligibility.

AMENDATORY SECTION (Amending WSR 08-11-072, filed 5/19/08, effective 6/19/08)

**WAC 388-825-058 What services does ~~((DDD))~~ DDA authorize? ~~((DDD authorizes))~~ The department authorizes services through programs that are designed to help you remain in the community. DDA may authorize the following services if you meet programmatic eligibility and funding is available:**

- (1) Medicaid state plan services;
- (2) ~~((Infant toddler early intervention program (ITEIP) services;~~
- ~~(3))~~ Home and community based services (HCBS) waiver services; ~~((and~~
- ~~(4))~~ (3) Roads to community living services; and
- (4) State-only funded services.

Participation in all DDA paid services is voluntary. Clients or their legal representatives have the right to decline or terminate services at any time.

AMENDATORY SECTION (Amending WSR 08-11-072, filed 5/19/08, effective 6/19/08)

**WAC 388-825-072 Where do I find information on ~~((DDD))~~ DDA's home and community based services (HCBS) waiver services, eligibility rules and definitions?** Home and community based services (HCBS) waiver eligibility, the scope of services provided by each waiver, the definitions of the services, the limitations of the service, and qualified providers for the service are contained in chapter 388-845 WAC.

AMENDATORY SECTION (Amending WSR 08-11-072, filed 5/19/08, effective 6/19/08)

**WAC 388-825-074 Am I eligible for state-only funded services?** You are eligible to receive available state-only funded services if you have been approved for funding for that service, and all of the following conditions apply:

- (1) You have a current ~~((DDD))~~ DDA assessment that identifies the need for the service;
- (2) You meet the programmatic and financial eligibility requirements for the specific service or program;
- (3) Your need cannot be met through medicaid state plan services;
- (4) You are not enrolled in a ~~((DDD))~~ DDA home and community based services (HCBS) waiver;
- (5) You do not receive SSP as a replacement for the requested service;
- (6) The program or service is funded by the legislature.

AMENDATORY SECTION (Amending WSR 10-02-101, filed 1/6/10, effective 2/6/10)

**WAC 388-825-081 Can I receive state-only funded services that are not available in a ~~((DDD))~~ DDA HCBS waiver?** You may be authorized to receive state-only funded

services that are (~~(available)~~) described in other DSHS rules as defined below:

- (1) Adult day care (WAC (~~(388-106-0800)~~) 388-825-082);
- (2) Attendant care (WAC 388-825-082);
- (3) (~~(Childcare for foster children (chapter 388-826 WAC);~~)
- (~~(4))~~) (4) Chore services (chapter 388-106 WAC);
- (~~(5))~~) (4) Individual and family assistance by the county (WAC 388-825-082);
- (~~(6) Information and education by the county (WAC 388-825-082);~~)
- (~~(7))~~) (5) Medical and dental services (WAC 388-825-082);
- (~~(8))~~) (6) Psychological counseling (WAC 388-825-082);
- (~~(9) Reimbursement through the individual and family support program to families for the purchase of approved items or service (chapter 388-832 WAC);~~)
- (~~(10))~~) (7) State supplementary payments (chapter 388-827 WAC); and
- (~~(11))~~) (8) Transportation reimbursement for an escort (WAC 388-825-082).

AMENDATORY SECTION (Amending WSR 10-02-101, filed 1/6/10, effective 2/6/10)

**WAC 388-825-084 What are the limitations of state-only funded services or programs?** In addition to any limitations for state-only funded services or programs that are contained in the program specific rules, the following limitations apply to state-only funded services and programs.

- (1) All state-only funded services are limited by available funding.
- (2) The following programs are closed to (~~(new admissions)~~) clients not currently receiving the service:
  - (a) Adult day care; (~~(and)~~)
  - (b) Attendant care(~~(-)~~); and
  - (~~(3))~~) (c) Chore services (~~(are limited to persons who were receiving the service in 1998 and who have continued to receive this service monthly)~~).

AMENDATORY SECTION (Amending WSR 12-22-037, filed 11/1/12, effective 12/2/12)

**WAC 388-825-0871 (~~(Does DDD provide)~~) What out-of-home residential services (~~(that address the special needs of persons with developmental disabilities)~~) does DDA provide?** (~~(DDD)~~) DDA provides the following out-of-home residential services that address the special needs of adults and children with developmental disabilities:

- (1) Contracted and (~~(DDD)~~) DDA-certified community based residential services for adults;
- (2) Contracted community based services for children; and
- (3) Residential habilitation centers (RHC) for a person who requires ICF/ID or nursing facility care.
  - (a) On a short-term basis for those ages sixteen through twenty; or
  - (b) On a short or long-term basis if age twenty-one or older.

AMENDATORY SECTION (Amending WSR 12-22-037, filed 11/1/12, effective 12/2/12)

**WAC 388-825-089 What is a residential habilitation center (RHC)?** A residential habilitation center (~~(RHC)~~) (RHC) is a state-operated facility certified to provide ICF/ID services (see chapter 388-837 WAC) and/or nursing facility services (chapter 388-97 WAC) for persons who are eligible (~~(clients of DDD)~~) as specified in WAC 388-825-091. RHCs include:

- (1) Rainier School in Buckley, Washington;
- (2) Fircrest School in Shoreline, Washington;
- (3) Yakima Valley School in Selah, Washington; and
- (4) Lakeland Village in Medical Lake, Washington.

AMENDATORY SECTION (Amending WSR 12-22-037, filed 11/1/12, effective 12/2/12)

**WAC 388-825-091 Am I eligible for residential habilitation center (RHC) services?** (~~(You)~~) (1) If you are twenty-one years of age or over, you are eligible to receive residential habilitation center (RHC) services if:

(~~(1))~~) (a) You (~~(are currently DDD eligible)~~) have been determined to meet DDA eligibility criteria;

(~~(2))~~) (b) You choose to receive services in the RHC;

(~~(3))~~) (c) You need the level of care provided at the RHC; and

(~~(4))~~) (d) (~~(DDD)~~) DDA has determined that you can be supported safely in an RHC environment and will not pose a danger to other residents of the RHC; (~~(and)~~) or

(~~(5) You~~) (2) If you are sixteen through twenty years (~~(old or older)~~) of age, and meet (1)(a) through (1)(d) above you may not be admitted to receive services at a residential habilitation center unless there are no service options available in the community to appropriately meet your needs. Such admission is limited to the provision of short-term respite or crisis stabilization services.

(3) If you are under age sixteen you are not eligible to receive services at a residential habilitation center.

(4) Admission to a nursing facility at a RHC also requires completion of pre-admission screening and resident review (PASRR) requirements as described in chapter 388-97 WAC.

AMENDATORY SECTION (Amending WSR 12-22-037, filed 11/1/12, effective 12/2/12)

**WAC 388-825-093 Can I receive a short term stay at a residential habilitation center (RHC)?** If there is capacity at a residential habilitation center (RHC), the vacancies may be available for short term stays.

(1) Short term stays are limited by available vacancies;

(2) Short term stays must be included in your individual support plan;

(3) Short term stays in excess of thirty days in a calendar year require approval by the (~~(director of the division)~~) assistant secretary of the developmental disabilities administration or designee; and

(4) You are sixteen years (~~(old)~~) of age or older.

~~((a))~~ If you are sixteen through twenty years of age your stay will only be for short-term respite or crisis stabilization purposes.

AMENDATORY SECTION (Amending WSR 12-22-037, filed 11/1/12, effective 12/2/12)

**WAC 388-825-094 (~~Can I request~~) What is the process to receive services in an RHC?** You may request to receive services in an RHC at any time. RHC admissions are not considered permanent.

(1) Your case/resource manager will update your ~~((DDD))~~ DDA assessment and gather other information.

(2) ~~((Admission))~~ Long term admission to an RHC requires approval by the ~~((director))~~ assistant secretary of the ~~((division of))~~ developmental disabilities administration or designee.

(3) You must be twenty-one years old or older to be admitted as a long-term resident.

AMENDATORY SECTION (Amending WSR 08-11-072, filed 5/19/08, effective 6/19/08)

**WAC 388-825-097 Are any of my expenses deducted from the income available to pay for my care in a licensed facility?** After you pay for your room and board costs, some expenses may be deducted from the income available to pay for the cost of your care.

(1) If you have SSI related eligibility the cost of your payee or guardianship service may be deducted as described in chapter 388-79 WAC and WAC ~~((388-475-0800(5)))~~ 182-512-0800(5).

(2) If you are enrolled in a ~~((DDD))~~ DDA HCBS waiver refer to WAC ~~((388-515-1510))~~ 182-512-1510 for rules used to determine allowable deductions.

(3) If you are not enrolled in a ~~((DDD))~~ DDA HCBS waiver refer to WAC 388-106-0225 for rules used to determine allowable deductions.

AMENDATORY SECTION (Amending WSR 08-11-072, filed 5/19/08, effective 6/19/08)

**WAC 388-825-098 Does ~~((DDD))~~ DDA provide guardianship services?** DDA does not provide or pay for the cost of guardianship services. If it appears that you require a guardian to make legal, medical, and/or services decisions and to exercise your appeal rights to department decisions, and there is no other individual able and willing to seek guardianship on your behalf, the ~~((division's))~~ administration's field services may request that an assistant attorney general initiate and/or assist in guardianship proceedings. ~~((The state does not pay the cost of guardianship fees.))~~

AMENDATORY SECTION (Amending WSR 10-02-101, filed 1/6/10, effective 2/6/10)

**WAC 388-825-100 How will I be notified of decisions made by ~~((DDD))~~ DDA?** (1) Whenever possible, ~~((DDD))~~ DDA will notify ~~((all parties affected by))~~ you or your legal representative by phone or in person of the decision ~~((by phone or in person.))~~ and;

(2) If you are under the age of eighteen, written notifications will be mailed to:

(a) Your parent; or

(b) Your ~~((guardian or other))~~ legal representative.

(3) If you are age eighteen or older, written notifications will be mailed to you and:

(a) Your ~~((guardian or other))~~ legal representative; or

(b) A person identified by you to receive ~~((these))~~ notices ~~((in addition to yourself))~~ if you do not have a ~~((guardian or))~~ legal representative. Unless the person identified by you is a relative of yours, he or she cannot be an employee of ~~((DDD))~~ DDA, a contractor with ~~((DDD))~~ DDA or an employee of a contractor with ~~((DDD))~~ DDA.

AMENDATORY SECTION (Amending WSR 08-16-122, filed 8/5/08, effective 9/5/08)

**WAC 388-825-101 Why does ~~((DDD need to))~~ DDA send my notices and correspondence to someone else?** ~~((DDD))~~ DDA sends your notices and correspondence to someone else to assist you to understand the information and your appeal rights to department decisions.

AMENDATORY SECTION (Amending WSR 08-16-122, filed 8/5/08, effective 9/5/08)

**WAC 388-825-102 What if I do not want my ~~((DDD))~~ DDA notices and correspondence sent to anyone else?** (1) If you are age eighteen or older and do not have a legal guardian, you may request in writing that your ~~((DDD))~~ DDA notices and correspondence be given only to you.

(2) ~~((DDD))~~ DDA will review your request and comply with your request unless it determines ~~((there to be a))~~ that you are at risk of ~~((your))~~ losing legal rights.

(3) You have the right to appeal a denial of this request.

AMENDATORY SECTION (Amending WSR 10-02-101, filed 1/6/10, effective 2/6/10)

**WAC 388-825-103 When will I receive written notice of decisions made by ~~((DDD))~~ DDA?** You will receive written notice from ~~((DDD of))~~ DDA when the following decisions are made:

(1) The denial or termination of eligibility for services under WAC 388-825-057;

(2) Denial or termination of the provider of your choice for any reason listed in WAC 388-825-375 through 388-825-390;

(3) The authorization, denial, reduction, or termination of services or the payment of SSP set forth in chapter 388-827 WAC that are authorized by ~~((DDD))~~ DDA;

(4) The admission or readmission to, or discharge from a residential habilitation center set forth in WAC 388-825-155; or

(5) Disenrollment from a ~~((DDD))~~ DDA home and community based services waiver under WAC 388-845-0060, including a disenrollment from a waiver and enrollment in a different waiver.

AMENDATORY SECTION (Amending WSR 04-15-093, filed 7/16/04, effective 8/16/04)

**WAC 388-825-104 What information will the notice include?** The notice from ~~((DDD))~~ DDA will include:

- (1) The decision;
- (2) The reason and authority for the decision;
- (3) The effective date of the action;
- (4) Appeal rights to the decision; and
- (5) The name and phone number of a department person you can contact for further information.

AMENDATORY SECTION (Amending WSR 06-10-055, filed 5/1/06, effective 6/1/06)

**WAC 388-825-105 Am I given any advance notice of termination, ~~((or))~~ reduction, or eligibility ~~((or))~~ for services?** (1) ~~((DDD))~~ DDA will provide you at least ten-days advance notice, as described in WAC 388-458-0040 (1), (2) and (3), of any action to terminate your eligibility, or terminate or reduce your services.

(2) ~~((DDD))~~ DDA will provide you at least thirty-days advance notice prior to transferring you from a residential habilitation center to the community under RCW 71A.20.-080.

AMENDATORY SECTION (Amending WSR 12-22-037, filed 11/1/12, effective 12/2/12)

**WAC 388-825-120 When can I appeal department decisions through an administrative hearing process?** (1) Administrative hearings are governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 71A.10.050, the rules in this chapter and by chapters 388-02 and 182-526 WAC. If any provision in this chapter conflicts with chapters 388-02 or 182-526 WAC or WAC 388-440-0001(3), the provision in this chapter shall prevail.

(2) A client, former client, or applicant acting on the applicant's own behalf or through an authorized representative has the right to an administrative hearing.

(3) You have the right to an administrative hearing to dispute the following department actions:

- (a) Authorization, denial, reduction, or termination of services;
- (b) Reduction or termination of a service that was initially approved through an exception to rule;
- (c) Authorization, denial, or termination of eligibility;
- (d) Authorization, denial, reduction, or termination of payment of SSP authorized by ~~((DDD))~~ DDA set forth in chapter 388-827 WAC;
- (e) Admission or readmission to, or discharge from, a residential habilitation center set forth in WAC 388-825-155;
- (f) Refusal to abide by your request that we not ~~((to))~~ send notices to any other person;
- (g) Refusal to comply with your request to consult only with you;
- (h) A decision to move you to a different type of residential service;
- (i) Denial or termination of the provider of your choice or the denial of payment for any reason listed in WAC 388-825-375 through ~~((388-825-390))~~ 388-825-395;

(j) An unreasonable delay to act on an application for eligibility or service;

(k) A claim the client, former client, or applicant owes an overpayment debt.

(4) If you are not enrolled in a waiver and your request to be enrolled in a waiver is denied, your appeal rights are limited to ~~((the decision that you are not eligible to have your request documented in a statewide data base because you do not need ICF/ID level of care per WAC 388-845-0070, 388-828-8040 or 388-828-8060))~~ those identified in WAC 388-845-4005.

(5) If you are enrolled in a waiver and your request to be enrolled in a different waiver is denied, your appeal rights are limited to those identified in WAC 388-845-4005.

AMENDATORY SECTION (Amending WSR 05-17-135, filed 8/19/05, effective 9/19/05)

**WAC 388-825-125 How do I request an administrative hearing?** (1) Your notice of the department decision will include instructions on how to file a request for an administrative hearing, where to send ~~((to))~~ the request, and the length of time you have to file for a hearing.

(2) Your request may be made orally or in writing.

(3) You may request assistance in requesting an administrative hearing by calling ~~((DDD))~~ DDA staff as stated in WAC 388-825-135.

AMENDATORY SECTION (Amending WSR 06-10-055, filed 5/1/06, effective 6/1/06)

**WAC 388-825-130 How long do I have to file a request for an administrative hearing?** (1) The following rules apply to all situations except a decision to transfer you from a state residential habilitation center (RHC) to the community under RCW 71A.20.080. The rules for administrative hearings regarding the department's decision to transfer you from an RHC to the community are contained in WAC 388-825-155.

(2) You have to request an administrative hearing within ninety days of receipt of the notification of the decision you are disputing.

(3) You must request an administrative hearing within the ten-day notice period, as described in WAC 388-458-0040 (1), (2) and (3), if you wish to maintain current services during the appeal process per WAC 388-825-145.

(4) The notification sent to you will include the date that the ten-day notice period ends.

AMENDATORY SECTION (Amending WSR 05-17-135, filed 8/19/05, effective 9/19/05)

**WAC 388-825-135 What if I need help to request an administrative hearing?** (1) You or someone on your behalf may call the department staff person listed in your notification letter and tell them you want to appeal the decision. The department staff person will notify the office of administrative hearings on your behalf.

(2) An oral request for an administrative hearing is complete if it contains enough information to identify the person making the request, the ~~((DDD action))~~ DDA decision, and

the ~~((case involved in the hearing request))~~ name of the individual affected by the decision.

(3) The effective date of an oral request for an administrative hearing is the date that you or someone on your behalf makes a complete oral request for hearing to any ~~((DDD))~~ DDA representative in person or by leaving a message on the automated voice mail system of any ~~((DDD))~~ DDA field office.

AMENDATORY SECTION (Amending WSR 07-06-055, filed 3/5/07, effective 4/5/07)

**WAC 388-825-150 When can the department proceed to take action during my appeal?** The department will proceed to take action during your appeal if:

(1) It is an eligibility denial and you are not currently an eligible client.

(2) Your ~~((DDD))~~ DDA eligibility has expired, per WAC 388-823-0010 and 388-823-1040.

(3) There is no longer funding for the state-only funded service you have been receiving.

(4) Your current services are terminated or transferred in order to ~~((meet the legislative intent of and))~~ comply with ~~((sections 205 and 207, chapter 371, Laws of 2002))~~ state law.

(5) The state-only funded service no longer exists, the medicaid state plan has been amended, or the HCBS waiver agreement with the federal Centers for Medicare and Medicaid has been amended.

(6) The administrative law judge or review judge rules that you have caused unreasonable delay in the proceedings.

(7) You are in imminent jeopardy.

(8) Your provider is no longer qualified to provide services due to:

(a) A lack of a contract;

(b) Decertification;

(c) Failure to complete training or certification requirements;

(d) Revocation or suspension of a license; or

~~((e))~~ (e) Lack of required registration, certification, or licensure.

(9) ~~((The parent of a person))~~ If you are under the age of eighteen and your parent or ~~((the))~~ legal ~~((guardian))~~ representative approves the department's decision.

(10) You did not file your request for an administrative hearing within the ten-day notice period, as described in chapter 388-458 WAC.

(11) You or your legal representative:

(a) Tell us in writing that you do not want continued benefits;

(b) Withdraw your administrative hearing request in writing; or

(c) Do not follow through with the administrative hearing process.

AMENDATORY SECTION (Amending WSR 10-02-101, filed 1/6/10, effective 2/6/10)

**WAC 388-825-165 Where can I find additional information about the appeal process?** You may find additional

information governing the appeal process in chapters 388-02 and 182-526 WAC.

#### NEW SECTION

**WAC 388-825-168 How do I complain to DDA about my services or treatment?** If you have a complaint about any DDA services or treatment other than actions listed in WAC 388-825-120(3), or you do not want to appeal a DDA action through an administrative hearing but you still wish to express your concerns, follow these steps in this order:

(1) First, contact your case resource manager or social worker by phone, in writing, e-mail, or in person and explain your problem.

(2) If you are not happy with the results from speaking with your case resource manager or social worker, you may ask to speak with their supervisor.

(3) If steps in subsections (1) and (2) of this section do not solve your problem, you should submit your complaint in writing to the regional office.

(4) If you do not reach a solution with the regional office, you can request that your complaint be forwarded to the DDA headquarters in Olympia.

AMENDATORY SECTION (Amending WSR 12-22-037, filed 11/1/12, effective 12/2/12)

**WAC 388-825-201 What ~~((is the purpose of))~~ are enhanced respite services?** Enhanced respite services are services designed to enable ~~((DDD))~~ DDA enrolled children and youth, who meet specific criteria, access to short term respite in a ~~((DDD))~~ DDA contracted and licensed staffed residential setting.

AMENDATORY SECTION (Amending WSR 12-22-037, filed 11/1/12, effective 12/2/12)

**WAC 388-825-206 Who is eligible to receive enhanced respite services?** (1) To be eligible for enhanced respite services, the following conditions must be met at a minimum:

(a) The child has been determined eligible for ~~((DDD))~~ DDA services per RCW 71A.10.020(3);

(b) The child is at least eight years of age and under age eighteen;

(c) The child is at high risk of institutionalization and/or out-of-home placement; and

(d) The parents/caregivers have demonstrated they have accessed alternative appropriate and available services to meet the unmet need.

(2) The enhanced respite services committee will also consider the following factors when reviewing requests for services:

(a) The child is experiencing school placement disruption and/or a shortened school day due to his/her behavior;

(b) There is a current family emergency;

(c) The child has had behavioral incident(s), which resulted in injury to self or others that required more than first aid;

(d) The child is awake at night, resulting in the child and/or the caregivers receiving less than five hours of uninterrupted sleep per night;

(e) The child is exhibiting behaviors such as aggression with significant injury, elopement, and challenging repetitive behaviors;

(f) The child's behavior acuity level is high per WAC 388-828-5640, the ICF/ID score is eligible per WAC 388-828-4400, and the caregiver's risk score is medium, high, or immediate per WAC 388-828-5300; and/or

(g) The child has assessed needs that exceed the scope of current services and/or is currently not eligible to receive any paid services.

AMENDATORY SECTION (Amending WSR 12-22-037, filed 11/1/12, effective 12/2/12)

**WAC 388-825-211 How long am I eligible to receive enhanced respite services?** (~~The maximum length of stay the child/youth may access services is~~) You may receive enhanced respite services for up to thirty days total in a calendar year.

AMENDATORY SECTION (Amending WSR 05-17-135, filed 8/19/05, effective 9/19/05)

**WAC 388-825-300 What is the purpose of WAC 388-825-300 through 388-825-400?** A client/legal representative may choose a qualified individual, agency, or licensed provider. The intent of WAC 388-825-300 through 388-825-400 is to describe:

(1) Qualifications for individuals and agencies providing (~~DDD~~) DDA services in the client's residence or the provider's residence or other setting; and

(2) Conditions under which the department will pay for the services of an individual provider or a home care agency provider or other provider.

AMENDATORY SECTION (Amending WSR 05-17-135, filed 8/19/05, effective 9/19/05)

**WAC 388-825-360 How does an individual terminate employment as a provider?** State law makes it a crime to abandon a vulnerable adult. "Abandon" means leaving a person without the means or ability to obtain any of the basic necessities of life.

(1) If an individual wishes to "quit" or terminate employment as a provider, the individual must:

(a) Give at least two weeks' (~~written~~) notice;

(b) Notify the client or the client's (~~to his/her employer, their~~) representative (~~(if applicable) and the DDD~~) in writing; and

(c) Notify the client's case manager.

(2) The individual will be expected to continue working until the termination date unless otherwise determined by DSHS.

## REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-825-061 What service am I eligible for if I am under the age of three?
- WAC 388-825-062 What is infant toddler early intervention program (ITEIP)?
- WAC 388-825-063 What services can infant toddler early intervention program (ITEIP) provide?
- WAC 388-825-066 Where do I find the program eligibility rules and service definitions for infant toddler early intervention program (ITEIP)?
- WAC 388-825-069 What services are provided under a home and community based services (HCBS) waiver?
- WAC 388-825-071 What services am I eligible for if I am enrolled in a DDD home and community based services (HCBS) waiver?
- WAC 388-825-088 Where can I find more information about DDD contracted residential services?

## **WSR 15-13-007**

### **PROPOSED RULES**

### **DEPARTMENT OF**

### **SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed June 4, 2015, 12:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-08-088.

Title of Rule and Other Identifying Information: The department is amending WAC 388-310-1300 Community jobs, 388-310-1500 WorkFirst—Employment conditions, and 388-450-0050 How does your participation in the community jobs (CJ) program affect your cash assistance and Basic Food benefits?

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on July 21, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than July 22, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., July 21, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone (360) 664-6092 or TTY (360) 664-6178, e-mail KildaJA@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules amend language to reflect local minimum wage ordinances for the purposes of WorkFirst subsidized and unpaid employment programs.

Reasons Supporting Proposal: The department is proposing to amend these rules to address local minimum wage ordinances.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120, and chapters 74.08A and 74.12 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Miranda Adams, P.O. Box 45470, Olympia, WA 98504-5470, (360) 725-4769.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule and concluded that no new costs will be imposed on small businesses affected by them. The preparation of a comprehensive small business economic impact statement is not required under RCW 19.85.030.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

June 2, 2015  
Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-22-062, filed 10/29/10, effective 12/1/10)

**WAC 388-310-1300 Community jobs. (1) What is the community jobs program?**

Community jobs is a paid work experience that assists you to gain work skills and experience. You are placed in a community job (up to twenty hours per week) where your wages are paid by the community jobs program. If you participate in the program, you are eligible for support services that assist you in moving into a job where your employer pays all your wages.

**(2) What is career jump?**

Career jump offers job-ready community jobs participants an opportunity to gain paid work experience that leads to a permanent job. This program is a subset of community jobs and will be referred to as such. Career jump places you in a part time (up to twenty hours per week), community job where your earnings are paid by the community jobs program, for up to five months, at which time you will transition to the employer's payroll. You will be provided with support services to assist you in retaining your job through the ninth month of the program. At or before the fifth month, the employment opportunity will be above minimum wage, thirty-two or more hours per week and include wage progression and benefits comparable to other employees.

**(3) Who administers the community jobs program?**

The ~~((state department of community, trade, and economic development (DCTED)))~~ department of commerce (commerce) administers the community jobs program. ~~((DCTED))~~ Commerce contracts with local agencies throughout the state, known as community jobs contractors who develop and manage the community jobs positions, pay the wages, provide support services and act as the "employer of record" while you are enrolled in a community job.

**(4) What types of work sites are used to provide community jobs?**

The following work sites may be used to provide community jobs:

- (a) Federal, state or local governmental agencies and tribal governments;
- (b) Private and tribal nonprofit businesses, organizations and educational institutions;
- (c) Private for profit businesses for career jump placements.

**(5) What are the requirements for the work sites?**

Work sites for community jobs and career jump:

- (a) Must assist in strengthening work ethics, improve workplace skills and help you gain skills to move into a job where the employer pays all your wages. If they do not meet this requirement, they will not be considered for additional community jobs/career jump placements.

- (b) We will follow the employment rules described in WAC 388-310-1500. In any situation where training is inconsistent with the terms of a collective bargaining agreement, your community jobs contractor will obtain written approval from the labor organization concerned. Career jump employers will remain neutral with regard to neutralization in the worksite.

- (c) You will not be required to do work related to religious, electoral or partisan political activities.

**(6) What are the benefits of community jobs?**

You benefit from community jobs by:

- (a) Learning work skills;
- (b) Getting work experience;
- (c) Working twenty hours per week, while being paid federal, ~~((or))~~ state, or local minimum wage, whichever is higher; and
- (d) Earning paid personal leave as determined by ~~((DCTED))~~ commerce.

**(7) How do I get into community jobs?**

You will be placed into community jobs after you and your DSHS case manager decide:

- (a) You would benefit from community jobs after you have participated in job search without finding a job; and/or
- (b) You need a supportive work environment to help you become more employable.

**(8) What happens after I am placed in the community jobs program?**

When you are placed in the community jobs program by DSHS:

- (a) You will be assigned to a community job by the community jobs contractor for no more than nine months. You will work twenty hours a week and participate in any other unpaid activities for twelve to twenty additional hours per week as required in your individual responsibility plan;

(b) Your placement in community jobs will be reviewed by your DSHS case manager every three months during your nine-month placement for the following:

- (i) To ensure you are TANF/SFA eligible; and
- (ii) To verify any earned or unearned income received by you or another member of your assistance unit (that is, you and other people in your household who are included on your cash grant).

(c) Your community jobs contractor will review your case each month to ensure you are following your IRP and IDP, participating full time, and becoming more employable because of your community job;

(d) If you request a different community jobs placement, we do not consider your request a refusal to participate without good cause under WAC 388-310-1600. You may be asked to explain why you want a different placement;

(e) Grievance policies are in place for your protection. You will be required to sign an acknowledgment that you received a copy of this policy at the time of placement with the employer.

**(9) How does community jobs affect my TANF benefits?**

The amount of your TANF/SFA monthly grant will be determined by following the rules in WAC 388-450-0050 and 388-450-0215 (1), (3), (4), (5) and (6). WAC 388-450-0215(2), does not apply to your community jobs wages.

**(10) What can I expect from my career jump placement?**

(a) You cannot represent more than ten percent of the total labor force for an employer that has ten or more employees.

(b) No more than one community jobs participant shall be allowed per private for profit worksite supervisor.

(c) You will participate in developing a career progression plan that will include health care benefits comparable to other employees.

(d) You may be eligible for unemployment benefits if you have participated in community jobs' career jump and have worked at least six hundred eighty hours in a base year. You will gain unemployment insurance credits for all hours worked under your career jump placement.

(e) Your employer and your community jobs contractor will be required to follow (~~DCED's~~) commerce's contractual agreements for career jump.

AMENDATORY SECTION (Amending WSR 08-07-046, filed 3/14/08, effective 5/1/08)

**WAC 388-310-1500 WorkFirst—Employment conditions. (1) If I am a mandatory participant, are there any limitations on the type of paid or unpaid employment I must accept?**

If you are a mandatory participant, you must accept paid or unpaid employment (including any activity in which an employer-employee relationship exists) unless the employment:

(a) Is not covered by industrial insurance (described in state law under Title 51 RCW) unless you are employed by a tribal government or a tribal private for-profit business;

(b) Is available because of a labor dispute;

(c) Has working hours or conditions that interfere with your religious beliefs or practices (and a reasonable accommodation cannot be made);

(d) Does not meet federal, state or tribal health and safety standards; or

(e) Has unreasonable work demands or conditions, such as working for an employer who does not pay you on schedule.

**(2) Are there any additional limitations on when I can be required to accept paid employment?**

You must accept paid employment unless the job or the employer:

(a) Pays less than the federal, state, local, or tribe minimum wage, whichever is higher;

(b) Does not provide unemployment compensation coverage (described in state law under Title 50 RCW) unless you:

(i) Work for a tribal government or tribal for-profit business; or

(ii) Are a treaty fishing rights related worker (and exempt under section 7873 of the Internal Revenue code);

(c) Requires you to resign or refrain from joining a legitimate labor organization; or

(d) Does not provide you benefits that are equal to those provided to other workers employed in similar jobs.

**(3) How many hours of unpaid employment can I be required to perform?**

You can be required to work a set number of hours of unpaid employment each month. The number of hours required will not be more than your TANF, SFA or GA-S cash grant plus Basic Food benefits, divided by the state or local, whichever is higher, minimum wage.

**(4) What safeguards are in place to make sure I am not used to displace currently employed workers?**

The following safeguards are in place to make sure you are not used to displace currently employed workers:

(a) You cannot be required to accept paid or unpaid employment which:

(i) Results in another employee's job loss, reduced wages, reduced hours of employment or overtime or lost employment benefits;

(ii) Impairs existing contracts for services or collective bargaining agreements;

(iii) Puts you in a job or assignment, or uses you to fill a vacancy, when:

(A) Any other person is on lay off from the same (or very similar) job within the same organizational unit; or

(B) An employer ends the job of a regular employee (or otherwise reduces its workforce) so you can be hired.

(iv) Reduces current employees' opportunities for promotions.

(b) If a regular employee believes your subsidized or unpaid work activity (such as a community jobs or work experience position) violates any of the rules described above, this employee (or his or her representative) has the right to:

(i) A grievance procedure (described in WAC 388-426-0005); and

(ii) A fair hearing (described in chapter 388-02 WAC).



**(5) What other rules apply specifically to subsidized or on-the-job training positions?**

If you are in a subsidized or on-the-job training position:

(a) WorkFirst state agencies must stop paying your wage or on-the-job training subsidy to your employer if your employer's worksite or operation becomes involved in a strike, lockout or bona fide labor dispute.

(b) If your wage subsidy or on-the-job training agreement is ended (and we stop paying any subsidies to your employer) because you were used to displace another employee, it will be up to you and the employer to decide whether you can (or want to) keep working there.

**AMENDATORY SECTION** (Amending WSR 10-22-012, filed 10/21/10, effective 2/1/11)

**WAC 388-450-0050 How does your participation in the community jobs (CJ) program affect your cash assistance and Basic Food benefits?** (1) There are two different types of income in the community jobs program. They are:

(a) Subsidized, where your wages are paid from TANF or SFA funds; and

(b) Unsubsidized, where your wages are paid entirely by your employer.

(2) We figure your total monthly subsidized or unsubsidized income by:

(a) Estimating the number of hours you, your case manager, and the CJ contractor expect you to work for the month; and

(b) Multiplying the number of hours by the federal, ~~((f))~~ state, or local minimum wage, whichever is higher.

(3) Because you are expected to participate and meet the requirements of CJ, once we determine what your total monthly income is expected to be, we do not change your TANF grant if your actual hours are more or less than anticipated.

(4) We treat the total income we expect you to get each month from your CJ position as:

(a) Earned income for cash assistance, except we do not count any of the CJ income for the first month you receive your paycheck.

(b) Earned income for Basic Food for all months.

(5) If your anticipated subsidized income is more than your grant amount, your cash grant is suspended. This means that you are still considered a TANF/SFA recipient, but you do not get a grant.

(a) Your grant can be suspended up to a maximum of nine months.

(b) You can keep participating in CJ even though your grant is suspended, as long as you would be eligible for a grant if we did not count your subsidized income.

(c) The months your grant is suspended do not count toward your sixty-month lifetime limit.

(6) If your unsubsidized income, after we subtract half of what you have earned is greater than your grant, your TANF/SFA case will close. This happens because your income is over the maximum you are allowed. You will still be able to participate in the CJ program for up to a total of nine months.

(7) If your income from other sources alone, not counting CJ income makes you ineligible for a cash grant, we terminate your grant and end your participation in CJ.

**WSR 15-13-015****PROPOSED RULES****PROFESSIONAL EDUCATOR****STANDARDS BOARD**

[Filed June 5, 2015, 12:13 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-06-106.

Title of Rule and Other Identifying Information: Amends WAC 181-79A-231 providing clarity to the issuance and use of substitute teaching certificates.

Hearing Location(s): Radisson Hotel, SeaTac Airport, 18118 International Boulevard, Seattle, WA 98188, on July 22, 2015, at 8:30.

Date of Intended Adoption: July 22, 2015.

Submit Written Comments to: David Brenna, 600 Washington Street, Room 400, Olympia, WA 98504, e-mail david.brenna@k12.wa.us, fax (360) 586-4548, by July 15, 2015.

Assistance for Persons with Disabilities: Contact David Brenna by July 15, 2015, (360) 725-6238.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 181-79A-231 addresses temporary certificates for teaching. A number of classes of substitute teaching certificates are available, with differing requirements. Limitations on the use of emergency substitute certificates are put in place. Also allows interns to apply for their substitute teachings [teaching] certificates, rather than requiring districts or higher education to recommend such certificates and permits those interns to serve as substitutes.

Reasons Supporting Proposal: Clarifies requirements and relaxes some restrictions. Improves districts['] ability to add substitutes to their workforce.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, P.O. Box 42736 [47236], Olympia, WA 98504, (360) 725-6238.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting David Brenna, 600 Washington Street, Olympia, WA 98504, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

June 5, 2015  
David Brenna  
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 10-16-124, filed 8/3/10, effective 9/3/10)

**WAC 181-79A-231 Limited certificates.** Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited service:

(1) Conditional certificate.

(a) The purpose of the conditional certificate is to assist local school districts, approved private schools, and educational service districts in meeting the state's educational goals by giving them flexibility in hiring decisions based on shortages or the opportunity to secure the services of unusually talented individuals. The professional educator standards board encourages in all cases the hiring of fully certificated individuals and understands that districts will employ individuals with conditional certificates only after careful review of all other options. The professional educator standards board asks districts when reviewing such individuals for employment to consider, in particular, previous experience the individual has had working with children.

(b) Conditional certificates are issued upon application by the local school district, approved private school, or educational service district superintendent to persons who meet the age, good moral character, and personal fitness requirements of WAC 181-79A-150 (1) and (2), if one of the following conditions is verified:

(i) The applicant is highly qualified and experienced in the subject matter to be taught and has unusual distinction or exceptional talent which is able to be demonstrated through public records of accomplishments and/or awards; or

(ii) No person with regular teacher certification in the endorsement area is available as verified by the district or educational service district superintendent or approved private school administrator, or circumstances warrant consideration of issuance of a conditional certificate.

(c) In addition, conditional certificates are issued to persons in the following categories only if no person with regular certification is available:

(i) The applicant qualifies to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(ii) The applicant is assigned instructional responsibility for intramural/interscholastic activities which are part of the district or approved private school approved program; or

(iii) The applicant possesses a state of Washington license for a registered nurse: Provided, That the district will be responsible for orienting and preparing individuals for their assignment as described in (e)(iii) of this subsection; or

(iv) The applicant has completed a bachelor's degree or higher from a regionally accredited college/university. All speech-language pathologists or audiologists providing services under a current and valid conditional certificate issued as of June 30, 2003, will be fully qualified consistent with WAC 181-79A-223 by the year 2010. First conditional certifi-

icates, issued to speech-language pathologists or audiologists after June 30, 2003, which are valid for up to two years, may be reissued once for up to two years, if the individual provides evidence that he/she is enrolled in and completing satisfactory progress in a master's degree program resulting in the initial ESA school speech-language pathologists or audiologist certificate.

(v) The applicant for a conditional teaching certificate in special education shall hold a bachelor's degree or higher from a regionally accredited college/university.

(vi) The issuance of a conditional certificate to a special education teacher after July 1, 2003, is contingent upon the individual being enrolled in an approved teacher preparation program resulting in a residency teacher certificate endorsed in special education. The conditional certificate is valid for up to two years and may be reissued once for one year upon verification by the college/university that the individual is completing satisfactory progress in the residency teacher certificate program.

(vii) An individual with full certification and endorsed in special education shall be assigned as a mentor to the special education teacher serving on a conditional certificate for the duration of the conditional certificate.

(d) The educational service district or local district superintendent or administrator of an approved private school will verify that the following criteria have been met when requesting the conditional certificate:

(i) The district or educational service district superintendent or approved private school administrator has indicated the basis on which he/she has determined that the individual is competent for the assignment;

(ii) The individual is being certificated for a specific assignment and responsibility in a specified activity/field;

(e) When requesting the conditional certificate for persons who provide classroom instruction, the educational service district superintendent or local district superintendent or approved private school administrator will verify that the following additional criteria will be met:

(i) After specific inclusion on the agenda, the school board or educational service district board has authorized submission of the application.

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district or approved private school mentor and will not be serving in a paraprofessional role which would not require certification;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district or approved private school. A written plan of assistance will be developed, in cooperation with the person to be employed within twenty working days from the commencement of the assignment. In addition, prior to service the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(iv) Within the first sixty working days, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of course work in pedagogy and child/adolescent development appropriate to the assigned grade

level(s) as approved by the employing school district or approved private school.

(f) The certificate is valid for two years or less, as evidenced by the expiration date which is printed on the certificate, and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter upon application by the employing local school district, approved private school, or educational service district and upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate. The requesting local school district, approved private school, or educational service district shall verify that the sixty clock hours taken for the reissuance of the certificate shall be designed to support the participant's professional growth and enhance the participant's instructional knowledge or skills to better assist students meeting the state learning goals and/or essential academic learning requirements.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of regular Washington certificates have expired; or

(ii) Persons who have completed state approved preparation programs and baccalaureate degrees at regionally accredited colleges and universities for certificates; or

(iii) Persons applying as out-of-state applicants who qualify for certification pursuant to WAC 181-79A-257 (1)(c) and (d).

(b) The substitute certificate is valid for life.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents or approved private school administrators to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: Provided, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate: Provided further, That a candidate for emergency certification as a school counselor, school psychologist, or social worker shall be the best qualified of the candidates for the position as verified by the employing school district and shall have completed all course work for the required master's degree with the exception of the internship: Provided further, That a candidate for emergency certification as a school psychologist shall be enrolled in an approved school psychologist preparation program and shall be participating in the required internship.

(b) The emergency certificate is valid for one year or less, as evidenced by the expiration date which is printed on the certificate.

(4) Emergency substitute certification.

(a) If the district or approved private school has exhausted or reasonably anticipates it will exhaust its list of

qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under subsection (2) of this section for use in a particular school district or approved private school once the list of otherwise qualified substitutes has been exhausted.

(b) Such emergency substitute certificates shall be valid for ~~((three years or less))~~ one year, as evidenced by the expiration date which is printed on the certificate. Emergency substitute certificated teachers may only teach a maximum of sixty days during the year the certificate is valid. An emergency substitute certificate may only be issued twice to the same individual.

(5) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 181-79A-270 and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

(6) Intern substitute teacher certificate.

~~((School districts and approved private schools may request))~~ Individuals may apply for intern substitute teacher certificates ~~((for persons))~~ when the individual is enrolled in student teaching/internships to serve as substitute teachers in the absence of the classroom teacher.

~~((The supervising college or university must approve the candidate for the intern substitute teacher certificate.~~

~~((e)))~~ Such certificated substitutes may be called at the discretion of the school district or approved private school to serve as a substitute teacher only in the classroom(s) ~~((to which the individual is assigned as a student teacher/intern))~~ with subject areas the intern is pursuing an endorsement in.

~~((d)))~~ (c) The intern substitute teacher certificate is valid for one year, or less, as evidenced by the expiration date which is printed on the certificate.

(7) Transitional certificate.

(a) An individual whose continuing or residency certificate has expired according to WAC 181-85-040 or 181-79A-251 may be issued a transitional certificate to be employed on a conditional basis upon request by a school district, approved private school, or educational service district superintendent. The holder of the transitional certificate must successfully complete the external assessment established by the professional educator standards board within two years of the date the holder was issued the transitional certificate in order to continue to be employed: Provided, five years has elapsed since the final renewal expired and the teacher registers and passes the professional certificate assessment within the two years under WAC 181-79A-251. The transitional certificate expiration date shall not be calculated under professional educator standards board policy WAC 181-79A-117.

(b) No individual whose continuing certificate has been suspended or revoked shall be eligible to be employed under this section.

(c) School districts, approved private schools, and educational service districts are strongly encouraged to develop with the holder of a transitional certificate a plan of assistance to be sure the holder completes the necessary continuing certificate reinstatement requirements under WAC 181-85-130 within the two-year conditional employment period specified

under (a) of this subsection if the holder is to continue to be employed.

(d) The transitional certificate is not renewable and may not be reissued.

(8) Provisional alternative administrative certificate.

(a) This certificate shall be issued to individuals admitted to the professional educator standards board alternative route to principal certification pilot program.

(b) The certificate is valid for one year from date of issue.

(c) A comprehensive assessment of the intern's performance by school officials and program faculty and a recommendation that the person be issued a residency principal certificate upon successful completion of the program.

**WSR 15-13-020**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed June 8, 2015, 8:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-04-058.

Title of Rule and Other Identifying Information: WAC 308-124H-805 Course approval required.

Hearing Location(s): Department of Licensing, 405 Black Lake Boulevard, Building #2, Conference Room 2105, Olympia, WA 98502 (check in at front counter), on July 23, 2015, at 1:30 p.m.

Date of Intended Adoption: July 24, 2015.

Submit Written Comments to: Jerry McDonald, 2000 4th Avenue West, Olympia, WA 98502, e-mail [jmcdonald@dol.wa.gov](mailto:jmcdonald@dol.wa.gov), fax (360) 570-7051, by July 22, 2015.

Assistance for Persons with Disabilities: Contact Sally Adams by July 22, 2015, TTY (360) 664-0166 or (360) 664-6526.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The new rule provides flexibility for the department to specify the method for course approval application submissions. This change is being made because the department will now require education providers to use the department's online resources to upload course material for approval.

Reasons Supporting Proposal: This rule will eliminate delivery by United States mail of course work and texts to the department. This change will save course providers mailing costs and will result in a quicker turnaround of course review for approval.

Statutory Authority for Adoption: RCW 18.85.041.

Statute Being Implemented: RCW 18.85.041 (1) and (6).

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No fiscal impact to the department. Rule change was a result of a LEAN process improvement for approved course providers and the agency.

Name of Proponent: Real estate commission, department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting and Enforcement: Jerry McDonald, 2000 4th Avenue West, Olympia, WA 98502, (360) 664-6525; and Implementation: Delores Casitas, 2000 4th Avenue West, Olympia, WA 98502, (360) 664-6505.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is for the approval of prelicensed and continuing education credit for individual applicants or licensees. There are no fees to applicants or licensee[s] in using this submission method. The department of licensing and the real estate commission utilized stakeholders and individual professional licensees to participate in the rule-making process.

A cost-benefit analysis is not required under RCW 34.05.328. The department of licensing is exempt from the provisions of this chapter.

June 8, 2015  
Damon Monroe  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-16-054, filed 7/29/14, effective 8/29/14)

**WAC 308-124H-805 Course approval required.** (1) Any education provider or course developer may submit a course to the department for approval.

(2) Course approval by the department is required prior to the date on which the course is offered for clock hour credit.

(3) ~~((Each application for approval of a course shall be submitted to the department on the appropriate application form provided))~~ The course provider must submit a completed course approval application, using the method defined by the department.

(4) The director or designee shall approve, disapprove, or conditionally approve applications based upon criteria established by the commission.

(5) Upon approval, disapproval or conditional approval, the applicant will be so advised in writing by the department. Notification of disapproval shall include the reasons therefor.

(6) Approval shall expire four years after the effective date of approval, except for the core course which shall expire after two years.

**WSR 15-13-050**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed June 10, 2015, 7:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-09-102.

Title of Rule and Other Identifying Information: WAC 308-56A-270 Forms of signature.

Hearing Location(s): Highways-Licenses Building, Conference Room 413, 1125 Washington Street S.E., Olympia, WA (check in at counter on first floor), on July 28, 2015, at 3:00 p.m.

Date of Intended Adoption: July 29, 2015.

Submit Written Comments to: Brady Horenstein, P.O. Box 9030, Olympia, WA 98507-9030, e-mail bhorenstei@dol.wa.gov, fax (360) 570-7048, by July 27, 2015.

Assistance for Persons with Disabilities: Contact Brady Horenstein by July 27, 2015, TTY (360) 664-0116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Revise and update WAC 308-56A-270 to align signature requirements with business requirements and best practices.

Reasons Supporting Proposal: Existing signature requirements in WAC 308-56A-270 are unnecessarily restrictive. This proposal will align signature requirements with business requirements and best practices.

Statutory Authority for Adoption: RCW 46.01.110, 46.16A.220.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Brady Horenstein, Highways-Licenses Building, Olympia, Washington, (360) 902-3835; Implementation and Enforcement: Jaime Grantham, Highways-Licenses Building, Olympia, Washington, (360) 902-3718.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule making does not impose more than a minor cost on businesses in the industry. Thus, a small business impact statement is not required under RCW 19.85.030 (1)(a).

A cost-benefit analysis is not required under RCW 34.05.328. The contents of the proposed rules relate only to internal governmental operations.

June 10, 2015  
Damon Monroe  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-15-060, filed 7/12/06, effective 8/12/06)

**WAC 308-56A-270 Forms of signature.** (1) **What forms of signature are acceptable to the department?** The department will accept(=

~~(a) The signature of an individual in the same form as the name appears on the application or on the certificate of ownership.~~

~~(b) The signature containing initials corresponding to the first letter of the given name(s).~~

~~(c) The signature containing a given name(s) corresponding to the initials.~~

~~(d) Common nicknames such as Bob for Robert, Jim for James, Betty for Elizabeth, etc.~~

~~(e) The signature,)) any memorandum, signature stamp, mark, or sign made with ((the)) intent to authenticate ((an application for certificate of ownership or registration of any person)) any instrument or writing.~~

(2) **What form of signature is required for business owned vehicles?** Signatures for business owned vehicles must include:

(a) The name of the business or a commonly accepted abbreviation for the business;

(b) The signature of the person authorized to sign on behalf of the business as stated in subsection (1) of this section; and

(c) The title or position of that person.

**WSR 15-13-057**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**

[Filed June 10, 2015, 10:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-01-092.

Title of Rule and Other Identifying Information: WAC 314-02-057 Definitions and 314-02-058 Sports/entertainment facility licenses—Operating plans.

Hearing Location(s): Washington State Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Olympia, WA 98504, on July 29, 2015, at 10:00 a.m.

Date of Intended Adoption: August 12, 2015.

Submit Written Comments to: Karen McCall, P.O. Box 43080, Olympia, WA 98504, e-mail rules@liq.wa.gov, fax (360) 664-9689, by July 29, 2015.

Assistance for Persons with Disabilities: Contact Karen McCall by July 29, 2015, (360) 664-1631.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The board was asked by stakeholders to open the rule making to look at possible revisions to the rules to explore additional allowances under the license. Revisions have been made to provide clarity to the rules and allow additional areas of alcohol consumption under the sports/entertainment facility license.

Reasons Supporting Proposal: The revisions provide clarity to licensees holding the sports/entertainment facility license.

Statutory Authority for Adoption: RCW 66.24.570, 66.08.030.

Statute Being Implemented: RCW 66.24.570.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state liquor control board, governmental.

Name of Agency Personnel Responsible for Drafting: Karen McCall, Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, WA 98504, (360) 664-1631; Implementation: Becky Smith, Licensing Director, 3000 Pacific Avenue S.E., Olympia, WA 98504, (360) 664-1615; and Enforcement: Justin Nordhorn, Chief Enforcement, 3000 Pacific Avenue S.E., Olympia, WA 98504, (360) 664-1726.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement was not required.

A cost-benefit analysis is not required under RCW 34.05.328.

June 10, 2015  
Jane Rushford  
Chairman

AMENDATORY SECTION (Amending WSR 11-01-133, filed 12/21/10, effective 1/21/11)

**WAC 314-02-057 Definitions.** (1) **Premises** - Buildings, parking lots, and any open areas that are adjacent to and owned, leased, or managed by the licensee and under the licensee's control.

(2) **Event categories** - Types of events that the licensee expects to hold on the premises:

(a) **Professional sporting event** - A contest involving paid athletes and sanctioned by a professional sports organization that regulates the specific sport.

~~((i) A preapproved level of alcohol service will be applied to the professional sporting events of baseball, football, basketball, soccer, tennis, volleyball, horse racing, hockey, and track and field events (relay races, dashes, pole vaulting, etc.).~~

~~((ii) For all other professional sporting events, the board will determine the level of alcohol service on a case-by-case basis, as approved in the operating plan.))~~

(b) **Amateur sporting event** - A contest or demonstration involving athletes who receive no monetary compensation that is sanctioned by a national or regional amateur athletic regulatory organization.

(c) **Entertainment event** - A concert ~~((;))~~ involving a live musician, a live comedy act, or similar event intended for the entertainment of the audience. Broadcast television or background videos or music does not qualify as live entertainment.

(d) **Special event** - A convention, trade show, or other ~~((public/private event to large too be held in a separate banquet or meeting room within the facility))~~ like public event with prior approval.

(e) **Private event** - An event not open to the public such as a wedding, private party, or business meeting, where the facility or a portion of the facility where the event is held is not accessible to the general public during the time of the private event.

(3) **Hawking** - The practice of selling alcohol in seating areas by roving servers who carry the beverages with them, as outlined in WAC 314-02-058(4). Because of row seating arrangements, servers normally do not have direct access to customers. Therefore, service usually requires that drinks, money, and identification be passed down rows, involving other spectators.

(4) **Club seats** - A specifically designated and controlled seating area that is distinct from general seating with food and beverage service provided by servers directly to the customer.

AMENDATORY SECTION (Amending WSR 11-01-133, filed 12/21/10, effective 1/21/11)

**WAC 314-02-058 Sports/entertainment facility licenses—Operating plans.** (1) **What ~~((rules))~~ requirements govern the submission of operating plans?**

(a) To receive a license, a sports/entertainment facility must submit an operating plan for board approval.

(b) Once approved, the plan remains in effect until the licensee requests a change or the board determines that a change is necessary due to demonstrated problems or conditions not previously considered or adequately addressed in the original plan.

(c) The plan must be submitted in a format designated by the board.

(d) The plan must contain all of the following elements:

(i) How the sports/entertainment facility will prevent the sale and service of alcohol to persons under twenty-one years of age and those who appear to be intoxicated.

(ii) The ratio of alcohol service staff and security staff to the size of the audiences at events where alcohol is being served. The minimum ratio allowed is one staff person to fifty attendees at the event.

(iii) Training provided to staff who serve, regulate, or supervise the service of alcohol. Mandatory alcohol server training is required for all staff.

(iv) The facility's policy on the number of alcoholic beverages that will be served to an individual patron during one transaction. Two alcoholic beverages is the maximum number allowed to be sold and served to an individual patron during one transaction.

(v) An explanation of the alcoholic beverage containers that will be used to ensure they are significantly different from containers utilized from nonalcoholic beverages.

~~((+))~~ (vi) A list of event categories (see WAC 314-02-057(2)) to be held in the facility at which alcohol service is planned, along with a request for the level of alcohol service at each event.

~~((+))~~ (vii) The date must be included in the operating plan.

~~((+))~~ (viii) The pages must be numbered in the operating plan.

~~((+))~~ (ix) The operating plan must be signed by a principal of the licensed entity.

(e) Prior to the first of each month, the licensee must provide a schedule of events for the upcoming month to the facility's local liquor enforcement office. This schedule must show the date and time of each event during which alcohol service is planned. The licensee must notify the local enforcement office at least seventy-two hours in advance of any events where alcohol service is planned that were not included in the monthly schedule. Notice of private events is not required when the event is being held in conjunction with a professional or amateur sporting event, an entertainment event, or a special event as outlined in WAC 314-02-057(2).

(2) **May the liquor control board impose any other mandatory standards as a part of an operating plan?** Yes. To prevent persons who are under twenty-one years of age or who appear intoxicated from gaining access to alcohol, the board may impose the following standards as part of an operating plan:

(a) The board may require that an operating plan include additional mandatory requirements if it is judged by the board that the plan does not effectively prevent violations of liquor laws and regulations, particularly those that prevent

persons under twenty-one years of age or who are apparently intoxicated from obtaining alcohol.

(b) To permit alcohol servers to establish the age of patrons and to prevent over-service, sports/entertainment facilities must meet minimum lighting requirements established by WAC 314-11-055 in any area where alcohol is served or consumed. For the purpose of establishing a permanent technical standard, an operating plan may include a lighting standard measured in foot candles, so long as the candle power of the lighting is, at all times, sufficient to permit alcohol servers to establish the validity of documents printed in eight point type.

(3) **Where will spirits, beer, and wine be allowed in a sports/entertainment facility?** The purpose of the following matrix is to outline where and when alcohol service will normally be permitted. Due to the unique nature of each facility, the board will determine the permitted alcohol service based on the facility's approved operating plan.

(a) If alcohol service is requested outside of the parameters listed below, a special request with justification for the alcohol service area must be submitted with the operating plan for consideration by the board.

<b>Type of event as defined in WAC 314-02-057</b>	Beer, wine, and spirits may be sold and served in approved restaurants, lounges, private suites, and club rooms	Beer, wine, and spirits may be sold and served in temporary lounges, beer gardens, or other approved service areas	<u>Spirits, beer, and wine</u> may be served and consumed in club seats during events	Beer and wine may be consumed throughout seating areas during events	Hawking - beer may be served throughout seating areas, subject to the provisions of WAC 314-02-058(4)
Professional sporting events of baseball, football, basketball, soccer, tennis, volleyball, horse racing, hockey, and track and field events	x	x	x	x	x
All other professional sporting events <u>including WWE, UFC, rodeo, motorcross, national auto racing, and monster truck events</u> (level of alcohol service will be determined on a case-by-case basis per the approved operating plan)	x	x	x	x	
Amateur sporting events ( <u>nonpaid athletes</u> )	x	x			
Entertainment events	x	x			
Special events ( <u>trade shows, conventions</u> )	x	x			

(b) For private events, beer, wine, and spirits may be served in the area where the event is held. This area may be a separate meeting or banquet room or the entire facility.

(c) In order to minimize youth access to alcohol, the board may prohibit or restrict the service of alcohol at events

where the attendance is expected to be over thirty percent persons under twenty-one years of age. This restriction will not apply to the professional sporting events outlined in WAC 314-02-057 (2)(a).

(4) **Will hawking be allowed at sports/entertainment facilities?** Subject to the provisions of this rule, hawking may be permitted in general seating areas for the sale and consumption of beer, at the professional sporting events of baseball, football, basketball, soccer, tennis, volleyball, horse racing, hockey, and track and field events only, as defined by WAC 314-02-057 (2)(a).

(a) An operating plan must include procedures for hawkers to verify the age of purchasers and to prevent service to apparently intoxicated persons.

(b) During hawking, any patron may decline to handle alcoholic beverages, either on behalf of themselves and for any person under their supervision. When a patron objects to handling alcohol, hawkers must accommodate the objection. The facility operating plan will address how hawking will be managed, including how hawkers will respond to patron objections to handling alcohol.

~~((e) Each facility's hawking authorization will be reviewed by the board one year after the facility commences hawking under these rules and then every two years. This review, which will take no more than ninety days, will recommend the continuation, modification, or repeal of the hawking authorization. The decision to continue hawking will be based on:~~

~~(i) The facility's demonstrated record of preventing service of liquor to persons under twenty-one years of age and to persons who appear intoxicated; and~~

~~(ii) Public input submitted to the board. The licensee must post written notices to its patrons at fixed points of alcohol sales on the premises and in programs at events where hawking occurs for at least sixty days prior to the review period, stating that the facility's hawking authorization is up for review by the board, and directing comment to the board. The wording and method of notice must be approved by the board.))~~

**WSR 15-13-085**  
**PROPOSED RULES**  
**BIG BEND**  
**COMMUNITY COLLEGE**

[Filed June 15, 2015, 10:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-16-059.

Title of Rule and Other Identifying Information: Chapter 132R-04 WAC, Community colleges—Big Bend Community College.

Hearing Location(s): Big Bend Community College, 7662 Chanute Street N.E., Hardin Community Room, Moses Lake, WA 98837, on July 22, 2015, at 1 p.m.-2 p.m.

Date of Intended Adoption: August 18, 2015.

Submit Written Comments to: Bob Mohrbacher, 7662 Chanute Street N.E., Moses Lake, WA 98837, e-mail bobm@bigbend.edu, fax (509) 762-6329, by August 7, 2015.

Assistance for Persons with Disabilities: Contact Lora-lyn Allen by August 7, 2015, TTY (509) 762-6335 or (509) 793-2027.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Changes to the current Title 132R WAC are necessary to comply with the Violence Against Women Reauthorization Act (VAWA) of 2013, to clarify processes for compliance with United States Department of Education Title IX as described in Dear Colleague Letter: Harassment and Bullying (October 26, 2010), and to clarify campus marijuana use rules in light of I-502.

Reasons Supporting Proposal: Needed to comply with VAWA 2013 as well as the SaVE Act and I-502.

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

Rule is necessary because of federal law, VAWA 2013.

Name of Proponent: Big Bend Community College, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Bob Mohrbacher, 7662 Chanute Street N.E., Moses Lake, WA 98837, (509) 793-2055.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Changes impact only internal college processes dealing with students. There is no financial impact on any small business or school district.

A cost-benefit analysis is not required under RCW 34.05.328. Changes impact only internal college processes dealing with students. here is no direct financial impact.

June 9, 2015

Bob Mohrbacher  
Vice-President of Instruction  
and Student Services

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

**WAC 132R-04-010 Statement of student rights (~~and responsibilities~~).** ~~((Admission to the college carries with it the expectation that students will conduct themselves as responsible members of the college community, that they will comply with the rules and regulations of the college, maintain high standards of integrity and honesty, respect the rights, privileges, and property of other members of the college community, and will not interfere with legitimate college affairs.~~

~~The rights and responsibilities of students are further defined and listed in the "student rights and responsibilities" policy adopted by the board of trustees of Big Bend Community College. Policies and procedures are fully explained in the student handbook which is on file in the office of the vice-president of student services.))~~ As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. The responsibility to maintain and to respect the general conditions necessary for a free and effective learning environment is shared by all members of the college community.



The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced, or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and any and all harassment, including sexual harassment.

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

A student accused of violating this code of student conduct is entitled, upon request, to procedural due process as set forth in this chapter.

**AMENDATORY SECTION** (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

**WAC 132R-04-015 Definitions.** ((1) "ASB" means the representative governing body for students at Big Bend Community College recognized by the board of trustees.

(2) "Assembly" means any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or group of persons.

(3) "Board" means the board of trustees of Community College District 18, state of Washington.

(4) "College president" or "president" means the duly appointed chief executive officer of Big Bend Community College, Community College District 18, state of Washington, or in his/her absence, the acting chief executive officer.

(5) "College" means Big Bend Community College located within Community College District 18, state of Washington.

(6) "College facilities" means and includes any or all real and personal property owned or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(7) "College personnel" refers to any person employed by Community College District 18 on a full-time or part-time basis, except those who are faculty members.

(8) "Disciplinary action" means and includes suspension or any lesser sanction of any student by the vice-president of student services, student disciplinary council, college presi-

dent, or the board of trustees for the violation of any of the provisions of the code of student conduct or any of the provisions of the code of student rights and responsibilities for which such sanctions may be imposed.

(9) "District" means Community College 18, state of Washington.

(10) "Faculty member(s)" means any employee of Big Bend Community College who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience and responsibility are comparable as determined by the appointing authority, except administrative appointments.

(11) "Hazing" means any method of initiation into a student organization, association, or living group or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or post-secondary institution.

(12) "Recognized student organization" means and includes any group or organization composed of students, which is affirmed by the student government of the college.

(13) "A sponsored event or activity" means any activity that is scheduled by the college and is supervised and controlled by college faculty members or personnel. Such sponsorship shall continue only as long as the event is supervised and controlled by the college faculty member or personnel. When the sponsored event or activity is of a prolonged nature, and free time periods are permitted to the students participating in the event, any activity taking place during such a free time period outside of the supervision and control of the college faculty member(s) or personnel, shall be deemed to be a nonsponsored activity.

(14) "Student" means a person who is enrolled for courses at the college.

(15) "Working days" means Monday through Friday, excluding holidays.) For the purposes of this chapter, terms are defined as follows:

(1) "Student conduct officer" is a college administrator responsible for implementing and enforcing the student conduct code. The student conduct officer is authorized to delegate any and all of his or her responsibilities as set forth in this chapter as may be reasonably necessary. The vice-president of instruction and student services will serve as the student conduct officer or may appoint a designee.

(2) "Conduct review officer" is a college administrator responsible for receiving and facilitating appeals from student disciplinary actions and for reviewing initial orders issued in a brief adjudicative proceeding. The conduct review officer shall be designated by the president and shall be authorized to grant appropriate relief upon review. The conduct review officer is authorized to delegate any and all of his or her responsibilities as set forth in this chapter as may be reasonably necessary. The director of student programs will serve as the conduct review officer, unless otherwise designated by the president.

(3) "The president" is the president of the college. The president is authorized to delegate any and all of his or her responsibilities as set forth in this chapter as may be reasonably necessary.

(4) "Disciplinary action" is the process by which discipline is imposed by the student conduct officer against a student for a violation of the student conduct code.

(5) "Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess of ten instructional days or an expulsion are heard by the disciplinary committee. Appeals of all other appealable disciplinary action may be reviewed through brief adjudicative proceedings.

(6) "Respondent" is the student against whom disciplinary action is being taken.

(7) "Service" is the process by which a document is officially delivered to a party. Unless expressly specified otherwise, service upon a party shall be accomplished by:

(a) Hand delivery of the document to the party; or

(b) By sending the document by e-mail and by certified mail or first class mail to the party's last known address.

Service is deemed complete upon hand delivery of the document or upon the date the document is e-mailed and deposited into the mail.

(8) "Filing" is the process by which a document is officially delivered to a school official responsible for facilitating a disciplinary review or a presiding officer. Unless expressly specified otherwise, filing shall be accomplished by:

(a) Hand delivery of the document to the school official or school official's assistant; or

(b) By sending the document by e-mail and first class mail to the recipient's college e-mail and office address.

Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified official or presiding officer.

(9) "College premises" shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, or controlled by the college.

(10) "Student" includes all persons taking courses at or through the college, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit courses, online courses, or otherwise. Persons who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered "students."

(11) "Business day" means a weekday, excluding weekends and college holidays. If a time period is not specifically stated in business days, then calendar days apply.

**AMENDATORY SECTION** (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

**WAC 132R-04-017 Statement of jurisdiction.** ((All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college sponsored activity or function whether occurring on or off college facilities/premises.)) The conduct code adopted herein applies to student conduct that occurs on college premises, at college-sponsored activities, and to off-campus student conduct that adversely affects the well-being of the

college community and/or the pursuit of its objectives. Jurisdiction includes, but is not limited to, locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training internships, cooperative and distance education, online education, practicum, supervised work experiences or any other college-sanctioned social or club activities. Students are responsible for their conduct from the time of application for admission through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending. The student conduct officer has sole discretion, on a case-by-case basis, to determine whether the code of student conduct will be applied to conduct occurring off campus.

**AMENDATORY SECTION** (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

**WAC 132R-04-057 Student code of conduct violations.** ((Any student shall be subject to immediate disciplinary action provided for in code procedures and summary suspension rules who, either as a principal actor or aider or abettor:

(1) Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college;

(2) Violates any provisions of the code of student rights and responsibilities;

(3) Commits any of the following acts which are hereby prohibited:

(a) All forms of academic misconduct and dishonesty including cheating, plagiarism, knowingly furnishing false information to the college, and forgery, alteration or use of college documents or instruments of identification with intent to defraud;

(b) Failure to comply with lawful directions of faculty, administrators and other regularly employed personnel acting in performance of their lawful duties;

(c) Conduct which intentionally and substantially obstructs or disrupts freedom of movement, teaching, disciplinary proceedings or other lawful activities on the college campus. Said conduct may be defined as:

(i) Behavior that involves an expressed or an implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in college activities and causes the person to have a reasonable apprehension that such interference is about to occur;

(ii) Threat to cause bodily harm at present or in the future to any person, or to cause physical damage to another's property, or to maliciously do any act which is intended to substantially harm another person's physical or mental health or safety;

(iii) Intentional and repeated following or contacting another person in a manner that intimidates, harasses or places another in fear for his or her personal safety or the safety of his or her property;

(d) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the physical or mental health and safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(e) All forms of sexual misconduct which includes sexual harassment, sexual intimidation, sexual coercion, sexual assault, and rape.

(f) All forms of hazing which endangers, or is likely to endanger, the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of admission into, affiliation with, or as a condition for continued membership in a group or college organization.

(g) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.

(h) Refusal to comply with any lawful order to leave the college campus or any portion thereof.

(i) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on the college campus, except for authorized college purposes; unless prior written approval has been obtained from the vice-president of student services, or any other person designated by the college president.

(j) Intentionally inciting others to engage immediately in any of the conduct prohibited herein, which incitement leads directly to such conduct. (Inciting is that advocacy which prepares the group addressed for imminent action and steers it to the conduct prohibited herein.)

(k) Possessing, consuming, being demonstrably under the influence of, or furnishing any form of alcoholic beverages on college-owned or controlled property or at college-sponsored or supervised functions where prohibited by the college's current alcohol policy.

(l) Disorderly conduct, including disorderly conduct resulting from drunkenness.

(m) Engaging in lewd, indecent or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(n) Using, possessing, furnishing or selling any narcotic or dangerous drug as defined in Washington statutes, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

(o) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm or other device established for the safety of individuals and/or college facilities.

(p) Theft or conversion of college property or private property.

(q) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(r) Possession, making or causing to be made, any key to operate locks or locking mechanisms on campus without proper authorization or using or giving to another, a key for which there has been no proper authorization.

(s) Interfering with college computing or communication functions or with the work of another student, faculty mem-

ber, or college official; gaining unauthorized access, altering data, misusing computing facilities to send harassing messages, or misuse of the campus network and/or computing facilities as defined by the current college technology use policy and procedures.

(t) Disruptive classroom conduct including abusive language toward a classroom instructor and/or student and other acts of misconduct.

(4) Single or repeated violation of the above code is relevant in determining an applicant's or a student's membership in the college.) **Student misconduct.** Misconduct for which the college may impose sanctions includes, but is not limited to, any of the following:

(1) Any act of academic dishonesty including, but not limited to, cheating or plagiarism.

(a) Cheating includes, but is not limited to, using, or attempting to use, any material, assistance, or source which has not been authorized by the instructor to satisfy any expectation or requirement in an instructional course, or obtaining, without authorization, test questions or answers or other academic material that belong to another.

(b) Plagiarism includes, but is not limited to, presenting or submitting another person's ideas, words, or other work in an instructional course without properly crediting that person.

(c) Academic dishonesty includes, but is not limited to, presenting or submitting in an instructional course either information that is known to be false (while concealing that falsity) or work that is substantially the same as that previously submitted in another course (without the current instructor's approval).

(2) Any other acts of dishonesty. Such acts include, but are not limited to:

(a) Forgery, alteration, submission of falsified documents or misuse of any college document, record, or instrument of identification;

(b) Tampering with an election conducted by or for college students; or

(c) Furnishing false information, or failing to furnish correct information, in response to the request or requirement of a college officer or employee.

(3) Obstruction or disruption of:

(a) Any instruction, research, administration, disciplinary proceeding, or other college activity; or

(b) Any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.

(4) Assault, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, stalking or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purposes of this subsection:

(a) Bullying is physical or verbal abuse, repeated over time, and involving a power imbalance between the aggressor and victim.

(b) Stalking is intentional and repeated harassment or repeated following of another person, which places that person in reasonable fear that the stalker intends to injure the person, another person, or the property of the person or another person, and the stalker either intends to frighten,

intimidate, or harass the person, or knows or reasonably should know that the person is frightened, intimidated or harassed, even if the stalker lacks such an intent. The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances.

(5) Cyberstalking, cyberbullying, or online harassment. Use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, to harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's e-mail communications directly or through spyware, sending threatening e-mails, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third-parties using another's e-mail identity, nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.

(6) Attempted or actual damage to, or theft or misuse of, real or personal property or money of:

(a) The college or state;

(b) Any student or college officer, employee, or organization; or

(c) Any other person or organization, or possession of such property or money after it has been stolen.

(7) Failure to comply with the direction of a college officer or employee who is acting in the legitimate performance of his or her duties, including failure to properly identify oneself to such a person when requested to do so.

(8) Participation in any activity which unreasonably disrupts the operations of the college or infringes on the rights of another member of the college community, or leads or incites another person to engage in such an activity.

(9) Weapons: Possession of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device or any other weapon apparently capable of producing bodily harm, unless previously authorized by the vice-president of instruction and student services. See board policy 7800 for additional details.

(10) Hazing. Hazing includes, but is not limited to, any initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student.

(11) Tobacco, electronic cigarettes, and related products: The use of tobacco, electronic cigarettes, and related products in any building owned, leased or operated by the college or in any location where such use is prohibited, or in any location other than the parking lots, including twenty-five feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased or operated by the college. "Related products" include, but are not limited to, cigarettes, pipes, bidi, clove cigarettes, waterpipes, hookahs, chewing tobacco, and snuff.

(12) Alcohol: The use, possession, delivery, sale, or being visibly under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.

(13) Marijuana: The use, possession, delivery, sale, or being visibly under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

(14) Being observably under the influence of any legend drug, narcotic drug or controlled substance as defined in chapters 69.41 and 69.50 RCW, or otherwise using, possessing, delivering, or selling any such drug or substance, except in accordance with a lawful prescription for that student by a licensed health care professional.

(15) Obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity.

(16) Conduct which is disorderly, lewd, or obscene.

(17) Breach of the peace.

(18) Discriminatory conduct: Discriminatory conduct which harms or adversely affects any member of the college community because of her or his race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age (40+); religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

(19) Sexual violence: The term "sexual violence" incorporates the definition of "sexual harassment" and means a physical sexual act perpetrated without clear, knowing, and voluntary consent, such as committing a sexual act against a person's will, exceeding the scope of consent, or where the person is incapable of giving consent, including rape, sexual assault, sexual battery, sexual coercion, sexual exploitation, gender- or sex-based stalking. The term further includes acts of dating or domestic violence and dating violence.

(a) Domestic violence: Includes (i) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (ii) sexual assault of one family or household member by another; or (iii) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member. Pursuant to chapter 10.99 RCW, domestic violence also includes, but is not limited to, the following crimes when committed by one family or household member against another: Assault; drive-by shooting; reckless endangerment; coercion; burglary; criminal trespass; malicious mischief; kidnapping; unlawful imprisonment; and violation of a restraining order, no-contact order or protection order.

(b) Dating violence: Violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

(c) Stalking: Intentional and repeatedly harassing or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person

is frightened, intimidated or harassed, even if the perpetrator lacks such intent. In addition to any other form of communication or conduct, the sending of an electronic communication may constitute stalking.

(d) Consent: At the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

(20) Sexual harassment: Conduct includes, but is not limited to, engaging in unwelcome sexual advances, requests for sexual favors, or other sexual conduct, including verbal, nonverbal, electronic or social media communication, or physical touching that would substantially interfere with a reasonable person's work or educational performance, or to create an intimidating, hostile, or offensive educational environment.

(21) Harassment: Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person's race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age (40+); religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification. See supplemental definitions: "Sexual misconduct" for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media and electronic media.

(22) Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:

(a) Unauthorized use of such resources or opening of a file, message, or other item;

(b) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;

(c) Unauthorized use or distribution of someone else's password or other identification;

(d) Use of such time or resources to interfere with someone else's work;

(e) Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;

(f) Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;

(g) Use of such time or resources in violation of applicable copyright or other law;

(h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization; or

(i) Failure to comply with the college's electronic use policy.

(23) Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property.

(24) Abuse or misuse of any of the procedures relating to student complaints or misconduct including, but not limited to:

(a) Failure to obey a subpoena or order to appear at a hearing;

(b) Falsification or misrepresentation of information;

(c) Disruption, or interference with the orderly conduct of a proceeding;

(d) Interfering with someone else's proper participation in a proceeding;

(e) Destroying or altering potential evidence, or attempting to intimidate or otherwise improperly pressure a witness or potential witness;

(f) Attempting to influence the impartiality of, or harassing or intimidating, a student disciplinary committee member; or

(g) Failure to comply with any disciplinary sanction(s) imposed under this student conduct code.

(25) Operation of any motor vehicle on college property in an unsafe manner or in a manner which is reasonably perceived as threatening the health or safety of another person.

(26) Violation of any federal, state, or local law, rule, or regulation or other college rules or policies, including college traffic and parking rules.

(27) Ethical violation: The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing as an educational goal or major.

(28) Aiding, abetting, inciting, encouraging, or assisting another person to commit any of the foregoing acts of misconduct.

In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

**AMENDATORY SECTION** (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

**WAC 132R-04-063 Disciplinary sanctions.** ((If any student is found to have violated any of the offenses enumerated at WAC 132-04-057, one or more of the following sanctions may be imposed against the student or student organization. Failure to comply with any imposed sanctions may result in additional sanctions:

**(1) Minor disciplinary sanction:**

**(a) "Disciplinary warning."** Formal action censoring a student for unacceptable conduct or violation of college rules or regulations. The student is notified in writing of this action. Warnings imply that further unacceptable conduct or violation of rules will result in one of the more serious actions described below:

**(b) "Disciplinary probation."** Formal action placing condition on the student's continued attendance for violation of specified regulations. The disciplinary probation shall specify, in writing, the period of probation and the conditions which may include conditions such as limiting the student's

participation in college-related privileges or extracurricular activities or enforcing a "no contact" order which would prohibit direct or indirect physical and/or verbal contact with specific individuals or groups. Disciplinary probation further shall give the student notice that any further misconduct will automatically raise the question of suspension from the college. Disciplinary probation shall be for a specified period of time.

(c) "Educational activities." Activities designed to foster student development may include, but are not limited to, community service, attendance at educational programs, or written assignments.

(d) "Restitution." Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

(e) "Assessment." Referral for drugs/alcohol or psychological assessment may be required. Results of the assessment may lead to the determination that conditions of treatment and further assessment apply to either continued attendance or return after a period of suspension.

(2) Major disciplinary sanction:

(a) "Disciplinary suspension." Formal action taken by authorized personnel (the president or anyone authorized to act in the absence of the president) dismissing a student temporarily from the college for unacceptable conduct or violation of college rules or regulations. Suspension may be for a stated or for an indefinite period, but the implication of the action is that the student may eventually return if evidence or other assurance is presented that the unacceptable conduct will not be repeated. The notification suspending the student must state the conditions to be met and whether the action is to be noted permanently on the student's record. The student and vice president of student services are notified in writing of the action taken, the terms of the suspension and any conditions involved, and the dean of enrollment services is requested to enter the action on the student's academic record. No fees will be refunded for the quarter in which the action is taken.

(b) "Disciplinary expulsion." Discretionary action by authorized personnel dismissing a student permanently for flagrantly unacceptable conduct or violation of college rules or regulations. Unlike suspension, no term is involved, the action always becomes effective on notice. Expulsion must have the prior approval of the president. The student is notified in writing of the action taken, and the dean of enrollment services is requested to enter the action permanently on the student's academic record.

(c) "Hold" (administrative). Attachment of a student's record to assure compliance with college rules, procedures, or obligations. The "hold" may be placed on the student's record by the authorized college office responsible for enforcement of the rule, procedure, or obligation involved. The authorized office must request the dean of enrollment services in writing to place a "hold" on the student's record. The student will not be permitted to register for any subsequent quarter nor to obtain a transcript of his/her record except on the written release of the office which placed the "hold."

(d) "Registration canceled" (administrative). Privileges of attendance withdrawn, effective immediately on notice.

(i) By order of the business office for financial delinquencies. (Handled as a withdrawal for recording purposes.)

(ii) By order of the vice president of student services for failure to comply with rules, regulations or instructions.

The order canceling a registration must be addressed to the student involved in writing. The registration office automatically will place a "hold" on the student's record to prevent registration for future quarters and the issuance of transcripts.) **Sanctions.** Disciplinary actions include, but are not limited to, the following sanctions that may be imposed upon students according to the procedure outlined in WAC 132R-04-057.

(1) Warning: A verbal statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.

(2) Reprimand: Notice in writing that the student has violated one or more terms of this code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.

(3) Disciplinary probation: Formal action placing specific conditions and restrictions upon the student's continued attendance depending upon the seriousness of the violation and which may include a deferred disciplinary sanction. If the student subject to a deferred disciplinary sanction is found in violation of any college rule during the time of disciplinary probation, the deferred disciplinary sanction, which may include, but is not limited to, a suspension or a dismissal from the college, shall take effect immediately without further review. Any such sanction shall be in addition to any sanction or conditions arising from the new violation. Probation may be for a limited period of time or may be for the duration of the student's attendance at the college. Other conditions and restrictions may include, but not be limited to, restrictions from being present on certain parts of the campus or in certain college buildings; restriction from attending certain college activities; orders of no contact between the student under probation and other students, college employees, or other persons.

A student who is on disciplinary probation may be deemed "not in good standing" with the college. If so the student shall be subject to the following restrictions:

(a) Ineligible to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.

(b) Ineligible to represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollegiate competition or representation.

(4) Restitution: Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an investigation or disciplinary proceeding. This may take the form of monetary reimbursement, appropriate service, or other compensation.

(5) Suspension: Dismissal from the college and from the student status for a stated period of time. There will be no refund of tuition or fees for the quarter in which the action is taken.

(6) Professional evaluation: Referral for drug, alcohol, psychological or medical evaluation by an appropriately cer-

tified or licensed professional may be required. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The student will sign all necessary releases to allow the college access to any such evaluation. The student's return to college may be conditioned upon compliance with recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until future evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.

(7) Dismissal: The revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the action is taken.

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

**WAC 132R-04-064 (~~(Interim discipline:)~~ Summary suspension.** ((1) Disciplinary actions of the college will be implemented by the president, except as such implementation may be delegated by the president or the board of trustees. Ordinarily, the disciplinary authority of the college will be invoked only after completion of the procedures established for the review of disciplinary cases and after the student, if he/she so wishes, has availed himself/herself of the appeal procedures. However, in situations where there is cause to believe that the student or the student organization poses an immediate threat to himself or herself, to others or to property, or is incapable of continuing as a student for medical or psychological reasons, or where it is believed that the student's continued attendance or presence may cause disorder or substantially interfere with or impede the lawful activities of others or imperil the physical or mental health and safety of members of the college community, interim actions may be taken immediately without prior notice or hearing. These actions, taken by the president or the president's designee, may include:

(a) Interim restrictions, including, but not limited to, assignment to alternate college housing or removal from college housing, limitation of access to college facilities, or restriction of communication with specific individuals or groups;

(b) Interim suspension, including temporary total removal from the college or restriction of access to campus;

(c) Mandatory medical/psychological assessment, including referral to outside, medical professionals and/or to the mental health advisory board for assessment of the student's capability to remain in the college.

(2) Each instructor is authorized to implement interim suspension when necessary to preserve order and to maintain effective cooperation of the class in fulfilling the objective of the course. An instructor imposing an interim suspension shall report such action, in writing, to the division chair, vice-president of student services, and vice-president of instruction.

(3) In all cases of interim discipline, the student or student organization is entitled to personally appeal before the vice-president of student services or designee as soon as is reasonably possible. The student disciplinary review request must be submitted in writing no later than ten working days from the date of said disciplinary action.

(4) The vice-president of student services shall conduct a meeting with the student within five working days after receipt of the disciplinary review request. As a result of the meeting between the vice president of student services and the student, the vice-president may recommend to the president or the president's designee either continuation or termination of the interim discipline and/or initiate disciplinary procedures in accordance with WAC 132R-04-112 through 132R-04-160.) (1) Summary suspension is a temporary exclusion from specified college premises or denial of access to all activities or privileges for which a respondent might otherwise be eligible, while an investigation and/or formal disciplinary procedures are pending.

(2) The vice-president of instruction and student services (or designee) may impose a summary suspension if there is probable cause to believe that the respondent:

(a) Has violated any provision of the code of conduct; and

(b) Presents an immediate danger to the health, safety, or welfare of members of the college community; or

(c) Poses an ongoing threat of disruption of, or interference with, the operations of the college.

(3) Notice. Any respondent who has been summarily suspended shall be served with written notice or oral notice of the summary suspension at the time of the summary suspension. If oral notice is given, a written notification shall be served on the respondent within two business days of the oral notice.

(4) The written notification shall be entitled "Notice of Summary Suspension Proceedings" and shall include:

(a) The reasons for imposing the summary suspension, including reference to the provisions of the student conduct code or the law allegedly violated;

(b) The date, time, and location when the respondent must appear before the chair of the student disciplinary committee for a hearing on the summary suspension; and

(c) The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that his or her privilege to enter into or remain on college premises has been withdrawn, that the respondent shall be considered trespassing and subject to arrest for criminal trespass if the respondent enters the college campus other than to meet with the student conduct officer or designee, or to attend a disciplinary hearing.

(5)(a) The conduct review officer or designee shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension. The hearing will be conducted as a brief adjudicative proceeding.

(b) During the summary suspension hearing, the issue before the conduct review officer is whether there is probable cause to believe that the summary suspension should be con-

tinued pending the conclusion of disciplinary proceedings and/or whether the summary suspension should be less restrictive in scope.

(c) The respondent shall be afforded an opportunity to explain why summary suspension should not be continued while disciplinary proceedings are pending or why the summary suspension should be less restrictive in scope.

(d) If the notice of summary suspension proceedings has been served upon the respondent in accordance with these rules and the student fails to appear at the designated hearing time, the conduct review officer may order that the summary suspension remain in place pending the conclusion of the disciplinary proceedings.

(e) As soon as practicable following the hearing, the conduct review officer shall issue a written decision, which shall include a brief statement of findings of fact and conclusions of law, the policy reasons justifying imposition of the summary suspension. If summary suspension is upheld and/or other discipline imposed, the order shall inform the respondent of the duration of the summary suspension or the nature of the disciplinary action(s), conditions under which the summary suspension may be terminated or modified, and procedures by which the order may be appealed.

(f) The interim suspension shall not replace the regular discipline process, which shall proceed as quickly as feasible in light of the interim suspension.

(g) To the extent permissible under applicable law, the conduct review officer shall provide a copy of the decision to all persons or offices whom may be bound or protected by it.

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

~~WAC 132R-04-067 ((Readmission after major discipline.)) **Appeal from disciplinary action.** ((Any petition for readmission by a student suspended or expelled for disciplinary reasons other than poor scholarship must be addressed to the office of the vice president of student services. Such a petition must be in writing and must state in detail the reasons why the penalty should be reconsidered. Since the president of the college or his/her designee participates in disciplinary decisions suspending/expelling students from the college, decisions on such petitions for readmission must be reviewed and approved by the president before being announced to the petitioner.)) (1) The respondent may appeal the results of a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty days of service of the discipline order. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the student conduct officer's order shall be deemed final.~~

(2) The notice of appeal must include a brief statement explaining why the respondent is seeking review.

(3) The parties to an appeal shall be the respondent and the conduct review officer.

(4) A respondent, who timely appeals a disciplinary action or whose case is referred to the student disciplinary committee, has a right to a prompt, fair, and impartial hearing as provided for in these procedures.

(5) The Administrative Procedure Act, chapter 34.05 RCW, governs committee proceedings and controls in the event of any conflict with these rules.

(6) The college hereby adopts the Model rules of procedure, chapter 10-08 WAC, by reference. To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control.

(7) Imposition of discipline for violation of the student conduct code shall be stayed pending appeal, unless respondent has been summarily suspended.

(8) The student disciplinary committee shall hear appeals from:

(a) Suspensions in excess of ten instructional days;

(b) Dismissals; and

(c) Discipline cases referred to the committee by the student conduct officer.

(9) Student conduct appeals involving the following disciplinary actions shall be heard as brief adjudicative proceedings:

(a) Suspensions of ten instructional days or less;

(b) Disciplinary probation;

(c) Reprimands; and any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

~~WAC 132R-04-100 ((Delegation of disciplinary)) **Authority.** ((The board, acting pursuant to RCW 28B.50.140 (14), do by written order delegate to the president of the college authority to administer the disciplinary action prescribed in WAC 132R-04-150. All disciplinary actions in which there is a recommendation that a student be suspended or expelled, shall be acted upon by the president or his/her designee as listed in the Big Bend Community College board of trustees policy book, section BP-1004.5.)) The Big Bend Community College (BBCC) board of trustees, acting according to RCW 28B.50.140(14), delegates to the president of the college the authority to administer disciplinary action. Administration of the disciplinary procedures is the responsibility of the vice-president of instruction and student services. The vice-president of instruction and student services will serve as the student conduct officer, or appoint a designee. The student conduct officer shall serve as the principal investigator and administrator for alleged violations of this code.~~

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

~~WAC 132R-04-112 ((Discipline statement.)) **Initiation of disciplinary action.** ((1) The vice-president of student services is the primary agent for the administration of discipline for unacceptable conduct or infraction of college rules except those which are the responsibility of divisions and instructors as hereafter described.~~

~~(a) The division chair and faculty of each division are responsible for the administration of discipline for infraction of rules and regulations of the college or for unacceptable conduct by students in matters relating to their academic progress.~~



(b) The instructor is responsible for the maintenance of order and proper conduct in the classroom. He/she is authorized to impose interim suspension as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(2) The instructor of each course shall be responsible for the maintenance of order and proper student conduct in a classroom. Each instructor is authorized to impose interim suspension in order to preserve order and to maintain effective cooperation of the class in fulfilling the objective of the course. In the event of disruptive classroom conduct, academic misconduct, and/or dishonesty, the instructor may take any and all reasonable action against any student. A course of action might include, but not be limited to:

(a) Issuing a failing grade on a particular test, paper, assignment, or course.

(b) Dismissing the student(s) from class pending a hearing with the vice-president of student services.

(c) Dropping the student from the course.

(d) Referring the case to local authorities for civil action.

(3) An instructor taking action against any student for an act of disruptive classroom conduct, academic misconduct, and/or dishonesty, shall report such action in writing to the division chair, appropriate dean, vice-president of student services, and vice-president of instructional services as soon as possible. Any student subject to action of an instructor for a code of conduct violation may seek review of that action by the vice-president of student services. The student disciplinary review request must be submitted in writing to the vice-president of student services within ten working days from the date of said disciplinary action.) (1) Disciplinary proceedings will be initiated by the vice-president of instruction and student services or a designee. If that officer is the subject of a complaint initiated by the respondent, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complainant.

(2) A student accused of violating any provision of the conduct code (the respondent) shall be notified of an initial meeting with the vice-president of instruction and student services. The notice shall briefly describe the factual allegations, the provision(s) of the conduct code the respondent is charged with violating, the range of possible sanctions for the alleged violation(s), and specify the time and location of the meeting. At the meeting, the student conduct officer will present the allegations to the respondent and the respondent shall be afforded an opportunity to explain what took place. If the respondent fails to appear after proper notification, the student conduct officer may take disciplinary action based upon the available information.

(3) Within ten days of the initial disciplinary meeting, and after considering the evidence in the case, including any facts or argument presented by the respondent, the vice-president of instruction and student services shall serve the respondent with a written order setting forth the facts and conclusions supporting his or her decision, the specific student conduct code provisions found to have been violated, the discipline imposed (if any), and a notice of any appeal rights with an explanation of the consequences of failing to file a timely appeal.

(4) The vice-president of instruction and student services, acting in the role of student conduct officer, may take any of the following actions:

(a) Terminate the proceeding, exonerating the respondent;

(b) Dismiss the case after providing appropriate counseling and advice to the respondent. Such action is final and is not subject to review on appeal;

(c) Issue a verbal warning to the respondent directly. Such action is final and is not subject to review on appeal;

(d) Impose additional sanctions of reprimand, disciplinary probation, suspension or dismissal. Such actions are subject to review on appeal as provided in this chapter; refer the matter directly to the student disciplinary committee for such action as the committee deems appropriate. Such referral shall be in writing, to the attention of the chair of the disciplinary committee, with a copy served on the respondent.

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

WAC 132R-04-115 ((Disciplinary action-)) **Brief adjudicative proceedings.** ((1) A student charged with unacceptable conduct is entitled to a fair hearing. The procedures set forth below shall be interpreted and administered in such a way as to accomplish this objective. Disciplinary proceedings are not to be construed as judicial trials; care will be taken to comply as fully as possible with the spirit and intent of procedural safeguards relative to the rights of the individual concerned.

(a) When disciplinary action is initiated by a faculty member for disruptive classroom conduct, academic misconduct, and/or dishonesty, a written report of the occurrence shall be filed with the division chair, appropriate dean, vice-president of student services, and vice-president of instruction.

(b) All other instances of misconduct shall be reported to the vice-president of student services.

(c) Any student accused of violating any provisions of the rules of student conduct shall be called for an initial conference with the vice-president of student services or his/her designated representative, and shall be informed of what provision of the rules of student conduct have been violated, and the maximum penalties, if any, which might result from initiation of a disciplinary proceeding.

(2) After considering the evidence in the case and interviewing the student or students accused of violating the rules of student conduct, the vice-president of student services or his/her designated representative may take any of the following actions:

(a) Terminate the proceedings, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate;

(c) Impose minor sanctions directly (warning or reprimand);

(d) Refer the case to the disciplinary committee.

(3) Should a disciplinary committee hearing be necessary, the student shall be notified **in writing** as to the date, time, place of the hearing, and charge(s), including reference

to the particular sections of the rules of student conduct involved. He/she shall be permitted to examine the evidence against him/her and where pertinent shall be given the names of those who will be witnesses against him/her. In the hearing he/she may present evidence, testimonial or documentary, in his/her behalf.

(4) The president or vice president of student services shall notify the student in writing of the final determination on any charge of unacceptable conduct. In the case of a student under eighteen years of age who is expelled, suspended or placed on disciplinary probation, the parents or guardian of the student shall also be notified in writing. (This does not apply to emancipated minors.))

(1) **Brief Adjudicative Proceedings.** This rule is adopted in accordance with RCW 34.05.482 through 34.05.-494. Brief adjudicative proceedings shall be used, unless provided otherwise by another rule or determined otherwise in a particular case by the president, or a designee, in regard to:

- (a) Parking violations.
- (b) Outstanding debts owed by students or employees.
- (c) Use of college facilities.
- (d) Residency determinations.
- (e) Use of library - Fines.
- (f) Challenges to contents of education records.
- (g) Loss of eligibility for participation in institution sponsored athletic events.
- (h) Student conduct appeals involving the following disciplinary actions:
  - (i) Suspensions of ten instructional days or less;
  - (ii) Disciplinary probation;
  - (iii) Written reprimands; and
  - (iv) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

(i) Appeals of decisions regarding mandatory tuition and fee waivers.

Brief adjudicative proceedings are informal hearings and shall be conducted in a manner which will bring about a prompt fair resolution of the matter.

(2) **Brief Adjudicative Proceedings - Initial Hearing.** The initial hearing (also known as a brief adjudicative proceeding) is an initial and less formal process designed to resolve disputes and address concerns on the part of students, faculty, or other college personnel.

(a) Brief adjudicative proceedings shall be conducted by the appropriate dean or the associate vice-president of student services, acting as the presiding officer. The presiding officer shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(b) Before taking action, the presiding officer shall conduct an informal hearing and provide each party (i) an opportunity to be informed of the college's view of the matter and (ii) an opportunity to explain the party's view of the matter.

(c) The presiding officer shall serve an initial order upon both the parties within ten days of consideration of the initial hearing. The initial order shall contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial order. If no request for review is filed within twenty-one days of service

of the initial order, the initial order shall be deemed the final order.

(d) If the conduct review officer upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student disciplinary committee for a disciplinary hearing. The conduct review officer may enter an interim order suspending the student until a hearing can be held by the student disciplinary committee. The interim order shall provide a brief explanation as to facts supporting the interim order of suspension and give the necessary notices that the case has been referred to the student disciplinary committee.

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

**WAC 132R-04-117 Student disciplinary committee.** ((1) The committee shall be a standing committee composed of one administrator appointed by the president, two faculty members selected by the college faculty association and two students selected by the student government.

(2) If any member of the committee is unable to consider a particular disciplinary proceeding for any reason including a conflict of interest, such member shall be temporarily replaced by a student or faculty member as appropriate pursuant to the procedure established in this section.

(3) The disciplinary committee shall conduct such hearing within twenty working days after disciplinary action has been referred to such committee and shall give the student charged with violation of the rules of student conduct a minimum notice of five working days of said hearing as specified within the following section. With the mutual agreement of the parties, the hearing date may be continued beyond the twenty working day limit.)) (1) The student disciplinary committee shall consist of five members:

(a) Two full-time students appointed by the student government;

(b) Two faculty members recommended by the faculty association and appointed by the president;

(c) One member of the administration appointed by the president at the beginning of the academic year. The chair shall receive annual training on protecting victims and promoting accountability in cases involving allegations of sexual misconduct.

(2) The member of the administration shall serve as the chair of the committee and may take action on preliminary hearing matters prior to the appointment of the committee. The chair shall receive annual training on protecting victims and promoting accountability in cases involving allegations of sexual misconduct.

(3) Hearings may be heard by a quorum of three members of the committee so long as one faculty member and one student are included on the hearing panel. Committee action may be taken upon a majority vote of all committee members attending the hearing.

(4) Members of the student disciplinary committee shall not participate in any case in which they are a party, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previ-

ously in an advisory capacity. Any party may petition for disqualification of a committee member pursuant to RCW 34.05.425(4).

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

**WAC 132R-04-130 Student disciplinary committee ((procedures)) process.** ~~((1) The hearing panel will hear, de novo, and make recommendations to the president of the college on all disciplinary cases referred to it by the vice president of student services.~~

~~(2) The student has a right to a fair and impartial hearing before the disciplinary committee on any charge of violating the rules of student conduct. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the disciplinary committee from making its findings of fact, conclusions and recommendations as provided herein.~~

~~(3) The student shall be given written notice of the time and place of the hearing before the disciplinary committee by personal service or registered mail and be afforded not less than five working days notice thereof. Said notice shall contain:~~

~~(a) A statement of the time, place and nature of the disciplinary proceeding.~~

~~(b) A statement of the charges against him/her including reference to the particular sections of the rules of student conduct involved.~~

~~(4) The student shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its source; he/she shall be entitled to present evidence in his/her own behalf and cross examine witnesses testifying against him as to factual matters.~~

~~(5) The student has the right to be assisted by any (one) advisor he/she may choose, at his/her own expense. The advisor may be an attorney. The student is responsible for presenting his/her own case and, therefore, advisors are not permitted to speak or to participate directly in a hearing. The accused student can, however, speak with his/her advisor during the hearing. If the student utilizes an attorney as an advisor, the student shall give the vice president of student services three days' notice of intent to do so.~~

~~(6) In all disciplinary proceedings, the college may be represented by a designee appointed by the vice president of student services; said designee may then present the college's case against the student accused of violating the rules of student conduct, provided that in those cases in which the student elects to have a licensed attorney act as his/her advisor, the vice president of student services may elect to have the college represented by an assistant attorney general.~~

~~(7) If, at the conclusion of the hearing, the committee finds that the student has committed one or more violations, and that such violations are in fact violations of a rule or rules of student conduct, the committee shall make such a finding and recommend such disciplinary action as they shall deem appropriate against the student. Prior acts of misconduct may be considered in making the recommendation for disciplinary action.~~

~~(8) During the course of the proceeding an adequate summary of all the evidence and facts will be taken. A copy shall be available at the office of the vice president of student services.)~~ **(1) Student Disciplinary Committee Process.**

(a) The committee chair shall serve all parties with written notice of the hearing not less than seven days in advance of the hearing date, as further specified in RCW 34.05.434 and WAC 10-08-040 and 10-08-045. To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control. The chair may shorten this notice period if both parties agree, and also may continue the hearing to a later time for good cause.

(b) The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and forms of any discovery, issuance of protective orders, and similar procedural matters.

(c) Upon request filed at least five days before the hearing by either party or at the direction of the committee chair, the parties shall exchange, no later than the third day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present in their respective cases. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, unless the party can show good cause for such failure.

(d) The committee chair may provide to the committee members in advance of the hearing copies of (i) the conduct officer's notification of imposition of discipline (or referral to the committee) and (ii) the notice of appeal (or any response to referral) by the respondent. If doing so, however, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.

(e) The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.

(f) The vice-president of instruction and student services (or designee) shall provide reasonable assistance to the respondent, upon request, in obtaining relevant and admissible evidence that is within the college's control.

(g) Communications between committee members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate; any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.

(h) Each party may be accompanied at the hearing by a nonattorney assistant of his or her choice. A respondent may elect to be represented by an attorney at his or her own cost but will be deemed to have waived that right unless, at least four business days before the hearing, written notice of the attorney's identity and participation is filed with the committee chair with a copy to the student conduct officer. The committee will ordinarily be advised by an assistant attorney general. If the respondent is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.

**(2) Student Disciplinary Committee Hearings - Presentation of Evidence.**

(a) Upon the failure of any party to attend or participate in a hearing, the committee may either (i) proceed with the hearing and issuance of its order or (ii) serve an order of default in accordance with RCW 34.05.440.

(b) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings should be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.

(c) The chair shall cause the hearing to be recorded by a method that he or she selects, in accordance with RCW 34.05.449. That recording, or a copy, shall be made available to the respondent upon request. The chair shall assure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by the respondent. Other recording shall also be permitted, in accordance with WAC 10-08-190.

(d) The chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee.

(e) The vice-president of instruction and student services or a designee (unless represented by an assistant attorney general) shall present the case for disciplinary action. The facts justifying any such action must be established by a preponderance of the evidence.

(f) All testimony shall be given under oath or affirmation. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.

**(3) Supplemental Sexual Misconduct Procedures.** Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial discipline action and to appeal the student conduct officer's disciplinary order.

Application of the following procedures is limited to student conduct code proceedings involving allegations of sexual misconduct. In such cases, these procedures shall supplement the student disciplinary procedures. In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.

**(4) Supplemental Definitions.** For purposes of student conduct code proceedings involving sexual misconduct, the following definitions apply:

(a) The "complainant" is the alleged victim of sexual misconduct. Complainant also refers to the college when the college files the complaint.

(b) "Sexual misconduct" is a sexual or gender-based violation of the student conduct code including, but not limited to:

(i) Sexual activity for which clear and voluntary consent has not been given in advance;

(ii) Sexual activity with someone who is incapable of giving valid consent because, for example, she or he is under-

age, sleeping or otherwise incapacitated due to alcohol or drugs;

(iii) Sexual harassment;

(iv) Sexual violence which includes, but is not limited to, sexual assault, domestic violence, intimate violence, and sexual- or gender-based stalking;

(v) Nonphysical conduct such as sexual- or gender-based digital media stalking, sexual- or gender-based online harassment, sexual- or gender-based cyberbullying, nonconsensual recording of a sexual activity, and nonconsensual distribution of a recording of a sexual activity.

**(5) Supplemental Complaint Process.** The following supplemental procedures shall apply with respect to complaints or other reports of alleged sexual misconduct by a student.

(a) The college's Title IX compliance officer shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for disciplinary action.

(b) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.

(c) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety and welfare of the complainant or other members of the college community or compromising the college's duty to investigate and process sexual harassment and sexual violence complaints.

(d) The student conduct officer, prior to initiating disciplinary action, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions (if any) that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

(e) The student conduct officer, on the same date that a disciplinary decision is served on the respondent, will serve a written notice informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including disciplinary suspension or dismissal of the respondent. The notice will also inform the complainant of his or her appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the complainant to ensure prompt notice of the protective disciplinary sanctions and/or conditions.

**AMENDATORY SECTION** (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

**WAC 132R-04-140 Student disciplinary committee ((decision))—Initial order.** ~~((Upon conclusion of the disciplinary hearing, the disciplinary committee shall consider all the evidence therein presented and decide by majority vote as~~

to the specific findings and conclusions required pursuant to WAC 132R-04-130, and whether to recommend to the president any of the following actions:

(1) That the college terminate the proceedings and exonerate the student or students;

(2) That the president or his/her designee impose any of the disciplinary action as provided in WAC 132R-04-150.)

(1) At the conclusion of the hearing, the committee shall permit the parties to make closing arguments in whatever form it wishes to receive them. The committee also may permit each party to propose findings, conclusions, and/or an order for its consideration.

(2) Within twenty days following the conclusion of the hearing or the committee's receipt of closing arguments (whichever is later), the committee shall issue an initial decision in accordance with RCW 34.05.461 and WAC 10-08-210. The initial decision shall include findings on all material issues of fact and conclusions on all material issues of law, including which, if any, provisions of the student conduct code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified.

(3) The committee's initial decision shall also include a determination on appropriate discipline, if any. If the matter was referred to the committee by the student conduct officer, the committee shall determine any disciplinary sanction or conditions authorized herein. If the matter is an appeal by the respondent, the committee may affirm, reverse, or modify the discipline imposed by the student conduct officer and/or impose any other disciplinary sanction or conditions authorized herein.

(4) The committee chair shall provide copies of the initial order to the parties and any legal counsel who have appeared. The committee chair shall also promptly transmit a copy of the order and the record of the committee's proceedings to the college president and the vice-president of instruction and student services.

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

**WAC 132R-04-150 (~~Imposition of discipline~~)  
Appeal from student disciplinary committee initial order.**

~~((1) The college president or his/her designee shall review all hearings for which the disciplinary committee has recommended disciplinary action and determine whether or not disciplinary action shall be imposed against the said student. With the exception of interim discipline as authorized by WAC 132R-04-064, the college president or his/her designee shall have no authority to impose any disciplinary action on a student unless disciplinary action has been recommended by the disciplinary committee against such student or unless such student has waived his/her right to a hearing before such disciplinary committee.~~

(2) In determining whether or not to impose disciplinary action against a student, the president shall review the summary of the evidence and facts presented to the disciplinary committee and the recommendation of the disciplinary committee, the college president shall then determine whether or

not to impose disciplinary action in any form. Prior acts of misconduct may be considered in making a decision.

(3) Discipline may be imposed by the college president or his/her designee for violations of the rules of conduct, not only in those instances where the disciplinary committee has made recommendations after a hearing, but also in cases where the student has waived his/her right to such a hearing. Sanctions available to the president are described in WAC 132R-04-056 and 132R-04-063.) **(1) Appeal From Student Disciplinary Committee Initial Order.**

(a) A respondent who is aggrieved by the findings or conclusions issued by the student disciplinary committee may appeal the committee's initial order to the president by filing a notice of appeal with the president's office within twenty days of service of the committee's initial order.

(b) The notice of appeal must assign error to specific findings of fact and/or conclusions of law in the initial order and must contain argument regarding why the appeal should be granted. The president's review on appeal shall be limited to a review of those issues and arguments raised in the notice of appeal. Review shall be restricted to the record created below.

(c) The president shall provide a written order to all parties within forty-five days after receipt of the notice of appeal. The president's decision shall be final.

(d) The president may, at his or her discretion, suspend any disciplinary action pending review of the merits of the findings, conclusions, and disciplinary actions imposed.

(e) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.

**(2) Supplemental Appeal Rights.**

(a) The following actions by the student conduct officer may be appealed by the complainant:

(i) The dismissal of a sexual misconduct complaint; or

(ii) Any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.

(b) A complainant may appeal a disciplinary decision by filing a notice of appeal with the conduct review officer within twenty days of service of the notice of the discipline decision provided for in WAC 132R-04-140. The notice of appeal may include a written statement setting forth the grounds of appeal. Failure to file a timely notice of appeal constitutes a waiver of this right and the disciplinary decision shall be deemed final.

(c) If the respondent timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the complainant of the appeal, and provide the complainant an opportunity to intervene as a party to the appeal.

(d) Except as otherwise specified in this supplemental procedure, a complainant who timely appeals a disciplinary decision or who intervenes as a party to respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the respondent.

(e) Respondent and complainant shall have the right to be accompanied by a nonattorney assistant of their choosing during the appeal process. Complainant may choose to be represented at the hearing by an attorney at his or her own expense, but will be deemed to have waived that right unless, at least four business days before the hearing, he or she files

a written notice of the attorney's identity and participation with the committee chair, and with copies to the respondent and the student conduct officer.

(f) During the proceedings, complainant and respondent shall not directly question or cross examine one another. All questions shall be directed to the chair, who will act as an intermediary and pose questions on the parties' behalf.

(g) Hearings involving sexual misconduct allegations shall be closed to the public, unless respondent and complainant both waive this requirement in writing and request that the hearing be open to the public. Complainant, respondent and their respective nonattorney assistants and/or attorneys may attend portions of the hearing where argument, testimony and/or evidence are presented to the student conduct committee.

(h) The student conduct committee will serve complainant a written notice indicating that an initial order has issued on the same date that the initial order is served on respondent. This notice shall inform the complainant whether the sexual misconduct allegations were found to have merit and describe any sanctions and/or conditions imposed upon the respondent for complainant's protection. The notice shall also provide directions on how the complainant can appeal the decision to the president.

(i) Complainant may appeal the student conduct committee's initial order to the president subject to the same procedures and deadlines applicable to other parties.

(j) The president will serve complainant a written notice indicating that the appeal has been resolved on the same date that the final order is served upon the respondent. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

**WAC 132R-04-160 ((Student appeal)) Brief adjudication proceedings—Review of an initial order.** ((Any student feeling aggrieved by the recommendations of the disciplinary committee or the order of the college president or his/her designee imposing disciplinary action may appeal the same in writing by directing an appeal to the college president or his/her designee within fifteen days following receipt of the order of the president or his/her designee imposing disciplinary action. The college president or his/her designee may, at his/her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary action imposed.)) (1) An initial order is subject to review by the president or his or her designee, provided the respondent files a written request for review with the conduct review officer within twenty-one days of service of the initial order.

(2) The president or designee shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(3) During the review, the president or designee shall give each party an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to ascertain whether the proceedings must be referred to the student disciplinary committee for a formal adjudicative hearing.

(4) The decision on review must be in writing and must include a brief statement of the reasons for the decision and must be served on the parties within twenty business days of the initial order or of the request for review, whichever is later. The order on review will contain a notice that judicial review may be available. A request for review may be deemed to have been denied if the reviewing officer does not make a disposition of the matter within twenty days after the request is submitted.

(5) If the president or designee upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student disciplinary committee for a disciplinary hearing. The president or designee may enter an interim order suspending the student until a hearing can be held by the student disciplinary committee. The interim order shall provide a brief explanation as to facts supporting the interim order of suspension and give the necessary notices that the case has been referred to the student disciplinary committee.

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

**WAC 132R-04-165 ((Maintenance of disciplinary records.)) Brief adjudication proceedings—Agency record.** ((1) The vice president of student services shall keep records of all disciplinary cases. The division chair shall report to the vice president of student services and appropriate dean, in writing, all cases in which disciplinary action is taken.

(2) The vice president of student services shall notify the chair and the dean of the division in which the student is enrolled and the dean of enrollment services of any disciplinary action taken, which is to be recorded on the student's official record, and shall keep accurate records of all disciplinary cases handled by, or reported to, his/her office.

(3) The vice president of student services shall receive and maintain certain records of all disciplinary action taken by any college employee. These records should be consulted by disciplinary authorities for records of previous misconduct before taking disciplinary action in any case.)) The agency record for brief adjudicative proceedings shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. These records shall be maintained as the official record of the proceedings.

**WSR 15-13-087**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**

[Filed June 15, 2015, 11:28 a.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: WAC 246-808-990 Chiropractic fees and renewal cycle, proposing to reduce the chiropractic application/initial licensing fee, active license renewal fee, and active license late renewal penalty.

Hearing Location(s): Department of Health, Point Plaza East, 310 Israel Road S.E., Room 152, Tumwater, WA 98501, on July 29, 2015, at 9:00 a.m.

Date of Intended Adoption: August 5, 2015.

Submit Written Comments to: Sherry Thomas, Washington State Department of Health, Health Systems Quality Assurance, P.O. Box 47850, Olympia, WA 98504-7850, e-mail <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-4626, by July 29, 2015.

Assistance for Persons with Disabilities: Contact Sherry Thomas by July 22, 2015, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Current licensing fees generate more revenue than is needed to cover the full cost of administering the chiropractic licensing program. The department is proposing to reduce the application/initial licensing fee, active license renewal fee, and active license late renewal penalty for doctors of chiropractic. The department is also proposing changes to clarify when the University of Washington online resource library (HEAL-WA) surcharge is required, identify how much of the "original application" fee applies to the application fee and how much to the jurisprudence examination fee, and formatting changes to make it easier for licensees to identify the fees they will be required to pay.

Reasons Supporting Proposal: RCW 43.70.250 requires the cost of each licensing program to be fully borne by the profession's members and licensing fees to be based on licensure costs. Reducing fees to the proposed levels will align revenue with the program's expenses and enable reserves to be maintained should unanticipated events occur, such as increased disciplinary costs.

Statutory Authority for Adoption: RCW 43.70.250 and 43.70.280.

Statute Being Implemented: RCW 43.70.250.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Sherry Thomas, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-4612; and Enforcement: Leann Yount, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-4856.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025 and 34.05.310 (4)(f), a small business economic impact state-

ment is not required for proposed rules that set or adjust fees or rates pursuant to legislative standards.

A cost-benefit analysis is not required under RCW 34.05.328. The agency did not complete a cost-benefit analysis under RCW 34.05.328. RCW 34.05.328 (5)(b)(vi) exempts rules that set or adjust fees or rates pursuant to legislative standards.

June 12, 2015  
 Dennis E. Worsham  
 Deputy Secretary  
 for John Wiesman, DrPH, MPH  
 Secretary

AMENDATORY SECTION (Amending WSR 13-23-040, filed 11/15/13, effective 1/1/14)

**WAC 246-808-990 Chiropractic fees and renewal cycle.** (1) Licenses and registrations must be renewed on the practitioner's birthday every year as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for chiropractic licensure:

<b>Title of Fee</b>	<b>Fee</b>
<b><u>Original application</u></b>	
Application( <del>full examination or reexamination</del> )	\$(( <del>530.00</del> )) <u>380.00</u>
<u>Jurisprudence examination</u>	<u>100.00</u>
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<b><u>Temporary practice permit</u></b>	
((Temporary permit application	<u>205.00</u>
Temporary practice permit	( <del>105.00</del> ))
<u>90-day permit</u>	<u>105.00</u>
<b><u>Preceptorship - Initial and renewal</u></b>	
<b>Active license renewal</b>	
<u>Renewal</u>	(( <del>482.00</del> )) <u>432.00</u>
Late renewal penalty	(( <del>302.00</del> )) <u>216.00</u>
Expired (( <del>active</del> )) license reissuance	302.00
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<b>Inactive license renewal</b>	
<u>Renewal</u>	257.00
Expired (( <del>inactive</del> )) license reissuance	157.00
<b>Duplicate license</b>	
<b>Certification of license</b>	
(( <del>UW online access fee (HEAL-WA)</del> )	<del>16.00</del> ))

(3) The following nonrefundable fees will be charged for chiropractic X-ray technician registration:

<b>Title of Fee</b>	<b>Fee</b>
Application	47.00

Title of Fee	Fee
Original registration	47.00
Renewal	62.00
Late renewal penalty	62.00
Expired registration reissuance	62.00
Duplicate registration	30.00
Certification of registration	30.00

**WSR 15-13-094**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed June 15, 2015, 3:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-09-093.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-310-0800 WorkFirst—Support services.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on July 21, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than July 22, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., July 21, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by July 8, 2015, phone (360) 664-6092 or TTY (360) 664-6178, e-mail KildaJA@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule amends support services to allow transportation allotments for other approved WorkFirst activities.

Reasons Supporting Proposal: The community services division is proposing to amend WAC 388-310-0800 to make WorkFirst support services transportation allotments available to persons who are engaged in WorkFirst activities.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Leslie Kozak, P.O. Box 45470, Olympia, WA 98504-5470, (360) 725-4589.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does

not have an economic impact on small businesses. They only impact DSHS clients.

A cost-benefit analysis is not required under RCW 34.05.328. This amendment is exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

June 11, 2015

Katherine I. Vasquez

Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-10-046, filed 4/30/14, effective 6/1/14)

**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) TANF/SFA applicants as needed to meet the WorkFirst orientation requirements under WAC 388-400-0005(2) or 388-400-0010(3);

(d) 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.

(e) 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. Some types of support services have dollar 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 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.

••• Some support services are available if you need them for other required activities in your IRP.

Type of Support Service	Restrictions	• Work	•• Safety	••• Other
Reasonable accommodation for employment		x		
Clothing/uniforms		x		
Diapers		x		
Haircut		x		
Lunch	Same rate as established by OFM for state employees	x		
Personal hygiene		x		
Professional, trade, association, union and bonds		x		
Relocation related to employment (can include rent, housing, and deposits)		x		
Short-term lodging and meals in connection with job interviews/tests	Same rate as established by OFM for state employees	x		
Tools/equipment		x		
Car repair needed to restore car to operable condition		x	x	
License/fees		x	x	
Mileage reimbursement	Same rate as established by OFM for state employees	x	x	
Transportation allotment		x	x	<u>x</u>
Counseling		x	x	x
Educational expenses		x		x
Medical exams (not covered by medicaid)		x	x	x
Public transportation		x	x	x
Testing-diagnostic		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 15-13-096  
PROPOSED RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed June 16, 2015, 8:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-113.

Title of Rule and Other Identifying Information: eRules; chapter 296-807 WAC, Portable power tools; chapter 296-817 WAC, Hearing loss; chapter 296-823 WAC, Bloodborne pathogens; chapter 296-826 WAC, Anhydrous ammonia; chapter 296-865 WAC, Motor vehicles; chapter 296-869 WAC, Elevating platforms; chapter 296-870 WAC, Powered platforms; and chapter 296-874 WAC, Scaffolds.

Hearing Location(s): Department of Labor and Industries, 7273 Linderson Way S.W., Tumwater, WA 98501, on July 24, 2015, at 9:00 a.m.

Date of Intended Adoption: September 29, 2015.

Submit Written Comments to: Tari Enos, P.O. Box 44620, Olympia, WA 98504, e-mail tari.enos@lni.wa.gov, fax (360) 902-5619, by July 31, 2015.

Assistance for Persons with Disabilities: Contact Tari Enos by July 10, 2015, (360) 902-5541 or (360) 972-4650.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:

- No changes in requirements as a result of this rule making.
- Consistent format for all DOSH safety and health rules.
- Easy to access rules for smart phone and table [tablet] users.
- Easy navigation in PDF files provided through bookmarks in the rules.
- Easier referencing by replacing bullets and dashes with numbers and letters.
- Enhanced rule update efficiency for customers through electronic postings.

Reasons Supporting Proposal: When the agency updated its web site, template DOSH rules in HTML were broken and DOSH began forwarding rule users to the office of the code reviser web site, causing more confusion among customers. This rule package will resolve stakeholder issues that have caused confusion for rule users by bringing one clear and consistent format to all of our rules.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Chris Miller, Tumwater, Washington, (360) 902-5516; Implementation and Enforcement: Anne Soiza, Tumwater, Washington, (360) 902-5090.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No change in requirements, so no economic impact.

A cost-benefit analysis is not required under RCW 34.05.328. No change in requirements, so no change in costs or benefits.

June 16, 2015

Joel Sacks

Director

## NEW SECTION

### **WAC 296-807-099 Definitions.**

**Abrasive wheel.** A grinding tool consisting of bonded abrasive grains. This includes diamond and reinforced wheels.

**Blind hole.** A hole drilled in an object, such as an abrasive wheel, that does not go all the way through.

**Blotter.** A compressible disc or washer, usually of blotting paper, plastic, cardboard, or gasket material, that is used between the wheel and the flanges to evenly distribute flange pressure on the wheel.

**Cone and plug wheels (Types 16, 17, 18, 18R, and 19).** Abrasive wheels manufactured with blind hole threaded bushings. They may be used on all surfaces except the flat mounting surface (D). Specific characteristics of the different cone and plug wheels are:

- (a) Type 16 cones have a curved side with a nose radius;
- (b) Type 17 cones have straight sides with or without a nose radius;
- (c) Type 18 and 18R plug wheels are cylindrical in shape with either a square or curved grinding end;
- (d) Type 19 cone wheels are a combination of cone and plug shapes.

**Cutting-off wheels.** Abrasive wheels used to cut material such as masonry, pipe, etc.

**Designated person.** A person selected or assigned by the employer or the employer's representative as competent to perform specific duties.

**Discharge opening.** An opening in a mower housing for discharging grass.

**Flanges.** Collars, discs, or plates between or against which wheels are mounted. There are four types of flanges:

- (a) Adaptor;
- (b) Sleeve;
- (c) Straight relieved;
- (d) Straight unrelieved.

**Grass catcher.** Parts or a combination of parts to collect grass clippings or debris.

**Guard (abrasive wheels).** An enclosure designed to restrain the pieces of an abrasive wheel and furnish protection to the operator if the wheel is broken during operation.

**Guard.** A part or assembly to prevent accidental contact with hazardous machine parts or to protect persons from other hazards created by the machinery.

**Inorganic bonded wheel.** Abrasive wheels that are bonded by means of inorganic material such as clay, glass, porcelain, sodium silicate, magnesium oxychloride, or metal.

**Jack.** A portable hand- or power-operated mechanism for lifting, lowering, or moving horizontally a load by applying a pushing force.

**Modified Types 6 and 11 wheels (terrazzo).** Similar to Type 6 "straight cup" wheels and Type 11 "flaring cup" wheels except for the bottom of the cup. The bottom of the cup is flat in Type 6 and 11 wheels. The modified wheels have bottoms that are sloped downwards towards the mounting hole. These modified wheels need to be mounted using a special tapered flange furnished by the tool manufacturer. These wheels are used in the terrazzo trade.

**Mounted wheels.** Bonded abrasive wheels of various shapes, usually two inches diameter or smaller, that are secured to plain or threaded steel mandrels.

**Normal service (jacks).** Raising or lowering axial loads that are eighty-five percent or less of the rated load under controlled conditions.

**Organic bonded wheels.** Abrasive wheels that are bonded by means of organic material such as resin, rubber, shellac, or other similar bonding agent.

**Rated load.** The maximum load that the jack is designed to lift or support.

**Reinforced wheels.** Organic bonded abrasive wheels which have webbing, fabric or filament to provide resistance

to complete breaking of the wheel should it become cracked or damaged.

**Terrazzo.** A material of stone chips, such as marble, set in mortar and polished.

**Threaded hole wheels.** Abrasive wheels that have one central threaded bushing, securely anchored in place. They are mounted by being screwed onto a threaded machine spindle so that the wheel back seats firmly against an unrelieved flat back flange.

**Tuck pointing wheels.** Tuck pointing abrasive wheels are Type 1 reinforced, organic bonded wheels and have diameter, thickness and hole size dimensions. They are used to remove cement, mortar, or other nonmetallic jointing material.

**Type 1 wheel.** An abrasive wheel shaped like a disc with a mounting hole in the middle. Sometimes called a "straight wheel." It has diameter (D), thickness (T), and hole size (H) dimensions. Grinding is normally done on the periphery (outside curve) of the wheel (T dimension). Can be used for grinding, cutting-off, and tuck pointing.

**Type 2 wheel.** An abrasive wheel shaped like an open-ended, hollow cylinder. Sometimes called a cylinder wheel. It has diameter (measured from the outer wall of the cylinder), wheel thickness (height of the cylinder), and rim thickness (thickness of the cylinder wall). Grinding is done on the end of the cylinder (rim thickness dimension).

**Type 6 wheel.** An abrasive wheel shaped like a straight-sided cup or bowl with a mounting hole in the bottom of the cup. Sometimes called a "cup wheel." It has diameter (D), thickness (T), hole size (H), rim thickness (W), and back thickness (E) dimensions. Grinding is normally done on the cup rim (W dimension).

**Type 11 wheel.** An abrasive wheel shaped like a cup or bowl with a mounting hole in the bottom of the cup. The sides of the cup are not straight-sided but are angled outward. Sometimes called a "flaring cup wheel" since the sides are "flared" out. It has double diameter dimensions (top D and bottom J). It also has thickness (T), hole size (H), rim thickness (W), and back thickness (E) dimensions. Grinding is normally done on the cup rim (W dimension).

**Type 16, 17, 18, 18R, and 19 wheels.** See cone and plug wheels.

**Type 27 wheel.** An abrasive wheel similar to a Type 1 wheel, but the center of the wheel around the mounting hole is pushed back (depressed). Sometimes called a "depressed center" wheel. It has diameter (D), thickness (U) and hole size (H) dimensions. The depressed center allows grinding on the flat surface of the wheel without interference from the flange or mounting hardware.

**Type 27A cutting-off wheel.** Similar to a Type 27 wheel. Specifically designed for use on cutting-off machines.

**Type 28 wheel.** An abrasive wheel similar to a Type 27 wheel, but the face of the wheel is angled upward and away from the mounting hole. The face of a Type 27 wheel is flat and perpendicular to the mounting hole. A Type 28 wheel is also called a "depressed center" wheel. It has diameter (D), thickness (U), and hole size (H) dimensions. The depressed center allows grinding without interference from the mounting. A Type 28 wheel has a saucer-shaped grinding rim and is designed for corner grinding and side grinding.

**Type 29 wheel.** An abrasive wheel that has reversed, saucer-shaped grinding rims (similar to a partially opened umbrella).

**AMENDATORY SECTION** (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-807-100 Scope.** This chapter applies to the tools and equipment shown in Table 1, Scope of this chapter.

**Table 1**  
**Scope of this Chapter**

<b><u>This section:</u></b>	<b><u>Applies to:</u></b>
110 Switches (controls)	Hand-held portable power tools.
120 Portable circular saws	Hand-held portable circular saws.
130 Portable belt sanding machines	Hand-held portable belt sanding machines.
140 Compressed air tools	Hand-held portable compressed air powered tools. It also applies to airhose and plastic pipe used to supply compressed air to these tools.
150 Powder actuating fastening systems	Powder actuated fastening systems designed to use the expanding gases from a powder load to propel a stud, pin, fastener, or other object into hard structural material.
160 Power lawnmowers	Consumer and commercial power lawnmowers.
170 Jacks	Portable hand- or power-operated: <ul style="list-style-type: none"> <li>• Hydraulic jacks</li> <li>• Mechanical ratchet jacks</li> <li>• Mechanical screw jacks.</li> </ul>
180 Portable tools using abrasive wheels	Portable tools using abrasive wheels.

**AMENDATORY SECTION** (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-110 Switches (controls).**

**Summary(=)**

**Your responsibility:**

Make sure hand-held portable power tools have safe switches (controls).

**(Exemption)**

WAC 296-807-110 does not apply to:

- Concrete vibrators
- Concrete breakers
- Powered tampers
- Jack hammers
- Rock drills
- Garden appliances

- ~~• Household and kitchen appliances~~
- ~~• Personal care appliances~~
- ~~• Medical or dental equipment~~
- ~~• Fixed machinery~~

**EXEMPTION:** WAC 296-807-110 does not apply to:

- Concrete vibrators
- Powered tampers
- Rock drills
- Household and kitchen appliances
- Medical or dental equipment
- Concrete breakers
- Jack hammers
- Garden appliances
- Personal care appliances
- Fixed machinery

**AMENDATORY SECTION** (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-11005 Make sure switches are safe. ((You must:))**

(1) You must make sure the operating switch is located in a position that makes it difficult to accidentally operate the tool.

(2) You must use the correct operating switch.

((\*) (a) Make sure hand-held gasoline-powered chain saws have a constant pressure throttle control that will shut off power to the chain when the pressure is released.

((\*) (b) Use a constant pressure switch that will shut off the power when the switch is released to turn on or operate any hand-held power tool.

**Exemptions:**

((\*) Some tools can use a lock-on feature with the constant pressure switch if the lock-on feature can be turned off with a single motion of the same finger(s) that turned it on. You can use a lock-on feature with these hand-held tools:

- ((-) 1. Drills;
- ((-) 2. Tappers;
- ((-) 3. Fastener drivers;
- ((-) 4. Grinders using a wheel greater than two inches in diameter;
- ((-) 5. Disc sanders;
- ((-) 6. Belt sanders;
- ((-) 7. Reciprocating saws;
- ((-) 8. Saber, scroll and jig saws using a blade with a shank width greater than one-quarter inch;
- ((-) 9. Other similarly operating powered tools.

**Exemptions:**

You can use a positive "on-off" switch with these hand-held tools:

- ((-) 1. Platen sanders;
- ((-) 2. Grinders using a wheel two inches or less in diameter;
- ((-) 3. Routers;
- ((-) 4. Planers;
- ((-) 5. Laminate trimmers;
- ((-) 6. Nibblers;
- ((-) 7. Shears;
- ((-) 8. Saber, scroll, and jig saws using a blade with a shank width of one-quarter inch (± .05 inch) or less.

**Note:** The shank width of saber, scroll and jig saw blades is measured at the narrowest point on the blade shank.

**AMENDATORY SECTION** (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-12005 Make sure portable circular saws are safe to use. ((You must:))**

(1) You must use a constant pressure switch to turn on or operate any circular saw using a blade that has a diameter greater than two inches.

(2) You must remove cracked saws and saw blades from service.

(3) You must make sure power driven circular saws that have a blade diameter larger than two inches have guards above and below the base plate (shoe) as listed in Table 2, Portable circular saw guarding requirements.

**Table 2**

**Portable Circular Saw Guarding Requirements**

Upper Guard	Lower Guard
Covers the blade to the depth of the teeth, except for the minimum arc necessary to allow the base to tilt for bevel cuts.	<p>(1) Covers the blade to the depth of the teeth, except for the minimum arc necessary to allow proper:</p> <p>((*) (a) Retraction of the guard;</p> <p>((*) (b) Contact with the work.</p> <p>(2) Automatically and instantly returns to the position covering the blade when the saw is withdrawn from contact with the work.</p>

~~((Exemption))~~ **EXEMPTION:** Guarding requirements in subsection (3) of this section do not apply to saws used in the meat cutting industry to cut meat.

**AMENDATORY SECTION** (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-13005 Guard portable belt sanding machines.**

**You must guard:**

- ((-Guard: -)) (1) Nip points where the sanding belt runs onto a pulley;
- ((-) (2) The unused run of the sanding belt.

**AMENDATORY SECTION** (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-140 Compressed air tools.**

**Summary((:))**

This section applies to portable, hand-held compressed air powered tools. It also applies to air hose and plastic pipe used to supply compressed air to these tools.

**Your responsibility:**

Make sure compressed air and compressed air tools are used safely.

~~((You must:~~

~~GENERAL TOOL REQUIREMENTS~~

~~Follow the manufacturer's instructions~~

~~WAC 296-807-14005~~

~~Prevent air tools from ejecting attachments~~

~~WAC 296-807-14010~~

~~CONTACT WITH COMPRESSED AIR~~

~~Protect employees from contact with compressed air~~

~~WAC 296-807-14015~~

~~CLEANING~~

~~Make sure safeguards are used when cleaning with compressed air~~

~~WAC 296-807-14020~~

~~AIRHOSE AND PLASTIC PIPE~~

~~Make sure airhose and plastic pipe supplying compressed air to portable air tools are safe~~

~~WAC 296-807-14025~~

~~TOOL DESIGN AND CONSTRUCTION~~

~~Make sure air tools are adequately designed and constructed~~

~~WAC 296-807-14030~~

~~TOOL USE~~

~~Use air tools safely~~

~~WAC 296-807-14035~~

~~FASTENER DRIVING TOOLS~~

~~Make sure fastener driving air tools (nailers and staplers) are safe~~

~~WAC 296-807-14040.))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Follow the manufacturer's instructions</u>	<u>WAC 296-807-14005</u>
<u>Prevent air tools from ejecting attachments</u>	<u>WAC 296-807-14010</u>
<u>Protect employees from contact with compressed air</u>	<u>WAC 296-807-14015</u>
<u>Make sure safeguards are used when cleaning with compressed air</u>	<u>WAC 296-807-14020</u>
<u>Make sure airhose and plastic pipe supplying compressed air to portable air tools are safe</u>	<u>WAC 296-807-14025</u>
<u>Make sure air tools are adequately designed and constructed</u>	<u>WAC 296-807-14030</u>
<u>Use air tools safely</u>	<u>WAC 296-807-14035</u>
<u>Make sure fastener driving air tools (nailers and staplers) are safe</u>	<u>WAC 296-807-14040</u>

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-14005 Follow the manufacturer's instructions.**

**You must((:**

**•)) follow the manufacturer's instructions for safe use of the tool.**

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-14010 Prevent air tools from ejecting attachments.**

**You must((:**

**•)) make sure the tool cannot accidentally eject an attachment.**

**Note:** A retainer is needed if the tool does not have a positive method of keeping the attachment in the tool.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-14015 Protect employees from contact with compressed air. ((You must:**

**•)) You must make sure a tool nozzle or an airhose opening is not:**

**((-) (1) Pointed at anyone;**

**((-) (2) Allowed to contact a person's body.**

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-14020 Make sure safeguards are used when cleaning with compressed air. ((You must:**

**•)) You must use the following when cleaning with compressed air:**

**((-) (1) Air pressure that has been reduced to less than 30 p.s.i. static pressure at the nozzle;**

**((-) (2) Effective chip guarding.**

**Note:** ((■) 1. You may use air pressure greater than 30 p.s.i. if you use a nozzle with vents, holes, flaps or slots that will direct the air flow away from the tip of the nozzle and will reduce the air flow to less than 30 p.s.i. if the nozzle becomes blocked.

((■) 2. Effective chip guarding means any method or equipment that protects the eyes and skin of the cleaner and other workers from flying chips or particles.

3. Examples include:

((-) a. A protective cone around the nozzle to protect the cleaner;

((-) b. Barriers, baffles or screens to protect other workers.

**Reference:** Appropriate personal protective equipment (PPE) needs to be worn when cleaning with compressed air. See WAC 296-800-160 in the safety and health core rules.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-14025 Make sure airhose and plastic pipe supplying compressed air to portable air tools are safe. ((You must:))**

(1) You must make sure the airhose and hose connections are suitable for the:

- ((\*) (a) Air pressure;
- ((\*) (b) Use.

(2) You must make sure any plastic pipe used to supply compressed air for portable air tools has been specifically identified by the manufacturer as being suitable for compressed air use.

**Note:** Existing unapproved pipe that is buried underground or enclosed in shatter-resistant material is acceptable only if it completely eliminates the hazards created by the brittle nature of the pipe.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-14030 Make sure air tools are adequately designed and constructed.**

**Exemption:**

This section does not apply to:

- ((\*) 1. Tools specifically for medical or dental use;
- ((\*) 2. Tools specifically for use in the food processing industry;
- ((\*) 3. Tools mounted in stationary installations;
- ((\*) 4. Air hoists;
- ((\*) 5. Construction and mining tools such as paving breakers, diggers, tampers, and rock drills.

~~((You must:))~~

\*) You must make sure portable, hand-held air tools meet the requirements of:

((-) (1) ANSI B186.1-1984, Safety Code for Portable Air Tools(~~(-OR~~

~~-)); or~~

(2) ANSI/ISANTA SNT-101-1993, Portable, Compressed-Air-Actuated, Fastener Driving Tools-Safety Requirements for.

**Note:** There may be a statement on the tool or in the instruction manual indicating the tool meets the requirements of the appropriate ANSI standard. If in doubt, check with the manufacturer.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-807-14035 Use air tools safely.**

**Exemption:**

This section does not apply to:

- ((\*) 1. Tools specifically for medical or dental use;
- ((\*) 2. Tools specifically for use in the food processing industry;
- ((\*) 3. Tools mounted in stationary installations;
- ((\*) 4. Air hoists;
- ((\*) 5. Construction and mining tools such as paving breakers, diggers, tampers, and rock drills.

~~((You must:))~~

(1) You must relieve the pressure in the air line before disconnecting a compressed air tool from the line or disconnecting a hose joint unless there is automatic valve closing protection at the joint being separated.

(2) You must disconnect the tool from the compressed air supply before repairs are done.

(3) You must make sure that eye protection is worn at all times by:

- ((\*) (a) The person operating the tool;
- ((\*) (b) Other persons in the area where tools are being used.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-14040 Make sure fastener driving air tools (nailers and staplers) are safe. (~~You must:))~~ (1) You must make sure any fastener driving air tool discharges all air in the tool when disconnected from the compressed air supply.**

(2) You must make sure that all pneumatically driven nailers, staplers, and other similar equipment provided with automatic fastener feed have a safety device on the muzzle to prevent the tool from ejecting fasteners, unless the muzzle is in contact with the work surface.

**Note:** Pneumatic nailers or staplers do not need this safety device if:  
 ((\*) 1. The overall weight of the fastening device does not exceed the weight of one and one-half inches of standard 18-gauge wire. The normal maximum diameter tolerance for manufacturing standard 18-gauge wire is .045 inches.  
 ((\*) 2. The operator and any other person within twelve feet of the point of operation wear approved eye protection.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-150 Powder actuated fastening systems.**

~~Summary(~~IMPORTANT:))~~~~

**Important:**

This section applies to any powder actuated fastening system designed to use the expanding gases from a powder load to propel a stud, pin, fastener, or other object into hard structural material.

**Exemption:**

This section does not apply to:

- ((\*) 1. Devices designed to attach objects to soft construction material such as wood, plaster, tar, and dry wall-board;
- ((\*) 2. Stud welding equipment.

**Your responsibility:**

Make sure powder actuated fastening systems are used safely.

~~((You must:~~

~~TOOL OPERATORS~~

~~Make sure tool operators are qualified~~

~~WAC 296-807-15005~~

~~PERSONAL PROTECTIVE EQUIPMENT~~

~~Make sure employees are aware tools are in use and wear appropriate personal protective equipment (PPE)~~

~~WAC 296-807-15010~~

~~TOOL DESIGN AND CONSTRUCTION~~

~~Make sure tools are adequately designed and constructed~~

~~WAC 296-807-15015~~

**LABELING**

~~Make sure tools and containers are properly labeled~~

~~WAC 296-807-15020~~

**POWDER LOADS**

~~Make sure powder loads and power levels are properly identified~~

~~WAC 296-807-15025~~

~~Use proper powder loads~~

~~WAC 296-807-15030~~

**TOOL USE**

~~Make sure the tool is appropriate to the job~~

~~WAC 296-807-15035~~

~~Make sure the operator uses the tool safely~~

~~WAC 296-807-15040~~

**FASTENERS**

~~Use fasteners safely~~

~~WAC 296-807-15045~~

**INSPECTION AND MAINTENANCE**

~~Inspect and maintain tools properly~~

~~WAC 296-807-15050~~

**STORAGE**

~~Make sure tools are stored properly~~

~~WAC 296-807-15055~~)

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Make sure tool operators are qualified</u>	<u>WAC 296-807-15005</u>
<u>Make sure employees are aware tools are in use and wear appropriate personal protective equipment (PPE)</u>	<u>WAC 296-807-15010</u>
<u>Make sure tools are adequately designed and constructed</u>	<u>WAC 296-807-15015</u>
<u>Make sure tools and containers are properly labeled</u>	<u>WAC 296-807-15020</u>
<u>Make sure powder loads and power levels are properly identified</u>	<u>WAC 296-807-15025</u>
<u>Use proper powder loads</u>	<u>WAC 296-807-15030</u>
<u>Make sure the tool is appropriate to the job</u>	<u>WAC 296-807-15035</u>
<u>Make sure the operator uses the tool safely</u>	<u>WAC 296-807-15040</u>
<u>Use fasteners safely</u>	<u>WAC 296-807-15045</u>
<u>Inspect and maintain tools properly</u>	<u>WAC 296-807-15050</u>
<u>Make sure tools are stored properly</u>	<u>WAC 296-807-15055</u>

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-15005 Make sure tool operators are qualified.** (~~You must:~~

•) (1) You must make sure tools are used only by qualified operators.

(•) (2) You must make sure operators have been trained by an authorized instructor.

**Note:** Authorized instructors have to meet the instructor qualifications of ANSI A10.3-1995, Safety Requirements for Powder-Actuated Fastening Systems.

(~~You must:~~

•) (3) You must make sure all tool operators can:

(-) (a) Understand the manufacturer's instructions;

(-) (b) Clean the tool properly;

(-) (c) Recognize any visibly worn or damaged parts;

(-) (d) Identify power load levels;

(-) (e) Operate the tool correctly.

(•) (4) You must make sure tool operators have a valid qualified operator's card in their possession when they are using the tool.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-807-15010 Make sure employees are aware tools are in use and wear appropriate personal protective equipment (PPE).** (~~You must:~~) (1) You must make sure eye or face protection is worn by:

(•) (a) Tool operators;

(•) (b) Assistants;

(•) (c) Persons close to where the tool is being used.

(~~You must:~~)

(2) You must post signs where tools are being used and in adjacent areas where tool use could pose a hazard. Signs must:

(•) (a) Be easily seen;

(•) (b) Be at least 8 x 10 inches (20 x 25 cm);

(•) (c) Use letters in boldface type at least one inch (2.5 cm) high;

(•) (d) Read "POWDER ACTUATED TOOL IN USE" or similar wording.

**Note:** Tool use could create a hazard in adjacent areas by allowing a fastener to penetrate one or more of the following:

(•) 1. Wall;

(•) 2. Floor;

(•) 3. Other working surface.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-15015 Make sure tools are adequately designed and constructed.** (~~You must:~~) (1) You must make sure the tool meets the design and construction requirements of the American National Standards Institute (ANSI) standard ANSI A10.3-1995, Safety Requirements for Powder-Actuated Fastening Systems.

**Note:** There may be a statement on the tool or in the instruction manual indicating the tool meets the requirements of the appropriate ANSI standard. If in doubt, check with the manufacturer.

~~((You must:))~~

- (2) You must make sure each tool has:
- ((\*) (a) Operator instructions and a tool service manual;
- ((\*) (b) Powder load and fastener chart;
- ((\*) (c) Service tools and accessories.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-15020 Make sure tools and containers are properly labeled.** ~~((You must:))~~ (1) You must make sure tools are properly labeled.

((\*) (2) You must make sure each tool has a readable, permanent label that shows the manufacturer's:

- ((-) (a) Model number;
- ((-) (b) Unique serial number.

((\*) (3) You must make sure there is a durable warning label on each tool that:

((-) (a) Reads "WARNING - FOR USE ONLY BY QUALIFIED OPERATORS ACCORDING TO MANUFACTURER'S INSTRUCTION MANUAL" ~~((OR~~

-)); or

(b) Uses words with the same meaning.

~~((2))~~ (4) You must make sure the tool storage container has these labels:

((\*) (a) "POWDER ACTUATED TOOL" on the outside of the container in an easily seen position.

((\*) (b) "WARNING - POWDER ACTUATED TOOL. TO BE USED ONLY BY A QUALIFIED OPERATOR AND KEPT UNDER LOCK AND KEY WHEN NOT IN USE" on the inside cover.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-15025 Make sure powder loads and power levels are properly identified.** ~~((You must:~~

\*)) You must make sure powder loads and power levels are identified as specified in Table 3, Powder-Load Identification

**Table 3  
Powder-Load Identification**

	Power Level	Color Identification	
		Case Color	Load Color
Lowest Level	1	Brass	Gray
	2	Brass	Brown
	3	Brass	Green
	4	Brass	Yellow
	5	Brass	Red
	6	Brass	Purple
	7	Nickel	Gray
	8	Nickel	Brown
	9	Nickel	Green
	10	Nickel	Yellow

	Power Level	Color Identification	
		Case Color	Load Color
Highest power level	11	Nickel	Red
	12	Nickel	Purple

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-15030 Use proper powder loads.**

~~((You must:~~

\*)) You must use only a powder load that is:

((-) (1) Recommended by the tool manufacturer for the particular tool ~~((OR~~

-)); or

(2) One that provides the same level of safety and performance.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-15035 Make sure the tool is appropriate to the job.** ~~((You must:))~~ (1) You must use the lowest velocity class of tool and load that will properly set the fastener.

(2) You must use the proper shield, fixture, adaptor, or accessory that is:

((\*) (a) Suitable for the job;

((\*) (b) Recommended and supplied by the manufacturer.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-15040 Make sure the operator uses the tool safely.** ~~((You must:))~~ (1) You must make sure the operator:

((\*) (a) Inspects the tool before using it, as recommended by the tool manufacturer;

((\*) (b) Uses the tool according to the manufacturer's instructions;

((\*) (c) Keeps the tool unloaded until just before using it;

((\*) (d) Unloads the tool at once if work is interrupted after the tool has been loaded;

((\*) (e) Does not leave a tool or powder load unattended where it would be available to an unauthorized person;

((\*) (f) Never points a tool (loaded or unloaded) at any part of a person's body.

**Note:** A magazine or clip fed tool is not considered loaded until a powder load is actually in the ram (firing chamber).

~~((You must:))~~

(2) You must make sure tools are not used in an explosive or flammable atmosphere.

(3) You must do this if the tool misfires:

((\*) (a) Hold it firmly against the work surface for thirty seconds ~~((Then~~

)): then



(b) Follow the instructions in the tool manufacturer's instruction manual.

(4) You must hold the tool perpendicular to the work surface when fastening to any material.

**Exemption:**

This does not apply if the tool manufacturer recommends a different technique for a specific job.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-15045 Use fasteners safely.** ((~~You must~~)) (1) You must use fasteners:

((~~★~~)) (a) Recommended by the tool manufacturer for the particular tool ((~~★~~)); or

(b) Fasteners that provide the same level of safety and performance.

(2) You must keep the fastener from passing completely through the structural material by using a backing material when driving a fastener into any material that is any of the following:

((~~★~~)) (a) Easily penetrated;

((~~★~~)) (b) Thin;

((~~★~~)) (c) Of questionable resistance.

(3) You must make sure the material is suitable for fastening. Do not drive fasteners into very hard or brittle material such as:

((~~★~~)) (a) Cast iron;

((~~★~~)) (b) Glazed tile;

((~~★~~)) (c) Hardened steel;

((~~★~~)) (d) Glass block;

((~~★~~)) (e) Natural rock;

((~~★~~)) (f) Hollow tile;

((~~★~~)) (g) Most brick.

(4) You must make sure positive alignment with an existing hole is maintained by using a guide or other means supplied or recommended by the tool manufacturer before driving a fastener into the hole.

(5) You must make sure fasteners are not driven into any spalled (chipped or crumbled) area.

(6) You must drive fasteners into concrete only if the fastener shank will penetrate no more than one-third the thickness of the concrete.

(7) You must make sure fasteners are driven at least:

((~~★~~)) (a) One-half inch (13 mm) from the edge of steel;

((~~★~~)) (b) Three inches (75 mm) from the unsupported edge of masonry material.

**Exemption:**

This does not apply if an application is specifically required or recommended by the tool manufacturer.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-15050 Inspect and maintain tools properly.** ((~~You must~~))

((~~★~~)) (1) You must make sure any tool that is not in proper working condition is:

((~~-~~)) (a) Immediately removed from service;

((~~-~~)) (b) Tagged;

((~~-~~)) (c) Properly repaired as specified in the manufacturer's instructions before being used again.

((~~★~~)) (2) You must regularly service the tool and inspect it for worn or damaged parts at intervals recommended by the tool manufacturer.

((~~★~~)) (3) You must replace worn or damaged parts before the tool is used. This must be done:

((~~-~~)) (a) By a qualified person;

((~~-~~)) (b) Using only parts supplied by the tool manufacturer.

((~~★~~)) (4) You must keep a written record of inspection dates.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-15055 Make sure tools are stored properly.** ((~~You must~~)) (1) You must make sure there is a container that can be locked for each tool.

(2) You must make sure tools and powder loads that are not being used are:

((~~★~~)) (a) Locked in a container;

((~~★~~)) (b) Stored in a safe place;

((~~★~~)) (c) Only available to authorized persons.

(3) You must store all manuals, maintenance tools, and accessories in the tool container when they are not being used.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-160 Power lawnmowers.**

**Summary((~~-~~))**

**Exemption:**

This section does not apply to commercial equipment that is:

((~~★~~)) 1. Designed primarily for agricultural purposes ((~~★~~)); or

2. Designed primarily to be operated with tractors having at least twenty horsepower for cutting grass or other growth on highways.

**Your responsibility:**

Make sure power lawnmowers are used safely.

~~((~~You must~~))~~

~~DESIGN AND CONSTRUCTION~~

~~Make sure equipment meets minimum design and construction requirements~~

~~WAC 296-807-16005~~

~~LABELS~~

~~Make sure the equipment has the appropriate labels and decals~~

~~WAC 296-807-16010~~

~~BEFORE STARTING~~

~~Make sure the operator understands and follows instructions before starting the mower~~

~~WAC 296-807-16015~~

~~USE~~

~~Use the equipment safely~~

~~WAC 296-807-16020~~

~~NONELECTRIC MOWERS~~

~~Protect employees from fuel and exhaust~~

~~WAC 296-807-16025~~

~~WALK-BEHIND MOWERS~~

~~Use walk-behind mowers safely~~

~~WAC 296-807-16030~~

~~RIDE-ON MOWERS~~

~~Use ride-on mowers safely~~

~~WAC 296-807-16035-))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Make sure equipment meets minimum design and construction requirements</u>	<u>WAC 296-807-16005</u>
<u>Make sure the equipment has the appropriate labels and decals</u>	<u>WAC 296-807-16010</u>
<u>Make sure the operator understands and follows instructions before starting the mower</u>	<u>WAC 296-807-16015</u>
<u>Use the equipment safely</u>	<u>WAC 296-807-16020</u>
<u>Protect employees from fuel and exhaust</u>	<u>WAC 296-807-16025</u>
<u>Use walk-behind mowers safely</u>	<u>WAC 296-807-16030</u>
<u>Use ride-on mowers safely</u>	<u>WAC 296-807-16035</u>

AMENDATORY SECTION (Amending WSR 06-05-027, filed 2/7/06, effective 4/1/06)

**WAC 296-807-16005 Make sure equipment meets minimum design and construction requirements.** ~~((You must:))~~ (1) You must make sure equipment meets ANSI design and construction requirements.

~~((\*)~~ (a) Make sure power lawnmowers manufactured on or after August 1, 2003, meet the requirements of the appropriate ANSI standard:

~~((-))~~ (i) ANSI B71.1-1998, American National Standard for Consumer Turf Care Equipment - Walk-Behind Mowers and Ride-On Machines with Mowers - Safety Specifications ~~((OR~~

~~-))~~; or

(ii) ANSI B71.4-1999, American National Standard for Commercial Turf Care Equipment - Safety Specifications.

~~((\*)~~ (b) Make sure noncommercial power lawnmowers manufactured before the effective date of this chapter meet the requirements in chapter 296-806 WAC, Machine safety.

**Note:** There may be a statement on the tool or in the instruction manual indicating the tool meets the requirements of the appropriate ANSI standard. If in doubt, check with the manufacturer.

~~((You must:))~~

(2) You must position, guard or shield all power-driven shafts, chains, belts, gears, friction drive components, nip and pinch points, and any exposed components hot enough to cause burns while:

~~((\*)~~ (a) Starting;

~~((\*)~~ (b) Mounting;

~~((\*)~~ (c) Operating the machine.

(3) You must have a shutoff device that:

~~((\*)~~ (a) Will stop the motor or engine ~~((AND~~ ~~\*)~~); and

(b) Has to be intentionally and manually activated before the motor or engine can be restarted.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-16010 Make sure the equipment has the appropriate labels and decals.** ~~((You must:))~~ (1) You must make sure all positions of the operating controls are clearly identified.

(2) You must make sure warning and caution labels or decals on the mower are readable and replace them if necessary.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-16015 Make sure the operator understands and follows instructions before starting the mower.** ~~((You must:))~~ (1) You must make sure the operator understands all instructions for operating the mower that are in the manufacturer's instructions and on the machine.

~~((\*)~~ (2) You must make sure the operator is thoroughly familiar with the controls and proper use of the mower before starting it.

~~((2))~~ (3) You must make sure the proper guards, plates, grass catcher or other safety devices are in place before starting the mower.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-16020 Use the equipment safely.** ~~((You must:))~~ (1) You must follow the manufacturer's instructions for safe use of the equipment.

(2) You must keep people clear of discharge opening(s).

(3) You must keep people's hands and feet clear of rotating parts.

(4) You must clear the area of objects such as rocks, toys, wire, bones, sticks, etc., which could be picked up and thrown by the blade and create a hazard for the operator or other persons.

(5) You must make sure the operator stops the engine before:

~~((\*)~~ (a) Leaving the equipment;

~~((\*)~~ (b) Unclogging the grass discharge chute;

~~((\*)~~ (c) Cleaning the mower.

(6) You must make sure the operator wears safety goggles or safety glasses with side shields when operating the mower.

**Note:** Use the personal protective equipment (PPE) hazard assessment to determine the type of footwear and other PPE the employees need to wear. See WAC 296-800-160, PPE, in the safety and health core rules.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-16025 Protect employees from fuel and exhaust.**

**Exemption:**

This section does not apply to electric engines.

~~((You must:))~~

(1) You must make sure to:

~~((\*) (a) Keep the gas cap on whenever the engine is running.~~

~~((\*) (b) Shut off the engine before and during refueling.~~

(2) You must make sure not to refuel the machine indoors.

(3) You must make sure not to run the engine in a closed area.

**Exemption:**

You can refuel the machine indoors or run the engine in a closed area if the area was specifically designed for such use.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-16030 Use walk-behind mowers safely.** ~~((You must:))~~ (1) You must make sure the operator wears substantial footwear when operating a walk-behind mower.

**Note:** Use the personal protective equipment (PPE) hazard assessment to determine the type of footwear and other PPE the employees need to wear. See WAC 296-800-160, PPE, in the safety and health core rules.

~~((You must:))~~

(2) You must mow across the face of a slope.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-16035 Use ride-on mowers safely.** ~~((You must:))~~ (1) You must make sure not to carry passengers.

(2) You must make sure the operator looks down and behind before and while moving backwards.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-170 Jacks.**

**Summary** ~~((IMPORTANT:))~~

~~IMPORTANT:~~

**Important:**

This section applies to portable hand- or power-operated:

~~((\*) (1) Hydraulic jacks;~~

~~((\*) (2) Mechanical ratchet jacks;~~

~~((\*) (3) Mechanical screw jacks.~~

**Your responsibility:**

Make sure jacks are safe to use.

~~((You must:))~~

**LABELING**

~~Make sure jacks are labeled with their rated load(s)~~

~~WAC 296-807-17005~~

~~BEFORE USE~~

~~Make sure the jack is safe to lift the load~~

~~WAC 296-807-17010~~

~~LIFTING THE LOAD~~

~~Lift the load safely~~

~~WAC 296-807-17015~~

~~INSPECTION AND MAINTENANCE~~

~~Visually inspect jacks and keep them in good working order~~

~~WAC 296-807-17020:))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Make sure jacks are labeled with their rated load(s)</u>	<u>WAC 296-807-17005</u>
<u>Make sure the jack is safe to lift the load</u>	<u>WAC 296-807-17010</u>
<u>Lift the load safely</u>	<u>WAC 296-807-17015</u>
<u>Visually inspect jacks and keep them in good working order</u>	<u>WAC 296-807-17020</u>

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-17005 Make sure jacks are labeled with their rated load(s).** ~~((You must:))~~

~~\*) You must make sure the rated load(s) of the jack is:~~

~~((-) (1) Readable;~~

~~((-) (2) Durably marked in an easily seen location on the jack.~~

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-17010 Make sure the jack is safe to lift the load.** ~~((You must:))~~ (1) You must visually examine the general condition of the jack before each use.

**Note:** If a jack is to be used more than once on a shift, the visual examination is only required before the jack is used for the first time that shift.

~~((You must:))~~

~~(2) You must make sure the weight to be lifted or supported is within the rated load of the jack.~~

~~(3) You must make sure the base of the jack is on a firm foundation or blocked before lifting the load.~~

~~(4) You must make sure hydraulic jacks exposed to freezing temperatures function properly at the temperature they will be used.~~

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-17015 Lift the load safely.** ~~((You must:))~~ (1) You must place a block between the load cap and the load if the load could slip off the jack.

(2) You must secure the load from falling or slipping immediately after it is raised by one or more of the following:

- ((★) (a) Cribbing;
- ((★) (b) Blocking;
- ((★) (c) Some other equally effective method.
- (3) You must make sure you do not exceed the limit of travel of the jack.

**Note:** The limit of travel can be determined by one or more of the following:

- ((★) 1. A positive stop;
- ((★) 2. A stop indicator;
- ((★) 3. Some other equally effective method.

**AMENDATORY SECTION** (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-807-1702 Visually inspect jacks and keep them in good working order.**

**Note:** There are two types of inspection, frequent or periodic, depending on how often they are done.

~~((You must:))~~ (1) You must inspect jacks at appropriate intervals:

- ((★) (a) Make sure frequent inspections are done by the operator or other designated person as follows:
  - ((-) (i) Before a jack is first placed in service((-);
  - ((-) (ii) Monthly for a jack used in normal service((-);
  - ((-) (iii) Daily or before each use for a jack used for other than normal service((-);
  - ((-) (iv) Before using a jack that has been altered, modified, or repaired((-);
  - ((-) (v) Before using a jack that has not been used in one year or more.
- ((★) (b) Make sure a periodic inspection of the jack is done once a year.
- ((★) (c) Inspect the jack using Table 4, Jack Inspection Requirements, during any frequent or periodic inspection.

- (2) You must make sure a jack that is out of order is:
  - ((★) (a) Tagged;
  - ((★) (b) Not used until repaired.
- (3) You must make sure a jack is properly lubricated at regular intervals.

**Note:** The jack should be lubricated following the manufacturer's instructions.

**Table 4  
Jack Inspection Requirements**

Inspection Item	Frequent Inspection	Periodic Inspection
Check all of the following items that apply to the jack:		
Improper pawl engagement	X	X
Excessive pawl wear	X	X
Chipped, cracked, or worn rack teeth	X	X
Cracked or damaged housing	X	X
Damaged, bent, or worn threads	X	X

Inspection Item	Frequent Inspection	Periodic Inspection
Check all of the following items that apply to the jack:		
Leaking hydraulic fluid	X	X
Scored or damaged plunger	X	X
Improper functioning	X	X
Free movement of swivel, heads, and caps	X	X
Loose bolts or rivets	X	X
Damaged or improperly assembled accessory equipment	X	X
Rack wear or bending	X	X
Other items as specified in the manufacturer's instructions	X	X
Watch the jack during operation	X	X
More detailed inspection required if a designated person determines any condition discovered is a hazard	X	
Clean and check internal parts for wear or damage if inspection indicates an internal problem		X

**AMENDATORY SECTION** (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-180 Portable tools using abrasive wheels.**

**Summary((-  
IMPORTANT:))**

**Important:**

This section applies to portable tools using abrasive wheels.

~~((Definition:~~

~~**Abrasive wheel.** A grinding tool consisting of bonded abrasive grains. This includes diamond and reinforced wheels.))~~

**Exemption:**

This section does not apply to machines using:

- ((★) 1. Natural sandstone wheels;
- ((★) 2. Pulpstone wheels;
- ((★) 3. Coated abrasive products;
- ((★) 4. Loose abrasives.

**Your responsibility:**

Make sure abrasive wheel tools and wheels are safe to use.

~~((You must:~~  
**DESIGN AND CONSTRUCTION**  
~~Make sure abrasive wheels and tools are properly designed and constructed~~  
~~WAC 296-807-18005~~  
**GUARDS**  
~~Make sure machines have safety guards~~  
~~WAC 296-807-18010~~  
~~Keep safety guards in good functional condition~~  
~~WAC 296-807-18015~~  
**GUARDS – SPECIFIC WHEELS**  
~~Use specific safety guards for machines using Type 1 grinding wheels, cutting-off wheels, and tuck pointing wheels~~  
~~WAC 296-807-18020~~  
~~Use specific safety guards for vertical and angle grinders using Type 6 or Type 11 wheels~~  
~~WAC 296-807-18025~~  
~~Use specific safety guards for vertical and angle grinders using Type 27, 28 and 29 wheels~~  
~~WAC 296-807-18030~~  
**SIDE HANDLES**  
~~Use side handles on vertical and angle grinders~~  
~~WAC 296-807-18035~~  
**ABRASIVE WHEELS**  
~~Make sure abrasive wheels are safe to use~~  
~~WAC 296-807-18040~~  
**MOUNTING**  
~~Mount wheels properly~~  
~~WAC 296-807-18045~~  
**FLANGES**  
~~Use proper flanges~~  
~~WAC 296-807-18050~~  
~~Make sure flanges are in good condition~~  
~~WAC 296-807-18055~~  
**FLANGES – SPECIFIC WHEELS**  
~~Use specific flanges for Type 1 cutting-off wheels~~  
~~WAC 296-807-18060~~  
~~Use specific flanges for Type 27A cutting-off wheels~~  
~~WAC 296-807-18065~~  
~~Use specific flanges for threaded hole wheels~~  
~~WAC 296-807-18070~~  
~~Use specific flanges for cup, cone or plug wheels with threaded inserts or projecting studs~~  
~~WAC 296-807-18075~~  
**BLOTTERS**  
~~Use blotters when required~~  
~~WAC 296-807-18080~~  
**BLOTTERS – TYPE 6 AND 11 WHEELS**  
~~Meet specific blotter requirements when using modified Types 6 and 11 wheels (terrazzo)~~  
~~WAC 296-807-18085.))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Make sure machines have safety guards</u>	<u>WAC 296-807-18010</u>
<u>Keep safety guards in good functional condition</u>	<u>WAC 296-807-18015</u>
<u>Use specific safety guards for machines using Type 1 grinding wheels, cutting-off wheels, and tuck pointing wheels</u>	<u>WAC 296-807-18020</u>
<u>Use specific safety guards for vertical and angle grinders using Type 6 or Type 11 wheels</u>	<u>WAC 296-807-18025</u>
<u>Use specific safety guards for vertical and angle grinders using Type 27, 28 and 29 wheels</u>	<u>WAC 296-807-18030</u>
<u>Use side handles on vertical and angle grinders</u>	<u>WAC 296-807-18035</u>
<u>Make sure abrasive wheels are safe to use</u>	<u>WAC 296-807-18040</u>
<u>Mount wheels properly</u>	<u>WAC 296-807-18045</u>
<u>Use proper flanges</u>	<u>WAC 296-807-18050</u>
<u>Make sure flanges are in good condition</u>	<u>WAC 296-807-18055</u>
<u>Use specific flanges for Type 1 cutting-off wheels</u>	<u>WAC 296-807-18060</u>
<u>Use specific flanges for Type 27A cutting-off wheels</u>	<u>WAC 296-807-18065</u>
<u>Use specific flanges for threaded hole wheels</u>	<u>WAC 296-807-18070</u>
<u>Use specific flanges for cup, cone or plug wheels with threaded inserts or projecting studs</u>	<u>WAC 296-807-18075</u>
<u>Use blotters when required</u>	<u>WAC 296-807-18080</u>
<u>Meet specific blotter requirements when using modified Types 6 and 11 wheels (terrazzo)</u>	<u>WAC 296-807-18085</u>

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-18005** ~~Make sure abrasive wheels and tools are properly designed and constructed. ((You must~~ **•))** You must make sure abrasive wheels and tools meet the design and construction requirements of:

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Make sure abrasive wheels and tools are properly designed and constructed</u>	<u>WAC 296-807-18005</u>

((-) (1) American National Standards Institute (ANSI) B7.1-2000, Safety Requirements for the Use, Care and Protection of Abrasive Wheels (~~OR~~

-)); or

(2) ANSI B186.1-1984, Safety Code for Portable Air Tools.

**Note:** Tools may have a statement on the tool or in the instruction manual that the tool meets the appropriate ANSI standard. If in doubt, check with the manufacturer.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-18010 Make sure machines have safety guards. (~~You must:~~**

\*) (1) You must use abrasive wheels only on machines that have safety guards.

((\*) (2) You must make sure the safety guard:

((-) (a) Is mounted so it maintains proper alignment with the wheel;

((-) (b) Is mounted with fasteners strong enough to keep the guard in position if a wheel breaks;

((-) (c) Is positioned to deflect pieces of an accidentally broken wheel away from the operator;

((-) (d) Covers the spindle end, nut, and flange projections.

**Exemption:**

Safety guards are not required on machines that use:

((\*) 1. Wheels for internal grinding while advancing, retracting or within the work;

((\*) 2. Mounted wheels two inches or less in diameter;

((\*) 3. Types 16, 17, 18, 18R, and 19 cones and plugs and threaded hole pot balls where((:

-)) the work offers protection (~~OR~~

-)) or the size does not exceed three inches in diameter by five inches long.

((\*) 4. Notched, segmented, or continuous rim metal centered diamond lapidary wheels that are((:

-)) used with a coolant deflector (~~AND~~

-)) and operated at 3,500 SFPM or less.

((\*) 5. Type 1 wheels that are:

((-) a. Two inches or less in diameter;

((-) b. One-half inch or less thick;

((-) c. Operating at peripheral speeds less than 1,800 SFPM;

((-) d. Mounted on mandrels and used in portable drills.

((\*) 6. Type 1 reinforced wheels that are:

((-) a. Three inches or less in diameter one-quarter inch or less thick;

((-) b. Operating at peripheral speeds of 9,500 SFPM or less;

((-) c. Used by operators wearing safety glasses and face shields((-));

((\*) d. Valve seating grinding wheels.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-18015 Keep safety guards in good functional condition. (~~You must:~~**

\*) (1) You must make sure safety guards are in good functional condition.

((\*) (2) You must replace any safety guard that:

((-) (a) Is damaged, bent or severely worn (~~OR~~

-)); or

(b) Has been hit by parts from a breaking wheel.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-18020 Use specific safety guards for machines using Type 1 grinding wheels, cutting-off wheels, and tuck pointing wheels. (~~You must:~~**

\*) You must make sure the safety guard covers the top and sides of the wheel for at least one hundred eighty degrees.

**Note:** It is not required to cover the spindle end, nut and outer flange.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-18025 Use specific safety guards for vertical and angle grinders using Type 6 or Type 11 wheels. (~~You must:~~**

\*) (1) You must make sure the safety guard:

((-) (a) Covers the wheel's plane of rotation toward the operator for at least one hundred eighty degrees;

((-) (b) Covers the side of the wheel toward the driving flange for at least one hundred eighty degrees;

((-) (c) Has a skirt which is adjustable to within one-eighth inch of the plane of the surface of the wheel.

((\*) (2) You must make sure not to use a "revolving cup guard."

**Note:** "Cup back bushings" do not substitute for safety guards.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-18030 Use specific safety guards for vertical and angle grinders using Type 27, 28 and 29 wheels. (~~You must:~~**

\*) You must make sure safety guards:

((-) (1) Cover the wheel's plane of rotation toward the operator for at least one hundred eighty degrees;

((-) (2) Cover the side of the wheel toward the driving flange for at least one hundred eighty degrees;

((-) (3) Have a lip on the outer edge that:

((\*) (a) Extends beyond the surface of the wheel throughout the one hundred eighty degree coverage (~~AND~~

\*) and

(b) Curls inward to deflect wheel fragments.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-18035 Use side handles on vertical and angle grinders. (~~You must:~~) You must use a side handle on all four-inch and larger vertical and angle grinders.**

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-18040 Make sure abrasive wheels are safe to use.** ~~((You must:))~~

•)) (1) You must do the following before mounting a wheel:

((-) (a) Visually inspect the wheel for cracks or damage;

((-) (b) Perform a ring test for cracks (size and shape of the wheel permitting);

((-) (c) Make sure the spindle speed of the machine is not greater than the operating speed of the wheel.

((\*) (2) You must make sure a damaged or cracked wheel is not mounted or used.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-18045 Mount wheels properly.** ~~((You must:))~~ (1) You must make sure wheels fit freely on the spindle, wheel sleeves, or adaptors, and remain free under all grinding conditions.

(2) You must make sure wheel, blotter and flange surfaces that contact each other are flat and free of foreign particles.

(3) You must make sure any reducing bushing used in the wheel hole:

((\*) (a) Fits freely on the spindle and maintains proper clearance;

((\*) (b) Does not exceed the width of the wheel or contact the flanges.

(4) You must make sure that multiple wheels mounted between a single set of flanges are either:

((\*) (a) Cemented together (~~((OR~~ •)); or

(b) Separated by spacers that have a diameter and bearing surface that is the same as the mounting flanges.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-807-18050 Use proper flanges.** ~~((You must:))~~

•)) (1) You must mount all abrasive wheels between flanges that have a diameter at least one-third the diameter of the wheel.

**Exemption:**

This requirement does not apply to the following types of wheels:

((\*) 1. Mounted wheels;

((\*) 2. Cup, cone or plug wheels with threaded inserts or projecting studs;

((\*) 3. Abrasive disc wheels (inserted nut, inserted washer and projecting stud type);

((\*) 4. Plate mounted wheels;

((\*) 5. Cylinder, cup, or segmental wheels mounted in chucks;

((\*) 6. Types 27, 28, and 29 wheels;

((\*) 7. Internal wheels less than two inches in diameter;

((\*) 8. Modified Type 6 and 11 wheels (terrazzo);

((\*) 9. Types 1 and 27A cutting-off wheels.

~~((You must:))~~

•)) (2) You must make sure flanges are:

((-) (a) Dimensionally accurate;

((-) (b) Properly balanced;

((-) (c) Flat;

((-) (d) Free of rough surfaces or sharp edges.

((-) (3) You must make sure, if a wheel is mounted between two flanges, that both flanges:

((-) (a) Are the same diameter;

((-) (b) Have equal bearing surfaces.

**Exemption:**

The following wheels do not require same diameter, equal bearing surface flanges:

((\*) 1. Types 27, 28, and 29 wheels with adaptors;

((\*) 2. Modified Types 6 and 11 wheels with tapered K dimension;

((\*) 3. Internal wheels less than two inches in diameter.

~~((You must:))~~

•)) (4) You must make sure the driving flange is:

((-) (a) Part of the spindle (~~((OR~~ -)); or

(b) Securely fastened to the spindle.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-18055 Make sure flanges are in good condition.** ~~((You must:))~~

•)) (1) You must make sure flange bearing surfaces are in good condition.

((\*) (2) You must replace or remachine any flange with a mounting surface that has any of the following problems:

((-) (a) Warped;

((-) (b) Burred on the bearing surface;

((-) (c) Excessively worn (thickness or diameter);

((-) (d) Out of true.

**Note:** Flanges that are refaced or trued need to satisfy minimum dimension requirements specified in ANSI B7.1-2000, Safety Requirements for the Use, Care and Protection of Abrasive Wheels.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-18060 Use specific flanges for Type 1 cutting-off wheels.** ~~((You must:))~~

•)) You must mount Type 1 cutting-off wheels between flanges that are:

((-) (1) Properly relieved with matching bearing surfaces;

((-) (2) At least one-quarter the wheel diameter.

**Note:** American National Standards Institute (ANSI) B7.1-2000, Safety Requirements for the Use, Care and Protection of Abrasive Wheels, has specific exemptions for some reinforced, bonded abrasive cutting-off wheels and steel centered, diamond cutting-off wheels. These wheels are primarily used for masonry cutting and concrete sawing.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-18065 Use specific flanges for Type 27A cutting-off wheels.** (~~You must:~~

•) You must mount Type 27A cutting-off wheels between flanges that are:

((-) (1) Flat (unrelieved) with matching bearing surfaces;

((-) (2) At least one-quarter the wheel diameter.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-18070 Use specific flanges for threaded hole wheels.** (~~You must:~~

•) You must use a back flange to mount threaded hole wheels that is:

((-) (1) Flat (unrelieved);

((-) (2) Securely fastened and square to the spindle axis;

((-) (3) Able to properly support the wheel.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-18075 Use specific flanges for cup, cone or plug wheels with threaded inserts or projecting studs.** (~~You must:~~

•) You must mount cup, cone or plug wheels with threaded inserts or projecting studs against a straight, unrelieved flange.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-18080 Use blotters when required.** (~~You must:~~

•) (1) You must use a blotter between each flange and the abrasive wheel surface to uniformly distribute flange pressure.

((•) (2) You must make sure the blotter covers the entire flange contact area.

((•) (3) You must use a new blotter each time a wheel is mounted unless the wheel has a blotter already attached to it by the manufacturer.

((•) (4) You must make sure scuffed or damaged blotters are not used.

**Exemption:**

You do not need to use a blotter with:

((•) 1. Mounted wheels;

((•) 2. Abrasive disc and Type 2 wheels which are mounted by inserted nuts, inserted washers, or projecting studs;

((•) 3. Plate mounted wheels;

((•) 4. Wheels mounted in chucks (such as cylinders and segmental wheels);

((•) 5. Types 27, 28, and 29 wheels;

((•) 6. Type 1 and Type 27A cutting-off wheels;

((•) 7. Internal wheels less than two inches in diameter;

((•) 8. Diamond and cubic boron nitride wheels with metal or carbon fiber cores.

AMENDATORY SECTION (Amending WSR 03-09-009, filed 4/4/03, effective 8/1/03)

**WAC 296-807-18085 Meet specific blotter requirements when using modified Types 6 and 11 wheels (terrazzo).** (~~You must:~~

•) You must mount modified Types 6 and 11 wheels (terrazzo) with a blotter applied to the flat side of the wheel only.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-807-190 Definitions.

NEW SECTION

**WAC 296-817-099 Noise definitions. A-weighted.** An adjustment to sound level measurements that reflects the sensitivity of the human ear. Used for evaluating continuous or average noise levels.

**Audiogram.** A chart, graph, or table resulting from an audiometric test showing an individual's hearing threshold levels as a function of frequency.

**Audiologist.** A professional, specializing in the study and rehabilitation of hearing, who is certified by the American Speech, Hearing, and Language Association, or the American Academy of Audiology, and is licensed by the state board of examiners.

**Baseline audiogram.** The audiogram against which future audiograms are compared. The baseline audiogram is collected when an employee is first assigned to work with noise exposure. The baseline audiogram may be revised if persistent standard threshold shift (STS) of improvement is found.

**Continuous noise.** Noise with peaks spaced no more than one second apart. Continuous noise is measured using sound level meters and noise dosimeters with the slow response setting.

**Criterion sound level.** A sound level of ninety decibels. An eight-hour exposure to constant 90 dBA noise is a one hundred percent noise dose exposure.

**C-weighted.** An adjustment to sound level measurements that evenly represents frequencies within the range of human hearing. Used for evaluating impact or impulse noise.

**Decibel (dB).** Unit of measurement of sound level. A-weighting, adjusting for the sensitivity of the human ear, is indicated as "dBA." C-weighting, an even reading across the frequencies of human hearing, is indicated as "dBC."

**Fast response.** A setting for a sound level meter that will allow the meter to respond to noise events of less than one second. Used for evaluating impulse and impact noise levels.

**Hertz (Hz).** Unit of measurement of frequency, numerically equal to cycles per second.

**Impulsive or impact noise.** Noise levels which involve maxima at intervals greater than one second. Impulse and impact noise are measured using the fast response setting on a sound level meter.



**Noise dose.** The total noise exposure received by an employee during their shift. It can be expressed as a percentage indicating the ratio of exposure received to the noise exposure received in an eight-hour exposure to constant noise at 90 dBA. It may also be expressed as the sound level that would produce the equivalent exposure during an eight-hour period (TWA<sub>8</sub>).

**Noise dosimeter.** An instrument that integrates a function of sound pressure over a period of time in such a manner that it directly indicates a noise dose.

**Occupational hearing loss.** A reduction in the ability of an individual to hear either caused or contributed to by exposure in the work environment.

**Otolaryngologist.** A physician specializing in diagnosis and treatment of disorders of the ear, nose, and throat.

**Permanent threshold shift.** A hearing level change that has become persistent and is not expected to improve.

**Qualified reviewer.** An audiologist, otolaryngologist, or other qualified physician who has experience and training in evaluating occupational audiograms.

**Slow response.** A setting for sound level meters and dosimeters in which the meter does not register events of less than about one second. Used for evaluating continuous and average noise levels.

**Sound level.** The intensity of noise as indicated by a sound level meter.

**Sound level meter.** An instrument that measures sound levels.

**Standard threshold shift (STS).** A hearing level change, relative to the baseline audiogram, of an average of 10 dB or more at 2000, 3000, and 4000 Hz in either ear.

**Temporary threshold shift.** A hearing level change that improves. A temporary threshold shift may occur with exposure to noise and hearing will return to normal within a few days. Temporary threshold shifts can be indicators of exposures that lead to permanent hearing loss.

**TWA<sub>8</sub> - Equivalent eight-hour time-weighted average sound level.** That sound level, which if constant over an eight-hour period, would result in the same noise dose measured in an environment where the noise level varies.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-100 Scope.** The purpose of this chapter is to:

- ((\*) (1) Prevent employee hearing loss by minimizing employee noise exposures (~~AND~~ \*); and
- (2) Make sure employees exposed to noise are protected. These goals are accomplished by:
  - ((\*) (1) Measuring and computing the employee noise exposure from all equipment and machinery in the workplace, as well as any other noise sources in the work area;
  - ((\*) (2) Protecting employees from noise exposure by using feasible noise controls;
  - ((\*) (3) Making sure employees use hearing protection, if you cannot feasibly control the noise;
  - ((\*) (4) Training employees about hearing loss prevention;

((\*) (5) Evaluating your hearing loss prevention efforts by tracking employee hearing or periodically reviewing controls and protection;

((\*) (6) Making appropriate corrections to your program.

Reference: Table 1 will help you determine the hearing loss prevention requirements for your workplace. For the specific requirements associated with noise evaluation criteria, see WAC 296-817-30010 of this chapter.

Use Table 1 to help you determine the hearing loss prevention requirements for your workplace:

**Table 1  
Noise Evaluation Criteria**

Criteria	Description	Requirements
85 dBA TWA <sub>8</sub>	Full-day employee noise exposure dose. If you have one or more employees whose exposure equals or exceeds this level, you must have a hearing loss prevention program.	((-) Hearing protection ((-) Training ((-) Audiometric testing
90 dBA TWA <sub>8</sub>	Full-day employee noise exposure dose. If you have one or more employees whose exposure equals or exceeds this level, you must reduce employee noise exposures in the workplace.	((-) Noise controls <del>((and</del> (-) Hearing protection ((-) Training ((-) Audiometric testing
115 dBA measured using slow response	Extreme noise level (greater than one second in duration).	((-) Hearing protection ((-) Signs posted in work areas warning of exposure
140 dBC measured using fast response	Extreme impulse or impact noise (less than one second in duration).	Hearing protection

~~((HEARING LOSS PREVENTION PROGRAM))~~

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-200 ((Summary-)) Hearing loss prevention program.**

**Summary**

**Your responsibility:**

To prevent employee hearing loss by minimizing, and providing protection from, noise exposures.

~~((You must:~~  
~~Conduct employee noise exposure monitoring~~  
~~WAC 296-817-20005~~  
~~Control employee noise exposures that equal or exceed 90 dBA TWA<sub>8</sub>~~  
~~WAC 296-817-20010~~  
~~Make sure employees use hearing protection when their noise exposure equals or exceeds 85 dBA TWA<sub>8</sub>~~  
~~WAC 296-817-20015~~  
~~Make sure exposed employees receive training about noise and hearing protection~~  
~~WAC 296-817-20020~~  
~~Make sure warning signs are posted for areas with noise levels that equal or exceed 115 dBA~~  
~~WAC 296-817-20025~~  
~~Arrange for oversight of audiometric testing~~  
~~WAC 296-817-20030~~  
~~Identify and correct deficiencies in your hearing loss prevention program~~  
~~WAC 296-817-20035~~  
~~Document your hearing loss prevention activities~~  
~~WAC 296-817-20040.))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Conduct employee noise exposure monitoring</u>	<u>WAC 296-817-20005</u>
<u>Control employee noise exposures that equal or exceed 90 dBA TWA<sub>8</sub></u>	<u>WAC 296-817-20010</u>
<u>Make sure employees use hearing protection when their noise exposure equals or exceeds 85 dBA TWA<sub>8</sub></u>	<u>WAC 296-817-20015</u>
<u>Make sure exposed employees receive training about noise and hearing protection</u>	<u>WAC 296-817-20020</u>
<u>Make sure warning signs are posted for areas where noise levels equal or exceed 115 dBA</u>	<u>WAC 296-817-20025</u>
<u>Arrange for oversight of audiometric testing</u>	<u>WAC 296-817-20030</u>
<u>Identify and correct deficiencies in your hearing loss prevention program</u>	<u>WAC 296-817-20035</u>
<u>Document your hearing loss prevention activities</u>	<u>WAC 296-817-20040</u>

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-20005 Conduct employee noise exposure monitoring.** ~~((You must:~~  
 •) (1) You must conduct employee noise exposure monitoring to determine the employee's actual exposure when

reasonable information indicates that any employee's exposure may equal or exceed 85 dBA TWA<sub>8</sub>.

**Note:**

- (•) Representative monitoring may be used where several employees perform the same tasks in substantially similar conditions.
- (•) Examples of information or situations that can indicate exposures which equal or exceed 85 dBA TWA<sub>8</sub>, include:
  - (•) 1. Noise in the workplace that interferes with people speaking, even at close range.
  - (•) 2. Information from the manufacturer of equipment you use in the workplace that indicates high noise levels for machines in use.
  - (•) 3. Reports from employees of ringing in their ears or temporary hearing loss.
  - (•) 4. Warning signals or alarms that are difficult to hear.
  - (•) 5. Work near abrasive blasting or jack hammering operations.
  - (•) 6. Use of tools and equipment such as the following:
    - (-) a. Heavy equipment or machinery.
    - (-) b. Fuel-powered hand tools.
    - (-) c. Compressed air-driven tools or equipment in frequent use.
    - (-) d. Power saws, grinders or chippers.
    - (-) e. Powder-actuated tools.

~~((You must:~~  
 •) (2) You must follow applicable guidance in WAC 296-817-300 when conducting noise exposure monitoring;  
 (•) (3) You must make sure your sampling for noise exposure monitoring identifies:
 

- (-) (a) All employees whose exposure equals or exceeds the following:
  - (•) (i) 85 dBA TWA<sub>8</sub> (noise dosimetry, providing an average exposure over an eight-hour time period);
  - (•) (ii) 115 dBA (slow response sound level meter, identifying short-term noise exposures);
  - (•) (iii) 140 dBC (fast response sound level meter, identifying almost instantaneous noise exposures).
- (-) (b) Exposure levels for selection of hearing protection.

 (•) (4) You must provide exposed employees and their representatives with an opportunity to observe any measurements of employee noise exposure that are conducted.  
 (•) (5) You must notify each employee whose exposure equals or exceeds 85 dBA TWA<sub>8</sub> of the monitoring results within five working days of when you receive the results.  
 (•) (6) You must conduct additional noise monitoring whenever a change in production, process, equipment or controls, may reasonably be expected to result in:
 

- (-) (a) Additional employees whose exposure equals or exceeds 85 dBA TWA<sub>8</sub>;
- (-) (b) Employees exposed to higher level of noise requiring more effective hearing protection.

**Note:** Conditions that may be expected to increase exposure include:

- (•) 1. Adding machinery to the work area.
- (•) 2. Increasing production rates.
- (•) 3. Removal or deterioration of noise control devices.
- (•) 4. Increased use of noisy equipment.
- (•) 5. Change in work schedule.
- (•) 6. Change of job duties.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-20010 Control employee noise exposures that equal or exceed 90 dBA TWA<sub>8</sub>.**

~~((IMPORTANT))~~ **Important:**

Hearing protection provides a barrier to noise and protects employees but is not considered a control of the noise hazard. Separate requirements apply to hearing protection and are found in WAC 296-817-20015.

~~((You must:~~

\*) You must reduce employee noise exposure, using feasible controls, wherever exposure equals or exceeds 90 dBA TWA<sub>8</sub>.

- Note:**
- (\*) 1. Once noise exposures are brought below 90 dBA TWA<sub>8</sub>, no further reduction is required. However, further reduction of noise may reduce the need for other hearing loss prevention requirements.
  - (\*) 2. Controls that eliminate noise at the source or establish a permanent barrier to noise are typically more reliable. For example:
    - (-) a. Replacing noisy equipment with quiet equipment.
    - (-) b. Using silencers and mufflers.
    - (-) c. Installing enclosures.
    - (-) d. Damping noisy equipment and parts.
  - (\*) 3. Other controls and work practices may also be useful for reducing noise exposures. Examples include:
    - (-) a. Employee rotation.
    - (-) b. Limiting use of noisy equipment.
    - (-) c. Rescheduling work.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-20015 Make sure employees use hearing protection when their noise exposure equals or exceeds 85 dBA TWA<sub>8</sub>.** ~~((You must:~~

\*) (1) You must make sure employees wear hearing protectors that will provide sufficient protection when exposure equals or exceeds:

- (-) (a) 85 dBA TWA<sub>8</sub> (noise dosimetry, providing an average exposure over an eight-hour time period);
- (-) (b) 115 dBA (slow response sound level meter, identifying short-term noise exposures);
- (-) (c) 140 dBC (fast response sound level meter, identifying almost instantaneous noise exposures).

(\*) (2) You must provide employees with an appropriate selection of hearing protectors:

(-) (a) The selection must include at least two distinct types (such as molded earplugs, foam earplugs, custom-molded earplugs, earcaps, or earmuffs) for each exposed employee and must be sufficient to cover:

- (\*) (i) Different levels of hearing protection needed in order to reduce all employee exposures to a level below 85 dBA TWA<sub>8</sub>;
  - (\*) (ii) Different sizes;
  - (\*) (iii) Different working conditions.
- (-) (b) Consider requests of the employees regarding:
  - (\*) (i) Physical comfort;
  - (\*) (ii) Environmental conditions;

- (\*) (iii) Medical needs;
- (\*) (iv) Communication requirements.

**Note:** Hearing protector selection should include earplugs, earcaps and earmuffs.

~~((You must:~~

\*) (3) You must provide hearing protection at no cost to employees.

(\*) (4) You must supervise employees to make sure that hearing protection is used correctly.

- (\*) (5) You must make sure hearing protectors are:
  - (-) (a) Properly chosen for fit;
  - (-) (b) Replaced as necessary.

(\*) (6) You must make sure all hearing protection is sufficient to reduce the employee's equivalent eight-hour noise exposure to 85 dBA or less. When using the A-weighted exposure measurements, reported as "dBA TWA<sub>8</sub>," the reduction in noise exposure by hearing protectors is given by Table 2:

**Table 2**  
**Effective Protection of Hearing Protectors**

Type of hearing protection	Effective protection
Single hearing protection (earplugs, earcaps or earmuffs)	7 dB less than the manufacturer assigned noise reduction rating (NRR); for example, earplugs with an NRR of 20 dB are considered to reduce employee exposures of 95 dBA TWA <sub>8</sub> to 82 dBA TWA <sub>8</sub>
Dual hearing protection (earplug and earmuff worn together)	2dB less than the higher NRR of the two protectors; for example, earplugs with an NRR of 20 dB and earmuffs with an NRR of 12 dB are considered to reduce employee exposures of 100 dBA TWA <sub>8</sub> to 82 dBA TWA <sub>8</sub>

(\*) (7) In addition to protection based on daily noise dose, make sure hearing protection has an NRR of at least 20 dB when exposures involve noise that equals or exceeds 115 dBA (slow response sound level meter) or 140 dBC (fast response sound level meter).

- Note:**
- 1. You may also evaluate hearing protection by using the other methods given in the NIOSH *Compendium of Hearing Protection* (NIOSH Publication No. 95-105).
  - 2. These methods require additional monitoring and are more complex, but provide a more thorough evaluation of protection.
  - 3. This may be useful in cases where communication is critical or for evaluating hearing protection for employees with hearing impairment.

AMENDATORY SECTION (Amending WSR 09-15-145, filed 7/21/09, effective 9/1/09)

**WAC 296-817-20020 Make sure exposed employees receive training about noise and hearing protection.** ~~((You must:~~

•)) (1) You must train each employee whose noise exposure equals or exceeds 85 dBA TWA<sub>8</sub>.

((•)) (2) You must provide training when an employee is first assigned to a position involving noise exposure that equals or exceeds 85 dBA TWA<sub>8</sub> and at least annually after that.

((•)) (3) You must update information provided in the training program to be consistent with changes in controls, hearing protectors and work processes.

((•)) (4) You must make sure your noise and hearing protection training includes:

((-) (a) The effects of noise on hearing (including both occupational and nonoccupational exposures);

((-) (b) Noise controls used in your workplace;

((-) (c) The purpose of hearing protectors: The advantages, disadvantages, and attenuation of various types;

((-) (d) Instructions about selecting, fitting, using, and caring for hearing protection;

((-) (e) The purpose and procedures for program evaluation including audiometric testing and hearing protection auditing when you choose to rely upon auditing (see WAC 296-817-500);

((-) (f) The employees' right to access records kept by the employer.

((•)) (5) You must maintain a written program describing initial and refresher training.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-20025 Make sure warning signs are posted for areas where noise levels equal or exceed 115 dBA.** ~~((You must:~~

•)) (1) You must make sure warning signs are posted at the entrances or boundaries of all well-defined work areas where employees may be exposed to noise that equals or exceeds 115 dBA (measured using a sound level meter with slow response).

((-) (2) Warning signs must clearly indicate that the area is a high noise area and that hearing protectors are required.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-20030 Arrange for oversight of audiometric testing.** ~~((You must:~~

•)) (1) You must make sure audiometric testing as described by WAC 296-817-400 is supervised and reviewed by one of the following licensed or certified individuals:

((-) (a) An audiologist;

((-) (b) An otolaryngologist;

((-) (c) Another qualified physician.

((•)) (2) You must make sure audiograms are conducted by one of the above individuals or by a technician certified by

the Council of Accreditation in Occupational Hearing Conservation (CAOHC) and responsible to a qualified reviewer.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-20035 Identify and correct deficiencies in your hearing loss prevention program.** ~~((You must:~~

•)) (1) You must use audiometric testing to identify hearing loss, which may indicate program deficiencies.

((•)) (2) You must take appropriate actions when deficiencies are found with your program.

((-) A deficiency may be indicated when:

((■)) (a) Any employee experiences measurable hearing loss indicated by a standard threshold shift ~~((or~~

■)); or

(b) Any employee is not wearing appropriate hearing protection during an audit when auditing is used in place of baseline audiograms for short term employees (see WAC 296-817-500, Option to audiometric testing).

**Note:**

1. A standard threshold shift or audit deficiency does not necessarily indicate that a significant hearing loss has occurred.
2. These criteria are intended to help identify where there may be flaws in your hearing loss prevention program that can be fixed before permanent hearing loss occurs.
3. There are additional statistical tools and tests that may be used to improve the effectiveness of your program.
4. Staff conducting audiometric testing and auditing may be able to suggest additional ways to improve your hearing loss prevention program and tailor it to your worksite.

~~((You must:~~

•)) (3) You must evaluate the following, at a minimum, when responding to a standard threshold shift:

((-) (a) Employee noise exposure measurements;

((-) (b) Noise controls in the work area;

((-) (c) The selection of hearing protection available and refit employees as necessary;

((-) (d) Employee training on noise and the use of hearing protection and conduct additional training as necessary.

**Reference:**

1. You may use the option of auditing hearing protection (see WAC 296-817-500) for employees hired or transferred to jobs with noise exposure for less than one year.
2. You may also use audiograms provided by a third-party hearing loss prevention program in some circumstances.
3. Details of these program options are found in WAC 296-817-500, Options to audiometric testing.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-20040 Document your hearing loss prevention activities.** ~~((You must:~~

•)) You must create and retain records documenting noise exposures. Include, at a minimum:

((-) (1) Exposure measurements required by this chapter for at least two years and for as long as you rely upon them to determine employee exposure;

((-) (2) Audiometric test records for the duration of employment for the affected employees;

((-)) (3) Hearing protection audits, if you choose to rely upon them, for the duration of employment of the affected employees.

**Note:** ((\*) 1. You need to keep as complete a record as possible. Records developed under previous rules or in other jurisdictions need to be kept, even when they do not fulfill the full requirements of this chapter.  
2. Similarly, records found to have errors in collection or processing need to be kept if they provide an indication of employee exposure or medical condition not found in other records.  
3. You may want to consider your other business needs, such as worker's compensation claims management, before discarding these records.

**Reference:** You need to follow additional requirements for records considered employee exposure or medical records. See chapter 296-62 WAC, Part B, Access to records for requirements for access to records, employee rights, and transfer of records.

**((NOISE MEASUREMENT AND COMPUTATION))**

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-300 ((Summary:)) Noise measurement and computation.**

**Summary**

**Your responsibility:**

Conduct noise monitoring or measurement to evaluate employee exposures in your workplace.

~~((You must:~~

~~Make sure that noise-measuring equipment meets recognized standards~~

~~WAC 296-817-30005~~

~~Measure employee noise exposure~~

~~WAC 296-817-30010~~

~~Use these equations when estimating full-day noise exposure from sound level measurements~~

~~WAC 296-817-30015.))~~

<b><u>You must meet the requirements ...</u></b>	<b><u>in this section:</u></b>
<u>Make sure that noise-measuring equipment meets recognized standards</u>	<u>WAC 296-817-30005</u>
<u>Measure employee noise exposure</u>	<u>WAC 296-817-30010</u>
<u>Use these equations when estimating full-day noise exposure from sound level measurements</u>	<u>WAC 296-817-30015</u>

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-30005 Make sure that noise-measuring equipment meets recognized standards. ((You must:**

**\*) (1) You must make sure that noise dosimetry equipment meets these specifications:**

((-) (a) Dosimeters must be equipment class 2AS-90/80-5 of the American National Rule Specification for Personal Noise Dosimeters, ANSI S1.25-1991((;)).

**(b) Such dosimeters are normally marked "Type 2."**

**Note:** Make sure any dosimeter you use is Type 2 equipment that:  
((\*) 1. Uses slow integration and A-weighting of sound levels.  
((\*) 2. Has the **criteria level** set to 90 dB, so the dosimeter will report a constant 8-hour exposure at 90 dBA as a 100% dose.  
((\*) 3. Has the **threshold level** set at 80 dB, so the dosimeter will register all noise above 80 dB.  
((\*) 4. Uses a 5 dB **exchange rate** for averaging of noise levels over the sample period.

~~((You must:~~

~~\*) (2) You must make sure that sound level meters meet these specifications:~~

((-) (a) American National Standard Specification for Sound Level Meters, S1.4-1984, Type 2 requirements for sound level meters((;)).

**(b) Such sound level meters are normally marked "Type 2."**

~~((\*) (i) For continuous noise measurements, the meter must be capable of measuring A-weighted sound levels with slow response.~~

~~((\*) (ii) For impulse or impact noise measurements, the meter must be capable of indicating maximum C-weighted sound level measurements with fast response.~~

~~((\*) (3) Calibrate dosimeters and sound level meters used to monitor employee noise exposure:~~

~~((-) (a) Before and after each day's use ((AND -)); and~~

~~(b) Following the instrument manufacturer's calibration instructions.~~

**Note:** ((\*) 1. You may conduct dosimetry using an exchange rate less than 5 dB and compare the results directly to the noise evaluation criteria in Table 1.  
((\*) 2. For measuring impulse and impact noise you may also use a sound level meter set to measure maximum impulse C-weighted sound levels or peak C-weighted sound levels.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-30010 Measure employee noise exposure.**

~~((IMPORTANT:)) **Important:**~~

A noise dosimeter is the basis for determining total daily noise exposure for employees. However, where you have constant noise levels, you may estimate employee noise exposure using measurements from a sound level meter. Calculation of the employee noise exposure must be consistent with WAC 296-817-30015.

~~((You must:~~

~~\*) (1) You must include all:~~

((-) (a) Workplace noise from equipment and machinery in use;

((-) (b) Other noise from sources necessary to perform the work;

((-) (c) Noise outside the control of the exposed employees.

((\*) (2) You must use a noise dosimeter when necessary to measure employee noise dose.

((\*) (3) You must use a sound level meter to evaluate continuous and impulse noise levels.

((\*) (4) You must identify all employees whose exposures equal or exceed the Noise Evaluation Criteria in Table 1:

**Table 1  
Noise Evaluation Criteria**

Criteria	Description	Requirements
85 dBA TWA <sub>8</sub>	Full-day employee noise exposure dose. If you have one or more employees whose exposure equals or exceeds this level, you must have a hearing loss prevention program.	((-) Hearing protection ((-) Training ((-) Audiometric testing
90 dBA TWA <sub>8</sub>	Full-day employee noise exposure dose. If you have one or more employees whose exposure equals or exceeds this level, you must reduce employee noise exposures in the workplace.	Noise controls (in addition to the requirements for 85 dBA TWA <sub>8</sub> )
115 dBA measured using slow response	Extreme noise level (greater than one second in duration).	((-) Hearing protection ((-) Signs posted in work areas warning of exposure
140 dBC measured using fast response	Extreme impulse or impact noise (less than one second in duration).	Hearing protection

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-30015 Use these equations when estimating full-day noise exposure from sound level measurements. ((You must:**

\*) You must compute employee's full-day noise exposure by using the appropriate equations from Table ((3)) 2 "Noise Dose Computation" when using a sound level meter to estimate noise dose.

**Table ((3)) 2  
Noise Dose Computation**

Description	Equation
Compute the noise dose based on several time periods of constant noise during the shift	The total noise dose over the work day, as a percentage, is given by the following equation where C <sub>n</sub> indicates the total time of exposure at a specific noise level, and T <sub>n</sub> indicates the reference duration for that level. $D = 100 * ((C_1/T_1) + (C_2/T_2) + (C_3/T_3) + \dots + (C_n/T_n))$ $D = 100 * \left( \frac{C_1}{T_1} + \frac{C_2}{T_2} + \frac{C_3}{T_3} + \dots + \frac{C_n}{T_n} \right)$
The reference duration is equal to the time of exposure to continuous noise at a specific sound level that will result in a one hundred percent dose	The reference duration, T, for sound level, L, is given in hours by the equation: $T = 8 / (2^{((L-90)/5)})$
Given a noise dose as a percentage, compute the equivalent eight-hour time weighted average noise level	The equivalent eight-hour time weighted average, TWA <sub>8</sub> , is computed from the dose, D, by the equation: $TWA_8 = 16.61 * \log_{10}((D/100) + 99)$ $TWA_8 = 16.61 * \log_{10} \left( \frac{D}{100} \right) + 90$

**((AUDIOMETRIC TESTING))**

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-400 ((Summary:)) Audiometric testing.**

Summary

**Your responsibility:**

To conduct audiometric testing of employees exposed to noise to make sure that their hearing protection is effective.

**((You must:**

Provide audiometric testing at no cost to employees

**WAC 296-817-40005**

~~Establish a baseline audiogram for each exposed employee  
WAC 296-817-40010  
Conduct annual audiograms  
WAC 296-817-40015  
Review audiograms that indicate a standard threshold shift  
WAC 296-817-40020  
Keep the baseline audiogram without revision, unless annual audiograms indicate a persistent threshold shift or a significant improvement in hearing  
WAC 296-817-40025  
Make sure a record is kept of audiometric tests  
WAC 296-817-40030  
Make sure audiometric testing equipment meets these requirements  
WAC 296-817-40035.)~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Provide audiometric testing at no cost to employees</u>	<u>WAC 296-817-40005</u>
<u>Establish a baseline audiogram for each exposed employee</u>	<u>WAC 296-817-40010</u>
<u>Conduct annual audiograms</u>	<u>WAC 296-817-40015</u>
<u>Review audiograms that indicate a standard threshold shift</u>	<u>WAC 296-817-40020</u>
<u>Keep the baseline audiogram without revision, unless annual audiograms indicate a persistent threshold shift or a significant improvement in hearing</u>	<u>WAC 296-817-40025</u>
<u>Make sure a record is kept of audiometric tests</u>	<u>WAC 296-817-40030</u>
<u>Make sure audiometric testing equipment meets these requirements</u>	<u>WAC 296-817-40035</u>

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-40005 Provide audiometric testing at no cost to employees. (~~You must:~~**

**\*) You must** provide audiograms, including any required travel or necessary additional examinations or testing, at no cost to exposed employees.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-40010 Establish a baseline audiogram for each exposed employee. (~~You must:~~**

**\*) (1) You must** conduct a baseline audiogram when an employee is first assigned to work involving noise exposures that equal or exceed 85 dBA TWA<sub>8</sub>.

~~((-) (a) Make sure this audiogram is completed no more than one hundred eighty days after the employee is first assigned (~~OR~~ -)); or~~

~~(b) Make sure employee is covered by a hearing protection audit program (as described by WAC 296-817-500 and available as an alternative only for employees hired for less than one year).~~

**Note:** Employers who utilize mobile test units are allowed up to one year to obtain a valid baseline audiogram for each exposed employee. The employees must still be given training and hearing protection as required by this chapter.

~~((You must:~~

~~\*) (2) You must~~ make sure employees are not exposed to workplace noise at least fourteen hours before testing to establish a baseline audiogram.

~~((-) Hearing protectors may be used to accomplish this.~~

~~((\*) (3) You must~~ notify employees of the need to avoid high levels of nonoccupational noise exposure (such as loud music, headphones, guns, power tools, motorcycles, etc.) during the fourteen-hour period immediately preceding the baseline audiometric examination.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-40015 Conduct annual audiograms. (~~You must:~~**

**\*) (1) You must** conduct annual audiograms for employees as long as they continue to be exposed to noise that equals or exceeds 85 dBA TWA<sub>8</sub>.

**Note:** 1. Annual audiometric testing may be conducted at any time during the work shift. By conducting the annual audiogram during the work shift with the employee exposed to typical noise for their job, the test may record a temporary threshold shift.  
2. This makes the test more sensitive to potential hearing loss and may help you improve employee protection before a permanent threshold shift occurs. A suspected temporary shift is one reason an employer may choose to retest employee hearing.

~~((You must:~~

~~\*) (2) You must~~ make sure each employee is informed of the results of his or her audiometric test.

~~((-) Include whether or not there has been a hearing level decrease or improvement since their previous test.~~

~~((\*) (3) You must~~ make sure each employee's annual audiogram is compared to his or her baseline audiogram by an audiologist, otolaryngologist, another qualified physician, or the technician conducting the test to determine if a standard threshold shift has occurred.

~~((-) If the annual audiogram indicates that an employee has suffered a standard threshold shift, you may obtain a retest within thirty days and consider the results of the retest as the annual audiogram.~~

~~((\*) (4) You must~~ make sure that an audiologist, otolaryngologist, or other qualified physician sees any annual audiogram that indicates a standard threshold shift.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-40020 Review audiograms that indicate a standard threshold shift.** (~~You must:~~

- ) (1) You must make sure the health care professional supervising audiograms has:
  - (-) (a) A copy of this chapter;
  - (-) (b) The baseline audiogram and most recent audiogram of the employee to be evaluated;
  - (-) (c) Background noise level records for the testing room;
  - (-) (d) Calibration records for the audiometer.
- (\*) (2) You must obtain an opinion from the health care professional supervising audiograms as to whether the audiograms indicate possible occupational hearing loss and any recommendations for changes in hearing protection.
- (\*) (3) You must pay for any clinical audiological evaluation or otological examination required by the reviewer, if:
  - (-) (a) Additional review is necessary to evaluate the cause of hearing loss (~~or~~); or
  - (b) If there is indication of a medical condition of the ear caused or aggravated by the wearing of hearing protectors.
- (\*) (4) You must inform the employee in writing of the existence of a standard threshold shift within twenty-one calendar days of the determination.
- (\*) (5) You must make arrangements for the reviewer to communicate to the employee any suspected medical conditions that are found unrelated to your workplace. This information is confidential and must be handled appropriately.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-40025 Keep the baseline audiogram without revision, unless annual audiograms indicate a persistent threshold shift or a significant improvement in hearing.** (~~You must:~~

- ) You must keep the baseline audiogram without revision, unless a qualified reviewer determines:
  - (-) (1) The standard threshold shift revealed by the audiogram is persistent (~~or~~); or
  - (2) The hearing threshold shown in the annual audiogram indicates significant improvement over the baseline audiogram.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-40030 Make sure a record is kept of audiometric tests.** (~~You must:~~

- ) You must retain a legible copy of all employee audiograms conducted under this chapter.
  - (-) Make sure the record includes:
    - (\*) (1) Name and job classification of the employee;
    - (\*) (2) Date of the audiogram;
    - (\*) (3) The examiner's name;
    - (\*) (4) Date of the last acoustic or exhaustive calibration of the audiometer;

- (\*) (5) Employee's most recent noise exposure assessment;
- (\*) (6) The background sound pressure levels in audiometric test rooms.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-40035 Make sure audiometric testing equipment meets these requirements.** (~~You must:~~

- ) (1) You must use pure tone, air conduction, hearing threshold examinations, with test frequencies including as a minimum 500, 1000, 2000, 3000, 4000, and 6000 Hz.
  - (-) (a) Tests at each frequency must be taken separately for each ear;
  - (-) (b) Supra-aural headphones must be used.
  - (\*) (2) You must conduct audiometric tests with audiometers (including microprocessor audiometers) that meet the specifications of, and are maintained and used according to, American National Standard Specification for Audiometers, S3.6-1996.
    - (\*) (3) You must check the functional operation of the audiometer each day before use by doing all of the following:
      - (-) (a) Make sure the audiometer's output is free from distorted or unwanted sound;
      - (-) (b) Test either a person with known, stable hearing thresholds or a bio-acoustic simulator;
      - (-) (c) Perform acoustic calibration for deviations of 10 dB or greater.
      - (\*) (4) You must check audiometer calibration must be checked acoustically at least annually to verify continued conformance with ANSI S3.6-1996. Test frequencies below 500 Hz and above 6000 Hz may be omitted from this check.
      - (\*) (5) You must perform an exhaustive calibration must be performed at least every two years according to the American National Standard Specification for Audiometers, S3.6-1996. Test frequencies below 500 Hz and above 6000 Hz may be omitted from the calibration.

- (\*) (6) You must provide audiometric test rooms that meet the requirements of ANSI S3.1-1999 American National Standard Maximum Permissible Ambient Noise Levels for Audiometric Test Rooms using the following table of maximum ambient sound pressure levels:

**Table 4**  
**Maximum Ambient Sound Pressure Levels**

Frequency (Hz)	500	1000	2000	4000	8000
Sound Pressure Level (dB)	40	40	47	57	62

**Note:** The American Industrial Hygiene Association and National Hearing Conservation Association recommend conducting audiograms using the requirements of ANSI S3.1-1999 American National Standard Maximum Permissible Ambient Noise Levels for Audiometric Test Rooms with adjustments at only 500 Hz and below.



~~((OPTIONS TO AUDIOMETRIC TESTING))~~

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-500** ~~((Summary:))~~ **Options to audiometric testing.**

**Summary**

**Your responsibility:**

This section provides options to baseline audiometric testing for employees assigned to duties with noise exposures for **less than one year**. These program options may also be used to provide added assessment of longer-term employees in addition to audiometric testing.

The requirements of this section apply only if you decide to use auditing or a third-party hearing loss prevention program and do not conduct baseline audiometric testing for those employees.

**Hearing Protection Audits**

~~((You must:~~

~~Conduct hearing protection audits at least quarterly  
WAC 296-817-50005~~

~~Make sure staff conducting audits are properly trained  
WAC 296-817-50010~~

~~Assess the hearing protection used by each employee during audits~~

~~WAC 296-817-50015~~

~~Document your hearing protection audits  
WAC 296-817-50020))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Conduct hearing protection audits at least quarterly</u>	<u>WAC 296-817-50005</u>
<u>Make sure staff conducting audits are properly trained</u>	<u>WAC 296-817-50010</u>
<u>Assess the hearing protection used by each employee during audits</u>	<u>WAC 296-817-50015</u>
<u>Document your hearing protection audits</u>	<u>WAC 296-817-50020</u>

**Third-Party Audiometric Testing**

~~((You must:~~

~~Make sure third-party hearing loss prevention programs meet the following requirements~~

~~WAC 296-817-50025~~

~~**IMPORTANT:))**~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Make sure third-party hearing loss prevention programs meet the following requirements</u>	<u>WAC 296-817-50025</u>

**Important:**

**1. Hearing protection audits** are a tool for use in evaluating your hearing loss prevention program in cases where audiometric testing does not provide a useful measure. For

example, if most of your employees are hired on a temporary basis for a few months at a time, audiometric testing may not identify the small changes in hearing acuity that could occur. Auditing provides an alternative to audiometric testing in these cases.

**2.** Auditing is not required unless you use it in place of baseline audiometric testing for employees hired for a period of **less than one year** and is permitted as a substitute for audiometric testing only for these employees.

**3. Third-party hearing loss prevention programs** are full hearing loss prevention programs and are distinct from audiometric testing provided by third parties as part of your own hearing loss prevention program. These programs may be organized by labor groups, trade associations, labor-management cooperatives, or other organizations to:

~~((~~ **(\*)** (a) Cover a specific group of employees ~~((~~ **(OR**

**\*)** ); or  
**(b)** Combine efforts for several employers with common employees.

**4.** Although you remain responsible for the program, third-party programs can have at least two benefits over running your own program:

~~((~~ **(\*)** (a) The audiometric testing is portable between the participating employers so new testing will not be needed when an employee changes employers;

~~((~~ **(\*)** (b) Employees who only work for short periods for any one employer can be monitored under the group program over a longer period of time increasing the effectiveness of the audiometric testing in preventing hearing loss for these employees.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-50005** **Conduct hearing protection audits at least quarterly.** ~~((You must:~~

~~\*)~~ **(1)** You must conduct audits at least quarterly to provide a representative assessment of your workplace.

~~((~~ **(-)** (a) The assessment is representative if it:

~~((~~ **(#)** (i) Covers all processes and work activities in your business at full production levels ~~((~~ **(AND**

~~); and~~

(ii) Covers all employees present on the audit day.

~~((~~ **(-)** (b) If your business is mobile or involves variable processes, auditing may need to be repeated more often than quarterly.

~~((~~ **(-)** (c) Auditing does not need to be repeated more than monthly as long as a reasonable effort is made to cover:

~~((~~ **(#)** (i) The activities with greatest exposure ~~((~~ **(AND**

~~); and~~

(ii) As many employees as possible.

~~((~~ **(\*)** (2) You must assess exposures and hearing protection for the full shift for each employee covered at the time of the audit.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-50010** **Make sure staff conducting audits are properly trained.** ~~((You must:~~

•) You must make sure staff conducting hearing protection audits:

- ((-)) (1) Can demonstrate competence in:
  - ((■)) (a) Evaluating hearing protection attenuation;
  - ((■)) (b) Evaluating hearing protector choices;
  - ((■)) (c) Assessing the correct use of hearing protectors.
- ((-)) (2) Are certified by the Council for Accreditation in Occupational Hearing Conservation (CAOHC) or have training in the following areas:
  - ((■)) (a) Noise and hearing loss prevention;
  - ((■)) (b) Washington state noise regulations;
  - ((■)) (c) Hearing protectors;
  - ((■)) (d) Fitting of hearing protectors;
  - ((■)) (e) Basic noise measurement;
  - ((■)) (f) Hearing loss prevention recordkeeping.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-50015 Assess the hearing protection used by each employee during audits.** ~~((You must:~~

- ) You must confirm that:
  - ((-)) (1) Current site conditions during audits are consistent with conditions existing during noise monitoring.
  - ((-)) (2) The hearing protection used by the employee is sufficient and appropriate for the conditions.
  - ((-)) (3) The hearing protection is worn properly.
  - ((-)) (4) The employees are satisfied with the performance and comfort of the hearing protection.

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-50020 Document your hearing protection audits.** ~~((You must:~~

- ) (1) You must keep a record of audit results for each employee assessed for the length of their employment and for the length of time you will rely upon the audit results.
- ((•)) (2) You must include the following information in the record:
  - ((-)) (a) The make and model of the hearing protectors;
  - ((-)) (b) The size of the protectors;
  - ((-)) (c) Average noise exposure of the employee;
  - ((-)) (d) Any problems found with use of the hearing protection;
  - ((-)) (e) Any comments or complaints from the employee regarding the hearing protection.

~~((THIRD PARTY AUDIOMETRIC TESTS))~~

AMENDATORY SECTION (Amending WSR 03-11-060, filed 5/19/03, effective 8/1/03)

**WAC 296-817-50025 Make sure third-party hearing loss prevention programs meet the following requirements.**

~~((IMPORTANT:))~~ **Important:**

Third-party hearing loss prevention programs are intended:

- ((•)) (1) For short-term employees hired or assigned to duties having noise exposures **for less than one year** ~~((AND~~

•)); and

**(2) For seasonal employees.**

However, other employees may be included as long as you meet all requirements for hearing loss follow-ups and recordkeeping.

~~((You must:~~

•) (1) You must make sure that the third-party program is:

- ((-)) (a) Equivalent to an employer program as required by this chapter ~~((AND~~

-)); and

- (b) Uses audiometric testing to evaluate hearing loss.

- ((•)) (2) You must make sure a licensed or certified audiologist, otolaryngologist, or other qualified physician administers the third-party program.

- ((•)) (3) You must make sure the third-party program has written procedures for:

- ((-)) (a) Communicating with participating employers of program requirements;

- ((-)) (b) Follow-up procedures for detected hearing loss;

- ((-)) (c) Annual review of participating employer programs.

- ((•)) (4) You must make sure the following program elements are corrected by you or the third-party program when deficiencies are found:

- ((-)) (a) Noise exposures;

- ((-)) (b) Hearing protection;

- ((-)) (c) Employee training;

- ((-)) (d) Noise controls.

- ((•)) (5) You must obtain a review of your hearing loss prevention program at least once per year, conducted by the third-party program administrator or their representative, in order to:

- ((-)) (a) Identify any tasks needing a revised selection of hearing protection ~~((AND~~

-)); and

- (b) Provide an overall assessment of the employers' hearing loss prevention activities.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-817-600 Noise definitions.

#### NEW SECTION

**WAC 296-823-099 Definitions.**

**Blood.** Human blood, human blood components and products made from human blood. Also included are medications derived from blood, such as immune globulins, albumin, and factors 8 and 9.

**Bloodborne pathogens.** Pathogenic microorganisms that are present in human blood and can cause disease in humans. Examples of these pathogens include:

- (a) Human immunodeficiency virus (HIV);

- (b) Hepatitis B virus (HBV);

- (c) Hepatitis C virus, malaria;

- (d) Syphilis;

- (e) Babesiosis;

- (f) Brucellosis;
- (g) Leptospirosis;
- (h) Arboviral infections;
- (i) Relapsing fever;
- (j) Creutzfeld-Jakob Disease;
- (k) Human T-lymphotrophic virus Type I;
- (l) Viral Hemorrhagic Fever.

**Clinical laboratory.** A workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials (OPIM).

**Contaminated.** The presence or the reasonably anticipated presence of blood or other potentially infectious materials (OPIM) on an item or surface.

**Contaminated laundry.** Laundry that has been soiled with blood or other potentially infectious materials (OPIM) or may contain contaminated sharps.

**Contaminated sharps.** Any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

**Decontamination.** The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

**Exposure incident.** A specific eye, mouth, other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials (OPIM) that results from the performance of an employee's duties. Examples of nonintact skin include skin with dermatitis, hangnails, cuts, abrasions, chafing, or acne.

**Handwashing facilities.** A facility providing an adequate supply of running potable water, soap and single-use towels or air drying machines.

**Licensed health care professional.** A person whose legally permitted scope of practice allows him or her to independently perform the activities required by this rule.

**Needleless systems.** A device that does not use needles for any of the following:

- (a) The collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established;
- (b) The administration of medication or fluids;
- (c) Any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps.

**Occupational exposure.** Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM that may result from the performance of an employee's duties.

**Other potentially infectious materials (OPIM).** Includes all of the following:

- (a) Human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids.
- (b) Any unfixed tissue or organ (other than intact skin) from a human (living or dead).

(c) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

(d) Blood and tissues of experimental animals infected with bloodborne pathogens.

**Parenteral contact.** When mucous membranes or skin is pierced by needle sticks, human bites, cuts, or abrasions.

**Personal protective equipment (PPE).** Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (for example, uniforms, pants, shirts, or blouses) not intended to function as protection against a hazard are not considered to be PPE.

**Production facility.** A facility engaged in industrial-scale, large-volume or high-concentration production of HIV or HBV.

**Regulated waste.** Regulated waste is any of the following:

- (a) Liquid or semiliquid blood or other potentially infectious materials (OPIM);
- (b) Contaminated items that would release blood or OPIM in a liquid or semiliquid state, if compressed;
- (c) Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling;
- (d) Contaminated sharps;
- (e) Pathological and microbiological wastes containing blood or OPIM.

**Research laboratory.** A laboratory producing or using research-laboratory-scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities.

**Safer medical devices.** Medical devices that have been engineered to reduce the risk of needle sticks and other contaminated sharps injuries. These include not only sharps with engineered sharps injury protections and needleless systems but also other medical devices designed to reduce the risk of sharps injury exposures to bloodborne pathogens. Examples include blunt suture needles and plastic or Mylar-wrapped glass capillary tubes.

**Secondary duty.** Any job expectation outside the primary job duties assigned to that position.

**Sharps with engineered sharps injury protections (SESIP).** A nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

**Source person.** A person, living or dead, whose blood or other potentially infectious materials may be a source (OPIM) of occupational exposure to the employee. Examples include:

- (a) Hospital and clinic patients;
- (b) Clients in institutions for the developmentally disabled;
- (c) Trauma victims;
- (d) Clients of drug and alcohol treatment facilities;
- (e) Residents of hospices and nursing homes;
- (f) Human remains;
- (g) Individuals who donate or sell blood or blood components.

**Standard microbiological practices.** Standard microbiological practices refer to procedures comparable to those outlined in the current edition of the Center for Disease Control "*Biosafety in Microbiological and Biomedical Laboratories*."

**Sterilize.** The use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

**Universal precautions.** An approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

**Note:** Universal Blood-Body Fluid Precautions, Body Substance Isolation, and Standard Precautions expand on the concept of universal precautions to include all body fluids and substances as infectious. These concepts are acceptable alternatives to universal precautions.

**AMENDATORY SECTION** (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-100 Scope.** This chapter provides requirements to protect employees from exposure to blood or other potentially infectious materials (OPIM) that may contain bloodborne pathogens. Examples of bloodborne pathogens are the human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

This chapter applies to you if you have employees with occupational exposure to blood or OPIM, even if no actual exposure incidents have occurred.

**~~((Definitions:~~**

~~**Occupational exposure** means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM that may result from the performance of an employee's duties.~~

~~**Exposure incident** means a specific eye, mouth, other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials (OPIM) that results from the performance of an employee's duties. Examples of nonintact skin include skin with dermatitis, hangnails, cuts, abrasions, chafing, or acne.~~

~~**Parenteral contact** occurs when mucous membranes or skin is pierced by needles, human bites, cuts, or abrasions.))~~

**Occupations that are typically covered by this chapter.** The following list illustrates a number of jobs typically associated with tasks that involve occupational exposure to blood or OPIM. The absence of a particular job from the list does not suggest that it falls outside the scope of this chapter. At the same time, employees in jobs found on the list are covered only if they have occupational exposure.

**(\*) (1) Health care occupations.**

- (-) (a) Physicians and physicians assistants,
- (-) (b) Nurses, nurse practitioners, dental hygienists, and other health care employees in clinics and offices,
- (-) (c) Employees of clinical, dental, and diagnostic laboratories,
- (-) (d) Housekeepers in health care facilities,
- (-) (e) Staff in laundries that provide service to health care facilities,

- (-) (f) Tissue bank personnel,
- (-) (g) Employees in blood banks and plasma centers who collect, transport, and test blood,
- (-) (h) Freestanding clinic employees (for example, hemodialysis clinics, urgent care clinics, health maintenance organization (HMO) clinics, and family planning clinics),
- (-) (i) Employees in clinics in industrial, educational, and correctional facilities,
- (-) (j) Staff of institutions for the developmentally disabled,
- (-) (k) Hospice employees,
- (-) (l) Home health care workers,
- (-) (m) Staff of nursing homes and long-term care facilities,
- (-) (n) HIV and HBV research laboratory and production facility workers,
- (-) (o) Medical equipment service and repair personnel,
- (-) (p) Emergency medical technicians, paramedics, and other emergency medical service providers,
- (-) (q) Nuclear medical technologists.

**(\*) (2) Occupations outside health care.**

- (-) (a) Firefighters, law enforcement personnel, and correctional officers,
- (-) (b) Workers in laundries that service public safety institutions,
- (-) (c) Employees assigned to provide emergency first aid by their employer (as either a primary or secondary duty),
- (-) (d) Employees who handle or pick up regulated waste,
- (-) (e) Hotel/motel employees that clean up blood or OPIM,
- (-) (f) Employees of funeral homes and mortuaries.

**~~((Regulated waste:~~**

~~Regulated waste is any of the following:~~

- ~~• Liquid or semiliquid blood or other potentially infectious materials (OPIM)~~
- ~~• Contaminated items that would release blood or OPIM in a liquid or semiliquid state, if compressed~~
- ~~• Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling~~
- ~~• Contaminated sharps~~
- ~~• Pathological and microbiological wastes containing blood or OPIM.))~~

**AMENDATORY SECTION** (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-110 Planning.**

**Summary((=))**

**Your responsibility:**

To plan ways to protect your employees from the risk of exposure to blood or other potentially infectious materials.

**~~((You must:~~**

~~Determine if you have employees with occupational exposure~~

~~WAC 296-823-11005~~

~~Develop and implement a written exposure control plan~~

~~WAC 296-823-11010.))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Determine if you have employees with occupational exposure</u>	<u>WAC 296-823-11005</u>
<u>Develop and implement a written exposure control plan</u>	<u>WAC 296-823-11010</u>

**AMENDATORY SECTION** (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-11005 Determine if you have employees with occupational exposure. (~~You must:~~**

\*) (1) You must prepare a written exposure determination if your employees have occupational exposure to blood or other potentially infectious materials (OPIM).

((-) This determination must be made without considering the use of personal protective equipment (PPE).

((\*) (2) You must make sure the exposure determination contains:

((-) (a) A list of job classifications where all employees have occupational exposure;

((-) (b) A list of job classifications where some employees have occupational exposure and a description of all tasks and procedures or groups of related tasks and procedures with occupational exposure for these employees.

**AMENDATORY SECTION** (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-11010 Develop and implement a written exposure control plan. (~~You must:~~**

\*) (1) You must establish a written exposure control plan designed to eliminate or minimize employee exposure in your workplace.

**Note:** The elements of your exposure control plan may be located in other documents such as policies and procedures. Make sure to reference their location in your plan.

((~~You must:~~

\*) (2) You must make sure the plan contains at least the following elements:

((-) (a) The exposure determination, WAC 296-823-11005;

((-) (b) A procedure for evaluating the circumstances surrounding exposure incidents, including documentation of the routes of exposure, and the circumstances under which the exposure incident happened;

((-) (c) How and when you will implement applicable requirements of this rule.

**Note:** The implementation dates need to be included only until your exposure control plan is fully implemented or when you are adding new requirements to your plan.

((~~You must:~~

\*) (3) You must document the infection control system used in your workplace to protect employees from exposure to blood or OPIM.

((-) (4) You must use universal precautions or other at least as effective infection control systems.

**Note:** 1. Universal precautions is an infection control system that considers the blood and OPIM from all persons as containing a bloodborne disease, whether or not the person has been identified as having a bloodborne disease.

2. Other effective infection control systems include standard precautions, universal blood-body fluid precautions, and body substance isolation.

3. These methods define all body fluids and substances as infectious. They incorporate not only the fluids and materials covered by universal precautions and this chapter, but expand coverage to include all body fluids and substances.

((\*) (5) You must solicit input in the identification, evaluation, and selection of effective safer medical devices. This input must be solicited from nonmanagerial employees responsible for direct patient care with potential exposure to contaminated sharps.

((-) (6) You must document the process you used to solicit input and include the identity of the employees or positions that were involved.

**Note:** ((\*) 1. You are not required to request input from every exposed employee; however, the employees selected must represent the range of exposure situations encountered in the workplace. Your safety committee may assist in identifying employees.

((\*) 2. Although you are required to include nonmanagerial employees, you are not prohibited from soliciting input from managerial and other employees.

((~~You must:~~

\*) (7) You must make sure the exposure control plan is reviewed and updated:

((-) (a) At least annually (~~AND~~ -); and

(b) Whenever necessary to:

((\*) (i) Reflect new or modified tasks and procedures which affect occupational exposure;

((\*) (ii) Reflect new or revised job classifications with occupational exposure((-

♦));

((\*) (iii) Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens;

((\*) (iv) Document consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.

((\*) (8) You must make sure a copy of the exposure control plan is accessible at the workplace, when exposed employees are present. For example, if the plan is stored only on a computer, all exposed employees must be trained to operate the computer.

((\*) (9) You must make sure a copy of the plan is provided to the employee or their representative within fifteen days of their request for a copy.

**AMENDATORY SECTION** (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-120 Training.**

**Summary((-)**

**Your responsibility:**

To train your employees about their risk of exposure to bloodborne pathogens and ways to protect themselves.

- ~~((You must: Provide training to your employees WAC 296-823-12005 Provide additional training WAC 296-823-12010 Maintain training records WAC 296-823-12015.))~~

You must meet the requirements ...	in this section:
Provide training to your employees	WAC 296-823-12005
Provide additional training	WAC 296-823-12010
Maintain training records	WAC 296-823-12015

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-12005 Provide training to your employees.** ~~((You must:~~

- ~~\*) (1) You must make sure all employees with occupational exposure participate in a training program that is:
 
  - ~~((-) (a) Provided at no cost to them; and~~
  - ~~((-) (b) Conducted during compensated working hours.~~~~
- ~~((\*) (2) You must provide training when any of the following occur:
 
  - ~~((-) (a) Before assigning tasks where occupational exposure might occur;~~
  - ~~((-) (b) At least annually and within one year of the previous training.~~~~
- ~~((\*) (3) You must make sure the content and vocabulary of your training materials are appropriate to the educational level, literacy, and language of your employees.~~
- ~~((\*) (4) You must make sure the person conducting the required training is knowledgeable about the subject matter as it relates to your workplace.~~
- ~~((\*) (5) You must make sure the training program contains at least the following elements:
 
  - ~~((-) (a) An accessible copy of this chapter and an explanation of the contents;~~
  - ~~((-) (b) A general explanation of the epidemiology and symptoms of bloodborne diseases;~~
  - ~~((-) (c) An explanation of how bloodborne pathogens are transmitted;~~
  - ~~((-) (d) An explanation of your exposure control plan and how the employee can obtain a copy of the written plan;~~
  - ~~((-) (e) An explanation of how to recognize tasks and other activities that could involve exposure to blood and other potentially infectious materials (OPIM);~~
  - ~~((-) (f) An explanation of the use and limitations of methods that will prevent or reduce exposure including:
 
    - ~~((\*) (i) Equipment and safer medical devices;~~
    - ~~((\*) (ii) Work practices;~~
    - ~~((\*) (iii) Personal protective equipment.~~~~
  - ~~((-) (g) Information about personal protective equipment (PPE) including:
 
    - ~~((\*) (i) The types;~~~~~~

- ~~((\*) (ii) Proper use and limitations;~~
- ~~((\*) (iii) Selection;~~
- ~~((\*) (iv) Location;~~
- ~~((\*) (v) Putting it on and taking it off;~~
- ~~((\*) (vi) Handling;~~
- ~~((\*) (vii) Decontamination;~~
- ~~((\*) (viii) Disposal.~~
- ~~((-) (h) Information about the hepatitis B vaccine, including:
 
  - ~~((\*) (i) Information about its effectiveness;~~
  - ~~((\*) (ii) Safety;~~
  - ~~((\*) (iii) Method of administration;~~
  - ~~((\*) (iv) The benefits of being vaccinated;~~
  - ~~((\*) (v) Offered at no cost to the employee for the vaccine and vaccination.~~~~
- ~~((-) (i) Information about what actions to take and persons to contact when exposure to blood or OPIM occurs outside of the normal scope of work;~~
- ~~((-) (j) An explanation of the procedure to follow if an exposure incident occurs, including:
 
  - ~~((\*) (i) The method of reporting the incident;~~
  - ~~((\*) (ii) The medical evaluation and follow-up that will be available.~~~~
- ~~((-) (k) Information about the post-exposure evaluation and follow-up procedure following an exposure incident;~~
- ~~((-) (l) An explanation of the signs and labeling or color-coding required by this chapter;~~
- ~~((-) (m) An opportunity for interactive questions and answers with the trainer at the time of the training session.~~

**Note:** This may be person-to-person, by telephone, or by e-mail, as long as the employee can both ask and receive answers during the training session.

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-12010 Provide additional training.** ~~((You must:~~

- ~~\*) You must provide additional training when you add or change tasks or procedures that affect the employee's occupational exposure.~~

**Note:** This training may be limited to the changes in tasks and procedures.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-12015 Maintain training records.** ~~((\*) (1) You must maintain training records for three years from the date of the training.~~

- ~~((\*) (2) You must include the following information in your training records:
 
  - ~~((-) (a) Dates of the training sessions;~~
  - ~~((-) (b) Contents or a summary of the training sessions;~~
  - ~~((-) (c) Names and qualifications of persons conducting the training;~~
  - ~~((-) (d) Names and job titles of all persons attending the training sessions.~~~~
- ~~((\*) (3) Provide these employee-training records upon request for examination and copying to any of the following:
 
  - ~~((-) (a) Employees;~~~~

((-)) b Employee representatives.

**Helpful tool:**

**Training documentation**

A training documentation form is provided for your use in the resource section of this chapter.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-130 Hepatitis B virus (HBV) vaccinations.**

**Summary((+))**

**Your responsibility:**

To make the vaccination available to your employees so they are protected from the hepatitis B virus (HBV).

~~((You must:~~

~~Make hepatitis B vaccination available to employees~~

~~WAC 296-823-13005~~

~~Obtain a copy of the health care professional's written opinion for hepatitis B vaccination and provide it to the employee~~

~~WAC 296-823-13010.))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Make hepatitis B vaccination available to employees</u>	<u>WAC 296-823-13005</u>
<u>Obtain a copy of the health care professional's written opinion for hepatitis B vaccination and provide it to the employee</u>	<u>WAC 296-823-13010</u>

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-13005 Make hepatitis B vaccination available to employees.**

~~((Exemption:))~~ **EXEMPTION:**

((+)) 1. You are not required to provide the hepatitis B vaccination series to employees who meet any of the following:

((-) a. The employee has previously received the complete hepatitis B vaccination series;

((-) b. An antibody test has revealed that the employee is immune to hepatitis B;

((-) c. There are medical reasons not to give the vaccine.

((+)) 2. You are not required to provide the hepatitis B vaccination series to employees assigned to provide first aid only as a secondary duty, when you do all of the following:

((-) a. Make hepatitis B vaccination available to all unvaccinated first-aid providers who render assistance in any situation involving the presence of blood or OPIM. ((+)) Vaccination must be made available as soon as possible, but no later than twenty-four hours after the incident((-));

((-) b. Provide a reporting procedure that ensures all first-aid incidents that involve the presence of blood or OPIM are reported before the end of the work shift;

((-) c. Document first-aid incidents that involve blood or OPIM, include at least:

((+)) i. The names of all first-aid providers who rendered assistance;

((+)) ii. The time and date of the first-aid incident;

((+)) iii. A description of the first-aid incident.

((+)) 3. Make sure that the hepatitis B vaccination series is available to all employees who have occupational exposure and that it is:

((-) a. Available at no cost to the employee;

((-) b. Available to the employee at a reasonable time and location;

((-) c. Administered by or under the supervision of a licensed physician or by another licensed health care professional;

((-) d. Provided according to recommendations of the United States Public Health Service that are current at the time these evaluations and procedures take place;

((-) e. Available to any employee who initially declines the vaccination but later decides to accept it while they are still covered by this chapter;

((-) f. Made available after the employee has received training required by this chapter and within ten working days of initial assignment.

~~((Link:))~~ **Reference:**

You can find more information about the United States Public Health Service recommendations for hepatitis B vaccination at <http://www.cdc.gov/ncidod/diseases/hepatitis/b/index.htm>.

~~((You must:~~

((+)) (1) You must make sure participation in a prevaccination screening program for antibody status is not a condition for receiving hepatitis B vaccination.

((+)) (2) You must make sure that all laboratory tests are conducted by a laboratory licensed by the state or Clinical Laboratory Improvement Amendments (act) (CLIA).

((+)) (3) Make sure employees who decline the hepatitis B vaccination, offered by you, sign a form with this statement:

"I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me."

**Helpful tool:**

**Sample declination form:**

The declination form can help you document employees who have declined the hepatitis B vaccine. You can find a copy of this form in the resource section of this chapter.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-13010 Obtain a copy of the health care professional's written opinion for hepatitis B vaccination and provide it to the employee. (~~You must:~~**

**•)) (1) You must** obtain and provide the employee a copy of the evaluating health care professional's written opinion for hepatitis B vaccination within fifteen days of the employee's evaluation.

**Note:** ((\*) 1. If the health care professional provides the written opinion directly to the employee, you do not need to do so.  
 ((\*) 2. If the employee's personal health care professional completes the evaluation, you are not required to obtain the health care professional's written opinion.

**(~~You must:~~**

**•)) (2) You must** make sure the health care professional's written opinion is limited to whether a hepatitis B vaccination is indicated and if the employee has received this vaccination.

**((\*) (3) You must** make sure that all other findings or diagnoses remain confidential and are **not** included in the written report.

**Reference:** Requirements for the health care professional's written opinion on post-exposure evaluation can be found in WAC 296-823-16030.

**Helpful tool:**

**Health care professional's written opinion for post-exposure evaluation and health care provider's written opinion for hepatitis B vaccination.**

These forms are available for your use in the resource section of this chapter.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-140 Control employee exposure.**

**Summary(=)**

**Your responsibility:**

To use feasible controls to eliminate or minimize occupational exposure to blood or other potentially infectious materials (OPIM).

**((IMPORTANT=)) Important:**

If occupational exposure remains after implementing these controls, personal protective equipment must be used. See WAC 296-823-150, Personal protective equipment.

**(~~You must:~~**

~~Use appropriate equipment and safer medical devices to eliminate or minimize occupational exposure~~

~~WAC 296-823-14005~~

~~Handle contaminated sharps properly and safely~~

~~WAC 296-823-14010~~

~~Handle reusable sharps properly and safely~~

~~WAC 296-823-14015~~

~~Minimize splashing, spraying, splattering and generation of droplets~~

~~WAC 296-823-14020~~

~~Make sure items are appropriately labeled~~

~~WAC 296-823-14025~~

~~Make sure employees clean their hands~~

~~WAC 296-823-14030~~

~~Prohibit food, drink, and other personal activities in the work area~~

~~WAC 296-823-14035~~

~~Prohibit pipetting or suctioning by mouth~~

~~WAC 296-823-14040~~

~~Place specimens in an appropriate container~~

~~WAC 296-823-14045~~

~~Examine and label contaminated equipment~~

~~WAC 296-823-14050~~

~~Make sure your worksite is maintained in a clean and sanitary condition~~

~~WAC 296-823-14055~~

~~Handle regulated waste properly and safely~~

~~WAC 296-823-14060~~

~~Handle contaminated laundry properly and safely~~

~~WAC 296-823-14065=)~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Use feasible controls, including appropriate equipment and safer medical devices, to eliminate or minimize occupational exposure</u>	<u>WAC 296-823-14005</u>
<u>Handle contaminated sharps properly and safely</u>	<u>WAC 296-823-14010</u>
<u>Handle reusable sharps properly and safely</u>	<u>WAC 296-823-14015</u>
<u>Minimize splashing, spraying, splattering and generation of droplets</u>	<u>WAC 296-823-14020</u>
<u>Make sure items are appropriately labeled</u>	<u>WAC 296-823-14025</u>
<u>Make sure employees clean their hands</u>	<u>WAC 296-823-14030</u>
<u>Prohibit food, drink, and other personal activities in the work area</u>	<u>WAC 296-823-14035</u>
<u>Prohibit pipetting or suctioning by mouth</u>	<u>WAC 296-823-14040</u>
<u>Place specimens in an appropriate container</u>	<u>WAC 296-823-14045</u>
<u>Examine and label contaminated equipment</u>	<u>WAC 296-823-14050</u>
<u>Make sure your worksite is maintained in a clean and sanitary condition</u>	<u>WAC 296-823-14055</u>
<u>Handle regulated waste properly and safely</u>	<u>WAC 296-823-14060</u>
<u>Handle contaminated laundry properly and safely</u>	<u>WAC 296-823-14065</u>



AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-14005 Use feasible controls, including appropriate equipment and safer medical devices, to eliminate or minimize occupational exposure. (~~You must:~~**

•)) (1) You must use appropriate equipment and safer medical devices to eliminate or minimize employee exposure.

((•)) (2) You must use work practices designed to eliminate or minimize employee exposure.

((•)) (3) You must examine and maintain or replace equipment and safer medical devices on a regular schedule to make sure they remain effective.

**Note:**

((•)) 1. Examples of appropriate equipment include:

((-) a. Sharps containers;

((-) b. Biosafety cabinets;

((-) c. Splash guards;

((-) d. Centrifuge cups;

((-) e. Specimen storage and transport containers.

((•)) 2. Examples of safer medical devices include:

((-) a. Sharps with engineered sharps injury protections (SESIP);

((-) b. Needleless systems;

((-) c. Blunt suture needles;

((-) d. Plastic capillary tubes.

((•)) 3. Examples of work practices include:

((-) a. No-hands procedures in handling contaminated sharps;

((-) b. No hand-to-hand instrument passing.

**((Definition: ~~Sharps with engineered sharps injury protections (SESIP) is~~**  
A nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.))

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-14010 Handle contaminated sharps properly and safely. (~~You must:~~**

•)) (1) You must make sure that you don't bend, recap, or remove contaminated needles or other contaminated sharps **unless** you can demonstrate that there is no feasible alternative or that it's required by a specific medical or dental procedure.

((-) Bending, recapping or needle removal must be done by using a mechanical device or a one-handed technique.

**Note:** Demonstrating that no alternative to bending, recapping, or removing contaminated sharps is feasible, may be accomplished through written justification, supported by reliable evidence, in your exposure control plan.

**(~~You must:~~**

-)) (2) You must make sure you don't shear or break contaminated needles.

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-14015 Handle reusable sharps properly and safely. (~~You must:~~**

-)) (1) You must place contaminated reusable sharps immediately, or as soon as possible after use, in appropriate containers until properly decontaminated. Containers must be all of the following:

((-) (a) Puncture resistant;

((-) (b) Labeled or color-coded as described in this chapter;

((-) (c) Leakproof on the sides and bottom;

((-) (d) Meet the same requirements as the container for disposable sharps, except they do not need to be closable.

((•)) (2) You must store or process contaminated reusable sharps so employees aren't required to reach into the container or sink by hand.

((•)) (3) You must make sure reusable sharps containers aren't opened, emptied, or cleaned manually or in any other manner that would expose employees to contaminated sharps.

**Reference:** Requirements for appropriate labels and color-coding are found in WAC 296-823-14025.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-14020 Minimize splashing, spraying, splattering, and generation of droplets. (~~You must:~~**

•)) You must make sure all procedures involving blood or OPIM are performed so splashing, spraying, splattering, and generation of droplets are minimized.

((-) Examples include:

((■)) (1) Appropriate operation and use of recommended controls for surgical power tools, lasers and electrocautery devices;

((■)) (2) Use of personal protective equipment when contact with blood or OPIM is reasonably anticipated;

((■)) (3) Making sure cleaning procedures do not generate unnecessary splashes, spraying, splattering, or generation of droplets.

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-14025 Make sure items are appropriately labeled.**

**(~~Exemptions:~~)** The following are exempt from the labeling requirements of this chapter:

((•)) 1. Individual containers placed in an appropriately labeled secondary container.

((•)) 2. Regulated waste that has been decontaminated.

((•)) 3. Containers of blood, blood components, or blood products that are labeled with their contents and have been released for transfusion or other clinical use.

((•)) 4. Extracted teeth, gallstones, kidney stones, or other tissues and body substances that are given to patients.

**(~~You must:~~**

•)) (1) You must attach appropriate labels to:

((-)) (a) Containers used to store, transport, or ship blood or other potentially infectious materials (OPIM) including:

- ((■)) (i) Refrigerators;
- ((■)) (ii) Freezers.
- ((-) (b) Sharps containers;
- ((-) (c) Contaminated equipment;
- ((-) (d) Laundry bags and containers;
- ((-) (e) Specimen containers;
- ((-) (f) Regulated waste containers.
- ((★) (2) You must make sure that labels:
- ((■)) (a) Include the following symbol:



((■)) (b) Are all or mostly fluorescent orange or orange-red with lettering and symbol in a contrasting color.

((■)) (c) Are attached to the container by string, wire, adhesive, or other method so they can't become lost or accidentally removed.

**Note:** Red bags or red containers may be substituted for labels as long as they're:

- ((★) 1. Covered in the exposure control plan.
- ((★) 2. Communicated to all affected employees (including employees of laundry services, disposal services, and transport companies) whether they're your employees or not.
- ((★) 3. The label does not always need to be attached to each individual container.
- ((★) 4. For example, a cart carrying specimen containers could be labeled, rather than each individual container.

**AMENDATORY SECTION** (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-14030 Make sure employees clean their hands.** ((You must:)) (1) You must provide handwashing facilities that are readily accessible to employees, wherever feasible. If handwashing facilities are not feasible, provide either one of the following:

- ((-) (a) Antiseptic towelettes;
- ((-) (b) Antiseptic hand rub product along with clean cloth/paper towels.

(2) You must make sure employees clean their hands as soon as feasible after removing gloves and whenever there is the potential for contact with blood or other potentially infectious materials (OPIM).

(3) You must make sure employees do one of the following:

- ((★) (a) Wash with soap and water;
- ((★) (b) Use an appropriate waterless antiseptic hand rub product or towelettes, provided there are no signs of visible contamination;

((★) (c) Use an appropriate waterless antiseptic hand rub product or towelettes followed by washing with soap and water as soon as possible, when hands are visibly contaminated and handwashing facilities are not immediately available.

**Note:** An appropriate waterless antiseptic hand rub product is one that contains a 60-95% alcohol solution (isopropanol or ethanol).

((You must:

~~(3))~~ (4) You must make sure employees wash any skin with soap and water, or flush mucous membranes with water as soon as feasible following contact with blood or OPIM.

**AMENDATORY SECTION** (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-14035 Prohibit food, drink, and other personal activities in the work area.** ((You must:

★) (1) You must make sure eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is occupational exposure.

((★) (2) You must make sure food and drink are not kept in refrigerators, freezers, shelves, cabinets, or on countertops or benchtops where there is a potential for exposure to blood or other potentially infectious materials (OPIM).

**AMENDATORY SECTION** (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-14040 Prohibit pipetting or suctioning by mouth.** ((You must:

★) You must prohibit mouth pipetting or suctioning of blood or other potentially infectious materials (OPIM).

**AMENDATORY SECTION** (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-14045 Place specimens in an appropriate container.** ((You must:

★) (1) You must place specimens of blood or other potentially infectious materials (OPIM) in an appropriate container that prevents leakage during collection, handling, processing, storage, transport, or shipping.

((★) (2) You must make sure the container is properly labeled or color-coded and closed before being stored, transported, or shipped.

((-) (a) If outside contamination of the container occurs, the container must be placed inside a second container that prevents leakage and is properly labeled or color-coded;

((-) (b) If the specimen could puncture the container, the container must be placed inside a second container that:

- ((■)) (i) Is puncture-resistant;
- ((■)) (ii) Prevents leakage during handling, processing, storage, transport, or shipping;
- ((■)) (iii) Is properly labeled or color-coded.

- ~~((Exemptions\*))~~ **EXEMPTIONS:**
1. When your facility handles all specimens using universal precautions or other equivalent infection control systems, you don't have to label/color-code specimens as long as the containers can be recognized as containing specimens.
  2. This exemption only applies while these specimens/containers remain within the facility. Proper labeling or color-coding is required when specimens/containers leave the facility.

**Reference:** Requirements for appropriate labels and color-coding are found in WAC 296-823-14025.

**Helpful tool:**

**Guidance on the handling and storage of criminal evidence**

This tool contains information about the handling and storage of criminal evidence. Criminal evidence contaminated with blood or OPIM is considered a specimen under the scope of this chapter. You can find a copy of this tool in the resource section of this chapter.

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-14050 Examine and label contaminated equipment. ~~((You must:~~**

- )) (1) You must examine equipment which could become contaminated with blood or other potentially infectious materials (OPIM) before servicing or shipping.
- ((-) (a) Decontaminate this equipment and its parts as necessary unless you can demonstrate that decontamination isn't feasible.
- ((-) (b) Attach an easily seen biohazard label to the equipment stating which portions remain contaminated.

**Reference:** Requirements for appropriate labels and color-coding are found in WAC 296-823-14025.

~~((You must:~~

- )) (2) You must make sure that information on contaminated equipment is communicated to all affected employees, the servicing representative, and the manufacturer as appropriate, prior to handling, servicing, or shipping so that appropriate precautions will be taken.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-14055 Make sure your worksite is maintained in a clean and sanitary condition. ~~((You must:))~~**

(1) You must develop an appropriate written schedule for cleaning and decontamination based upon the following:

- ((-) (a) The location within the facility;
  - ((-) (b) Type of surface to be cleaned;
  - ((-) (c) Type of contamination present;
  - ((-) (d) Tasks or procedures being performed in the area.
- (2) You must clean and decontaminate environmental and working surfaces and all equipment after contact with blood or other potentially infectious materials (OPIM).
- (\*) (3) You must decontaminate work surfaces with an appropriate disinfectant at these times:
    - ((-) (a) After completion of a procedure;

- ((-) (b) Immediately or as soon as possible when surfaces are clearly contaminated or after any spill of blood or OPIM;

- ((-) (c) At the end of the workshift if the surface could have become contaminated since the last cleaning.

- (\*) (4) You must remove and replace protective coverings, such as plastic wrap, aluminum foil, or imperviously backed absorbent paper used to cover equipment and environmental surfaces, as soon as possible ~~((when they))~~:

- ((-) (a) When they clearly become contaminated;

- ((-) (b) At the end of the workshift if they could have become contaminated during the shift.

- (\*) (5) You must inspect and clean (on a regularly scheduled basis) all bins, pails, cans, and similar receptacles intended for reuse that have a reasonable likelihood for becoming contaminated with blood or OPIM.

- ((-) Clean and decontaminate these types of receptacles immediately or as soon as possible when they are visibly contaminated.

- (\*) (6) You must use a brush and dustpan, tongs, forceps, or other mechanical means to clean up broken glassware that may be contaminated.

- Note:**
1. An appropriate disinfectant is one that is effective against tuberculosis or HBV and HIV such as:
    - (\*) a. Diluted bleach solution (1:10 or 1:100).
    - ((-) i. Use the 1:10 bleach solution for spills and the 1:100 bleach solution for routine cleaning.
    - ((-) ii. You can make your own bleach solution. Using household bleach (5.25% sodium hypochlorite) follow these directions:
      - (\*) iii. For a 1:100 solution add 2 teaspoons (10 ml) to a container, then add water to make a quart (946 ml).
      - iv. For a 1:10 solution, add 1/3 cup (79 ml) and 1 tablespoon (15 ml) in a container, then add water to make a quart (946 ml).
  - b. EPA registered:
    - (\*) i. EPA registered tuberculocidals (List B).
    - (\*) ii. Sterilants (List A).
    - (\*) iii. Products registered against HIV/HBV (List D).
  2. Any of the above products are considered effective when used according to the manufacturers' instructions. Higher level disinfection may be required depending on the agent or level of decontamination.

~~((Link:))~~ **Reference:**

These lists are available from the EPA Office of Pesticides, antimicrobial pesticides web site at [http://www.epa.gov/oppad001/\(\(chemregindex.htm\)\)](http://www.epa.gov/oppad001/((chemregindex.htm))).

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-14060 Handle regulated waste properly and safely. ~~((Definition:~~**

~~Regulated waste is any of the following:~~

- ~~• Liquid or semiliquid blood or other potentially infectious materials (OPIM)~~
- ~~• Contaminated items that would release blood or OPIM in a liquid or semiliquid state, if compressed~~
- ~~• Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling~~
- ~~• Contaminated sharps~~

~~Pathological and microbiological wastes containing blood or OPIM.~~

~~**You must:**~~

~~•) (1) You must discard contaminated sharps immediately, or as soon as possible, in containers that are all of the following:~~

- ~~((-) (a) Closable;~~
- ~~((-) (b) Puncture resistant;~~
- ~~((-) (c) Leakproof on sides and bottom;~~
- ~~((-) (d) Appropriately labeled or color-coded;~~
- ~~((-) (e) Easily accessible to personnel;~~
- ~~((-) (f) Located as close as feasible to the immediate area where sharps are used or areas sharps can be reasonably anticipated to be found (for example, laundries);~~
- ~~((-) (g) Maintained upright throughout use;~~
- ~~((-) (h) Replaced routinely and not allowed to overflow.~~

~~((Exemptions))~~ Work areas such as correctional facilities, psychiatric units, pediatric units, or residential homes may have difficulty placing sharps containers in the immediate use area. In such situations, alternatives such as using lockable containers or bringing containers in and out of the work area may be used.

**Note:** For additional information on placement and use of sharps containers see *Selecting, Evaluating, and Using Sharps Disposal Containers*, NIOSH Publication 97-111, January 1998. You can obtain a copy of this publication by calling 1-800-35-NIOSH or get an electronic version in pdf at (~~http://~~[www.cdc.gov/niosh/publistd.htm](http://www.cdc.gov/niosh/publistd.htm)) <http://www.cdc.gov/niosh/docs/97-111/>.

~~((You must:~~

~~•) (2) You must make sure when you move containers of contaminated sharps, the containers are:~~

~~((-) (a) Closed prior to removal or replacement to prevent spilling or protrusion of contents during handling, storage, transport, or shipping; and~~

~~((-) (b) Placed in a secondary container, if leaking is possible. The second container must be:~~

- ~~((■) (i) Closable;~~
- ~~((■) (ii) Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping;~~
- ~~((■) (iii) Appropriately labeled or color-coded.~~

~~(•) (3) You must make sure regulated waste other than sharps is placed in containers that are all of the following:~~

- ~~((-) (a) Closable;~~
- ~~((-) (b) Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping;~~

~~((-) (c) Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping;~~

~~((-) (d) Placed in a second container if outside contamination of the primary regulated waste container occurs.~~

~~((■ The second container must meet these requirements.~~

~~-) (4) You must make sure the second container is appropriately labeled or color-coded.~~

~~(•) (5) You must dispose of all regulated waste according to applicable state and county regulations.~~

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-14065 Handle contaminated laundry properly and safely. (~~You must:~~**

~~•) (1) You must handle laundry contaminated with blood or other potentially infectious material (OPIM) as little as possible and with a minimum of agitation.~~

~~((•) (2) You must bag contaminated laundry or put it into a container at the location where it was used.~~

~~((-) (a) Do not sort or rinse at the location of use.~~

~~((-) (b) Place and transport contaminated laundry in bags or containers that are properly labeled or color-coded.~~

~~((-) (c) If your facility ships contaminated laundry off-site to a second facility that doesn't use an infection control or isolation system when handling all of their soiled laundry, your facility must place the laundry in red bags or containers that are appropriately labeled.~~

**Note:** If your facility uses an infection control or isolation system in the handling of all soiled laundry, you can use alternative labeling or color-coding so employees recognize that the containers need to be handled using these precautions.

**Reference:** Requirements for appropriate labels and color-coding are found in WAC 296-823-14025 of this chapter.

~~((You must:~~

~~•) (3) You must place and transport wet contaminated laundry that is likely to soak through or leak to the outside, in bags or containers that will prevent such leakage.~~

**Reference:** You need to follow additional requirements to make sure that employees who have contact with contaminated laundry wear protective gloves and other personal protective equipment (PPE) as appropriate, see WAC 296-823-150, Personal protective equipment.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-150 Personal protective equipment (PPE).**

**Summary((-)**

**Your responsibility:**

To provide and make sure personal protective equipment is used when work practices and controls will not fully protect your employees from the risk of exposure to blood or other potentially infectious materials.

~~((You must:~~

~~Provide and make sure that personal protective equipment is used when there is occupational exposure~~

~~WAC 296-823-15005~~

~~Make sure gloves are worn~~

~~WAC 296-823-15010~~

~~Make sure masks, eye protection, and face shields are worn~~

~~WAC 296-823-15015~~

~~Wear appropriate protective clothing~~

~~WAC 296-823-15020~~

~~Make resuscitator devices available~~

~~WAC 296-823-15025~~

~~Maintain personal protective equipment~~

~~WAC 296-823-15030.))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Provide and make sure personal protective equipment is used when there is occupational exposure</u>	<u>WAC 296-823-15005</u>
<u>Make sure gloves are worn</u>	<u>WAC 296-823-15010</u>
<u>Make sure appropriate masks, eye protection, and face shields are worn</u>	<u>WAC 296-823-15015</u>
<u>Wear appropriate protective clothing</u>	<u>WAC 296-823-15020</u>
<u>Make resuscitator devices available</u>	<u>WAC 296-823-15025</u>
<u>Maintain personal protective equipment</u>	<u>WAC 296-823-15030</u>

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-15005 Provide and make sure personal protective equipment is used when there is occupational exposure. (~~You must:~~**

**\*) (1) You must provide** at no cost to employees, appropriate personal protective equipment such as:

- ~~((-) (a) Gloves;~~
- ~~((-) (b) Gowns;~~
- ~~((-) (c) Laboratory coats;~~
- ~~((-) (d) Face shields or a combination of masks and eye protection;~~
- ~~((-) (e) Mouthpieces;~~
- ~~((-) (f) Resuscitation bags;~~
- ~~((-) (g) Pocket masks;~~
- ~~((-) (h) Other ventilation devices.~~

**Note:** ~~((\*) PPE is considered "appropriate" only if it does NOT permit blood or other potentially infectious materials (OPIM) to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.~~

~~((You must:~~

~~\*) (2) You must make sure that employees use appropriate PPE.~~

~~((-) (a) In rare and extraordinary circumstances, employees can briefly and temporarily choose not to use PPE. If in their professional judgment, they believe that using PPE would prevent the delivery of health care or public safety services OR pose an increased hazard to themselves or co-workers.~~

~~((\*) (b) If the employee makes this judgment, you must investigate and document to determine if changes can be made to prevent future occurrences of the same situation.~~

~~((\*) (3) You must make sure that appropriate PPE, in sizes to fit your employees, is readily accessible at the worksite or issued to employees.~~

~~((\*) (4) You must make sure employees remove all PPE before leaving the work area.~~

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-15010 Make sure gloves are worn. (~~You must:~~**

~~\*) (1) You must make sure gloves appropriate to the situation are worn when:~~

~~((-) (a) It can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials (OPIM), mucous membranes, or skin that is not intact;~~

~~((-) (b) Handling or touching contaminated items or surfaces;~~

~~((-) (c) Performing vascular access procedures, for example, drawing blood or inserting an IV.~~

~~((You must:~~

~~\*) (2) You must do the following when you are an employer in a volunteer blood donation center and you make the judgment that employees do not require routine use of gloves when performing phlebotomies:~~

~~((-) (a) Periodically reevaluate your decision not to require gloves;~~

~~((-) (b) Make gloves available to all employees who wish to use them for phlebotomy (blood drawing);~~

~~((-) (c) Do not discourage the use of gloves for phlebotomy;~~

~~((-) (d) Require that gloves be used for phlebotomy in ANY of the following circumstances:~~

~~((\*) (i) When the employee has a cut, scratch, or other break in the skin of his or her hand or wrist;~~

~~((\*) (ii) When the employee judges that hand contamination with blood may occur; for example, when performing phlebotomy on an uncooperative individual;~~

~~((\*) (iii) When the employee is receiving training in phlebotomy.~~

~~((You must:~~

~~\*) (3) You must make sure employees who are allergic to the gloves that are normally provided have ready access to at least one of the following:~~

~~((-) (a) Nonlatex gloves;~~

~~((-) (b) Glove liners;~~

~~((-) (c) Powderless gloves;~~

~~((-) (d) Other similar alternatives.~~

~~((\*) (4) You must replace disposable (single use) gloves such as surgical or examination gloves:~~

~~((-) (a) As soon as practical when contaminated;~~

~~((-) (b) As soon as practical if they are torn or punctured;~~

~~((-) (c) When their ability to function as a barrier is compromised.~~

~~((\*) (5) Make sure disposable (single use) gloves are used only once.~~

~~((\*) (6) Discard utility gloves if they are cracked, peeling, torn, punctured, or show other signs of deterioration or when their ability to function as a barrier is compromised.~~

~~((-) You may decontaminate utility gloves for reuse if they can continue to function as a barrier.~~

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-15015 Make sure appropriate masks, eye protection, and face shields are worn.** ~~((You must:~~

~~•)) You must make sure either chin-length face shields or a combination of masks and eye protection are used, whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials (OPIM) may be generated and eyes, nose, or mouth contamination can be reasonably anticipated.~~

**Note:** Examples of eye protection devices include goggles and glasses with solid side shields.

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-15020 Wear appropriate protective clothing.** ~~((You must:~~

~~•)) (1) You must make sure appropriate protective clothing is worn when splashes to skin or clothes are reasonably anticipated. The type and characteristics will depend upon the sort of work being done and how much exposure is anticipated.~~

**Note:** Examples of protective clothing include:

- ~~((-) 1. Gowns;~~
- ~~((-) 2. Aprons;~~
- ~~((-) 3. Lab coats;~~
- ~~((-) 4. Clinic jackets;~~
- ~~((-) 5. Similar outer garments;~~
- ~~((-) 6. Surgical caps or hoods;~~
- ~~((-) 7. Shoe covers or boots.~~

~~((You must:~~

~~•)) (2) You must remove a garment as soon as feasible if blood or other potentially infectious materials (OPIM) penetrate it.~~

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-15025 Make resuscitator devices available.** ~~((You must:~~

~~•)) You must make resuscitator (emergency ventilation) devices readily available and accessible to employees who can reasonably be expected to perform resuscitation procedures.~~

**Note:** Examples of resuscitator devices include:

- ~~((-) 1. Masks;~~
- ~~((-) 2. Mouthpieces;~~
- ~~((-) 3. Resuscitation bags;~~
- ~~((-) 4. Shields/overlay barriers.~~

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-15030 Maintain personal protective equipment.** ~~((You must:~~

~~•)) (1) You must clean, repair, replace, launder, and dispose of personal protective equipment required by this chapter, at no cost to the employee.~~

~~((•)) (2) You must make sure when PPE is removed, it is placed in an appropriately designated area or container for storage, washing, decontamination, or disposal.~~

**Note:** Contaminated personal clothing is considered PPE for the purposes of this section.

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-160 Post-exposure requirements.**

**Summary((•))**

**Your responsibility:**

To make sure employees who have been exposed to blood or other potentially infectious materials (OPIM) have appropriate post-exposure evaluation and follow-up available.

~~((You must:~~

~~Make a confidential medical evaluation and follow-up available to employees who experience an exposure incident~~  
~~WAC 296-823-16005~~

~~Test the blood of the source person~~

~~WAC 296-823-16010~~

~~Provide the results of the source person's blood test to the exposed employee~~

~~WAC 296-823-16015~~

~~Collect and test the blood of the exposed employee~~

~~WAC 296-823-16020~~

~~Provide information to the health care professional evaluating the employee~~

~~WAC 296-823-16025~~

~~Obtain and provide a copy of the health care professional's written opinion on post-exposure evaluation to the employee~~

~~WAC 296-823-16030.))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Make a confidential medical evaluation and follow-up available to employees who experience an exposure incident</u>	<u>WAC 296-823-16005</u>
<u>Test the blood of the source person</u>	<u>WAC 296-823-16010</u>
<u>Provide the results of the source person's blood test to the exposed employee</u>	<u>WAC 296-823-16015</u>
<u>Collect and test the blood of the exposed employee</u>	<u>WAC 296-823-16020</u>
<u>Provide information to the health care professional evaluating the employee</u>	<u>WAC 296-823-16025</u>
<u>Obtain and provide a copy of the health care professional's written opinion on post-exposure evaluation to the employee</u>	<u>WAC 296-823-16030</u>

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-16005 Make a confidential medical evaluation and follow-up available to employees who experience an exposure incident.** ~~((You must:~~

\*) (1) You must make immediately available a confidential post-exposure evaluation and follow-up to all employees with occupational exposure to blood or OPIM who report an exposure incident.

~~((Definition:~~

~~**Exposure incident.** Means a specific eye, mouth, other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials (OPIM) that results from the performance of an employee's duties. Examples of nonintact skin include skin with dermatitis, hangnails, cuts, abrasions, chafing, or aene.~~

~~**You must:**~~

\*) (2) You must make sure that the post-exposure medical evaluation and follow-up are all of the following:

((-) (a) Immediately available following an exposure incident;

((-) (b) Confidential;

((-) (c) At no cost to the employee;

((-) (d) At a reasonable time and place;

((-) (e) Administered by or under the supervision of a licensed physician or by another licensed health care professional;

((-) (f) Provided according to recommendations of the United States Public Health Service current at the time these evaluations and procedures take place.

((\*) (3) You must make sure that the evaluation and follow-up includes AT LEAST these elements:

((-) (a) Documentation of the routes of exposure, and the circumstances under which the exposure incident happened;

((-) (b) Identification and documentation of the source individual, unless you can establish that identification is infeasible or prohibited by state or local law;

((-) (c) Collection and testing of blood to detect the presence of HBV and HIV;

((-) (d) Post-exposure preventive treatment, when medically indicated, as recommended by the United States Public Health Service;

((-) (e) Counseling;

((-) (f) Evaluation of reported illnesses.

((\*) (4) You must make sure that all laboratory tests are conducted by a laboratory licensed by the state or Clinical Laboratory Improvement Amendments Act (CLIA).

**Note:** The employer or a third-party health care provider identified by the employer may do the evaluation.

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-16010 Test the blood of the source person.**

~~((Exemptions:))~~ **EXEMPTIONS:** When the source individual is already known to be infected with HBV or HIV, you do not need to test their status.

~~((You must:~~

\*) You must arrange to test the source individual's blood for HBV and HIV as soon as feasible after getting their consent.

((-) (1) If you do not get consent, you must establish that legally required consent can not be obtained.

((-) (2) When the law does not require the source individual's consent, their blood, if available, must be tested and the results documented.

**Note:** ((\*) 1. Your local health authority enforces rules regarding HIV testing and consent which are found in WAC 246-100-206, Special diseases—Sexually transmitted diseases, and WAC 246-100-207, Human immunodeficiency virus (HIV) testing.

These rules can be found at: <http://www.leg.wa.gov/wac> and click on Title 246 WAC.

((\*) 2. Source testing: According to the Centers for Disease Control and Prevention (CDC), hepatitis C virus (HCV) infection is the most common chronic bloodborne infection in the United States. The CDC recommends testing of the source person for the presence of anti-HCV antibody. (Updated *U.S. Public Health Service Guidelines for the Management of Occupational Exposures to HBV, HCV, and HIV and Recommendations for Postexposure Prophylaxis*, MMWR, June 29, 2000/ 50(RR11); 1-42.)

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-16015 Provide the results of the source person's blood test to the exposed employee.** ~~((You must:~~

\*) (1) You must make sure the results of the source person's blood test are provided to the exposed employee, if possible.

((\*) (2) You must make sure the exposed employee is informed of applicable laws and regulations regarding disclosure of the identity and infection status of the source person.

**Note:** Law and regulations that currently apply are:

((-) 1. Chapter 70.02 RCW, Medical records—Health care information access and disclosure.

((-) 2. Chapter 70.24 RCW, Control and treatment of sexually transmitted diseases.

((-) 3. Both rules can be found at <http://www.leg.wa.gov/wac> and click on ((~~Title 70 WAC~~ {~~Title 70 RCW~~}) Title 70 RCW to find these rules.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-16020 Collect and test the blood of the exposed employee.** ~~((You must:~~

\*) You must arrange to have the exposed employee's blood collected and tested as soon as feasible after consent is obtained.

((-) (1) If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample must be preserved for at least ninety days.

(2) If, within ninety days of the exposure incident, the employee chooses to have the baseline sample tested, it must be done as soon as possible.

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-16025 Provide information to the health care professional evaluating the employee.** ~~((You must:~~

•)) You must provide ALL of the following information to the health care professional evaluating an employee after an exposure incident:

- ((-) (1) A copy of WAC 296-823-160;
- ((-) (2) A description of the job duties the exposed employee was performing when exposed;
- ((-) (3) Documentation of the routes of exposure and circumstances under which exposure occurred;
- ((-) (4) Results of the source person's blood testing, if available;
- ((-) (5) All medical records that you are responsible to maintain, including vaccination status, relevant to the appropriate treatment of the employee.

**Reference:** Requirements for the health care professional's written opinion for hepatitis B vaccinations can be found in WAC 296-823-13010.

**Note:** You may meet the requirement to provide a copy of WAC 296-823-160 to the health care professional by giving them the <http://www.lni.wa.gov/rules/>, as long as their office has a computer and access to the labor and industries' web site.

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-16030 Obtain and provide a copy of the health care professional's written opinion on post-exposure evaluation to the employee.** ~~((You must:~~

•)) (1) You must obtain and provide to the employee a copy of the evaluating health care professional's written opinion within fifteen days of the completion of their evaluation.

- Note:**
- ((\*) 1. If the health care professional provides the written opinion directly to the employee, you do not need to do so.
  - ((\*) 2. If the employee's personal health care professional completes the evaluation, you are NOT required to obtain the health care professional's written opinion.

((\*) (2) You must make sure the health care professional's written opinion is limited to the following information:

- ((-) (a) That the employee has been informed of the results of the evaluation;
- ((-) (b) That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials (OPIM) which need further evaluation or treatment.

((\*) (3) You must make sure that all other findings or diagnoses remain confidential and are NOT included in the written report.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-170 Records.**

**Summary((-)**

**Your responsibility:**

To obtain and maintain required records.

~~((You must:~~  
 Establish and maintain medical records  
 WAC 296-823-17005  
 Maintain a sharps injury log  
 WAC 296-823-17010.))

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Establish and maintain medical records</u>	<u>WAC 296-823-17005</u>
<u>Maintain a sharps injury log</u>	<u>WAC 296-823-17010</u>

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-17005 Establish and maintain medical records.** ~~((You must:~~

•)) (1) You must establish and maintain an accurate medical record for each employee with occupational exposure.  
 ((\*) (2) You must make sure this record includes ALL of the following that apply:

- ((-) (a) Name and Social Security number of the employee;
- ((-) (b) A copy of the employee's hepatitis B vaccination status, including the dates of all the hepatitis B vaccinations;
- ((-) (c) Any medical records related to the employee's ability to receive vaccinations;
- ((-) (d) The HBV declination statement;
- ((-) (e) A copy of all results of examinations, medical testing, and follow-up procedures related to post-exposure evaluations;
- ((-) (f) Your copy of the health care professional's written opinion;
- ((-) (g) A copy of the information provided to the health care professional as required.
- ((\*) (3) You must make sure that employee medical records are:
  - ((-) (a) Kept confidential;
  - ((-) (b) Not disclosed or reported to any person, without the employee's written consent, except as required by this section or as may be required by law.

- Note:**
- ((\*) 1. In some industries, a medical record is also known as the employee health file.
  - ((\*) 2. You may contract with the medical professional responsible for hepatitis B vaccination and post-exposure evaluation to maintain employee records.

**Reference:** You need to follow additional requirements for medical records found in WAC 296-62-052, Access to records.

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-17010 Maintain a sharps injury log.**

~~((Exemption\*))~~ You are exempt from the requirements to record contaminated sharps injuries if you have ten or less employees.

~~((You must:~~

•)) (1) You must record contaminated sharps injuries on your OSHA 300 or equivalent log.



**Reference:** Requirements for the OSHA 300 log are found in chapter 296-27 WAC, Recordkeeping and reporting. (<http://www.lni.wa.gov/wisha/regs/WACS/27/27.htm>.)

**~~You must:~~**

~~•) (2) You must record and maintain contaminated sharps injury information in a way that protects the confidentiality of the injured employee.~~

~~((•) (3) You must also record the following additional information for contaminated sharps injuries:~~

~~((-) (a) The type and brand of device involved in the incident;~~

~~((-) (b) The department or work area where the exposure incident occurred;~~

~~((-) (c) An explanation of how the incident occurred.~~

~~((•) (4) You must maintain your contaminated sharps injury records for five years.~~

**Note:** You may record the additional information in any format you choose, such as on the OSHA 300 and 301 forms. It must be retrievable and identifiable to each specific injury.

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-180 Additional requirements for HIV and HBV research laboratories and production facilities.**

**Summary((•))**

**Your responsibility:**

To implement and enforce these additional rules in research laboratories and production facilities engaged in the culture, production, concentration, experimentation, and manipulation of HIV and HBV.

**~~(Exemption))~~** This section does NOT apply to clinical or diagnostic laboratories engaged solely in the analysis of blood, tissues, or organs.  
**~~EXEMPTION:~~**

**Note:** Production and research facilities: Hepatitis C (HCV) is the virus involved in most cases of parenterally transmitted (blood-borne) non-A, non-B hepatitis in the United States. Most individuals who contract HCV become chronically infected (85%) and develop chronic hepatitis (70%). It is recommended that you also follow these requirements for HCV production and research facilities.

**~~((You must:~~**

~~Prepare, review and update a biosafety manual~~

~~WAC 296-823-18005~~

~~Follow these special practices for the work area~~

~~WAC 296-823-18010~~

~~Make sure these practices for contaminated material and waste are followed~~

~~WAC 296-823-18015~~

~~Make sure these special practices for personal protective equipment (PPE) and other safe guards are followed~~

~~WAC 296-823-18020~~

~~Protect vacuum lines~~

~~WAC 296-823-18025~~

~~Use and handle hypodermic needles and syringes appropriately and safely~~

~~WAC 296-823-18030~~

~~Handle all spills and accidents properly~~

~~WAC 296-823-18035~~

~~Post signs~~

~~WAC 296-823-18040~~

~~Provide additional training for facility employees~~

~~WAC 296-823-18045~~

~~Furnish a sink for washing hands and a readily available eye wash facility~~

~~WAC 296-823-18050~~

~~Make sure these additional criteria are followed~~

~~WAC 296-823-18055.))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Prepare, review, and update a biosafety manual</u>	<u>WAC 296-823-18005</u>
<u>Follow these special practices for the work area</u>	<u>WAC 296-823-18010</u>
<u>Make sure these practices for contaminated material and waste are followed</u>	<u>WAC 296-823-18015</u>
<u>Make sure these special practices for personal protective equipment (PPE) and other safeguards are followed</u>	<u>WAC 296-823-18020</u>
<u>Protect vacuum lines</u>	<u>WAC 296-823-18025</u>
<u>Use and handle hypodermic needles and syringes appropriately and safely</u>	<u>WAC 296-823-18030</u>
<u>Handle all spills and accidents properly</u>	<u>WAC 296-823-18035</u>
<u>Post signs</u>	<u>WAC 296-823-18040</u>
<u>Provide additional training for facility employees</u>	<u>WAC 296-823-18045</u>
<u>Furnish a sink for washing hands and a readily available eye wash facility</u>	<u>WAC 296-823-18050</u>
<u>Make sure these additional criteria are followed for HIV and HBV production facilities</u>	<u>WAC 296-823-18055</u>

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-18005 Prepare, review, and update a biosafety manual. ((You must:**

~~•) (1) You must prepare or adopt a biosafety manual.~~

This manual must be:

~~((-) (a) Periodically reviewed;~~

~~((-) (b) Updated at least annually or more often, if necessary.~~

~~((•) (2) You must make sure employees are:~~

~~((-) (a) Advised of potential hazards;~~

~~((-) (b) Required to read and follow instructions about practices and procedures.~~

((\*) (3) You must establish written policies and procedures where only authorized persons can enter work areas and animal rooms.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-18010 Follow these special practices for the work area.** (~~You must:~~

\*) (1) You must make sure only authorized persons are allowed to enter the work areas and animal rooms. Authorized persons must:

((-) (a) Have been advised of the potential biohazard;

((-) (b) Meet any specific entry requirements;

((-) (c) Comply with all entry and exit procedures.

((\*) (2) Keep laboratory doors closed when work involving HIV or HBV is in progress.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-823-18015 Make sure these practices for contaminated material and waste are followed.** (~~You must:~~

\*) (1) You must incinerate or decontaminate all regulated waste by a method known to effectively destroy blood-borne pathogens, such as autoclaving.

((\*) (2) You must make sure to place materials to be decontaminated away from the work area in a container that is:

((-) (a) Durable;

((-) (b) Leakproof;

((-) (c) Appropriately labeled, or color-coded;

((-) (d) Closed before being removed from the work area.

**Reference:** You can find additional requirements for appropriate labels and color-coding in WAC 296-823-14025.

(~~You must:~~

\*) (3) You must incinerate or decontaminate ALL waste from work areas and from animal rooms before disposal.

((\*) (4) You must make sure an autoclave is available for decontamination of regulated waste.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-18020 Make sure these special practices for personal protective equipment (PPE) and other (safe guards) safeguards are followed.** (~~You must:~~

\*) (1) You must make sure appropriate personal protective clothing is used in work areas and animal rooms. Examples of appropriate personal protective clothing include:

((-) (a) Laboratory coats;

((-) (b) Gowns;

((-) (c) Smocks;

((-) (d) Uniforms.

((\*) (2) You must decontaminate protective clothing before it is laundered.

((\*) (3) You must make sure employees remove protective clothing before leaving their work area.

((\*) (4) You must take special care to avoid skin contact with other potentially infectious materials (OPIM).

((\*) (5) You must wear gloves when handling infected animals and when you can not avoid making hand contact with OPIM.

((\*) (6) You must conduct all activities involving OPIM in biological safety cabinets or other physical-containment devices within the containment module. No work with OPIM must be conducted on the open bench.

((-) (a) Appropriate certified biological safety cabinets (Class I, II, or III) or personal protection or physical containment devices must be used for all activities with OPIM that pose a threat of exposure to droplets, splashes, spills, or aerosols.

(b) Appropriate personal protection and physical containment devices include:

((\*) (i) Special protective clothing;

((\*) (ii) Respirators;

((\*) (iii) Centrifuge safety cups;

((\*) (iv) Sealed centrifuge rotors;

((\*) (v) Containment caging for animals.

((-) (c) Biological safety cabinets must be certified when installed or moved, and at least annually.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-18025 Protect vacuum lines.** (~~You must:~~

\*) You must protect vacuum lines with liquid disinfectant traps and high-efficiency particulate air (HEPA) filters or filters of same or greater efficiency. Make sure filters are checked routinely and maintained or replaced as necessary.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-18030 Use and handle hypodermic needles and syringes appropriately and safely.** (~~You must:~~

\*) You must use hypodermic needles and syringes only for parenteral injection and aspiration of fluids from laboratory animals and diaphragm bottles.

((-) (1) Use only needle-locking syringes or disposable syringe-needle units (when the needle is integral to the syringe) for the injection or aspiration of other potentially infectious materials (OPIM).

((-) (2) Use extreme caution when handling needles and syringes.

((-) (3) The needle must not be bent, sheared, replaced in the sheath or guard, or removed from the syringe after use.

((-) (4) Place the needle and syringe promptly in a puncture-resistant container and autoclave or decontaminate before reuse or disposal.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-18035 Handle all spills and accidents properly.** (~~You must:~~

•) (1) You must make sure appropriate professional staff or others, properly trained and equipped to work with concentrated potentially infectious materials, immediately contain and clean up all spills.

((•) (2) You must make sure that employees report a spill or accident that results in an exposure incident immediately to the laboratory director or other responsible person.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

**WAC 296-823-18040 Post signs. (~~You must:~~**

•) (1) You must post signs at the entrance to work areas and all access doors when other potentially infectious materials (OPIM) or infected animals are present in the work area or containment module.

((•) (2) You must make sure signs:

((-) (a) Contain the following symbol and information:



(Name of the infectious agent.)  
(Special requirements for entering the area.)  
(Name, telephone number of the laboratory director or other responsible person.)

((-) (b) Are all or mostly fluorescent orange-red with lettering and symbol in a contrasting color.

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-18045 Provide additional training for facility employees. (~~You must:~~**

•) (1) You must provide initial training to employees in HIV or HBV research laboratories or production facilities in addition to the training required in WAC 296-823-120.

((•) (2) You must make sure that employees demonstrate proficiency in the following:

((-) (a) Standard microbiological practices and techniques;

((-) (b) The practices and operations specific to the facility BEFORE being allowed to work with HIV or HBV.

((•) (3) You must provide a training program to employees working with HIV or HBV who have no prior experience in handling human pathogens.

((-) (a) Initial work activities must not include the handling of infectious agents.

((-) (b) A progression of work activities must be assigned as techniques are learned and proficiency is developed.

((•) (4) You must make sure that employees participate in work activities involving infectious agents only after proficiency has been demonstrated.

AMENDATORY SECTION (Amending WSR 04-12-070, filed 6/1/04, effective 9/1/04)

**WAC 296-823-18050 Furnish a sink for washing hands and a readily available eye wash facility. (~~You must:~~**

•) You must make sure each work area contains a sink for handwashing and an eyewash facility is readily available.

((-) For HIV and HBV production facilities, the sink must be operated automatically or by foot or elbow and must be located near the exit door of the work area.

**Reference:** Requirements for emergency eyewash stations can be found in WAC 296-800-15030.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-823-18055 Make sure these additional criteria are followed for HIV and HBV production facilities. (~~You must:~~**

•) (1) You must separate the HIV and HBV work areas from areas that are open to unrestricted traffic flow within the building.

((•) (2) You must use two sets of doors to separate HIV and HBV work areas from access corridors or other contiguous areas.

**Note:** You may provide a physical separation of the high-containment work area from access corridors or other areas or activities by providing:

((-) 1. A double-doored clothes-change room (showers may be included);

((-) 2. Airlock (~~(••)~~); or

((-) 3. Other access facilities that require passing through two sets of doors before entering the work area.

((•) (3) You must make sure the surfaces of doors, walls, floors, and ceilings in the work area are water resistant so they can be easily cleaned. These surfaces must be sealed or capable of being sealed to facilitate decontamination.

((•) (4) You must make sure access doors to the work area or containment module are self-closing.

((•) (5) You must provide a ducted exhaust-air ventilation system.

(a) This system must create directional airflow that draws air into the work area through the entry area and you must verify this airflow.

(b) The exhaust air must:

((-) (i) NOT be recirculated to any other area of the building;

((-) (ii) Be discharged to the outside;

((-) (iii) Be dispersed away from occupied areas and air intakes.

((\*) (6) Make sure an autoclave for decontamination of regulated waste is available within or as near as possible to the work area.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-823-200 Definitions.

#### NEW SECTION

##### WAC 296-826-099 Definitions.

**Appurtenance.** All devices that are added onto the system such as pumps, compressors, safety relief devices, liquid-level gauging devices, valves, and pressure gauges.

**Capacity.** The total volume of the container measured in U.S. gallons, unless otherwise specified.

**Container.** All vessels, tanks, cylinders or spheres used for transportation, storage or application of anhydrous ammonia.

**Cylinder.** A container constructed according to the United States Department of Transportation specifications with a water capacity of one thousand pounds or less.

**Design pressure.** The same as the "maximum allowable working pressure" as used in the Unfired Pressure Vessel Code.

**DOT regulations.** The department of transportation (DOT) hazardous materials regulations and specifications for shipping containers found in Title 49—Transportation, Code of Federal Regulations, Parts 171 to 190, inclusive.

**Filling density.** The ratio of the weight of the gas in a container to the weight of water at 60°F that the container will hold. One lb. H<sub>2</sub>O = 27.737 cu. in. at 60°F.

For determining the weight capacity of the tank in pounds, the weight of a gallon (231 cubic inches) of water at 60°F in air is 8.32828 pounds.

**Gas.** Anhydrous ammonia in either the gaseous or liquefied state.

**Hydrostatic relief valve.** An automatic pressure activated valve for liquid service.

(a) It is characterized by a throttle or slow weep opening, a nonpop-action.

(b) Refer to American National Standards Institute, *Terminology for Pressure Relief Devices*, B95.1, for more information.

**"psig"** and **"psia."** Abbreviations that mean the following:

(a) "psig" refers to pounds per square inch gauge.

(b) "psia" refers to absolute pounds per square inch.

**Safety relief valve.** An automatic spring loaded or equivalent type pressure activated device for gas or vapor service.

(a) It is characterized by a pop-action upon opening, and is sometimes referred to as a pop valve.

(b) Refer to American National Standards Institute, *Terminology for Pressure Relief Devices*, B95.1 for more information.

**Semi-trailer.** Every vehicle that meets both of the following:

(a) Designed for carrying property and for being drawn by a motor vehicle;

(b) Constructed so that some part of its weight and the weight of its load rests upon or is carried by another vehicle.

**Systems.** An assembly of equipment consisting of the container or containers, appurtenances, pumps, compressors, and interconnecting piping.

**Tank motor vehicle.** Any motor vehicle designed or used for the transportation of anhydrous ammonia that has either:

(a) A tank designed to be permanently attached to any motor vehicle; or

(b) A container that is not permanently attached but needs to be loaded and unloaded without being removed from the motor vehicle due to its size, construction, or means of attachment.

**Trailer.** Every vehicle meeting all of the following:

(a) Designed for carrying property and for being drawn by a motor vehicle;

(b) Constructed so that no part of its weight except the towing device rests on the towing vehicle.

**AMENDATORY SECTION** (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-100 Scope.** This chapter applies to employers who use, handle, store, distribute, or transport anhydrous ammonia.

((\*) (1) Operations covered by this chapter include, but are not limited to:

((-) (a) All distributors of anhydrous ammonia, including distributors who store and transport anhydrous ammonia on trucks delivering to a farm.

((-) (b) Any employer who stores and handles anhydrous ammonia to use in water treatment plants, acid production, metal processing, pollution control, or make products such as:

((\*) (i) Fertilizers;

((\*) (ii) Synthetic resins;

((\*) (iii) Plastics and intermediates;

((\*) (iv) Hexamine for explosives;

((\*) (v) Dyes;

((\*) (vi) Insecticides.

((\*) (2) Operations not covered by this chapter include:

((-) (a) The manufacture of anhydrous ammonia.

((-) (b) Mechanical refrigeration systems where ammonia is used solely as a refrigerant.

((-) (c) Pipelines transporting anhydrous ammonia into or out of a storage facility.

((-) (d) Agricultural operations within the scope of chapter 296-307 WAC. When a distributor delivers anhydrous ammonia to a farmer, the requirements for agricultural operations apply:

((\*) (i) As soon as the farmer takes possession of the truck or equipment containing ammonia from the distributor, this includes the farmer picking up the farm truck or equipment from the distributor.

((\*) (ii) An ammonia distributor begins performing agricultural operations using their ammonia at the farm.

- References:**
- ((\*) 1. For requirements on agricultural operations using anhydrous ammonia, go to Part U-1 of chapter 296-307 WAC.
  - ((\*) 2. If you use, handle, store, distribute, or transport anhydrous ammonia in quantities of 10,000 pounds or more, follow the requirements found in another chapter, Process safety management of highly hazardous chemicals, chapter 296-67 WAC.
  - ((\*) 3. To protect employees handling ammonia, in addition to this chapter, you will need the following requirements found in other chapters:
    - ((-) a. The following sections from the Safety and health core rules, chapter 296-800 WAC:
      - ((■) i. Accident prevention program, WAC 296-800-140;
      - ((■) ii. Emergency washing, WAC 296-800-150;
      - ((■) iii. Personal protective equipment, WAC 296-800-160;
    - ((-) b. Emergency response, chapter 296-824 WAC;
    - ((-) c. Respiratory hazards, chapter 296-841 WAC;
    - ((-) d. Respirators, chapter 296-842 WAC;

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-200 Employee safety.**

**Your responsibility:**

To protect employees who use, handle, store, distribute, or transport anhydrous ammonia.

~~((Personal protective equipment (PPE)~~

~~WAC 296-826-20005~~

~~Training~~

~~WAC 296-826-20010~~

~~Chemical reactions~~

~~WAC 296-826-20015~~

~~Emergencies~~

~~WAC 296-826-20020))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Personal protective equipment (PPE)</u>	<u>WAC 296-826-20005</u>
<u>Training</u>	<u>WAC 296-826-20010</u>
<u>Chemical reactions</u>	<u>WAC 296-826-20015</u>
<u>Emergencies</u>	<u>WAC 296-826-20020</u>

AMENDATORY SECTION (Amending WSR 09-05-071, filed 2/17/09, effective 4/1/09)

**WAC 296-826-20005 Personal protective equipment (PPE). ((You must:**

**\*) (1) You must provide the following PPE, at no cost to employees, at all stationary storage installations:**

((-) (a) Two respirators in readily accessible locations as required by WAC 296-842, Respirators;

((-) (b) One pair of protective gloves, boots, pants, a protective slicker, and a jacket made of:

((■) (i) Rubber; ~~((OR~~

■)) or

(ii) Other material that can not be penetrated by ammonia.

((-) (c) Tight fitting vented goggles and one full face shield.

((-) (d) An easily accessible shower or fifty gallons of clean water in an open top container.

**\*) (2) You must equip tank motor vehicles with all of the following equipment for emergency purposes:**

((-) (a) At least five gallons of water to flush liquid ammonia from skin or eyes.

((-) (b) Respiratory equipment suitable for anhydrous ammonia as required by chapter 296-842 WAC, Respirators;

((-) (c) A pair of protective gloves made of neoprene rubber or other material that cannot be penetrated by ammonia.

((-) (d) Tight fitting goggles and a full-face shield;

**Note:** Additional safety equipment is recommended when more than one employee is present.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-20010 Training. ((You must:**  
**\*) You must train** employees who handle ammonia on all of the following:

((-) (1) Safe operating practices;

((-) (2) Emergency procedures;

((-) (3) Proper use of personal protective equipment (PPE);

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-20015 Chemical reactions. ((You must:**

**\*) You must prohibit** the use of ammonia with other chemicals unless the possible reactions have been adequately investigated.

**Note:** ((\*) Under some circumstances, ammonia and ammonium compounds can form explosive products with other chemicals. For additional information, refer to the following:

((-) 1. Section 491M "Manual on Hazardous Chemical Reactions" of the NFPA, 1969 Edition; ~~((AND))~~ and

((-) 2. CG-388, the "Chemical Data Guide for Bulk Shipment by Water," 1969;

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-20020 Emergencies. ((You must:**  
**\*) (1) You must make** sure only trained personnel designated to respond if a leak occurs in an ammonia system do all of the following:

((-) (a) Evacuate affected personnel to noncontaminated areas;

((-) (b) Shut off appropriate valves;

((-) (c) Put on all of the following PPE in concentrated ammonia atmospheres and in unknown concentrations of ammonia:

((■) (i) Self-contained breathing apparatus (SCBA);

((■) (ii) A plastic or rubber suit;

~~((■)) (iii) Gauntlet-type plastic or rubber gloves,~~

~~((★) (2) You must make sure a physician treats all employees with eye injuries caused by liquid ammonia. In addition:~~

~~((-) (a) Immediately flush liquid ammonia from skin or eyes continuously for a minimum of fifteen minutes using water or eye wash solutions as required by the safety and health core rules; First aid, WAC 296-800-150.~~

~~((-) (b) Do not use neutralizing solutions or ointments on affected areas.~~

~~Note: ((★) Drivers unable to stop a leak during transport should:  
 ((-) 1. Move the vehicle to an isolated area.  
 ((-) 2. Use the current Department of Transportation (DOT) Emergency Response Guidebook to establish safe distances to isolate a leaking tank from the driver and the public.~~

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-300 Design, construction and installation.**

**Your responsibility:**

To make sure containers and tanks used for storing, distributing, or transporting anhydrous ammonia meet design, construction and installation requirements.

<u>Requirements for this topic ...</u>	<u>begin in this section:</u>
<u>Container location and marking</u>	<u>WAC 296-826-30005</u>
<u>Nonrefrigerated containers</u>	<u>WAC 296-826-30040</u>
<u>Refrigerated tanks</u>	<u>WAC 296-826-30055</u>

Container location and marking

~~((General specifications~~

~~WAC 296-826-30005~~

~~Specifications for portable DOT containers~~

~~WAC 296-826-30010~~

~~Nonrefrigerated stationary containers~~

~~WAC 296-826-30015~~

~~Refrigerated storage~~

~~WAC 296-826-30020~~

~~Systems mounted on trucks, semi-trailers, and trailers~~

~~WAC 296-826-30025~~

~~Systems mounted on farm trucks or trailers for transporting ammonia~~

~~WAC 296-826-30030~~

~~Systems mounted on farm equipment for ammonia application~~

~~WAC 296-826-30035~~

~~DOT containers~~

~~WAC 296-826-30040~~

~~Nonrefrigerated containers~~

~~Installation~~

~~WAC 296-826-30045~~

~~Reinstallation~~

~~WAC 296-826-30050~~

~~Refrigerated tanks~~

~~Installation~~

~~WAC 296-826-30055~~

Reinstallation

WAC 296-826-30060))

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>General specifications</u>	<u>WAC 296-826-30005</u>
<u>Specifications for portable DOT containers</u>	<u>WAC 296-826-30010</u>
<u>Nonrefrigerated stationary containers</u>	<u>WAC 296-826-30015</u>
<u>Refrigerated storage</u>	<u>WAC 296-826-30020</u>
<u>Systems mounted on trucks, semi-trailers, and trailers</u>	<u>WAC 296-826-30025</u>
<u>Systems mounted on farm trucks or trailers for transporting ammonia</u>	<u>WAC 296-826-30030</u>
<u>Systems mounted on farm equipment for ammonia application</u>	<u>WAC 296-826-30035</u>

~~((CONTAINER LOCATION AND MARKING))~~

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-30005 General specifications. ((You must:**

~~★)) (1) You must locate containers either:~~

~~((-) (a) In buildings or parts of the building provided for ammonia storage; ((OR~~

~~-)) or~~

~~(b) Outside, away from densely populated areas.~~

~~((★) (2) You must locate containers according to Table 1, Minimum Distances for Container Location.~~

Table 1  
Minimum Distances for Container Location

	Minimum Distances (feet) from Container to:		
	Line of Adjoining Property Which may be Built upon, Highways & Main-line of Railroad	Place of Public Assembly	Institution Occupancy
Nominal Capacity of Container			
Over 500 to 2,000	25	150	250
Over 2,000 to 30,000	50	300	500
Over 30,000 to 100,000	50	450	750
Over 100,000	50	600	1,000

~~((You must:~~

~~★)) (3) You must make sure containers are located to meet all of the following:~~

~~((-) (a) Away from readily ignitable materials such as weeds, long dry grass, and waste.~~

~~((-) (b) So there is no adverse impact on employee health through unnecessary exposure.~~

((-) (c) At least fifty feet away from dug wells and other sources of potable water.

~~((If the container is a part of a water treatment installation, then this requirement does not apply.))~~

**EXCEPTION:** If the container is a part of a water treatment installation, this requirement does not apply.

((\*) (4) You must maintain legibility of all container and valve markings.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-30010 Specifications for portable DOT containers.**

~~((IMPORTANT))~~ **Important:**

This section applies to systems that use cylinders, portable tanks (DOT-51), or "ton containers" (DOT-106A, DOT-110A), constructed according to DOT specifications.

~~((You must:))~~

(\*) (1) You must locate containers aboveground, never buried below the ground.

((\*) (2) You must put containers on firm ground or secure them.

((\*) (3) You must guard against settling on the outlet piping by using a flexible connection or a special fitting.

((\*) (4) You must protect containers from all of the following:

((-) (a) Ignitable debris;

((-) (b) External damage including corrosion;

((-) (c) Heat sources, like radiant flames and steam pipes;

((-) (d) Moving vehicles.

((\*) (5) You must prohibit the use of heat to raise the container pressure.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-30015 Nonrefrigerated stationary containers.** ~~((You must:))~~

(\*) (1) You must construct and test containers according to the Unfired Pressure Vessel Code.

((\*) (2) You must make sure the minimum design pressure of the container is 250 psig.

((\*) (3) You must make sure all containers with a capacity exceeding two hundred fifty gallons are constructed to meet one or more of the following:

((-) (a) Stress relieved after fabrication according to the Unfired Pressure Vessel Code;

((-) (b) Have stress relieved cold-formed heads;

((-) (c) Hot-formed heads.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-30020 Refrigerated storage.** ~~((You must:))~~

(\*) (1) You must make sure the minimum design temperature is the same as the refrigerated temperature of the tank.

((\*) (2) You must construct and test containers, with a design pressure exceeding 15 psig, according to the Unfired Pressure Vessel Code.

((\*) (3) You must select construction materials from those listed from *API Standard 620, 4th Edition 2002, Recommended Rules for Design and Construction of Large, Welded Low Pressure Storage Tanks*.

((\*) (4) You must construct tanks with a design pressure with 15 psig or less according to API Standard 620, 4th Edition, 2002.

((\*) (5) You must use ASME Code as a guide in the selection of austenitic steels or nonferrous materials, if used at the design temperature.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-30025 Systems mounted on trucks, semi-trailers, and trailers.** ~~((You must:))~~

(\*) (1) You must construct and test containers, when transported within the state of Washington, according to both of the following:

((-) (a) A minimum design pressure of 250 psig;

((-) (b) The Unfired Pressure Vessel Code.

((\*) (2) You must construct containers used for interstate transport according to DOT regulations.

((\*) (3) You must make sure the shell or head thickness of any container is at least 3/16 of an inch.

((\*) (4) You must make sure electrical lighting circuits meet all of the following:

((-) (a) Have suitable over-current protection, such as fuses or automatic circuit breakers.

((-) (b) Are suitably secured, insulated, and protected against physical damage.

((-) (c) Have wiring with sufficient carrying capacity and mechanical strength.

((\*) (5) You must use only electric light.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-30030 Systems mounted on farm trucks or trailers for transporting ammonia.** ~~((You must:))~~

(\*) You must construct and test containers, with a design pressure exceeding 15 psig, according to the Unfired Pressure Vessel Code.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-30035 Systems mounted on farm equipment for ammonia application.** ~~((You must:))~~

(\*) You must construct and test containers according to the Unfired Pressure Vessel Code.

Nonrefrigerated containers.

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>DOT containers</u>	<u>WAC 296-826-30040</u>
<u>Installation</u>	<u>WAC 296-826-30045</u>

<b><u>You must meet the requirements ...</u></b>	<b><u>in this section:</u></b>
<u>Reinstallation</u>	<u>WAC 296-826-30050</u>

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-30040 DOT containers.** ~~((You must: \*~~)) You must make sure containers meet DOT specifications.

**~~((NONREFRIGERATED CONTAINERS))~~**

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-30045 Installation.** ~~((You must: \*~~)) (1) You must provide a minimum distance of five feet between aboveground and underground containers that have more than a twelve hundred gallon capacity each.

~~((~~\*) (2) You must protect containers from floating away, in areas with a potential for high flood waters, by providing either:

~~((~~(-) (a) Secure anchorage; ~~((OR~~ -)) or

(b) Adequate pier height.

~~((~~\*) (3) You must follow Table 2 for aboveground, non-refrigerated containers.

Table 2

Aboveground Nonrefrigerated Container Requirements

If you have:	Then:
<del>((Aboveground containers</del>	<p><del>Provide one of the following:</del></p> <ul style="list-style-type: none"> <li><del>- Substantial reinforced concrete footings and foundations</del></li> <li><del>OR</del></li> <li><del>- Structural steel supports mounted on reinforced concrete foundations.</del></li> </ul> <p><del>Make sure the reinforced concrete foundation meets all of the following:</del></p> <ul style="list-style-type: none"> <li><del>- Extends below the established frost line</del></li> <li><del>- Is of sufficient width and thickness to support the total weight of the containers and contents</del></li> <li><del>- Has the lowest point of the tank at least eighteen inches above the ground.</del></li> </ul> <p><del>Make sure the footings meet all of the following:</del></p>

If you have:	Then:
	<ul style="list-style-type: none"> <li><del>- Extend below the established frost line</del></li> <li><del>- Are of sufficient width and thickness to support the total weight of the containers and contents.</del></li> </ul>
<del>Floating type foundations on containers installed aboveground</del>	<del>Make sure they are designed to adequately support the tank, contents, and pumping equipment.</del>
<del>A horizontal, aboveground container</del>	<p><del>Mount the container on a foundation that permits expansion and contraction.</del></p> <p><del>Prevent the weight of excessive loads from resting on the supporting portion of the shell.</del></p> <p><del>Provide saddle bearing that extends over at least one third the circumference of the shell.</del></p> <p><del>Prevent corrosion on the portions of the container in contact with the foundations or saddles.)</del></p>
<del>Aboveground containers</del>	<p><del>Provide one of the following:</del></p> <ol style="list-style-type: none"> <li><del>1. Substantial reinforced concrete footings and foundations; or</del></li> <li><del>2. Structural steel supports mounted on reinforced concrete foundations.</del></li> </ol> <p><del>Make sure the reinforced concrete foundation meets all of the following:</del></p> <ol style="list-style-type: none"> <li><del>1. Extends below the established frost line.</del></li> <li><del>2. Is of sufficient width and thickness to support the total weight of the containers and contents.</del></li> <li><del>3. Has the lowest point of the tank at least 18 inches above the ground.</del></li> </ol> <p><del>Make sure the footings meet all of the following:</del></p> <ol style="list-style-type: none"> <li><del>1. Extend below the established frost line.</del></li> <li><del>2. Are of sufficient width and thickness to support the total weight of the containers and contents.</del></li> </ol>



If you have:	Then:
<u>Floating type foundations on containers installed aboveground</u>	<u>Make sure they are designed to adequately support the tank, contents, and pumping equipment.</u>
<u>A horizontal, aboveground container</u>	<u>Mount the container on a foundation that permits expansion and contraction.</u> <u>Prevent the weight of excessive loads from resting on the supporting portion of the shell.</u> <u>Provide saddle bearing that extends over at least 1/3 the circumference of the shell.</u> <u>Prevent corrosion on the portions of the container in contact with the foundations or saddles.</u>

~~((You must: \*~~)) (4) You must follow Table 3 for underground, nonrefrigerated containers.

Table 3  
Underground Nonrefrigerated Container Requirements

If you have:	Then:
<del>((Underground containers</del>	<del>Set the containers on firm foundations or earth</del> <del>- Surround containers with soft earth or sand well tamped into place.</del> <del>Make sure the top of the container is at least one foot below the surface of the ground.</del> <del>- If ground conditions make this impractical, use precautions to prevent physical damage to the container.</del> <del>Exemption: It is not necessary to cover the portion of the container where a manhole and other connections are attached.</del>
	<del>Securely anchor or weight containers when necessary to prevent floating.</del> <del>Have a protective corrosion resistant coating applied before it is placed underground that is both of the following:</del> <del>- Satisfactory to the authority having jurisdiction;</del> <del>AND</del>

If you have:	Then:
	<del>- Equal to either hot dip galvanizing or two preliminary coatings of red lead followed by a heavy coating of coal tar or asphalt.</del> <del>Lower containers onto firm foundations without damaging the protective corrosion resistant coating.)</del>
<u>Underground containers</u>	<ol style="list-style-type: none"> <li>1. <u>Set the containers on firm foundations or earth.</u></li> <li>2. <u>Surround containers with soft earth or sand well tamped into place.</u></li> <li>3. <u>Make sure the top of the container is at least 1 foot below the surface of the ground.</u></li> <li>4. <u>If ground conditions make this impractical, use precautions to prevent physical damage to the container.</u></li> </ol> <p><b>Exemption:</b> <u>It is not necessary to cover the portion of the container where a manhole and other connections are attached.</u></p> <ol style="list-style-type: none"> <li>5. <u>Securely anchor or weight containers when necessary to prevent floating.</u></li> <li>6. <u>Have a protective corrosion-resistant coating, applied before it is placed underground, that is both of the following:</u> <ol style="list-style-type: none"> <li>a. <u>Satisfactory to the authority having jurisdiction; and</u></li> <li>b. <u>Equal to either hot dip galvanizing or 2 preliminary coatings of red lead followed by a heavy coating of coal tar or asphalt.</u></li> </ol> </li> <li>7. <u>Lower containers onto firm foundations without damaging the protective corrosion-resistant coating.</u></li> </ol>

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-30050 Reinstallation.** ~~((You must: \*~~)) (1) You must prohibit the reinstallation of nonrefrigerated, previously installed underground, containers unless they meet both of the following:

((-) (a) Pass a hydrostatic pressure retest using the original pressure specified by the Unfired Pressure Vessel Code under which the tank was constructed; ~~((AND~~  
 -)) and  
(b) Show no evidence of serious corrosion.  
 ((\*) (2) You must maintain a corrosion resistant coating on reinstalled underground containers.

**REFRIGERATED (~~(STORAGE)~~) TANKS**

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-30055 Installation.** ~~((You must: \*~~)

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Installation</u>	<u>WAC 296-826-30055</u>
<u>Reinstallation</u>	<u>WAC 296-826-30060</u>

(1) You must support tanks on noncombustible foundations designed for the type of tank.  
 ((\*) (2) You must provide protection against flotation or other water damage, where high floodwater might occur.  
 ((\*) (3) You must prevent the effects of freezing and consequent frost heaving, in tanks used for product storage at less than 32°F, by providing either support or heat supply.  
 ((\*) (4) You must prevent accidental discharge of liquids from spreading into uncontrolled areas by providing, to the area surrounding a refrigerated tank or group of tanks, one of the following:  
 ((-) (a) A drainage system provided with at least a one percent slope that terminates in an impounding basin with a capacity as large as the largest tank served; ~~((OR~~  
 -)) or  
(b) A diked enclosure with a capacity as large as the largest tank served.  
 ((\*) (5) You must meet, when using a diked enclosure or an impounding basin in a drainage system, the following requirements:  
 ((-) (a) Make the wall (~~(is made)~~) of earth, steel, or concrete. If made of earth, meet both of the following:  
 ((\*) (i) The top is flat and at least two feet wide; ~~((AND~~ ~~(\*)~~) and  
(ii) There is a stable slope consistent with the angle of the earth used.  
 ((-) (b) Design the wall to be both:  
 ((\*) (i) Liquid tight; ~~((AND~~ ~~(\*)~~) and  
(ii) Able to withstand the hydrostatic pressure and the temperature.  
 ((\*) (6) You must provide for drainage of rain water, that does not permit the release of ammonia, from diked or impounding areas.

**Note:** ((\*) 1. It is recommended that the ground in an impounding basin or within a diked enclosure be graded so that small spills or the early part of a large spill will accumulate at one side or corner contacting both:  
 ((-) a. A relatively small area of ground; ~~((AND))~~ and

((-) b. Exposing a relatively small surface area for heat gain.  
 ((\*) 2. Shallow channels in the ground surface or low curbs of earth can help guide the liquid to these low areas without contacting a large ground area.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-30060 Reinstallation.** ~~((You must: \*~~)  
 \*) You must make sure moved and reinstalled containers of a size to require field fabrication are reconstructed and reinspected to(  
 -)) meet the original Unfired Pressure Vessel Code under which the tank was manufactured and do the following according to the same code:  
 ((\*) (1) A pressure retest;  
 ((\*) (2) Any necessary rerating.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-400 Equipment and systems.**

**Your responsibility:**

To make sure all equipment and systems are operated and maintained safely.  
 ((Electrical  
 WAC 296-826-40005  
 Hose specifications  
 WAC 296-826-40010  
 Piping, tubing, and fittings  
 General requirements for all systems  
 WAC 296-826-40015  
 Nonrefrigerated systems  
 WAC 296-826-40020  
 Systems mounted on trucks, semi-trailers, and trailers  
 WAC 296-826-40025  
 Refrigeration storage  
 Refrigerated storage compressors  
 WAC 296-826-40030  
 Refrigeration load  
 WAC 296-826-40035  
 Separators for refrigerated storage  
 WAC 296-826-40040  
 Automatic control equipment for refrigerated storage  
 WAC 296-826-40045  
 Other refrigerated storage equipment  
 WAC 296-826-40050  
 Compressors for refrigerated systems  
 WAC 296-826-40055))

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Electrical</u>	<u>WAC 296-826-40005</u>
<u>Hose specifications</u>	<u>WAC 296-826-40010</u>

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-40005 Electrical.** ~~((You must: \*~~)

•) (1) You must use electrical equipment and wiring on ammonia installations that is either of the following:

- (-) (a) General purpose; (~~OR~~)
- ) or
- (b) Weather resistant.

(•) (2) You must follow the electrical requirements found in another chapter, chapter 296-24 WAC, Part L for Class 1, Group D locations when the concentrations of ammonia in air are in excess of 16% by volume.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-40010 Hose specifications.** (~~You must:~~

•) (1) You must make sure hose used in ammonia service and subject to container pressure meets both of the following:

- (-) (a) The *Joint Rubber Manufacturers Association, RMA-IP-14, Specifications for Anhydrous Ammonia Hose* 7th Edition 2003; (~~AND~~)
- ) and
- (b) The *Fertilizer Institute's* (~~(")~~) *Hose Specifications for Anhydrous Ammonia.* (~~(")~~)

(•) (2) You must make sure hose assemblies are able to withstand a 500 psig pressure test.

(•) (3) You must follow Table 4 for hose specifications.

Table 4  
Hose Specifications

If you have:	Then:
<del>((Hose subject to container pressure</del>	<del>Design it with a minimum</del> <ul style="list-style-type: none"> <li>- Working pressure of 350 psig</li> <li><del>AND</del></li> <li>- Burst pressure of 1750 psig</li> </ul>
<del>Hose and their connections</del>	<del>Design them for the maximum low side working pressure when located on either:</del> <ul style="list-style-type: none"> <li>- The pressure reducing valves on devices discharging to atmospheric pressure;</li> <li><del>OR</del></li> <li>- The low pressure side of flow control.</li> </ul> <del>Design, construct, and install so there is no leakage when connected.</del>
<del>Liquid transfer hose that is not drained of liquid upon completion of transfer operations</del>	<del>Equip with an approved shut off valve at the discharge end.</del> <del>Prevent excessive hydrostatic pressure in the hose.</del>

If you have:	Then:
<del>Hose with an outside diameter one-half inch and larger</del>	<del>Make sure the hose is marked and legible at five foot intervals.)</del>
<del>Hose subject to container pressure</del>	<del>Design it with a minimum working pressure of 350 psig; and Burst pressure of 1750 psig.</del>
<del>Hose and their connections</del>	<del>Design them for the maximum low side working pressure when located on either:</del> <ol style="list-style-type: none"> <li>1. <del>The pressure reducing valves on devices discharging to atmospheric pressure; or</del></li> <li>2. <del>The low pressure side of flow control.</del></li> </ol> <del>Design, construct, and install so there is no leakage when connected.</del>
<del>Liquid transfer hose that is not drained of liquid upon completion of transfer operations</del>	<del>Equip with an approved shut off valve at the discharge end.</del> <del>Prevent excessive hydrostatic pressure in the hose.</del>
<del>Hose with an outside diameter one-half inch and larger</del>	<del>Make sure the hose is marked and legible at 5-foot intervals.</del>

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-40015 General requirements for all systems.** (~~You must:~~ •)

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>General requirements for all systems</u>	<u>WAC 296-826-40015</u>
<u>Nonrefrigerated systems</u>	<u>WAC 296-826-40020</u>
<u>Systems mounted on trucks, semi-trailers, and trailers</u>	<u>WAC 296-826-40025</u>

(1) You must prohibit the use of cast iron fittings.

(-) The use of malleable or nodular iron such as Specification ASTM A47 or ASTM A395 is permitted.

(•) (2) You must make sure all metal flexible connections for permanent installations have a minimum working pressure of 250 psig.

(•) (3) You must make sure all pipes, tubes, and fittings used for ammonia service meet all of the following:

(-) (a) Made of material with a design pressure at least equal to the maximum service pressure.

(-) (b) Well supported and have provisions for all of the following:

- ((■)) (i) Expansion;
- ((■)) (ii) Contraction;
- ((■)) (iii) Vibration;
- ((■)) (iv) Jarring;
- ((■)) (v) Settling.

((★) (4) You must protect all exposed pipes from damage resulting from undue strain including:

- ((-) (a) Moving machinery;
- ((-) (b) The presence of vehicles.

((★) (5) You must use ammonia resistant joint compounds.

((★) (6) You must make sure, after assembly, that all piping and tubing are leak free at a pressure not less than the normal operating pressure of the system.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-40020 Nonrefrigerated systems. ((You must:**

★) (1) You must make sure piping on nonrefrigerated systems is:

((-) (a) ASTM A-53-2004 Electrical Resistance Welded and Electric Flash Welded Pipe or equal. ((~~In addition piping needs to be:~~

- ) (b) At least schedule 80 when joints are threaded.
- ((■)) (c) At least schedule 40 when joints are either welded or welded and flanged.

((★) (2) You must prohibit the use of piping or tubing made of any of the following:

- ((-) (a) Brass;
- ((-) (b) Copper;
- ((-) (c) Galvanized steel.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-40025 Systems mounted on trucks, semi-trailers, and trailers. ((You must:**

★) You must make sure all piping, tubing, and fittings are:

- ((-) (1) Securely mounted;
- ((-) (2) Protected against physical damage.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-40030 Refrigerated storage compressors. ((You must:**

★)

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Refrigerated storage compressors</u>	<u>WAC 296-826-40030</u>
<u>Refrigeration load</u>	<u>WAC 296-826-40035</u>
<u>Separators for refrigerated storage</u>	<u>WAC 296-826-40040</u>

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Automatic control equipment for refrigerated storage</u>	<u>WAC 296-826-40045</u>
<u>Other refrigerated storage equipment</u>	<u>WAC 296-826-40050</u>
<u>Compressors for refrigerated systems</u>	<u>WAC 296-826-40055</u>

(1) You must make sure compressors have all of the following:

- ((-) (a) Their own driving unit;
- ((-) (b) Discharge pressure that is governed by the condensing conditions;
- ((-) (c) Suitable compressor operation controls based on the load pressure in the container;
- ((-) (d) At least two compressors either of which is of sufficient size to handle the intended loads;
- ((-) (e) Standby equipment equal to the largest normally operating piece of equipment installed when more than two compressors are provided;
- ((-) (f) Automatic controls installed to prohibit the operation of alternate compressors unless the controls will function with alternate compressors.

((★) (2) You must make sure compressors are sized to operate with a suction pressure that is both of the following:

- ((-) (a) At least ten percent below the minimum setting of the safety relief valves on the storage tank;
- ((-) (b) Able to withstand one hundred twenty percent of the design pressure of the tank.

((★) (3) You must install an oil separator of suitable size in the compressor discharge line that is both:

- ((-) (a) Designed for at least 250 psig; ((~~AND~~ -) and
- (b) Equipped with a drain valve and gauging device.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-40035 Refrigeration load. ((You must:**

★) (1) You must make sure the total refrigeration load includes the loads imposed by all of the following:

- ((-) (a) Heat flow into the container caused by the temperature difference between both:
  - ((■)) (i) The ambient temperature; ((~~AND~~ ■)) and
  - (ii) The design storage temperature.
- ((-) (b) Heat flow into the tank caused by maximum sun radiation.
- ((-) (c) Filling the tank with ammonia warmer than the design storage temperature.

((★) (2) You must provide emergency power capable of handling loads imposed by both of the following:

- ((-) (a) The temperature difference between the ambient temperature and the design storage temperature; ((~~AND~~ -) and
- (b) Sun radiation.

**Note:** Emergency power is not necessary for facilities able to effectively vent vapors when the refrigeration system is not operating.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-40040 Separators for refrigerated storage.** ~~((You must:~~

•)) You must install an entrainment separator, of suitable size and design pressure, in the compressor suction line that is equipped with both of the following:

- ((-) (1) A drain valve; ~~((AND~~
- )) and
- (2) A gauging device.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-40045 Automatic control equipment for refrigerated storage.** ~~((You must:~~

•)) (1) You must install an emergency alarm to detect minimum and maximum allowable operating pressure changes.

((\*) (2) You must install an emergency alarm and shut off in the condenser system to detect excess discharge pressure caused by the failure of the cooling medium.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-40050 Other refrigerated storage equipment.** ~~((You must:~~

•)) (1) You must discharge ammonia to storage by using either:

- ((-) (a) A receiver with an automatic float valve; ~~((OR~~
- )) or
- (b) A high pressure liquid drain trap of suitable capacity.
- ((\*) (2) You must make sure receivers are:
- ((-) (a) Designed for at least 250 psig; ~~((AND~~
- )) and
- (b) Equipped with all of the following:
- ((■) (i) Necessary connections;
- ((■) (ii) Safety relief valves;
- ((■) (iii) Gauging devices.

((\*) (3) You must cover insulated containers and pipelines with material that meets all of the following:

- ((-) (a) Thick enough for the temperatures it will be exposed to;
- ((-) (b) Supported;
- ((-) (c) Weather and fire resistant.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-40055 Compressors for refrigerated systems.** ~~((You must:~~

- )) (1) You must make sure condensers are designed:
- ((-) (a) For at least 250 psig; ~~((AND~~
- )) and

(b) To manually or automatically purge noncondensibles.

- Note:**
- ((\*) Condensers may be cooled by any of the following:
  - ((-) 1. Air;
  - ((-) 2. Water;
  - ((-) 3. Air and water.

~~((You must:~~

•)) (2) You must make sure compressors used for refrigerating ammonia meet all of the following:

((-) (a) Are connected to plant piping with shut off valves located as close as practical to compressor connections.

((-) (b) Have a safety relief valve that is both:

((■) (i) Large enough to discharge the full capacity of the compressor; ~~((AND~~

■)) and

(ii) Connected to the discharge and placed before any shut off valve.

((-) (c) Have an oil separator on the discharge side, where necessary to prevent contamination.

((-) (d) Have a drainable liquid trap or other adequate method on the compressor suction to minimize the entry of liquids into the compressor.

((-) (e) Pressure gauges on the suction and discharge ends graduated to at least one and one-half times the maximum pressure that can develop.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-500 Appurtenances.**

**Your responsibility:**

To follow the requirements in this section when using appurtenances.

~~((Appurtenance requirements for all systems~~

~~WAC 296-826-50005~~

~~Nonrefrigerated stationary containers~~

~~WAC 296-826-50010~~

~~Refrigerated tanks~~

~~WAC 296-826-50015~~

~~Systems mounted on trucks, semi-trailers and trailers~~

~~WAC 296-826-50020~~

~~Systems mounted on farm trucks or trailers for transportation of ammonia~~

~~WAC 296-826-50025~~

~~Systems mounted on farm equipment for ammonia application~~

~~WAC 296-826-50030~~

~~Portable DOT containers~~

~~WAC 296-826-50035))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Appurtenance requirements for all systems</u>	<u>WAC 296-826-50005</u>
<u>Nonrefrigerated stationary containers</u>	<u>WAC 296-826-50010</u>
<u>Refrigerated tanks</u>	<u>WAC 296-826-50015</u>

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Systems mounted on trucks, semi-trailers and trailers</u>	<u>WAC 296-826-50020</u>
<u>Systems mounted on farm trucks or trailers for transportation of ammonia</u>	<u>WAC 296-826-50025</u>
<u>Systems mounted on farm equipment for ammonia application</u>	<u>WAC 296-826-50030</u>
<u>Portable DOT containers</u>	<u>WAC 296-826-50035</u>

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-50005 Appurtenance requirements for all systems. ((Definition:**

~~Appurtenance means all devices such as pumps, compressor, safety relief devices, liquid level gauging devices, valves and pressure gauges.~~

~~**You must:**~~

~~•) (1) You must make sure each appurtenance installed before February 8, 1973, is determined to be safe by meeting one of the following:~~

~~((-) (a) Approved, tested, and installed by either:~~

~~((■) (i) The American National Standard for the Storage and Handling of Anhydrous Ammonia (in effect at the time of installation);~~

~~((■) (ii) The Fertilizer Institute Standards for the Storage and Handling of Agricultural Anhydrous Ammonia (in effect at the time of installation);~~

~~((-) (b) Accepted, certified, listed, or labeled, by a nationally recognized testing laboratory.~~

~~((-) (c) Inspected or tested by a federal, state, municipal, or local authority responsible for enforcing occupational safety provisions, when no nationally recognized laboratory will provide approval.~~

~~((-) (d) Tested and approved by a registered professional engineer or other qualified person if the system is a custom-designed or custom-built unit and no other recognized entity will provide approval.~~

~~((-) (2) You must keep a document on file signed by the qualified person that indicates the unit is safe. Include the test bases, test data and results and the qualifications of the qualified person.~~

~~((**You must:**~~

~~•) (3) You must make sure container appurtenances are both of the following:~~

~~((-) (a) Designed for at least the working pressure for the portion of the system where installed; ((AND~~

~~-) and~~

~~(b) Fabricated from materials suitable for anhydrous ammonia service.~~

~~((•) (4) You must make sure fixed liquid level gauges, except on refrigerated storage:~~

~~((-) (a) Are designed so the maximum volume of the container filled by liquid does not exceed eighty-five percent of its water capacity; ((AND~~

~~-) and~~

~~(b) Have a coupling into which it is threaded that is placed at the eighty-five percent level of the container.~~

~~((■) If located elsewhere, install the dip tube of this gauge so it can not be easily removed.~~

~~((•) (5) You must equip each container, except those filled by weight, with an approved liquid level gauging device that does all of the following:~~

~~((-) (a) Has a design pressure equal to or greater than the design pressure of the container;~~

~~((-Are) (b) Is arranged so the maximum liquid fill level of containers can be readily determined.~~

~~((•) (6) You must follow additional requirements found in Table 5, Appurtenance Requirements for all Systems.~~

Table 5  
Appurtenance Requirements for all Systems

If you have:	Then make sure they:
<del>((Safety relief devices</del>	<del>Do not have discharge termination in or beneath any building.</del>
<del>Safety relief valves</del>	<del>Have a flow capacity that is not restricted by any connection to it on either the upstream or downstream side.</del>
<del>Connections to containers</del>	<del>Have shut off valves located as close to the container as possible. Exemption: Safety relief devices, gauging devices or devices fitted with a No. 54 drill size hole are not required to have shut off valves located as close to the container as possible.</del>
<del>Connections and the line, including valves and fittings</del>	<del>Have a greater rated flow than the excess flow valves that protects them</del>
<del>Excess flow valves, where required</del>	<del>Meet all of the following:</del> <ul style="list-style-type: none"> <li><del>• Are designed with a bypass no larger than a No. 60 drill size opening to allow equalization of pressures.</del></li> <li><del>• Close automatically at the rated flow of vapor or liquid specified by the manufacturer.</del></li> <li><del>• Maintain legible markings.</del></li> </ul>
<del>Excess flow valves provided with shut off valves</del>	<del>Are designed to close if the shut off valve breaks during installation</del>

If you have:	Then make sure they:
<p><u>Excess flow and back pressure check valves, where required</u></p>	<p>Are located either:</p> <ul style="list-style-type: none"> <li>• Inside the container;</li> <li style="text-align: center;"><b>OR</b></li> <li>• Outside the container as long as the excess flow valve is:                             <ul style="list-style-type: none"> <li>- As close as possible to the entrance of the line;</li> <li style="text-align: center;"><b>AND</b></li> <li>- Installed without excessive stress that could result in breakage between the container and the valve.</li> </ul> </li> </ul>
<p><u>Liquid level gauging devices that:</u></p> <ul style="list-style-type: none"> <li>- Require bleeding of the product into the atmosphere such as the rotary tube, fixed tube, and slip tube devices</li> </ul>	<p>Are either:</p> <ul style="list-style-type: none"> <li>• Designed so that the maximum opening of the bleed valve is not larger than No. 54 drill size;</li> <li style="text-align: center;"><b>OR</b></li> <li>• Provided with an excess flow valve.</li> </ul> <p><u>Exemption:</u></p> <ul style="list-style-type: none"> <li>- If openings from the containers or through fittings are attached directly onto the container where pressure gauge connections are made, then there is no need for excess flow valves as long as the openings are not larger than a No. 54 drill size</li> <li>- This requirement does not apply to farm vehicles used for the application of ammonia as covered by WAC 296-826-50030-))</li> </ul>
<p><u>Safety relief devices</u></p>	<p>Do not have discharge termination in or beneath any building.</p>

If you have:	Then make sure they:
<p><u>Safety relief valves</u></p>	<p>Have a flow capacity that is <u>not restricted by any connection to it on either the upstream or downstream side.</u></p>
<p><u>Connections to containers</u></p>	<p>Have shut off valves located <u>as close to the container as possible.</u>  <b>Exemption:</b> Safety relief devices, gauging devices or devices fitted with a No. 54 drill size hole are <u>not required to have shut off valves located as close to the container as possible.</u></p>
<p><u>Connections and the line, including valves and fittings</u></p>	<p>Have a greater rated flow <u>than the excess flow valves that protects them.</u></p>
<p><u>Excess flow valves, where required</u></p>	<p>Meet all of the following:</p> <ol style="list-style-type: none"> <li>1. <u>Are designed with a bypass no larger than a No. 60 drill size opening to allow equalization of pressures.</u></li> <li>2. <u>Close automatically at the rated flow of vapor or liquid specified by the manufacturer.</u></li> <li>3. <u>Maintain legible markings.</u></li> </ol>
<p><u>Excess flow valves provided with shut off valves</u></p>	<p>Are designed to close if the <u>shut off valve breaks during installation.</u></p>
<p><u>Excess flow and back pressure check valves, where required</u></p>	<p>Are located either:</p> <ol style="list-style-type: none"> <li>1. <u>Inside the container; or</u></li> <li>2. <u>Outside the container as long as the excess flow valve is:</u> <ol style="list-style-type: none"> <li>a. <u>As close as possible to the entrance of the line; and</u></li> <li>b. <u>Installed without excessive stress that could result in breakage between the container and the valve.</u></li> </ol> </li> </ol>

If you have:	Then make sure they:
<u>Liquid level gauging devices that:</u> <u>Require bleeding of the product into the atmosphere such as the rotary tube, fixed tube, and slip tube devices</u>	<u>Are either:</u> <ol style="list-style-type: none"> <li>1. <u>Designed so that the maximum opening of the bleed valve is not larger than No. 54 drill size; or</u></li> <li>2. <u>Provided with an excess flow valve.</u></li> </ol> <p><b>Exemption:</b></p> <ol style="list-style-type: none"> <li>1. <u>If openings from the containers or through fittings are attached directly onto the container where pressure gauge connections are made, then there is no need for excess flow valves as long as the openings are not larger than a No. 54 drill size.</u></li> <li>2. <u>This requirement does not apply to farm vehicles used for the application of ammonia as covered by WAC 296-826-50030.</u></li> </ol>

~~((You must:~~

Instructions are found below the table

- ) (7) You must follow Table 6, Safety Valve Start to Discharge Rate, and Table 7, Safety Relief Valve Rate of Discharge, for the following systems:
  - (-) (a) Nonrefrigerated stationary containers;
  - (-) (b) Mounted on trucks, semi-trailers, and trailers used for the transportation of ammonia;
  - (-) (c) Mounted on farm wagons for the transportation of ammonia;
  - (-) (d) Mounted on farm equipment for the application of ammonia.

~~((Exemption))~~ **EXEMPTION:** The rate of discharge of spring-loaded safety relief valves installed on underground containers may be reduced to thirty percent of the rate of discharge specified in Table 6, Safety Relief Valve Rate of Discharge so long as the container is not uncovered after installation until the liquid ammonia has been removed.

Table 6  
Safety Valve Start to Discharge Rate

Containers	Minimum	Maximum*
ASME U-68, U-69	110%	125%
ASME U-200, U-201	95%	100%
ASME 1952, 1956, 1959, 1962, 1965, 1968, or 1971	95%	100%
API-ASME	95%	100%
U.S. Coast Guard	(As required by U.S.C.G. regulations)	
DOT	(As required by DOT regulations)	

**Note:** A relief valve manufacturer's tolerance of plus ten percent is permitted.

Table 7  
Safety Relief Valve Rate of Discharge

Surface Area sq. ft.	Flow Rate CFM Air	Surface Area sq. ft.	Flow Rate CFM Air	Surface Area sq. ft.	Flow Rate CFM Air	Surface Area sq. ft.	Flow Rate CFM Air
20	258	145	1,310	340	2,640	1,350	8,160
25	310	150	1,350	350	2,700	1,400	8,410
30	360	155	1,390	360	2,760	1,450	8,650
35	408	160	1,420	370	2,830	1,500	8,900
40	455	165	1,460	380	2,890	1,550	9,140
45	501	170	1,500	390	2,950	1,600	9,380
50	547	175	1,530	400	3,010	1,650	9,620
55	310	180	1,570	450	3,320	1,700	9,860
60	360	185	1,600	500	3,620	1,750	10,090
65	408	190	1,640	550	3,910	1,800	10,330
70	455	195	1,670	600	4,200	1,850	10,560
75	762	200	1,710	650	4,480	1,900	10,800
80	804	210	1,780	700	4,760	1,950	11,030
85	845	220	1,850	750	5,040	2,000	11,260



Surface Area sq. ft.	Flow Rate CFM Air	Surface Area sq. ft.	Flow Rate CFM Air	Surface Area sq. ft.	Flow Rate CFM Air	Surface Area sq. ft.	Flow Rate CFM Air
90	885	230	1,920	800	5,300	2,050	11,490
95	925	240	1,980	850	5,590	2,100	11,720
100	965	250	2,050	900	5,850	2,150	11,950
105	1,010	260	2,120	950	6,120	2,200	12,180
110	1,050	270	2,180	1,000	6,380	2,250	12,400
115	1,090	280	2,250	1,050	6,640	2,300	12,630
120	1,120	290	2,320	1,100	6,900	2,350	12,850
125	1,160	300	2,380	1,150	7,160	2,400	13,080
130	1,200	310	2,450	1,200	7,410	2,450	13,300
135	1,240	320	2,510	1,250	7,660	2,500	13,520
140	1,280	330	2,570	1,300	7,910		

Table instructions:

(\*) 1. The surface area = the total outside surface area of the container in square feet.

(-) 2. When the surface area is not stamped on the name plate or the marking is not legible, calculate the area by using the Table 8, Surface Area.

Table 8  
Surface Area

If you have:	Then calculate as follows:
Cylindrical container with hemispherical heads	Area = overall length in feet times the outside diameter in feet times 3.1416
Cylindrical container with other than hemispherical heads	Area = (overall length in feet plus 0.3 outside diameter in feet) times outside diameter in feet times 3.1416
Spherical container	Area = outside diameter in feet squared times 3.1416

(\*) Flow rate(—): CFM air = cubic feet per minute of air required at standard conditions, 60°F and atmospheric pressure (14.7 psia).

(-) 1. The rate of discharge may be altered for intermediate values of surface area.

(-) 2. For containers with total outside surface area greater than 2,500 sq. ft., the required flow rate can be calculated using the formula, flow rate CFM air = 22.11 A<sup>0.82</sup> where A = outside surface area of the container in square feet.

**AMENDATORY SECTION** (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-50010 Nonrefrigerated stationary containers.**

**~~(IMPORTANT)~~ Important:**

In addition to this section, you need to follow the Appurtenances requirements for all systems, WAC 296-826-50005.

**~~(You must~~**

**\*) (1) You must** make sure all containers are equipped with all of the following:

(-) (a) An approved vapor return valve;

(-) (b) A fixed maximum liquid level gauge;

(-) (c) A pressure gauge that is both:

(\*) (i) Graduated from zero to 400 psig; ~~(AND~~  
~~\*) and~~

(ii) Designed for use in ammonia service.

(\*) (2) You must provide one or more spring-loaded safety relief valves, or an equivalent type, on all containers.

(\*) (3) You must make sure safety relief valves do all of the following:

(-) (a) Discharge in the following ways:

(\*) (i) Away from the container in an upward, unobstructed manner into the atmosphere;

(\*) (ii) Not in or beneath a building.

(-) (b) Have raincaps that allow free discharge of the vapor and prevent the entrance of water;

(-) (c) Have a method for draining accumulated condensation;

(-) (d) Have a start to discharge, related to the design pressure of the container, according to Table 6, Safety Valve Start to Discharge Rate;

(-) (e) Are arranged to minimize the possibility of tampering;

(-) (f) Are provided, when the pressure setting adjustment is external, with a means of sealing the adjustment;

(-) (g) Have direct communication with the vapor space of the container.

**Note:** (\*) Vent pipes from 2 or more safety relief devices located on the same unit, or similar lines from 2 or more different units, may be run into a common header if:(  
-) the cross-sectional area of the header is at least equal to the sum of the cross sectional areas of the individual vent pipes.

**~~(You must~~**

**\*) (4) You must** protect container appurtenances against physical damage and during transit of containers intended for underground installation.

(\*) (5) You must make sure shut off valves are not installed between the safety relief valve and the container or system. A shut off valve may be used if arranged so that the required capacity flow is maintained.

**~~((Exemption))~~** **EXEMPTION:** ((\*) You are exempt from the requirement not to install the shut off valve between the safety relief valve and the container or systems in the following situations:  
 ((-) 1. A three-way valve installed under two safety relief valves, each with:  
 ((■) a. The required rate of discharge; ~~((AND))~~ and  
 ((■) b. Installed to allow either of the safety relief valves to be closed off but not at the same time.  
 ((-) 2. Two separate relief valves are installed with individual shut off valves.  
 ((■) 3. The two shut off valve stems must be mechanically interconnected to allow the full required flow of one safety relief valve at all times.  
 ((-) 4. When a safety relief valve manifold that allows:  
 ((■) a. One valve of two or more to be closed off; ~~((AND))~~ and  
 ((■) b. The remaining valve or valves will provide not less than the rate of discharge shown on the manifold nameplate.

**~~((You must:))~~**  
 \*) (6) You must make sure vapor and liquid connections have either of the following:  
 ((-) (a) An approved excess flow valve; ~~((OR))~~  
 -)) or  
 (b) An approved quick-closing internal valve that remains closed except during operation.

**~~((Exemption))~~** **EXEMPTION:** ((\*) The following do not need to be fitted with excess flow valves:  
 ((-) 1. Safety relief valves.  
 ((-) 2. Liquid level gauging devices that require both of the following:  
 ((■) a. Bleeding of the product into the atmosphere;  
 ((■) b. Construction so that outward flow will not exceed that passed by a No. 54 drill size opening.  
 ((-) Those with openings from the containers or through fittings that are attached directly onto the container where pressure gauge connections are made as long as:  
 ((■) The openings are not larger than a No. 54 drill size.

**~~((You must:))~~**  
 \*) (7) You must follow additional requirements found in Table 9, Appurtenances for Nonrefrigerated Stationary Containers.

Table 9

Appurtenances for Nonrefrigerated Stationary Containers

If you have:	Then make sure they:
((Columnar-type gauges	Are restricted to stationary storage installations
	Are shielded against the direct rays of the sun
	Are equipped with all of the following: * Shut off valves having metallic hand-wheels * Excess flow valves

If you have:	Then make sure they:
	* Extra heavy glass that is adequately protected with a metal housing applied by the gauge manufacturer
Main shut off valves	Are kept closed and locked when the installation is unattended Exemption: Valve locks are not required if the facility is protected against tampering by fencing or other suitable means.
Filling connections	Are provided with one of the following: * Combination back-pressure check valve and excess flow valve * One double or two single back-pressure check valves * A positive shut off valve in conjunction with either an internal back-pressure check valve or an internal excess-flow valve
Underground installations with a probability of the manhole or housing becoming flooded	Have vent lines located above the high water level Have manholes or housings with ventilated louvers or their equivalent with the area of their openings equal or exceeding: * The combined discharge areas of the safety relief valves and vent lines which discharge their content into the manhole housing
Hydrostatic relief valves	Are installed between each pair of valves in the liquid ammonia piping or hose.))
Columnar-type gauges	1. Are restricted to stationary storage installations. 2. Are shielded against the direct rays of the sun. 3. Are equipped with all of the following: a. Shut off valves having metallic hand-wheels; b. Excess flow valves;

If you have:	Then make sure they:
	c. <u>Extra heavy glass that is adequately protected with a metal housing applied by the gauge manufacturer.</u>
<u>Main shut off valves</u>	<u>Are kept closed and locked when the installation is unattended.</u> <b>Exemption:</b> <u>Valve locks are not required if the facility is protected against tampering by fencing or other suitable means.</u>
<u>Filling connections</u>	<u>Are provided with one of the following:</u> 1. <u>Combination back-pressure check valve and excess flow valve.</u> 2. <u>One double or two single back-pressure check valves.</u> 3. <u>A positive shut off valve in conjunction with either an internal back-pressure check valve or an internal excess flow valve.</u>
<u>Underground installations with a probability of the manhole or housing becoming flooded</u>	1. <u>Have vent lines located above the high water level.</u> 2. <u>Have manholes or housings with ventilated louvers or their equivalent with the area of their openings equal or exceeding the combined discharge areas of the safety relief valves and vent lines which discharge their content into the manhole housing.</u>
<u>Hydrostatic relief valves</u>	<u>Are installed between each pair of valves in the liquid ammonia piping or hose.</u>

((-) (a) A possible refrigeration system upset such as a cooling water failure, power failure, instrument air or instrument failure, mechanical failure of any equipment, excessive pumping rates or changing atmospheric pressure; ((OR -)) or

(b) The amount based on using either one of the following fire exposure formulas (see note below for codes):

((■)) (i) Valve manufacturers who use weight of vapors to be relieved as the classifying basis, use this formula:

$$W = \frac{34,500 F A (0.82)}{L}$$

((OR ■)) (ii) Valve manufacturers that classify valves based on air flows, use this formula:

$$Q_{(a)} = \frac{633,000 F A O.32}{LC}$$

((\*) (3) You must make sure safety relief devices meet the following additional requirements:

((-) (a) Are set to start-to-discharge at a pressure not in excess of the design pressure of the tank;

((-) (b) Have a total relieving capacity sufficient to prevent a maximum pressure in a tank of more than one hundred twenty percent of the design pressure.

((\*) (4) You must provide shut off valves for all connections including plugs, safety valves, and thermometer wells((- -)).

Locate them as close to the tank as is practical.

**Exemption:** Shut off valves do not need to be provided on connections with a No. 54 drill size restriction.

**Note:** ((\*) Install, when operating conditions make it advisable, both of the following:

((-) 1. A check valve on the fill connection;

((-) 2. A remotely operated shut off valve on other connections located below the maximum liquid level.

**You must:**

((\*) (5) You must follow requirements found in Table 10, Refrigerated Tank Appurtenances.

**AMENDATORY SECTION** (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-50015 Refrigerated tanks.**

**((IMPORTANT\*)) Important:**

In addition to this section, you need to follow the Appurtenances requirements for all systems, WAC 296-826-50005.

**((You must:**

\*) (1) You must protect container appurtenances against the following:

((-) (a) Physical damage during transit of containers intended for underground installation;

((-) (b) Damage from vehicles.

((\*) (2) You must make sure safety relief devices have a total relieving capacity larger than either of the following:

Table 10  
Refrigerated Tank Appurtenances

If you have:	Then make sure they:
<del>((Shut off valves used as a means of lock out for inspection or repair</del>	<u>Are of adequate flow capacity</u>
	<u>Are arranged to be locked or sealed open and not closed except by an authorized person who does both of the following:</u>
	• <u>Remains there while the valve is closed</u>
	• <u>Locks or seals the valve open when leaving the station.</u>

If you have:	Then make sure they:
Discharge line and header	Are designed to accommodate the maximum flow.
	Have a back pressure not greater than ten percent of the design pressure of the storage container
	Include the back pressure in the one hundred twenty percent of the maximum pressure of the design pressure.
	Do not have other containers or systems that exhaust into the discharge line or header.
	Have vent lines installed to prevent the accumulation of liquid in the lines <b>Note:</b> Multiple safety relief valves on the same storage unit may be run through a common discharge header.
Vacuum breakers	Are provided with atmospheric storage
Stacks	Do both of the following: <ul style="list-style-type: none"> <li>• Prevent any obstructions by rain, snow, ice, or condensation;</li> <li><b>AND</b></li> <li>• Have an outlet size not smaller than the size of the safety relief valve outlet connection))</li> </ul>
Shut off valves used as a means of lock out for inspection or repair	<ol style="list-style-type: none"> <li>1. Are of adequate flow capacity.</li> <li>2. Are arranged to be locked or sealed open and not closed except by an authorized person who does both of the following:                             <ol style="list-style-type: none"> <li>a. Remains there while the valve is closed;</li> <li>b. Locks or seals the valve open when leaving the station.</li> </ol> </li> </ol>
Discharge line and header	<ol style="list-style-type: none"> <li>1. Are designed to accommodate the maximum flow.</li> <li>2. Have a back pressure not greater than 10% of the design pressure of the storage container.</li> </ol>

If you have:	Then make sure they:
	<ol style="list-style-type: none"> <li>3. <u>Include the back pressure in the 120% of the maximum pressure of the design pressure.</u></li> <li>4. <u>Do not have other containers or systems that exhaust into the discharge line or header.</u></li> <li>5. <u>Have vent lines installed to prevent the accumulation of liquid in the lines.</u></li> </ol> <p><u>Note: Multiple safety relief valves on the same storage unit may be run through a common discharge header.</u></p>
Vacuum breakers	Are provided with atmospheric storage.
Stacks	Do both of the following: <ol style="list-style-type: none"> <li>1. <u>Prevent any obstructions by rain, snow, ice, or condensation; and</u></li> <li>2. <u>Have an outlet size not smaller than the size of the safety relief valve outlet connection.</u></li> </ol>

~~((You must: •))~~ (6) You must make sure appurtenances meet all of the requirements found in the following:  
 (-) (a) ANSI CGA C-7 2004;  
 (-) (b) ANSI CGA G2.1 1999;  
 (-) (c) API Standard 620 4th Edition, 2002;  
 (-) (d) ASHRAE 15 2004;  
 (-) (e) ASME 2001, Section VIII, Division 1;  
 (-) (f) ANSI B95.1 1977.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-50020 Systems mounted on trucks, semi-trailers and trailers.**

~~((IMPORTANT:))~~ **Important:**

In addition to this section, you need to follow the Appurtenances requirements for all systems, WAC 296-826-50005.

~~((You must: •))~~

(1) You must make sure each container has all of the following:

- (-) (a) Fixed maximum liquid level gauging devices;
- (-) (b) Pressure-indicator gauges with a dial graduated from zero to 400 psig;
- (-) (c) Either of the following:
  - ~~((■))~~ (i) Equipped for spray-loading, which fills in vapor space; ~~((OR~~
    - )) or
    - (ii) Has an approved vapor return valve of adequate capacity.

((\*) (2) You must provide one or more spring-loaded safety relief valves, or an equivalent type, on all containers, that do all of the following:

((-) (a) Discharges in the following ways:

((\*) (i) Away from the container in an upward, unobstructed manner into the atmosphere;

((\*) (ii) Not in or beneath a building.

((-) (b) Has raincaps that allow free discharge of the vapor and prevent the entrance of water;

((-) (c) Has a method for draining accumulated condensation;

((-) (d) Has a start to discharge, related to the design pressure of the container, according to Table 6, Safety Valve Start to Discharge Rate;

((-) (e) Are arranged to minimize the possibility of tampering;

((-) (f) Provided, when the pressure setting adjustment is external, with a means of sealing the adjustment;

((-) (g) Has direct communication with the vapor space of the container.

((\*) (3) You must make sure shut off valves are not installed between the safety relief valve and the container or system. A shut off valve may be used if arranged so that the required capacity flow is maintained.

**(Exemption)** ((\*) You are exempt from the requirement not to install the shut off valve between the safety relief valve and the container or systems in the following situations:

**EXEMPTION:** ((-) 1. A three-way valve installed under two safety relief valves, each with:

((\*) a. The required rate of discharge; ~~((AND))~~ and  
 ((\*) b. Installed to allow either of the safety relief valves to be closed off but not at the same time.

((-) 2. Two separate relief valves are installed with individual shut off valves.

((\*) 3. The two shut off valve stems must be mechanically interconnected to allow the full required flow of one safety relief valve at all times.

((-) 4. When a safety relief valve manifold that allows:

((\*) a. One valve of two or more to be closed off ~~((AND));~~ and

((\*) b. The remaining valve or valves will provide not less than the rate of discharge shown on the manifold nameplate.

((\*) (4) You must follow additional requirements found in Table 11, Appurtenances for Systems Mounted on Trucks, Semi-Trailers and Trailers.

Table 11

Appurtenances for Systems Mounted on Trucks, Semi-Trailers and Trailers

If you have:	Then make sure they:
<p><del>((All container connections</del></p>	<p><del>Are provided with either of the following:</del>  <del>Automatic excess flow valves;</del>  <del>OR</del>  <del>Quick-closing internal valves that remain closed except during delivery operations</del></p>

If you have:	Then make sure they:
	<p><b>Note:</b> If the control mechanism is provided with a secondary control remote from the delivery connection, then a fusible section (melting point 208°F to 220°F) is required to permit the internal valve to close automatically in case of fire.</p> <p><b>Exemption:</b> Filling connections, safety relief devices, and liquid level and pressure gauge connections are exempt from automatic excess flow valves and quick-closing internal valves.</p>
<p>Filling connections</p>	<p>Prevent back-flow in the event the filling connection breaks with at least one of the following:</p> <ul style="list-style-type: none"> <li>• Automatic back-pressure check valves</li> <li>• Excess flow check valves</li> <li>• Quick-closing internal valves</li> </ul> <p><b>Exemption:</b></p> <ul style="list-style-type: none"> <li>- An automatic valve is not required if:</li> <li>- The filling and discharge connect to a common opening in the container shell;</li> <li><b>AND</b></li> <li>- The opening is fitted with a quick-closing internal valve</li> </ul>
<p>Nonrecessed container fittings and appurtenances</p>	<p>Are protected against physical damage by one of the following methods:</p> <ul style="list-style-type: none"> <li>• A protected location</li> <li>• The vehicle frame or bumper</li> <li>• A protective housing that meets the following:</li> <li>- Is fabricated from material that is compatible with the containers design and construction requirements</li> <li>- Designed to withstand static loadings in any direction equal to twice the weight of the container and attachments when filled using a safety factor of not less than 4, based on the ultimate strength of the material used</li> </ul>

If you have:	Then make sure they:
	<del><b>Note:</b> Protect nonrecessed container fittings and appurtenances with a weather cover as needed for proper operation of valves and safety relief devices</del>
Columnar-type gauges	Are restricted to stationary storage installations
	Are shielded against the direct rays of the sun
	Are equipped with all of the following: <ul style="list-style-type: none"> <li>- Shut off valves having metallic hand-wheels</li> <li>- Excess flow valves</li> <li>- Extra heavy glass that is adequately protected with a metal housing applied by the gauge manufacturer</li> </ul>
Hydrostatic relief valves	Are installed between each pair of valves in the liquid ammonia piping or hose.)
All container connections	<p>Are provided with either of the following:</p> <ol style="list-style-type: none"> <li>1. <u>Automatic excess flow valves; or</u></li> <li>2. <u>Quick-closing internal valves that remain closed except during delivery operations.</u></li> </ol> <p><u>Note: If the control mechanism is provided with a secondary control remote from the delivery connection, then a fusible section (melting point 208°F to 220°F) is required to permit the internal valve to close automatically in case of fire.</u></p> <p><b>Exemption:</b> <u>Filling connections, safety relief devices, and liquid level and pressure gauge connections are exempt from automatic excess flow valves and quick-closing internal valves.</u></p>
Filling connections	<p>Prevent back-flow in the event the filling connection breaks with at least one of the following:</p> <ol style="list-style-type: none"> <li>1. <u>Automatic back pressure check valves;</u></li> <li>2. <u>Excess flow check valves;</u></li> </ol>

If you have:	Then make sure they:
	<ol style="list-style-type: none"> <li>3. <u>Quick closing internal valves.</u></li> </ol> <p><b>Exemption:</b> <u>An automatic valve is not required if:</u></p> <ol style="list-style-type: none"> <li>1. <u>The filling and discharge connect to a common opening in the container shell; and</u></li> <li>2. <u>The opening is fitted with a quick-closing internal valve.</u></li> </ol>
Nonrecessed container fittings and appurtenances	<p>Are protected against physical damage by one of the following methods:</p> <ol style="list-style-type: none"> <li>1. <u>A protected location;</u></li> <li>2. <u>The vehicle frame or bumper.</u></li> </ol> <p><u>A protective housing that meets the following:</u></p> <ol style="list-style-type: none"> <li>1. <u>Is fabricated from material that is compatible with the containers design and construction requirements;</u></li> <li>2. <u>Designed to withstand static loadings in any direction equal to twice the weight of the container and attachments when filled using a safety factor of not less than 4, based on the ultimate strength of the material used.</u></li> </ol> <p><u>Note: Protect nonrecessed container fittings and appurtenances with a weather cover as needed for proper operation of valves and safety relief devices.</u></p>
Columnar-type gauges	<ol style="list-style-type: none"> <li>1. <u>Are restricted to stationary storage installations.</u></li> <li>2. <u>Are shielded against the direct rays of the sun.</u></li> <li>3. <u>Are equipped with all of the following:</u> <ol style="list-style-type: none"> <li>a. <u>Shut off valves having metallic hand-wheels;</u></li> <li>b. <u>Excess flow valves;</u></li> <li>c. <u>Extra heavy glass that is adequately protected with a metal housing applied by the gauge manufacturer.</u></li> </ol> </li> </ol>

If you have:	Then make sure they:
<u>Hydrostatic relief valves</u>	<u>Are installed between each pair of valves in the liquid ammonia piping or hose.</u>

**AMENDATORY SECTION** (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-50025 Systems mounted on farm trucks or trailers for transportation of ammonia.**

~~((IMPORTANT))~~ **Important:**

((\*) This section applies to containers of three thousand gallons capacity or less and pertinent equipment mounted on farm trucks or trailers used for the transportation of ammonia.

((\*) In addition to this section, you need to follow the Appurtenances requirements for all systems, WAC 296-826-50005.

~~((You must:~~

\*) (1) You must make sure all containers are equipped with a fixed maximum liquid level gauge.

((\*) (2) You must make sure vapor and liquid connections have either of the following:

((-) (a) An approved excess flow valve; ~~((OR~~

~~-)) or~~

(b) An approved quick-closing internal valve that remains closed except during operation.

~~((Exemption))~~ ((\*) The following do not need to be fitted with excess flow valves:

- EXEMPTION:**
- ((-) 1. Safety relief valves;
  - ((-) 2. Those with openings from the containers or through fittings that are attached directly onto the container where pressure gauge connections are made as long as the openings are not larger than a No. 54 drill size.

((\*) (3) You must provide one or more spring-loaded safety relief valves, or an equivalent type, on all containers, that do all of the following:

((-) (a) Discharges ~~((in the following ways:~~

\*) away from the container in an upward, unobstructed manner into the atmosphere;

((-) (b) Has raincaps that allow free discharge of the vapor and prevent the entrance of water;

((-) (c) Has a method for draining accumulated condensation;

((-) (d) Has a start to discharge, related to the design pressure of the container, according to Table 6, Safety Valve Start to Discharge Rate;

((-) (e) Are arranged to minimize the possibility of tampering;

((-) (f) Provided, when the pressure setting adjustment is external, with a means of sealing the adjustment;

((-) (g) Has direct communication with the vapor space of the container.

((\*) (4) You must make sure shut off valves are not installed between the safety relief valve and the container or system. A shut off valve may be used if arranged so that the required capacity flow is maintained.

~~((Exemption))~~ ((\*) You are exempt from the requirement not to install the shut off valve between the safety relief valve and the container or systems in the following situations:

((-) 1. A three-way valve installed under two safety relief valves, each with;

((\*) a. The required rate of discharge; ~~((AND))~~ and

((\*) b. Installed to allow either of the safety relief valves to be closed off but not at the same time.

((-) 2. Two separate relief valves are installed with individual shut off valves.

((\*) The two shut off valve stems must be mechanically interconnected to allow the full required flow of one safety relief valve at all times.

((-) 3. When a safety relief valve manifold that allows:

((\*) a. One valve of two or more to be closed off ~~((AND));~~ and

((\*) b. The remaining valve or valves will provide not less than the rate of discharge shown on the manifold nameplate.

((\*) (5) You must secure both ends of the hose while in transit.

((\*) (6) You must make sure all containers with a capacity exceeding two hundred fifty gallons are equipped with both of the following:

((-) (a) A pressure gauge with a dial graduated from 0-400 psig; ~~((AND~~

~~-)) and~~

(b) A method for spray loading or with an approved vapor return valve.

((\*) (7) You must follow additional requirements found in Table 12, Appurtenances for Systems Mounted on Farm Trucks or Trailers.

Table 12  
Appurtenances for Systems Mounted on Farm Trucks or Trailers

If you have:	Then make sure they:
<del>((Filling connections</del>	<u>Are fitted with one of the following:</u> <ul style="list-style-type: none"> <li>- <del>A combination back pressure check valve and excess flow valve</del></li> <li>- <del>One double or two single back pressure check valves</del></li> <li>- <del>A positive shut off valve used with either an:</del> <ul style="list-style-type: none"> <li>■ <del>Internal back pressure check valve;</del></li> <li><del>OR</del></li> <li>■ <del>Internal excess flow valve</del></li> </ul> </li> </ul>
<del>A fully enclosed guard</del>	<u>Have properly vented safety relief valves:</u>
<del>Fittings</del>	<u>Are protected from physical damage by a rigid guard designed:</u> <ul style="list-style-type: none"> <li>- <del>To withstand static loading in any direction equal to twice the weight of the container and lading</del></li> </ul>

If you have:	Then make sure they:
	- With a safety factor of four based on the maximum strength of the material used
Liquid withdrawal lines installed in the bottom of the container	Have connections, including the hose, that are not lower than the lowest horizontal edge of the truck axle
Columnar-type gauges	Are shielded against the direct rays of the sun
	Are equipped with all of the following:
	- Shut off valves having metallic hand-wheels - Excess flow valves - Extra heavy glass that is adequately protected with a metal housing applied by the gauge manufacturer
Hydrostatic relief valves	Are installed between each pair of valves in the liquid ammonia piping or hose.)
Filling connections	Are fitted with one of the following: 1. A combination back-pressure check valve and excess flow valve. 2. One double or 2 single back-pressure check valves. 3. A positive shut off valve used with either an: a. Internal back-pressure check valve; or b. Internal excess flow valve.
A fully enclosed guard	Have properly vented safety relief valves.
Fittings	Are protected from physical damage by a rigid guard designed: 1. To withstand static loading in any direction equal to twice the weight of the container and lading. 2. With a safety factor of 4 based on the maximum strength of the material used.
Liquid withdrawal lines installed in the bottom of the container	Have connections, including the hose that are not lower than the lowest horizontal edge of the truck axle.

If you have:	Then make sure they:
Columnar-type gauges	1. Are shielded against the direct rays of the sun.
	2. Are equipped with all of the following: a. Shut off valves having metallic hand-wheels; b. Excess flow valves; c. Extra heavy glass that is adequately protected with a metal housing applied by the gauge manufacturer.
Hydrostatic relief valves	Are installed between each pair of valves in the liquid ammonia piping or hose.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-50030 Systems mounted on farm equipment for ammonia application.**

~~((IMPORTANT:))~~ **Important:**

((\*) This section applies to systems mounted on farm equipment and used for the filed application of ammonia.

((\*) In addition to this section, you need to follow the Appurtenances requirements for all systems, WAC 296-826-50005.

~~((You must:))~~

\*) (1) You must make sure each container has a fixed maximum liquid-level gauge.

((\*) (2) You must provide one or more spring-loaded safety relief valves, or an equivalent type, on all containers, that do all of the following:

((-) (a) Discharges in the following ways:

((\*) (i) Away from the container in an upward, unobstructed manner into the atmosphere.

((\*) (ii) Not in or beneath a building.

((-) (b) Has raincaps that allow free discharge of the vapor and prevent the entrance of water.

((-) (c) Has a method for draining accumulated condensation.

((-) (d) Has a start to discharge, related to the design pressure of the container, according to Table 6, Safety Valve Start to Discharge Rate.

((-) (e) Are arranged to minimize the possibility of tampering.

((-) (f) Provided, when the pressure setting adjustment is external, with a means of sealing the adjustment.

((-) (g) Has direct communication with the vapor space of the container.

~~((You must:))~~

\*) (3) You must make sure shut off valves are not installed between the safety relief valve and the container or system. A shut off valve may be used if arranged so that the required capacity flow is maintained.



~~((Exemption))~~  
**EXEMPTION:** ((\*) You are exempt from the requirement not to install the shut off valve between the safety relief valve and the container or systems in the following situations:  
 ((-) 1. A three-way valve installed under two safety relief valves, each with:  
 ((■) a. The required rate of discharge; ~~((AND))~~ and  
 ((■) b. Installed to allow either of the safety relief valves to be closed off but not at the same time.  
 ((-) 2. Two separate relief valves are installed with individual shut off valves.  
 ((■) 3. The two shut off valve stems must be mechanically interconnected to allow the full required flow of one safety relief valve at all times.  
 ((-) 4. When a safety relief valve manifold that allows:  
 ((■) a. One valve of two or more to be closed off; ~~((AND))~~ and  
 ((■) b. The remaining valve or valves will provide not less than the rate of discharge shown on the manifold nameplate.

((\*) (4) You must follow additional requirements found in Table 13, Appurtenances for Systems Mounted on Farm Equipment for Ammonia Application.

Table 13

Appurtenances for Systems Mounted on Farm Equipment for Ammonia Application

If you have:	Then make sure they:
<del>((Filling connections</del>	<del>Are fitted with one of the following:</del> <ul style="list-style-type: none"> <li><del>- A combination back-pressure check valve and excess-flow valve</del></li> <li><del>- One double or two single back-pressure check valves</del></li> <li><del>- A positive shut off valve used with either an:</del> <ul style="list-style-type: none"> <li>■ <del>Internal back-pressure check valve;</del></li> </ul> </li> </ul> <p><del>OR</del></p> <ul style="list-style-type: none"> <li>■ <del>Internal excess flow valve</del></li> </ul> <p><del>Exemption:</del></p> <ul style="list-style-type: none"> <li><del>- An excess flow valve is not required in either of the following:</del></li> <li><del>- Vapor connection providing you meet both of the following:</del> <ul style="list-style-type: none"> <li>■ <del>The controlling orifice is not in excess of seven sixteenths of an inch in diameter;</del></li> </ul> </li> </ul> <p><del>AND</del></p> <ul style="list-style-type: none"> <li>■ <del>The valve is hand-operated (attached hand wheel or equivalent) shut off valve;</del></li> </ul>

If you have:	Then make sure they:
	<p><del>OR</del></p> <ul style="list-style-type: none"> <li><del>- In the liquid withdrawal line if the controlling opening between the contents of the container and the outlet of the shut off valve do not exceed 7/16 inch in diameter.</del></li> </ul> <p><del>Note: To assist in filling applicator tanks, you are allowed to bleed vapors into the open air if you meet the above requirements.</del></p>
<del>Columnar type gauges</del>	<p><del>Are shielded against the direct rays of the sun</del></p> <p><del>Are equipped with all of the following:</del></p> <ul style="list-style-type: none"> <li><del>- Shut off valves having metallic hand wheels</del></li> <li><del>- Excess flow valves</del></li> <li><del>- Extra heavy glass that is adequately protected with a metal housing applied by the gauge manufacturer</del></li> </ul>
<del>An applicator tank that is both of the following: Trailed; AND The metering device is remotely mounted (for example on a tractor tool bar)</del>	<p><del>Use an automatic break-away type, self-closing, coupling</del></p>
<del>Hydrostatic relief valves</del>	<p><del>Are installed between each pair of valves in the liquid ammonia piping or hose.))</del></p>
<del>Filling connections</del>	<p><del>Are fitted with one of the following:</del></p> <ol style="list-style-type: none"> <li><del>1. A combination back-pressure check valve and excess flow valve.</del></li> <li><del>2. One double or two single back-pressure check valves.</del></li> <li><del>3. A positive shut off valve used with either an:</del> <ol style="list-style-type: none"> <li><del>a. Internal back-pressure check valve; or</del></li> <li><del>b. Internal excess flow valve.</del></li> </ol> </li> </ol> <p><del>Exemption: An excess-flow valve is not required in either of the following:</del></p>

If you have:	Then make sure they:
	<p>1. <u>Vapor connection providing you meet both of the following:</u></p> <p>a. <u>The controlling orifice is not in excess of 7/16 of an inch in diameter; and</u></p> <p>b. <u>The valve is hand-operated (attached hand-wheel or equivalent) shut off valve; or</u></p> <p>2. <u>In the liquid withdrawal line if the controlling opening between the contents of the container and the outlet of the shut off valve do not exceed 7/16 inch in diameter.</u></p> <p><u>Note: To assist in filling applicator tanks, you are allowed to bleed vapors into the open air if you meet the above requirements.</u></p>
<u>Columnar-type gauges</u>	<p>1. <u>Are shielded against the direct rays of the sun.</u></p> <p>2. <u>Are equipped with all of the following:</u></p> <p>a. <u>Shut off valves having metallic hand-wheels;</u></p> <p>b. <u>Excess flow valves;</u></p> <p>c. <u>Extra heavy glass that is adequately protected with a metal housing applied by the gauge manufacturer.</u></p>
<p><u>An applicator tank that is both of the following:</u></p> <p>1. <u>Trailed; and</u></p> <p>2. <u>The metering device is remotely mounted (for example on a tractor tool bar)</u></p>	<p><u>Use an automatic break-away type, self-closing, coupling.</u></p> <p><u>Note:</u></p> <p>1. <u>Metering devices may be connected directly to the tank withdrawal valve.</u></p> <p>2. <u>A union type connection is acceptable between the tank valve and metering device.</u></p>
<u>Hydrostatic relief valves</u>	<u>Are installed between each pair of valves in the liquid ammonia piping or hose.</u>

~~((Note:))~~ • Metering devices may be connected directly to the tank withdrawal valve.  
 • A union type connection is acceptable between the tank valve and metering device))

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-50035 Portable DOT containers.**

~~((IMPORTANT:))~~ **Important:**

((\*) This section applies to systems that use cylinders, portable tanks (DOT-51), or ton containers (DOT-106A, DOT-110A).

((\*) In addition to this section, you need to follow the Appurtenances requirements for all systems, WAC 296-826-50005.

~~((You must:))~~

(\*) (1) You must make sure safety relief devices meet DOT specifications.

((\*) (2) You must provide the following protection:

((-) (a) To valves and pressure regulating equipment from tampering once installed for use.

((-) (b) To containers:

((\*) (i) From heat sources such as radiant flame and steam pipes. Do not apply heat directly to containers to raise the pressure.

((\*) (ii) From moving vehicles or external damage while being stored.

((\*) (iii) From ignitable debris and to prevent external corrosion while being stored. Storage can be indoors or outdoors.

((\*) (3) You must protect container valves while in transit, in storage, and while being moved into final use by doing either of the following:

((-) (a) Setting them into the recess of the container;

~~((OR))~~ -) or

(b) By fastening a ventilated cap or collar to the container that can withstand a blow from any direction equivalent to a thirty-pound weight being dropped four feet.

((\*) Construction should be such that a blow will not be transmitted to the valves or other connections.

((\*) (4) You must keep outlet valves tightly closed when containers are not connected for service on all empty or loaded containers.

((-) (5) You must secure the valve protection cap, if the container is designed for one, when the container is not in service.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-600 Operations.**

**Summary**

**Your responsibility:**

To protect employees while transporting, transferring, loading and unloading anhydrous ammonia.

~~((Mounting containers on trucks, semi-trailers and trailers~~

~~WAC 296-826-60005~~

~~Mounting containers on farm trucks or trailers for transporting ammonia~~

~~WAC 296-826-60010~~

~~Tank car loading or unloading~~

~~WAC 296-826-60015~~

Transferring liquids

General specifications

WAC 296-826-60020

Additional requirements for systems mounted on trucks, semi-trailers, and trailers for transporting ammonia

WAC 296-826-60025

Filling densities

Nonrefrigerated containers

WAC 296-826-60030

Refrigerated tanks

WAC 296-826-60035

Welding

WAC 296-826-60040))

<u>Requirements for this topic ...</u>	<u>begin in this section:</u>
<u>Mounting and loading containers</u>	<u>WAC 296-826-60005</u>
<u>Transferring liquids</u>	<u>WAC 296-826-60020</u>
<u>Filling densities</u>	<u>WAC 296-826-60030</u>

Mounting and Loading Containers

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Mounting containers on trucks, semi-trailers and trailers</u>	<u>WAC 296-826-60005</u>
<u>Mounting containers on farm trucks or trailers for transporting ammonia</u>	<u>WAC 296-826-60010</u>
<u>Tank car loading or unloading</u>	<u>WAC 296-826-60015</u>

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-60005 Mounting containers on trucks, semi-trailers and trailers. ((You must:**

\*) (1) You must make sure the method for attaching any container to the cradle, frame, or chassis of a vehicle is based on both of the following:

((-) (a) Two "g" loading in either direction;

((-) (b) Using a safety factor of at least four based on the maximum strength of the material used.

Note: ((\*) Two "g" is either of the following:

((-) 1. For load support it is equivalent to three times the static weight of the supported articles,

((-) 2. For loading and bending, acceleration, and torsion it is equivalent to twice the static weight support applied horizontally at the road surface.

((~~You must:~~

\*) (2) You must secure both ends of the hose during transit.

((\*) (3) You must follow the requirements in Table 14, Additional Container Mounting Requirements.

Table 14  
Additional Container Mounting Requirements

If you have:	Then:
(("Hold-down" devices	Anchor the container to the cradle, frame, or chassis so there is no area of unnecessary stress Lock the container down tightly Provide stops or anchors to minimize movement between the container and the framing Note: Movement could be the result of stopping, starting or changing direction.
Vehicles with cargo tanks designed with stress members instead of a frame	Support the tank with external cradles suspended at least one hundred twenty degrees of the shell circumference The design calculation needs to include all of the following stressors: - Beam - Shear - Torsion - Bending moment - Acceleration - Any other stresses covered by the code of the cargo tank design.
A liquid withdrawal line installed in the bottom of a container	Then make sure the connections to the container, including the hose, are not lower than the lowest horizontal edge of the trailer axle.
A cradle and container that are not welded together	Use suitable material between them to eliminate metal-to-metal friction.))
"Hold-down" devices	1. <u>Anchor the container to the cradle, frame, or chassis so there is no area of unnecessary stress.</u> 2. <u>Lock the container down tightly.</u> 3. <u>Provide stops or anchors to minimize movement between the container and the framing.</u> Note: Movement could be the result of stopping, starting or changing direction.

If you have:	Then:
<u>Vehicles with cargo tanks designed with stress members instead of a frame</u>	<ol style="list-style-type: none"> <li>1. <u>Support the tank with external cradles suspended at least 120° of the shell circumference.</u></li> <li>2. <u>The design calculation needs to include all of the following stressors:</u> <ol style="list-style-type: none"> <li>a. <u>Beam;</u></li> <li>b. <u>Shear;</u></li> <li>c. <u>Torsion;</u></li> <li>d. <u>Bending moment;</u></li> <li>e. <u>Acceleration;</u></li> <li>f. <u>Any other stresses covered by the code of the cargo tank design.</u></li> </ol> </li> </ol>
<u>A liquid withdrawal line installed in the bottom of a container</u>	<u>Make sure the connections to the container, including the hose, are not lower than the lowest horizontal edge of the trailer axle.</u>
<u>A cradle and container that are not welded together</u>	<u>Use suitable material between them to eliminate metal-to-metal friction.</u>

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-60010 Mounting containers on farm trucks or trailers for transporting ammonia.** (~~You must:~~

\*) (1) You must make sure tanks mounted on farm trucks and trailers meet all of the following:

((-) (a) Are securely attached using drawbars and safety chains;

((-) (b) Follow behind the towing vehicle without swerving;

((-) (c) Have at least five gallons of readily available clean water.

((\*) (2) You must do all of the following when mounting containers on farm trucks:

((-) (a) Use suitable material between the cradle and the container to eliminate metal-to-metal friction.

((■)) This is not necessary if the cradle and container are welded together.

((-) (b) Use stops and hold down devices to prevent displacement.

((\*) (3) You must distribute the container's weight, when mounted on four-wheel farm trucks or trailers, evenly over both axles.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-60015 Tank car loading or unloading.** (~~You must:~~

\*) (1) You must establish a location for tank car loading and unloading operations.

((\*) (2) You must assign employees and instruct them in the unloading of tank cars.

((\*) (3) You must make sure, when unloading cars, to set the brake and block the wheels.

((\*) (4) You must make sure the track of tank siding is level.

((\*) (5) You must place caution signs on the track or car to warn approaching persons of loading and unloading operations that are:

-) kept in place until the car is unloaded and disconnected from discharge connections.

((\*) (6) You must make sure these caution signs meet all of the following:

((-) (a) Are made of metal or other suitable material.

((-) (b) Are at least twelve to fifteen inches in size.

((-) (c) Read either "STOP-Tank Car Connected" or "STOP-Men at Work" meeting the following criteria:

((■) (i) "STOP" at least four inches high.

((■) (ii) All other words at least two inches high.

((■) (iii) All with white letters on a blue background.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-60020 General specifications.** (~~You must:~~

\*)

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>General specifications</u>	<u>WAC 296-826-60020</u>
<u>Additional requirements for systems mounted on trucks, semi-trailers, and trailers for transporting ammonia</u>	<u>WAC 296-826-60025</u>

((1) You must get owner authorization to use transfer containers.

((\*) (2) You must make sure transfer containers are gauged and filled in either:

((-) (a) Open atmospheres; (~~OR~~

-) or

(b) Buildings approved for that purpose.

((\*) (3) You must make sure pumps used to transfer ammonia meet all of the following:

((-) (a) Have a manufacturer's label for ammonia service.

((-) (b) Are designed for at least 250 psig working pressure.

((-) (c) Have a constant differential relief valve discharging into the suction port that:

((■) (i) Is installed on positive displacement pumps; (~~AND~~

■) and

(ii) Meets the pump manufacturer's recommendation for the settings and installation.

((-)) (d) Have a pressure gauge graduated zero to 400 psig installed on the discharge side before the relief valve line.

((\*) (4) You must make sure plant pipes with shut off valves are located as close as possible to the pump connections.

((\*) (5) You must make sure meters used for measuring liquid anhydrous ammonia:

((-) (a) Are recommended and labeled for ammonia service by the manufacturer.

((-) (b) Are designed for a minimum working pressure of 250 psig.

((-) (c) Incorporate devices that prevent unintended measurement of vapor.

((\*) (6) You must do the following when transferring ammonia:

((-) (a) Maintain ammonia at a temperature suitable for the receiving container.

((-) (b) Have at least one attendant supervise the transfer from the time connections are made to when disconnection occurs.

((-) (c) Do NOT use flammable gases or gases that will react with ammonia, such as air to unload tank cars or transport trucks.

((\*) (7) You must make sure compressors used for transferring ammonia meet all of the following:

((-) (a) Have a working pressure of at least 250 psig when transferring ammonia.

((\*) If crank cases of compressors are not designed to withstand system pressure, then provide protection with a suitable safety relief valve.

((-) (b) Are connected to plant piping with shut off valves located as close as practical to compressor connections.

((-) (c) Have a safety relief valve that is both:

((\*) (i) Large enough to discharge the full capacity of the compressor; (~~AND~~

~~\*) and~~

(ii) Connected to the discharge before any shut off valve.

((-) (d) Have an oil separator on the discharge side, where necessary to prevent contamination.

((-) (e) Have a drainable liquid trap or other adequate method on the compressor suction to minimize the entry of liquids into the compressor.

((-) (f) Pressure gauges on the suction and discharge ends graduated to at least one and one-half times the maximum pressure that can develop.

((\*) (8) You must protect loading and unloading systems in the event of hose severance by suitable devices where necessary, such as:

((-) (a) Backflow check valves; (~~OR~~

~~-)) or~~

(b) Properly sized excess flow valves.

**Note:** If such valves are not practical, remotely operated shut off valves may be installed.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-60025 Additional requirements for systems mounted on trucks, semi-trailers, and trailers for transporting ammonia.** (~~(You must:~~

~~\*) (1) You must make sure the content of vehicle containers is determined by one of the following:~~

~~((-) (a) Weight;~~

~~((-) (b) Liquid-level gauging devices;~~

~~((-) (c) Meters (~~OR~~~~

~~-)) or~~

~~(d) Other approved methods.~~

~~((\*) (2) You must use a thermometer well when the content of a container is determined by liquid-level measurement. (~~Make sure of the following:~~~~

~~-)) (3) You must make sure the volume, when converted to weight, does not exceed the DOT filling density requirement.~~

~~((\*) (4) You must protect pumps and compressors against physical damage when mounted on trucks or trailers.~~

~~((\*) (5) You must unload tank motor vehicles with a water capacity greater than 3500 gallons at approved locations.~~

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-60030 Nonrefrigerated containers.**

~~(You must:~~

~~\*)~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Nonrefrigerated containers</u>	<u>WAC 296-826-60030</u>
<u>Refrigerated tanks</u>	<u>WAC 296-826-60035</u>
<u>Welding</u>	<u>WAC 296-826-60040</u>

You must make sure filling densities for nonrefrigerated containers are below or equal to the requirements in Table 15, Filling Densities.

Table 15  
Filling Densities

Containers	Aboveground Containers	Underground Containers
Uninsulated	56%	58%
Insulated	57%	—

**Note:** ((\*) For uninsulated, aboveground containers, the 56% corresponds to:

((-) 1. 82% by volume at -28°F.

((-) 2. 85% by volume at 5°F.

((-) 3. 87.5% by volume at 30°F.

((-) 4. 90.6% by volume at 60°F.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-60035 Refrigerated tanks.** ~~((You must:))~~ You must make sure refrigerated tanks are not liquid full at a liquid temperature so that the vapor pressure is below the "start-to-discharge" pressure setting of the safety relief valve.

AMENDATORY SECTION (Amending WSR 06-10-067, filed 5/2/06, effective 9/1/06)

**WAC 296-826-60040 Welding.** ~~((You must:))~~ You must permit welding only on the saddle plates, lugs, or brackets attached to the container by the manufacturer.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-826-900 Definitions.

NEW SECTION

**WAC 296-865-099 Definitions.**

**Motor vehicle.** Any vehicle, machine, tractor, trailer, or any combination of these that is driven by mechanical power and used on the roadways in the transportation of people and materials.

**Semitruck.** A truck and trailer combination designed and used primarily for carrying material and property.

**Trailer.** A nonmotorized vehicle designed to be towed by a motor vehicle.

**Truck.** Any motor vehicle designed, used, or maintained primarily for the transportation of property.

AMENDATORY SECTION (Amending WSR 05-17-059, filed 8/10/05, effective 10/1/05)

**WAC 296-865-100 Scope.** This chapter applies to all motor vehicles and semitrucks used on public or private roadways.

~~((Definition:))~~

~~Motor vehicle means any vehicle, machine, tractor, trailer, or any combination of these that is driven by mechanical power and used on the roadways in the transportation of people or materials.)~~

**EXEMPTION:**

This section does not apply to:

(\*) 1. Powered industrial trucks (forklifts) covered by another chapter, Powered industrial trucks, chapter 296-863 WAC;

(\*) 2. Construction equipment covered by another chapter, Safety standards for construction work, chapter 296-155 WAC;

(\*) 3. Logging trucks covered by another chapter, Logging operations, chapter 296-54 WAC; ~~((AND~~

~~and~~

4. Agricultural equipment covered by another chapter, Safety standards for agriculture, chapter 296-307 WAC.

AMENDATORY SECTION (Amending WSR 05-17-059, filed 8/10/05, effective 10/1/05)

**WAC 296-865-200 All motor vehicles.**

**Your responsibility:**

To make sure all motor vehicle occupants are safe and equipment is safe to use.

~~((Motor vehicle operation~~

~~WAC 296-865-20005-~~

~~Transportation of passengers~~

~~WAC 296-865-20010-~~

~~Motor vehicle equipment~~

~~WAC 296-865-20015-))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Motor vehicle operation</u>	<u>WAC 296-865-20005</u>
<u>Transportation of passengers</u>	<u>WAC 296-865-20010</u>
<u>Motor vehicle equipment</u>	<u>WAC 296-865-20015</u>

AMENDATORY SECTION (Amending WSR 05-17-059, filed 8/10/05, effective 10/1/05)

**WAC 296-865-20005 Motor vehicle operation.** ~~((You must:))~~

(\*) (1) You must allow only drivers who are qualified to operate a motor vehicle.

(\*) (2) You must allow only drivers who have a current motor vehicle operator's license to operate motor vehicles on public roadways.

(\*) (3) You must make sure employees follow any site-specific rules and posted speed limits when operating motor vehicles on roadways privately owned and maintained.

AMENDATORY SECTION (Amending WSR 05-17-059, filed 8/10/05, effective 10/1/05)

**WAC 296-865-20010 Transportation of passengers.** ~~((You must:))~~

(\*) (1) You must transport all passengers safely.

(\*) (2) You must make sure all employees use seat belts, if the vehicle is equipped with seat belts.

~~((Exemption:))~~ This does not apply to emergency medical workers during the treatment of a patient in an ambulance.

~~((You must:))~~

(\*) (3) You must make sure vehicles used to transport employees are, at all times:

(-) (a) Well equipped;

(-) (b) Covered against the weather; ~~((AND~~

~~-)) and~~ (c) Maintained in good mechanical condition.

(\*) (4) You must make sure when transporting sharp tools that could present a hazard to employees in the vehicle that you provide compartments or (cargo) screens strong enough to retain the tools.

AMENDATORY SECTION (Amending WSR 05-17-059, filed 8/10/05, effective 10/1/05)

**WAC 296-865-20015 Motor vehicle equipment.** ~~((You must:~~

~~•)) (1) You must make sure all equipment operated on public roadways meets all of the state of Washington motor vehicle laws.~~

~~((•) (2) You must make sure all parts and accessories are safe to use.~~

~~((•) (3) You must make sure all motor vehicle equipment meets the specification or requirements in Table 1.~~

**Table 1  
Motor Vehicle Equipment**

<b>If you have this type of equipment:</b>	<b>Then make sure the equipment is:</b>
Seats	<u>1.</u> Properly secured; <del>((AND))</del> <u>and</u> <u>2.</u> Available for every employee in the vehicle.
Tires	Safe to use.
Exhaust systems	<u>1.</u> Designed to eliminate the exposure of exhaust gases and fumes; <del>((AND))</del> <u>and</u> <u>2.</u> Installed and maintained in proper condition.
Fire extinguishers	Provided when the vehicle is: <del>((-))</del> <u>1.</u> At least 26,000 pounds (manufacturer's gross weight); <del>((AND))</del> <u>and</u> <del>((-))</del> <u>2.</u> Only used in the state of Washington.

AMENDATORY SECTION (Amending WSR 05-17-059, filed 8/10/05, effective 10/1/05)

**WAC 296-865-300 Trucks and trailers.**

**Your responsibility:**

To make sure all trucks and trailers are operated and maintained safely.

- ~~((Truck operation~~
- ~~WAC 296-865-30005.~~
- ~~Dump trucks~~
- ~~WAC 296-865-30010.~~
- ~~Semitruck brakes~~
- ~~WAC 296-865-30015.~~
- ~~Truck and trailer loads~~
- ~~WAC 296-865-30020.))~~

<b><u>You must meet the requirements ...</u></b>	<b><u>in this section:</u></b>
<u>Truck operation</u>	<u>WAC 296-865-30005</u>
<u>Dump trucks</u>	<u>WAC 296-865-30010</u>
<u>Semitruck brakes</u>	<u>WAC 296-865-30015</u>

<b><u>You must meet the requirements ...</u></b>	<b><u>in this section:</u></b>
<u>Truck and trailer loads</u>	<u>WAC 296-865-30020</u>

AMENDATORY SECTION (Amending WSR 05-17-059, filed 8/10/05, effective 10/1/05)

**WAC 296-865-30005 Truck operation.** ~~((You must:~~

~~•)) (1) You must make sure truck drivers operate equipment at a safe speed at all times for roadway conditions.~~

~~((•) (2) You must make sure truck drivers either:~~

~~((-) (a) Sound their horn before starting to back and intermittently during the entire backing operation; ((OR~~

~~-)) or~~

~~(b) Have a working automatic reverse signal alarm that is audible:~~

~~((■) (i) Above the surrounding noise level; ((AND~~

~~■)) and~~

~~((ii) No less than fifteen feet from the rear of the vehicle.~~

~~((•) (3) You must make sure, during the backing of trucks where vision is obstructed, a signal person is stationed at a point giving a clear view of the rear of the truck and the operator of the truck at all times.~~

AMENDATORY SECTION (Amending WSR 05-17-059, filed 8/10/05, effective 10/1/05)

**WAC 296-865-30010 Dump trucks.** ~~((You must:~~

~~•)) You must make sure dump trucks have a device installed on the frame that will hold the bed in the raised position when employees are working underneath.~~

AMENDATORY SECTION (Amending WSR 05-17-059, filed 8/10/05, effective 10/1/05)

**WAC 296-865-30015 Semitruck brakes.** ~~((You must:~~

~~•)) (1) You must make sure semitrucks are equipped with brakes that will safely hold the maximum load on maximum grades.~~

**Note:** Trailers may use air brakes or other types of brake equipment approved by the Washington state patrol.

~~((You must:~~

~~•)) (2) You must test brakes before descending a steep grade.~~

~~((•) (3) You must follow the requirements in Table 2, ((Truck)) Semitruck Braking Requirements.~~

**Table 2  
Semitruck Braking Requirements**

<b><u>When:</u></b>	<b><u>You must:</u></b>
You park a truck on an incline	<del>((-))</del> <u>1.</u> Turn the wheels into the curb; <del>((AND))</del> <u>and</u> <del>((-))</del> <u>2.</u> Have at least one "driver" wheel chocked on each side, independent of the braking system.

When:	You must:
Using air brakes	Cut air into the trailer brake system at the time the trailer is attached to the truck.

AMENDATORY SECTION (Amending WSR 05-17-059, filed 8/10/05, effective 10/1/05)

**WAC 296-865-30020 Truck and trailer loads.** (~~You must:~~

•) You must make sure all loads transported on trucks or trailers are:

(- ) (1) Properly secured and distributed; (~~AND~~

-) and

(2) Limited to a safe operating load for the:

(•) (a) Condition of the roadway; (~~AND~~

•) and

(b) Capacity of the bridges, trestles, and other structures.

**Note:** The commercial motor vehicles unit of the Washington state patrol determines how much weight can be carried on a vehicle by factoring manufacture limitations, number of axles, and other variables. For more information:

(•) 1. See RCW 46.44.041, Maximum gross weights—Wheelbase and axle factors; or

(•) 2. Contact the commercial motor vehicles unit of the Washington state patrol at Trucks@wsp.wa.gov.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-865-400 Definitions.

NEW SECTION

**WAC 296-869-099 Definitions. Aerial device.** A vehicle-mounted device, telescoping or articulating, or both, which is used to position personnel.

**Aerial ladder.** A vehicle-mounted elevating work platform consisting of a single or multiple-section extensible ladder. It may or may not have a platform at the top.

**Aerial lift.** An aerial device mounted on a vehicle such as a truck, trailer, or all-terrain vehicle.

**Approved.** Listed or approved by a nationally recognized testing laboratory or a federal agency that issues approvals for equipment such as the Mine Safety and Health Administration (MSHA); the National Institute for Occupational Safety and Health (NIOSH); Department of Transportation; or U.S. Coast Guard, which issue approvals for such equipment.

**Articulating-boom work platform.** A vehicle-mounted elevated work platform with two or more hinged boom sections.

**Boom-supported elevating work platform.** A self-propelled, integral chassis, elevating work platform with a boom-supported platform that can be positioned completely beyond the base.

**Chassis.** The part of a nonvehicle-mounted elevating work platform that provides mobility and support for the elevating assembly and platform.

**Elevating work platform.** A device used to position personnel, along with their necessary tools and materials, at work locations. It includes a platform and an elevating assembly. It may be vehicle mounted or have an integral chassis for mobility and as a means of support.

**Extensible-boom work platform.** A vehicle-mounted elevating work platform with a telescopic or extensible boom.

**Manually propelled elevating work platform.** A manually propelled, integral chassis, elevating work platform with a platform that cannot be positioned completely beyond the base.

**Platform.** The portion of an elevating work platform intended to be occupied by personnel. It may also be called a basket, bucket, stand, or similar term.

**Rated capacity.** The designed carrying capacity of the elevating work platform as specified by the manufacturer.

**Self-propelled elevating work platform.** A self-propelled, integral chassis, elevating work platform with a platform that cannot be positioned completely beyond the base.

**Type designation.** A code to identify types of elevating work platforms. It is used to determine if an elevating work platform can be used in a specific classified or unclassified location.

(a) **D** refers to elevating work platforms that are diesel engine powered that have minimum safeguards against inherent fire hazards.

(b) **DS** refers to diesel powered elevating work platforms that, in addition to meeting all the requirements for type D elevating work platforms, are provided with additional safeguards to the exhaust, fuel, and electrical systems.

(c) **DY** refers to diesel powered elevating work platforms that have all the safeguards of the DS elevating work platforms and, in addition, any electrical equipment is completely enclosed. They are equipped with temperature limitation features.

(d) **E** refers to electrically powered elevating work platforms that have minimum acceptable safeguards against inherent fire hazards.

(e) **ES** refers to electrically powered elevating work platforms that, in addition to all of the requirements for the E elevating work platforms, have additional safeguards to the electrical system to prevent emission of hazardous sparks and to limit surface temperatures.

(f) **EE** refers to electrically powered elevating work platforms that, in addition to all of the requirements for the E and ES type elevating work platforms, have their electric motors and all other electrical equipment completely enclosed.

(g) **EX** refers to electrically powered elevating work platforms that differ from E, ES, or EE type elevating work platforms in that the electrical fittings and equipment are designed, constructed and assembled to be used in atmospheres containing flammable vapors or dusts.

(h) **G** refers to gasoline powered elevating work platforms that have minimum acceptable safeguards against inherent fire hazards.



(i) **GS** refers to gasoline powered elevating work platforms that are provided with additional exhaust, fuel, and electrical systems safeguards.

(j) **LP** refers to liquefied petroleum gas-powered elevating work platforms that, in addition to meeting all the requirements for type G elevating work platforms, have minimum acceptable safeguards against inherent fire hazards.

(k) **LPS** refers to liquefied petroleum gas-powered elevating work platforms that, in addition to meeting the requirements for LP type elevating work platforms, have additional exhaust, fuel, and electrical systems safeguards.

**Vertical tower.** A vehicle-mounted elevating work platform having a platform that can be raised along a vertical axis.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-100 Scope.** This chapter applies to the following types of elevating work platforms:

((\*) (1) Aerial lifts;

((\*) (2) Manually propelled elevating work platforms that have a platform that cannot be positioned completely beyond the base;

((\*) (3) Self-propelled elevating work platforms that have a platform that cannot be positioned completely beyond the base;

((\*) (4) Boom-supported elevating work platforms that have a boom-supported platform that can be positioned completely beyond the base.

~~((Exemption))~~ **EXEMPTION:** This chapter does not apply to elevating work platforms used:

((\*) 1. By the fire services for fire combat that are covered by Safety standards for firefighters, chapter 296-305 WAC; ~~((or))~~ or

((\*) 2. For agriculture activities covered by Safety standards for agriculture, chapter 296-307 WAC.

~~((Definitions:~~

~~• Aerial lift:~~

~~—An aerial device mounted on a vehicle such as a truck, trailer, or all-terrain vehicle.~~

~~• Aerial device:~~

~~—A vehicle-mounted device, telescoping or articulating, or both, which is used to position personnel.~~

~~• Elevating work platform:~~

~~—A device used to position personnel, along with their necessary tools and materials, at work locations. It includes a platform and an elevating assembly and may be either:~~

~~■ Vehicle-mounted;~~

~~OR~~

~~■ Have an integral chassis providing mobility and a means of support~~

~~• Platform:~~

~~—The portion of an elevating work platform intended to be occupied by personnel. It may also be called a basket, bucket, stand, or similar term.)~~

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-200 Section contents.**

Summary

~~((IMPORTANT:))~~ **Important:**

This section applies to the following types of vehicle-mounted aerial devices:

((\*) (1) Extensible-boom work platforms;

((\*) (2) Articulating-boom work platforms;

((\*) (3) Vertical towers;

((\*) (4) Aerial ladders;

((\*) (5) A combination of any of the above types of elevating work platforms.

**Your responsibility:**

To meet these requirements when using aerial lifts.

~~((WAC 296-869-20005~~

~~Design and construction~~

~~WAC 296-869-20010~~

~~Modifications~~

~~WAC 296-869-20015~~

~~Owned, rented, or leased aerial lifts~~

~~WAC 296-869-20020~~

~~Operator requirements~~

~~WAC 296-869-20025~~

~~Operator training~~

~~WAC 296-869-20030~~

~~Operator prestart inspection~~

~~WAC 296-869-20035~~

~~Workplace survey~~

~~WAC 296-869-20040~~

~~Before and during use~~

~~WAC 296-869-20045~~

~~Working from the platform~~

~~WAC 296-869-20050~~

~~Moving the aerial lift~~

~~WAC 296-869-20055~~

~~Aerial ladders))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Design and construction</u>	<u>WAC 296-869-20005</u>
<u>Modifications</u>	<u>WAC 296-869-20010</u>
<u>Owned, rented, or leased aerial lifts</u>	<u>WAC 296-869-20015</u>
<u>Operator requirements</u>	<u>WAC 296-869-20020</u>
<u>Operator training</u>	<u>WAC 296-869-20025</u>
<u>Operator prestart inspection</u>	<u>WAC 296-869-20030</u>
<u>Workplace survey</u>	<u>WAC 296-869-20035</u>
<u>Before and during use</u>	<u>WAC 296-869-20040</u>
<u>Working from the platform</u>	<u>WAC 296-869-20045</u>
<u>Moving the aerial lift</u>	<u>WAC 296-869-20050</u>
<u>Aerial ladders</u>	<u>WAC 296-869-20055</u>

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-20005 Design and construction.** ~~((You must:~~

\*) (1) You must make sure aerial lifts manufactured on or after July 1, 2006, meet the design and construction requirements of ANSI A92.2-2001, American National Standard for Vehicle-Mounted Elevating and Rotating Aerial Devices.

((\*) (2) You must make sure aerial lifts manufactured before July 1, 2006, meet the design and construction requirements of ANSI A92.2-1969, American National Standard for Vehicle-Mounted Elevating and Rotating Work Platforms.

~~((Definition:~~

~~• Aerial lift:~~

~~— An aerial device mounted on a vehicle such as a truck, trailer, or all terrain vehicle.~~

~~• Aerial device:~~

~~— A vehicle mounted device, telescoping or articulating, or both, which is used to position personnel.))~~

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-20010 Modifications.** ~~((You must:~~

\*) You must have written approval from the manufacturer before making any modification or addition that affects the safe operation, stability, intended use, or the mechanical, hydraulic, or electrical integrity of the aerial lift. Make sure the modified aerial lift is:

((-) (1) At least as safe as it was before being modified;

~~((AND~~

~~-)) and~~

(2) Any change to the insulated portion of the aerial lift does not reduce the insulating value.

**Note:** If the original manufacturer is no longer in business, an equivalent entity such as a nationally recognized testing laboratory may approve modification.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-20015 Owned, rented, or leased aerial lifts.**

~~((IMPORTANT!)) **Important:**~~

This section applies if you own, rent, or lease an aerial lift.

~~((You must:~~

\*) (1) You must meet the requirements of the Responsibilities of Owners, section 8, of ANSI A92.2-2001, American National Standard for Vehicle-Mounted Elevating and Rotating Aerial Devices, if you own an aerial lift.

((\*) (2) You must meet the requirements of the Responsibilities of Renters, Lessors or Lessees, section 11, of ANSI A92.2-2001, American National Standard for Vehicle-Mounted Elevating and Rotating Aerial Devices, if you rent or lease an aerial lift.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-20020 Operator requirements.** ~~((You must:~~

\*) You must permit only trained and authorized personnel to operate aerial lifts.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-20025 Operator training.** ~~((You must:~~

\*) (1) You must make sure personnel are trained before they are permitted to operate an aerial lift.

(2) You must cover at least the following items:

((-) (a) General instruction on the inspection, application, and operation of aerial lifts.

((\*) (b) Include recognizing and avoiding hazards associated with their operation.

((-) (c) Purpose and use of manuals.

((\*) (d) Include proper storage of the manuals on the vehicle when not in use.

((-) (e) Prestart inspection.

((-) (f) Responsibilities associated with problems or malfunctions affecting the operation of the aerial lift.

((-) (g) Factors affecting stability.

((-) (h) Purpose of placards and decals.

((-) (i) Workplace survey.

((-) (j) Safety rules and regulations pertinent to the industry.

((-) (k) Authorization to operate an aerial lift.

((-) (l) Operator warnings and instructions.

((-) (m) Proper use of personal fall protection equipment.

((\*) (3) You must have operator trainees actually operate the aerial lift, under the direction of a qualified person, for enough time to demonstrate proficiency.

((\*) (4) You must retrain an operator if evaluation and observation of the operator indicates retraining is necessary.

((\*) (5) You must instruct operators in all of the following before they are directed to operate an aerial lift with which they are not familiar:

((-) (a) Location of the manuals((-);

((-) (b) Purpose and function of all controls((-);

((-) (c) Safety devices and operating characteristics specific to the aerial lift.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-20030 Operator prestart inspection.**

~~((You must:~~

\*) (1) You must make sure the operator does a prestart inspection of the aerial device as shown in Table 1, Operator Prestart Inspection.

((\*) (2) You must have a qualified person examine or test any items found during the inspection that are thought to be unsafe to determine if they constitute a safety hazard.

((\*) (3) You must replace or repair all unsafe items before use.

**Table 1  
Operator Prestart Inspection**

<b>Component or system:</b>	<b>Test or inspect for the following:</b>
Operating controls and associated mechanisms	Conditions interfering with proper operation
Visual and audible safety devices	Malfunctions
Hydraulic or pneumatic systems	Visible deterioration or excessive leaks
Fiberglass and other insulating components	Visible damage or contamination
Operational and instructional markings	That they are present and legible
Electrical systems of or related to the aerial device	Malfunction and for signs of excessive deterioration, dirt, and moisture accumulation
Locking devices, bolts, pins, and other fasteners	That they are in-place and not loose or deformed

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-20035 Workplace survey.** ~~((You must: \*~~

~~\*) You must have the operator survey the area, before using an aerial lift, for hazards such as:~~

- ~~((-) (1) Untamped earth fills;~~
- ~~((-) (2) Ditches;~~
- ~~((-) (3) Drop-offs and floor obstructions;~~
- ~~((-) (4) Debris;~~
- ~~((-) (5) Overhead obstructions and electrical conductors;~~
- ~~((-) (6) Weather conditions;~~
- ~~((-) (7) Unauthorized persons in the area.~~

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-20040 Before and during use.** ~~((You must:~~

~~\*) (1) You must set the brakes and make sure outriggers, when used, are positioned on pads or a solid surface.~~

~~((\*) (2) You must install wheel chocks when using the aerial lift on an incline if they can be installed safely.~~

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-20045 Working from the platform.** ~~((You must:~~

~~\*) (1) You must make sure boom and platform load limits specified by the manufacturer are not exceeded.~~

~~((\*) (2) You must make sure persons stand firmly on the floor of the platform and do not:~~

- ~~((-) (a) Sit or climb on the edge of the platform; (~~OR~~~~
- ~~-) or~~

~~(b) Use guardrails, planks, ladders, or any other device to gain additional height or reach.~~

~~((\*) (3) You must prohibit wearing climbers when working from the platform.~~

~~((\*) (4) You must make sure all persons on the platform wear a full body harness with a lanyard attached to either:~~

~~((-) (a) The manufacturer's recommended attachment point; (~~OR~~~~

~~-) or~~

~~(b) The boom or platform if the manufacturer does not specify an attachment point.~~

~~((\*) (5) You must never attach a lanyard to an adjacent pole, structure, or equipment.~~

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-20050 Moving the aerial lift.** ~~((You must:~~

~~\*) You must make sure the boom is properly cradled and the outriggers are in the stowed position before moving the aerial lift.~~

~~((Exemption))~~ The aerial lift may be moved with the boom elevated and personnel on the platform only if the equipment was specifically designed for this type of operation.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-20055 Aerial ladders.** ~~((You must:~~

~~\*) (1) You must secure aerial ladders in the lower traveling position, using the locking device or other means provided by the manufacturer, before moving it for highway travel.~~

~~((\*) (2) You must make sure all persons working from an aerial ladder wear a full body harness and lanyard attached to either:~~

~~((-) (a) The manufacturer's recommended attachment point; (~~OR~~~~

~~-) or~~

~~(b) The ladder rail if the manufacturer does not specify an attachment point.~~

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-300 Section contents.**

**Summary**

~~((IMPORTANT))~~ **Important:**

This section applies to manually propelled, self-propelled, and boom-supported elevating work platforms.

**Your responsibility:**

To make sure elevating work platforms meet these design, construction, and equipment requirements.

~~((WAC 296-869-30005~~

~~Manually propelled elevating work platforms~~

~~WAC 296-869-30010~~

~~Self-propelled elevating work platforms~~

~~WAC 296-869-30015~~

~~Boom-supported elevating work platforms~~

~~WAC 296-869-30020~~

Modifications))

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Manually propelled elevating work platforms</u>	<u>WAC 296-869-30005</u>
<u>Self-propelled elevating work platforms</u>	<u>WAC 296-869-30010</u>
<u>Boom-supported elevating work platforms</u>	<u>WAC 296-869-30015</u>
<u>Modifications</u>	<u>WAC 296-869-30020</u>

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-30005 Manually propelled elevating work platforms.**

~~((IMPORTANT:))~~ **Important:**

This section applies to manually propelled, integral chassis, elevating work platforms with a platform that cannot be positioned completely beyond the base.

~~((You must:~~

\*) (1) You must make sure manually propelled elevating work platforms meet the design and construction requirements of American National Standards Institute (ANSI) A92.3-1990, American National Standard for Manually Propelled Elevating Aerial Platforms.

(\*) (2) You must make sure the manufacturer provides instructions and markings that meet the requirements of ANSI A92.3-1990, American National Standard for Manually Propelled Elevating Aerial Platforms, on each elevating work platform.

(\*) (3) You must make sure manuals that meet the requirements of ANSI A92.3-1990, American National Standard for Manually Propelled Elevating Aerial Platforms, are:

- ~~((AND~~ (-) (a) Provided for each elevating work platform;
- )) and
- (b) Kept in the weather-resistant storage compartment provided by the manufacturer.

**Note:** Required manuals include the manufacturer's operating and maintenance manuals and a manual that defines the responsibilities of dealers, owners, lessors, lessees, users, and operators.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-30010 Self-propelled elevating work platforms.**

~~((IMPORTANT:))~~ **Important:**

This section applies to self-propelled, integral chassis, elevating work platforms with a platform that cannot be positioned completely beyond the base.

~~((You must:~~

\*) (1) You must make sure self-propelled elevating work platforms manufactured on or after July 1, 2006, meet the design and construction requirements of ANSI A92.6-

1999, American National Standard for Self-Propelled Elevating Work Platforms.

(\*) (2) You must make sure self-propelled elevating work platforms manufactured before July 1, 2006 meet the design and construction requirements of ANSI A92.6-1990, American National Standard for Self-Propelled Elevating Work Platforms.

(\*) (3) You must make sure the manufacturer provides instructions and markings that meet the requirements of ANSI A92.6-1990 or A92.6-1999, American National Standard for Self-Propelled Elevating Work Platforms, as appropriate, on each elevating work platform.

(\*) (4) You must make sure manuals that meet the requirements of ANSI A92.6-1990 or A92.6-1999, American National Standard for Self-Propelled Elevating Work Platforms, as appropriate, are:

- (-) (a) Provided for each elevating work platform;
- ~~((AND~~ -)) and
- (b) Kept in the weather-resistant storage compartment provided by the manufacturer.

**Note:** Required manuals include the manufacturer's operating and maintenance manuals and a manual that defines the responsibilities of dealers, owners, lessors, lessees, users, and operators.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-30015 Boom-supported elevating work platforms.**

~~((IMPORTANT:))~~ **Important:**

This section applies to self-propelled, integral chassis, elevating work platforms with a boom-supported platform that can be positioned completely beyond the base.

~~((You must:~~

\*) (1) You must make sure boom-supported elevating work platforms meet the design and construction requirements of American National Standards Institute (ANSI) A92.5-1992, American National Standard for Boom-Supported Elevating Work Platforms.

(\*) (2) You must make sure the manufacturer provides instructions and markings that meet the requirements of ANSI A92.5-1992, American National Standard for Boom-Supported Elevating Work Platforms, on each elevating work platform.

(\*) (3) You must make sure manuals that meet the requirements of ANSI A92.5-1992, American National Standard for Boom-Supported Elevating Work Platforms, are:

- (-) (a) Provided for each elevating work platform;
- ~~((AND~~ -)) and
- (b) Kept in the weather-resistant storage location provided by the manufacturer.

**Note:** Required manuals include the manufacturer's operating and maintenance manuals and a manual that defines the responsibilities of dealers, owners, lessors, lessees, users, and operators.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-30020 Modifications.** ~~((You must: \*~~) (1) You must prohibit altering or disabling interlocks or other safety devices.

~~((\*)~~) (2) You must have written permission from the manufacturer before making any modification to an elevating work platform.

**Note:** If the original manufacturer is no longer in business, an equivalent entity such as a nationally recognized testing laboratory may approve modification.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-400 Section contents.**

Summary

~~((IMPORTANT\*))~~ **Important:**

This section applies to manually propelled, self-propelled, and boom-supported elevating work platforms.

**Your responsibility:**

To inspect, repair, maintain, and service elevating work platforms to keep them in safe operating condition.

~~((WAC 296-869-40005~~

~~Condition~~

~~WAC 296-869-40010~~

~~Inspections~~

~~WAC 296-869-40015~~

~~Repairs and adjustments~~

~~WAC 296-869-40020~~

~~Manufacturer's safety bulletins~~

~~WAC 296-869-40025~~

~~Inspection and repair records~~

~~WAC 296-869-40030~~

~~Fueling and battery charging))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Condition</u>	<u>WAC 296-869-40005</u>
<u>Inspections</u>	<u>WAC 296-869-40010</u>
<u>Repairs and adjustments</u>	<u>WAC 296-869-40015</u>
<u>Manufacturer's safety bulletins</u>	<u>WAC 296-869-40020</u>
<u>Inspection and repair records</u>	<u>WAC 296-869-40025</u>
<u>Fueling and battery charging</u>	<u>WAC 296-869-40030</u>

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-40005 Condition.** ~~((You must: \*~~) (1) You must inspect and maintain elevating work platforms to keep them in proper operating condition.

~~((\*)~~) (2) You must immediately remove from service any elevating work platform that is not in proper operating condition.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-40010 Inspections.** ~~((You must: \*~~) (1) You must do a prestart inspection of the elevating work platform according to Table 2, Elevating Work Platform Inspections.

~~((\*)~~) (2) You must make sure frequent and annual inspections are done:

~~((-)~~) (a) By a person qualified as a mechanic on the specific make and model of elevating work platform; ~~((AND~~

~~-))~~ and (b) According to Table 2, Elevating Work Platform Inspections.

**Table 2  
Elevating Work Platform Inspections**

<b>Type of inspection:</b>	<b>When required:</b>	<b>Items to inspect:</b>
<del>((Prestart</del>	* <del>At the beginning of each shift.</del>	* <del>Do a visual inspection and functional test including at least the following:</del> <ul style="list-style-type: none"> <li>- <del>Operating and emergency controls</del></li> <li>- <del>Safety devices</del></li> <li>- <del>Personal protective devices, including fall protection</del></li> <li>- <del>Air, hydraulic and fuel system leaks</del></li> <li>- <del>Cables and wiring harness</del></li> <li>- <del>Loose or missing parts</del></li> <li>- <del>Tires and wheels</del></li> <li>- <del>Placards, warnings, control markings, and required manuals</del></li> <li>- <del>Outriggers, stabilizers, and other structures</del></li> <li>- <del>Guardrail system</del></li> <li>- <del>Items specified by the manufacturer</del></li> </ul>

Type of inspection:	When required:	Items to inspect:
Frequent	<ul style="list-style-type: none"> <li>• Elevating work platforms that have been in service three months or one hundred fifty hours, whichever comes first; <b>AND</b></li> <li>• Before putting elevating work platforms back in service that have been out of service for more than three months</li> </ul> <p><b>Note:</b> Newly purchased used equipment should be given the equivalent of a frequent inspection before being put into service.</p>	<ul style="list-style-type: none"> <li>• All functions and their controls for speeds, smoothness, and limits of motion</li> <li>• Emergency lowering means (manually propelled only)</li> <li>• Lower controls including the provisions for overriding of upper controls (self-propelled and boom-supported)</li> <li>• All chain and cable mechanisms for adjustment and worn or damaged parts</li> <li>• All emergency and safety devices</li> <li>• Lubrication of all moving parts, inspection of filter element(s), hydraulic oil, engine oil, and coolant as specified by the manufacturer</li> <li>• Visual inspection of structural components and other critical components such as fasteners, pins, shafts, turntable attachment bolts (boom supported only), and locking devices</li> <li>• Placards, warnings, and control markings</li> <li>• Additional items specified by the manufacturer</li> </ul>
Annual	<ul style="list-style-type: none"> <li>• Not later than thirteen months from the date of the last annual inspection</li> </ul>	<ul style="list-style-type: none"> <li>• All items specified by the manufacturer for an annual inspection))</li> </ul>
Prestart	At the beginning of each shift.	<p>Do a visual inspection and functional test including at least the following:</p> <ol style="list-style-type: none"> <li>1. <u>Operating and emergency controls;</u></li> <li>2. <u>Safety devices;</u></li> <li>3. <u>Personal protective devices, including fall protection;</u></li> <li>4. <u>Air, hydraulic and fuel system leaks;</u></li> <li>5. <u>Cables and wiring harness;</u></li> <li>6. <u>Loose or missing parts;</u></li> <li>7. <u>Tires and wheels;</u></li> <li>8. <u>Placards, warnings, control markings, and required manuals;</u></li> <li>9. <u>Outriggers, stabilizers, and other structures;</u></li> <li>10. <u>Guardrail system;</u></li> <li>11. <u>Items specified by the manufacturer.</u></li> </ol>
Frequent	<ol style="list-style-type: none"> <li>1. <u>Elevating work platforms that have been in service 3 months or 150 hours, whichever comes first; and</u></li> <li>2. <u>Before putting elevating work platforms back in service that have been out-of-service for more than 3 months.</u></li> </ol> <p><u>Note: Newly purchased used equipment should be given the equivalent of a frequent inspection before being put into service.</u></p>	<ol style="list-style-type: none"> <li>1. <u>All functions and their controls for speeds, smoothness, and limits of motion;</u></li> <li>2. <u>Emergency lowering means (manually propelled only);</u></li> <li>3. <u>Lower controls including the provisions for overriding of upper controls (self-propelled and boom-supported);</u></li> </ol>

Type of inspection:	When required:	Items to inspect:
		4. <u>All chain and cable mechanisms for adjustment and worn or damaged parts;</u> 5. <u>All emergency and safety devices;</u> 6. <u>Lubrication of all moving parts, inspection of filter element(s), hydraulic oil, engine oil, and coolant as specified by the manufacturer;</u> 7. <u>Visual inspection of structural components and other critical components such as fasteners, pins, shafts, turntable attachment bolts (boom-supported only), and locking devices;</u> 8. <u>Placards, warnings, and control markings;</u> 9. <u>Additional items specified by the manufacturer.</u>
<u>Annual</u>	<u>No later than 13 months from the date of the last annual inspection.</u>	<u>All items specified by the manufacturer for an annual inspection.</u>

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-40015 Repairs and adjustments.**

~~((You must:~~  
 •) (1) You must make sure repairs to elevating work platforms are:  
 (-) (a) Made by a qualified person; ~~((AND~~  
~~-)) and~~  
(b) Done according to the manufacturer's recommendations.  
 (•) (2) You must make sure the elevating work platform, before beginning adjustments or repairs, meets all of the following requirements that apply:  
 (-) (a) All controls in the "off" position;  
 (-) (b) All operating features secured from inadvertent motion by brakes, blocks, or other means;  
 (-) (c) Powerplant stopped;  
 (-) (d) Means of starting is rendered inoperative;  
 (-) (e) Platform either:  
 (■) (i) Lowered to the full down position, if possible;  
~~((OR~~  
 ■) or  
(ii) Blocked or cribbed to prevent dropping.  
 (-) (f) Hydraulic pressure relieved from all hydraulic circuits before loosening or removing hydraulic components;  
 (-) (g) Safety props or latches installed, where applicable;  
 (-) (h) Other precautions as specified by the manufacturer; and  
 (•) (i) Make sure replacement parts or components are identical or equivalent to the original parts or components.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-40020 Manufacturer's safety bulletins.** ~~((You must:~~

•) You must meet the requirements of safety-related bulletins as received from the manufacturer, dealer, or owner.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-40025 Inspection and repair records.**

~~((You must:~~  
 •) (1) You must keep written records documenting:  
 (-) (a) Frequent and annual inspections you have done including:  
 (■) (i) Date of inspection;  
 (■) (ii) Deficiencies found;  
 (■) (iii) Corrective action recommended;  
 (■) (b) Names of the people who did the inspection;  
~~((AND~~  
~~-)) and~~  
(c) All repairs done on the elevating work platform, including:  
 (■) (i) Date of repair;  
 (■) (ii) Description of the work done;  
 (■) (iii) Names of the people who did the repair;  
 (•) (2) You must retain the records of inspections and repairs for at least:  
 (-) (a) Three years for manually propelled and boom-supported elevating work platforms; ~~((AND~~  
~~-)) and~~  
(b) Four years for self-propelled elevating work platforms.  
**Note:**  
 1. It is the responsibility of the owner of the elevating work platform to make sure frequent and annual inspections are done and documented.  
 2. If you perform either type of inspection, or make repairs to the elevating work platform, send the appropriate records to the owner of the elevating work platform.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-40030 Fueling and battery charging.**

~~((You must:~~  
 •) (1) You must shut-down the engine while filling fuel tanks.

((\*) (2) You must fill fuel tanks and charge batteries in areas that are:

((-) (a) Open and well-ventilated; (~~AND~~ -) and

(b) Free of flame, sparks, or other hazards that may cause fire or explosion.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-500 Section contents.**

**Summary**

**~~((IMPORTANT))~~ Important:**

This section applies to manually propelled, self-propelled, and boom-supported elevating work platforms.

**Your responsibility:**

To properly train elevating work platform operators,

~~((WAC 296-869-50005~~

~~Operator authorization and training~~

~~WAC 296-869-50010~~

~~Specific model training~~

~~WAC 296-869-50015~~

~~Operator training records))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Operator authorization and training</u>	<u>WAC 296-869-50005</u>
<u>Specific model training</u>	<u>WAC 296-869-50010</u>
<u>Operator training records</u>	<u>WAC 296-869-50015</u>

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-50005 Operator authorization and training. ((You must:**

\*) (1) You must permit only trained and authorized personnel to operate elevating work platforms.

((\*) (2) You must train operators in all of the following:

((-) (a) The manufacturer's operating and maintenance manuals;

((-) (b) Your work instructions;

((-) (c) The requirements of this chapter.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-50010 Specific model training. ((You must:**

\*) (1) You must make sure operators:

((-) (a) Know the required manuals supplied by the manufacturer are stored in a weather resistant compartment and where the compartment is located; (~~AND~~ -) and

(b) Refer to the manuals when necessary.

((\*) (2) You must make sure operators do all of the following before operating an elevating work platform:

((-) (a) Read and understand the manufacturer's operating instructions and your safety rules, or have them explained by a qualified person;

((-) (b) Understand, by reading or by having a qualified person explain, all decals, warnings, and instructions displayed on the elevating work platform;

((-) (c) Are instructed by a qualified person in the intended purpose and function of each control.

((\*) (3) You must have operator trainees demonstrate their knowledge and proficiency during actual operation of an elevating work platform under the following conditions:

((-) (a) Under the direction of a qualified person;

((-) (b) In an area free of obstructions; and

((-) (c) Using an elevating work platform that is:

((\*) (i) The same model that they will be operating;

((OR

\*) or

(ii) One that has similar controls and operating characteristics.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-50015 Operator training records. ((You must:**

\*) You must retain records of the operators trained on each model of elevating work platform for at least:

((-) (1) Three years for manually propelled and boom-supported elevating work platforms; (~~AND~~ -) and

(2) Four years for self-propelled elevating work platforms.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-600 Section contents.**

**Summary**

**~~((IMPORTANT))~~ Important:**

This section applies to manually propelled, self-propelled, and boom-supported elevating work platforms.

**Your responsibility:**

To meet these requirements when operating elevating work platforms,

~~((WAC 296-869-60005~~

~~Intended use~~

~~WAC 296-869-60010~~

~~Workplace survey~~

~~WAC 296-869-60015~~

~~Hazardous locations~~

~~WAC 296-869-60020~~

~~Set up~~

~~WAC 296-869-60025~~

~~Travel speed~~

~~WAC 296-869-60030~~

~~Driving~~

~~WAC 296-869-60035~~

~~Elevating and lowering the platform~~

~~WAC 296-869-60040~~

~~Working from the platform~~

~~WAC 296-869-60045~~

~~Malfunctions or unsafe conditions))~~



<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Intended use</u>	<u>WAC 296-869-60005</u>
<u>Workplace survey</u>	<u>WAC 296-869-60010</u>
<u>Hazardous locations</u>	<u>WAC 296-869-60015</u>
<u>Set up</u>	<u>WAC 296-869-60020</u>
<u>Travel speed</u>	<u>WAC 296-869-60025</u>
<u>Driving</u>	<u>WAC 296-869-60030</u>
<u>Elevating and lowering the platform</u>	<u>WAC 296-869-60035</u>
<u>Working from the platform</u>	<u>WAC 296-869-60040</u>
<u>Malfunctions or unsafe conditions</u>	<u>WAC 296-869-60045</u>

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-60005 Intended use. (~~You must:~~**

**\*) You must make sure elevating work platforms are used only for their intended purpose as specified by the manufacturer.**

- Note:** Misuse of an elevating work platform includes, but is not limited to:
- (\*) 1. Using the elevating work platform as a crane.
  - (\*) 2. Using the platform to jack the wheels off the ground unless the machine was designed for that purpose by the manufacturer.
  - (\*) 3. Operating the elevating work platform from a truck, trailer, railway car, floating vessel, scaffold, or similar equipment unless the application is approved in writing by the manufacturer.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-60010 Workplace survey. (~~You must:~~**

**\*) You must have the operator survey the area before and during use of an elevating work platform for hazards such as:**

- (-) (1) Drop-offs or holes;
- (-) (2) Slopes;
- (-) (3) Bumps and floor obstructions;
- (-) (4) Debris;
- (-) (5) Overhead obstructions and high voltage conductors;
- (-) (6) Hazardous locations;
- (-) (7) Inadequate surface and support to withstand the load imposed on them by the elevating work platform in all operating configurations;
- (-) (8) Wind and weather conditions;
- (-) (9) Unauthorized persons in the area;
- (-) (10) Other possible unsafe conditions.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-60015 Hazardous locations. (~~You must:~~**

**\*) (1) You must determine the hazard classification of any area where the elevating work platform will operate using National Fire Protection Association (NFPA) 505-2002, Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operations.**

**(\*) (2) You must make sure only approved elevating work platforms are used in Class I, II, or III locations.**

**(\*) (3) You must make sure elevating work platforms are used in hazardous (classified) locations as follows:**

**(-) (a) Elevating work platforms authorized to be used in Class 1 locations are shown in Table 3, Approved Elevating Work Platform Use in Class 1 Locations;**

**(-) (b) Elevating work platforms authorized to be used in Class 2 locations are shown in Table 4, Approved Elevating Work Platform Use in Class 2 Locations;**

**(-) (c) Elevating work platforms authorized to be used in Class 3 locations are shown in Table 5, Approved Elevating Work Platform Use in Class 3 Locations;**

**(\*) (4) You must make sure elevating work platforms authorized to be used in unclassified locations are:**

**(-) (a) Approved elevating work platforms designated as Type D, E, G, or LP; (~~AND~~**

**-) and**

**(b) Elevating work platforms that meet the requirements of Type D, E, G, or LP elevating work platforms.**

**(\*) (5) You must have operators report any hazardous atmosphere or location that becomes apparent while operating the elevating work platform.**

**(Definitions:**

~~• An unclassified location is an area that's not designated as a Class 1, 2, or 3 location.~~

~~• The type designation is a code to identify types of elevating work platforms. It is used to determine if an elevating work platform can be used in a specific classified or unclassified location.~~

~~• D refers to elevating work platforms that are diesel engine powered that have minimum safeguards against inherent fire hazards.~~

~~• DS refers to diesel powered elevating work platforms that, in addition to meeting all the requirements for type D elevating work platforms, are provided with additional safeguards to the exhaust, fuel and electrical systems.~~

~~• DY refers to diesel powered elevating work platforms that have all the safeguards of the DS elevating work platforms and, in addition, any electrical equipment is completely enclosed. They are equipped with temperature limitation features.~~

~~• E refers to electrically powered elevating work platforms that have minimum acceptable safeguards against inherent fire hazards.~~

~~• ES refers to electrically powered elevating work platforms that, in addition to all of the requirements for the E elevating work platforms, have additional safeguards to the electrical system to prevent emission of hazardous sparks and to limit surface temperatures.~~

~~EE~~ refers to electrically powered elevating work platforms that, in addition to all of the requirements for the E and ES type elevating work platforms, have their electric motors and all other electrical equipment completely enclosed.

~~EX~~ refers to electrically powered elevating work platforms that differ from E, ES, or EE type elevating work platforms in that the electrical fittings and equipment are designed, constructed and assembled to be used in atmospheres containing flammable vapors or dusts.

~~G~~ refers to gasoline powered elevating work platforms that have minimum acceptable safeguards against inherent fire hazards.

~~GS~~ refers to gasoline powered elevating work platforms that are provided with additional exhaust, fuel, and electrical systems safeguards.

~~LP~~ refers to liquefied petroleum gas powered elevating work platforms that, in addition to meeting all the requirements for type G elevating work platforms, have minimum acceptable safeguards against inherent fire hazards.

~~LPS~~ refers to liquefied petroleum gas powered elevating work platforms that in addition to meeting the requirements for LP type elevating work platforms, have additional exhaust, fuel, and electrical systems safeguards.))

**Table 3**  
**Approved Elevating Work Platform Use in Class 1 Locations**

<b>Class 1</b>							
Locations in which flammable gases or vapors are, or may be, present in the air in quantities sufficient to produce explosive or ignitable mixtures							
<b>Division 1</b>				<b>Division 2</b>			
Conditions exist continuously, intermittently, or periodically under normal operating conditions.				Conditions may occur accidentally, for example, due to a puncture of a storage drum.			
<b>Group A</b>	<b>Group B</b>	<b>Group C</b>	<b>Group D</b>	<b>Group A</b>	<b>Group B</b>	<b>Group C</b>	<b>Group D</b>
Acetylene	Hydrogen	Ethyl ether	Acetone Alcohols Benzene Gasoline Lacquer Solvent	Acetylene	Hydrogen	Ethyl ether	Acetone Alcohols Benzene Gasoline Lacquer Solvent
<b>No type can be used</b>	<b>No type can be used</b>	<b>No type can be used</b>	<b>Use this elevating work platform type:</b> <b>EX</b>	<b>No type can be used</b>	<b>No type can be used</b>	<b>No type can be used</b>	<b>Use this elevating work platform type:</b> <b>DS</b> <b>DY</b> <b>ES</b> <b>EE</b> <b>EX</b> <b>GS</b> <b>LPS</b>

**Table 4**  
**Approved Elevating Work Platform Use in Class 2 Locations**

<b>Class 2</b>					
Locations which are hazardous because of the presence of combustibile dust					
<b>Division 1</b>			<b>Division 2</b>		
Explosive mixture may be present under normal operating conditions, or where failure of equipment may cause the condition to exist simultaneously with arcing or sparking of electrical equipment, or where dusts of an electrically conducting nature may be present.			Explosive mixture not normally present, but where deposits of dust may cause heat rise in electrical equipment, or where such deposits may be ignited by arcs or sparks from electrical equipment.		
<b>Group E</b>	<b>Group F</b>	<b>Group G</b>	<b>Group E</b>	<b>Group F</b>	<b>Group G</b>
Metal dust	Carbon black Coal dust Coke dust	Grain dust Flour dust Starch dust Organic dust	Metal dust	Carbon black Coal dust Coke dust	Grain dust Flour dust Starch dust Organic dust
<b>No type can be used</b>	<b>Use this elevating work platform type:</b>  <b>EX</b>	<b>Use this elevating work platform type:</b>  <b>EX</b>	<b>No type can be used</b>	<b>No type can be used</b>	<b>Use this elevating work platform type:</b>  <b>DS</b> <b>DY</b> <b>ES</b> <b>EE</b> <b>EX</b> <b>GS</b> <b>LPS</b>

**Table 5**  
**Approved Elevating Work Platform Use in Class 3 Locations**

<b>Class 3</b>	
Locations where easily ignitable fibers or flyings are present but not likely to be in suspension in quantities sufficient to produce ignitable mixtures	
<b>Division 1</b>	<b>Division 2</b>
Locations in which easily ignitable fibers or materials producing combustibile flyings are handled, manufactured, or used.	Locations in which easily ignitable fibers are stored or handled (except in the process of manufacture).
<b>Use this elevating work platform type:</b>  <b>DY</b> <b>EE</b> <b>EX</b>	<b>Use this elevating work platform type:</b>  <b>DS</b> <b>DY</b> <b>E</b> <b>ES</b> <b>EE</b> <b>EX</b> <b>GS</b> <b>LPS</b>

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-60020 Set up.** (~~You must~~ **•**) (1) You must prohibit positioning the elevating work platform against another object in order to steady the platform.

(**•**) (2) You must do the following when other moving equipment or vehicles are present:

(- ) (a) Take special precautions to meet the requirements of local ordinances or workplace safety standards; (~~AND~~

-) and

(b) Use warnings such as, but not limited to, flags, roped-off areas, flashing lights and barricades.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-60025 Travel speed.** You must make sure the operator limits travel speed according to conditions, including:

(**•**) (1) Condition of the ground or support surface;

(**•**) (2) Congestion;

(**•**) (3) Visibility;

(**•**) (4) Slope;

(**•**) (5) Location of personnel;

(\*) (6) Other factors that may create a hazard of collision or injury to personnel.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-60030 Driving.**

~~((IMPORTANT\*))~~ **Important:**

This section does not apply to manually propelled elevating work platforms.

~~((You must:~~

\*) (1) You must make sure the operator does all of the following before and while driving with the platform elevated:

- (-) (a) Maintains a clear view of the path of travel;
- (-) (b) Keeps a safe distance from obstacles, debris, drop-offs, holes, depressions, ramps, and other hazards to safe travel;
- (-) (c) Keeps a safe distance from overhead obstacles.
- (\*) (2) You must prohibit stunt driving and horseplay.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-60035 Elevating and lowering the platform.** ~~((You must:~~

- \*) (1) You must have the operator make sure all of the following are done before each elevation of the platform:
  - (-) (a) The elevating work platform is on a surface that is within the limits specified by the manufacturer;
  - (-) (b) Outriggers, stabilizers, extendable axes, or other stability enhancing means are used as required by the manufacturer;
  - (-) (c) Guardrails are installed and access gates or openings are closed per the manufacturer's instructions;
  - (-) (d) The load and its distribution on the platform and any platform extension does not exceed the manufacturer's rated capacity for the configuration being used;
  - (-) (e) There is adequate clearance from overhead obstructions;
  - (-) (f) The minimum safe approach distance (MSAD) to energized power lines and parts listed in Table 6, Minimum Safe Approach Distance, is maintained;
  - (-) (g) All persons on the platform are wearing fall protection devices and other safety gear if required.
- (\*) (2) You must prevent rope, electric cords, hoses and similar objects from becoming entangled with the platform.
- (\*) (3) You must have the operator make sure the area is clear of personnel and equipment before lowering the platform.
- (\*) (4) You must remove all personnel from a platform that has been caught, snagged, or otherwise prevented from normal motion before attempting to free it using ground controls.

**Note:** If possible, reverse the platform controls to free a platform that is caught, snagged, or otherwise prevented from normal motion by an adjacent structure or other obstacle.

**Table 6**

**Minimum Safe Approach Distance**

Voltage	Minimum Safe Approach Distance
Less than 300 volts (insulated lines)	3 feet (0.9 m)
Less than 300 volts (uninsulated lines)	10 feet (3.1 m)
300 volts to 50 kv	10 feet (3.1 m)
More than 50 kv	10 feet (3.1 m) + 0.4 inches (1.0 cm) for each 1 kv over 50 kv

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-60040 Working from the platform.**

~~((You must:~~

- \*) (1) You must make sure persons working from the platform:
  - (-) (a) Keep a firm footing on the platform; ~~((AND~~ -)) and
  - (b) Do not use guardrails, planks, ladders, or any other device to gain additional height or reach.
- (\*) (2) You must make sure all persons on the platform of boom-supported elevating work platforms wear a full body harness and lanyard fixed to manufacturer provided and approved attachment points.
- (\*) (3) You must make sure the rated capacities of the platform are not exceeded when transferring loads to the platform at any height.

**Note:** Guardrails are the primary means of fall protection for manually propelled elevating work platforms.

AMENDATORY SECTION (Amending WSR 06-19-073, filed 9/19/06, effective 1/1/07)

**WAC 296-869-60045 Malfunctions or unsafe conditions.** ~~((You must:~~

- \*) You must make sure operators, if they suspect a malfunction of the elevating work platform or encounter any hazard or potentially unsafe condition, do all of the following:
  - (-) (1) Cease operation.
  - (-) (2) Report the problem or malfunction.
  - (-) (3) Discontinue using the elevating work platform until problems or malfunctions that affect safe operation have been corrected.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-869-700 Definitions.

NEW SECTION**WAC 296-870-099 Definitions.**

**Anemometer.** An instrument for measuring wind velocity.

**Angulated roping.** A suspension method where the upper point of suspension is inboard from the attachments on the suspended unit, thus causing the suspended unit to bear against the face of the building.

**Building face rollers.** A specialized form of guide roller designed to ride on the face of the building wall to prevent the platform from abrading the face of the building and to assist in stabilizing the platform.

**Building maintenance.** Operations such as window cleaning, caulking, metal polishing, reglazing, and general maintenance on building surfaces.

**Cable.** A conductor, or group of conductors, enclosed in a weatherproof sheath, that may be used to:

- Supply electrical power or control current for equipment;

**or**

- Provide voice communication circuits.

**Carriage.** A wheeled vehicle used for the horizontal movement and support of other equipment.

**Certification.** A written, signed, and dated statement confirming the performance of a requirement.

**Combination cable.** A cable having both steel structural members capable of supporting the platform, and copper or other electrical conductors insulated from each other and the structural members by nonconductive barriers.

**Competent person.** Someone who:

- Is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees;

**and**

- Has the authority to take prompt corrective measures to eliminate them.

**Continuous pressure.** Operation of a control by requiring constant manual actuation for the control to function.

**Control.** A system or mechanism used to regulate or guide the operation of equipment.

**Davit.** A device, used singly or in pairs, for suspending a powered platform from work, storage and rigging locations on the building being serviced. Unlike outriggers, a davit reacts its operating load into a single roof socket or carriage attachment.

**Design factor.** The ratio of the rated strength of the suspension wire rope to the rated working load. It is calculated using the following formula:

$$F = (S \times N)/W$$

Where:

F = Design factor

S = Manufacturer's rated strength of one suspension rope

N = Number of suspension ropes under load

W = Rated working load on all ropes at any point of travel.

**Equivalent.** Alternative design, material or method to protect against a hazard. You have to demonstrate it provides an equal or greater degree of safety for employees than the method, material or design specified in the rule.

**Existing installation.** A permanent powered platform installation that:

- Was completed before July 23, 1990;

**and**

- Has had no major modification done after July 23, 1990.

**Ground rigged davit.** A davit which cannot be used to raise a suspended working platform above the building face being serviced.

**Ground rigging.** A method of suspending a working platform starting from a safe surface to a point of suspension above the safe surface.

**Guide button.** A building face anchor designed to engage a guide track mounted on a platform.

**Guide roller.** A rotating cylindrical member that provides continuous engagement between the suspended or supported equipment and the building guides. It may operate separately or as part of a guide assembly.

**Guide shoe.** A device that is similar to a guide roller but is designed to provide a sliding contact between the shoe and the building guides.

**Hoisting machine.** A device intended to raise and lower a suspended or supported unit.

**Installation.** A powered platform installation consists of all the equipment and the parts of the building involved with using the powered platform for building maintenance.

**Interlock.** A device designed to ensure that operations or motions occur in proper sequence.

**Intermittent stabilization.** A method of platform stabilization in which the angulated suspension wire ropes are secured to regularly spaced building anchors.

**Lanyard.** A flexible line of rope, wire rope or strap which is used to secure the body harness to a deceleration device, lifeline or anchorage.

**Lifeline.** A component consisting of a flexible line that connects to an anchorage at one end to hang vertically (vertical lifeline), or that connects to anchorages at both ends to stretch horizontally (horizontal lifeline). It serves as a means for connecting other components of a personal fall arrest system to the anchorage.

**Live load.** The total static weight of workers, tools, parts, and supplies that the equipment is designed to support.

**New installation.** A permanent powered platform installation that was completed, or an existing installation that has had major modifications done, after July 23, 1990.

**Operating control.** A mechanism regulating or guiding the operation of equipment that makes sure the equipment operates in a specific mode.

**Operating device.** A push button, lever, or other manual device used to actuate a control.

**Outrigger.** A device, used singly or in pairs, for suspending a working platform from work, storage, and rigging locations on the building being serviced. Unlike davits, an outrigger reacts its operating moment load as at least two opposing vertical components acting into two or more distinct roof points and/or attachments.

**Poured socket.** A method of providing wire rope termination in which the ends of the rope are held in a tapered socket by means of poured spelter or resins.

**Primary brake.** A brake designed to be applied automatically whenever power to the prime mover is interrupted or discontinued.

**Prime mover.** The source of mechanical power for a machine.

**Rated load.** The manufacturer's specified maximum load.

**Rated strength.** The strength of wire rope, as designated by its manufacturer or vendor, based on standard testing procedures or acceptable engineering design practices.

**Rated working load.** The combined static weight of workers, materials, and suspended or supported equipment.

**Registered professional engineer.** A person who has been duly and currently registered and licensed by an authority within the United States or its territories to practice the profession of engineering.

**Roof-powered platform.** A powered platform having the raising and lowering mechanism located on the roof.

**Roof-rigged davit.** A davit used to raise the suspended working platform above the building face being serviced. This type of davit can also be used to raise a suspended working platform which has been ground rigged.

**Rope.** The equipment, such as wire rope, that is used to suspend a component of an equipment installation.

**Safe surface.** A horizontal surface that provides reasonable assurance that personnel occupying the surface will be protected from falls. This protection can be provided by location, a fall protection system, or other equivalent method.

**Secondary brake.** A brake designed to arrest the descent of the suspended or supported equipment in the event of an overspeed condition.

**Stability factor.** The ratio of the stabilizing moment to the overturning moment.

**Stabilizer tie.** A flexible line connecting the building anchor and the suspension wire rope supporting the platform.

**Supported equipment.** Building maintenance equipment that is held in or moved to its working position by means of attachment directly to the building or extensions of the building being maintained.

**Suspended equipment.** Building maintenance equipment that is suspended and raised or lowered to its working position by means of ropes or combination cables attached to some anchorage above the equipment.

**Tie-in guides.** The portion of a building that provides continuous positive engagement between the building and a suspended or supported unit during its vertical travel on the face of the building.

**Transportable outriggers.** Outriggers designed to be moved from one work location to another.

**Type F powered platform.** A powered platform that has both of the following characteristics:

- The working platform is suspended by at least four wire ropes and designed so that failure of any one wire rope will not substantially alter the normal position of the working platform; and
- Only one layer of hoisting rope is permitted on the winding drums.

**Type T powered platform.** A powered platform installation that has a working platform suspended by at least two wire ropes. The platform will not fall to the ground if a wire

rope fails, but the working platform's normal position would be upset.

**Weatherproof.** Constructed or protected so that exposure to the weather will not interfere with successful operation.

**Winding drum hoist.** A type of hoisting machine that accumulates the suspension wire rope on the hoisting drum.

**Working platform.** The suspended or supported equipment intended to provide access to the face of the building and manned by persons engaged in building maintenance.

**Wrap.** One complete turn of the suspension wire rope around the surface of a hoist drum.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-100 Scope.** This chapter covers permanent powered platform installations dedicated to interior or exterior building maintenance of a specific structure or group of structures.

Building maintenance includes, but is not limited to, tasks such as window cleaning, caulking, metal polishing, and reglazing.

~~((Exemption))~~ **EXEMPTION:** This chapter does not apply to suspended scaffolds covered by a separate chapter, Scaffolds, chapter 296-874 WAC.

~~((Definition))~~

~~A powered platform installation consists of all the equipment and the parts of the building involved with using the powered platform for building maintenance.))~~

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-200 Section contents.**

**Your responsibility:**

To meet these requirements when using powered platforms.

~~((WAC 296-870-20005~~

~~Building owner certifications.~~

~~WAC 296-870-20010~~

~~Personnel requirements.~~

~~WAC 296-870-20015~~

~~Platform and hoist load limits.~~

~~WAC 296-870-20020~~

~~Obstructions and slipping hazards.~~

~~WAC 296-870-20025~~

~~Wind and adverse weather.~~

~~WAC 296-870-20030~~

~~Corrosive substances.~~

~~WAC 296-870-20035~~

~~Heat-producing processes.~~

~~WAC 296-870-20040~~

~~Fall protection.~~

~~WAC 296-870-20045~~

~~Communications.))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Building owner certifications</u>	<u>WAC 296-870-20005</u>
<u>Personnel requirements</u>	<u>WAC 296-870-20010</u>
<u>Platform and hoist load limits</u>	<u>WAC 296-870-20015</u>
<u>Obstructions and slipping hazards</u>	<u>WAC 296-870-20020</u>
<u>Wind and adverse weather</u>	<u>WAC 296-870-20025</u>
<u>Corrosive substances</u>	<u>WAC 296-870-20030</u>
<u>Heat-producing processes</u>	<u>WAC 296-870-20035</u>
<u>Fall protection</u>	<u>WAC 296-870-20040</u>
<u>Communications</u>	<u>WAC 296-870-20045</u>

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-20005 Building owner certifications.**

~~((You must:~~

•)) You must obtain written certification from the building owner of any building with a powered platform installation that was completed or had major modification done after July 23, 1990, that the building and equipment meets the requirements of new installations-buildings, WAC 296-870-600 and new installations-equipment, WAC 296-870-700 of this chapter.

- Note:** The building owner needs to base the certification on:
- (\*) 1. The field test of the installation done before it is first placed into service or following any major modification to an existing installation;
  - AND
  - (\*) 2. All other relevant available information, including but not limited to:
    - (-) a. Test data;
    - (-) b. Equipment specifications;
    - (-) c. Verification by a registered professional engineer.

~~((You must:~~

•)) You must obtain written certification from the building owner that the installation:

(-) (1) Has been inspected, tested, and maintained as required by inspection, testing, and maintenance, WAC 296-870-300 of this chapter; (~~AND~~

-)) and

(2) All fall protection anchorages meet the requirements of Appendix C—Personal fall arrest system, WAC 296-24-88050, found in the General safety and health standards, chapter 296-24 WAC.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-20010 Personnel requirements.** ~~((You must:~~

•)) (1) You must prohibit employees from using the installation until the building owner has provided the required written certifications.

(\*) (2) You must make sure working platforms are operated only by persons proficient in the operation, safe use and inspection of the particular working platform.

- References:**
- (\*) 1. Building owner certification requirements are found in Building owner certifications, WAC 296-870-20005.
  - (\*) 2. Training requirements for persons using platforms are found in Existing installations, WAC 296-870-400.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-20015 Platform and hoist load limits.** ~~((You must:~~

•)) (1) You must make sure the load on the working platform does not exceed the rated load stated on the platform load rating plate.

(\*) (2) You must make sure hoists are not subjected to a load greater than one hundred twenty-five percent of their rated load.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-20020 Obstructions and slipping hazards.** ~~((You must:~~

•)) (1) You must prohibit the accumulation of tools, materials and debris on the platform that are not related to the work in progress.

- (\*) (2) You must make sure stabilizer ties are:
- (-) (a) Located to allow movement along the full length of the platform without interference; (~~AND~~
  - )) and
  - (b) Long enough not to become entangled in rollers, hoists, or other machinery.

(\*) (3) You must prohibit employees from working on platforms covered with snow, ice, or other slippery material.

~~((Exemption\*))~~ **EXEMPTION:** Employees may be on platforms as necessary to remove the slipping hazard.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-20025 Wind and adverse weather.** ~~((You must:~~

•)) (1) You must prohibit using powered platforms in:

- (-) (a) Winds exceeding twenty-five miles per hour (40.2 km/hr); (~~OR~~
- )) or
- (b) Any other severe adverse weather conditions.

~~((Exemption\*))~~ **EXEMPTION:** Employees may use the platform during severe adverse weather conditions only to move it from an operating to a storage position.

~~((You must:~~ •)) (2) You must have an anemometer mounted on the platform of an exterior installation to provide on-site wind velocities before and during use of the platform.

**Note:** ((\*) 1. Determine wind speed using the best available information, including on-site anemometer readings and local weather forecasts.  
 ((\*) 2. The anemometer may be a portable or hand held unit which is temporarily mounted during platform use.

**AMENDATORY SECTION** (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-20030 Corrosive substances.** ~~((You must:~~

\*) (1) You must protect the platform, wire ropes, and lifelines from damage due to acids or other corrosive substances by using the precautions recommended by any of the following:

- (-) (a) Corrosive substance producer or supplier;
- (-) (b) Platform manufacturer;
- (-) (c) Other equivalent information source.

\*) (2) You must wash down platform members which have been exposed to acids or other corrosive substances with a neutralizing solution as recommended by the corrosive substance producer or supplier.

**AMENDATORY SECTION** (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-20035 Heat-producing processes.** ~~((You must:~~

\*) (1) You must protect the platform members, wire ropes, and lifelines when using a heat-producing process.

\*) (2) You must make sure wire ropes and lifelines which have been contacted by a heat-producing process are considered to be permanently damaged and not used.

**AMENDATORY SECTION** (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-20040 Fall protection.** ~~((You must:~~

\*) You must protect employees on working platforms with a personal fall arrest system that meets the requirements of Appendix C—Personal fall arrest system, WAC 296-24-88050, found in the General safety and health standards, chapter 296-24 WAC.

**AMENDATORY SECTION** (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-20045 Communications.** ~~((You must:~~

\*) You must make sure the voice communication system between the equipment operators and persons stationed within the building is operable and manned whenever the platform is being used.

**AMENDATORY SECTION** (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-300 Section contents.**

**Summary**

**Your responsibility:**

To make sure powered platforms are inspected, tested, and maintained to keep them in safe operating condition.

~~((WAC 296-870-30005  
 Maintenance:  
 WAC 296-870-30010  
 Initial installation and after major modification inspection and testing:  
 WAC 296-870-30015  
 Before use inspections and tests:  
 WAC 296-870-30020  
 Periodic inspections and tests:  
 WAC 296-870-30025  
 Reshackling and resocketing wire ropes:  
 WAC 296-870-30030  
 Disabling safety or electrical protective devices:))~~

<b><u>You must meet the requirements ...</u></b>	<b><u>in this section:</u></b>
<u>Maintenance</u>	<u>WAC 296-870-30005</u>
<u>Initial installation and after major modification inspection and testing</u>	<u>WAC 296-870-30010</u>
<u>Before use inspections and tests</u>	<u>WAC 296-870-30015</u>
<u>Periodic inspections and tests</u>	<u>WAC 296-870-30020</u>
<u>Reshackling and resocketing wire ropes</u>	<u>WAC 296-870-30025</u>
<u>Disabling safety or electrical protective devices</u>	<u>WAC 296-870-30030</u>

**AMENDATORY SECTION** (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-30005 Maintenance.** ~~((You must:~~

\*) (1) You must make sure all parts of the equipment that affect safe operation are maintained in proper working order so they are able to perform their intended functions. This includes, but is not limited to, all of the following:

- (-) (a) Roof systems including roof track systems, tie-downs, or similar equipment;
- (-) (b) Building face guiding members including T-rails, indented mullions, or equivalent guides located in the face of a building;
- (-) (c) Brackets for cable stabilizers.

\*) (2) You must take out of service any equipment that is not in proper working order.

\*) (3) You must make sure the following parts are kept clean:

- (-) (a) Control or power contacts and relays; ~~((AND~~ -) and
- (b) All other parts whose proper function would be affected by dirt or other contaminants.

**AMENDATORY SECTION** (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-30010 Initial installation and after major modification inspection and testing.** ~~((You must:~~



•) (1) You must make sure a completed powered platform installation has been inspected and tested by the building owner:

((-)) (a) Before it was first placed into service; (~~AND~~ -) and

(b) Before it was returned to service after major modification was done.

((\*) (2) You must make sure the inspection and tests determined that:

((-)) (a) All parts of the installation met the applicable requirements of this chapter; (~~AND~~ -) and

(b) All safety and operating equipment functioned as required.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-30015 Before use inspections and tests. (~~You must:~~**

•) You must complete the inspections and tests contained in Table 1, Before Use Inspections and Tests, before allowing persons to use the platform.

**Table 1  
Before Use Inspections and Tests**

<b>What:</b>	<b>When:</b>	<b>Inspection and test requirements:</b>
<del>((Working platforms and their components</del>	<ul style="list-style-type: none"> <li>• Before every use and</li> <li>• After each occurrence which might affect the platform's structural integrity</li> </ul>	Inspect for visible defects
Suspension wire ropes	<ul style="list-style-type: none"> <li>• Before every use and</li> <li>• After each occurrence which might affect the wire rope's integrity</li> </ul>	Visible inspection by a competent person for defects and gross damage
Governors and secondary brakes	Before use each day	Test before use. If testing is not feasible, visually inspect the brake to make sure it is free to operate

<b>What:</b>	<b>When:</b>	<b>Inspection and test requirements:</b>
Hoists	Each day before lowering personnel below the top elevation of the building	Test in the lifting direction with the intended load to make sure it has sufficient capacity to raise personnel back to the boarding level))
<u>Working platforms and their components</u>	<ul style="list-style-type: none"> <li>• <u>Before every use</u></li> <li><u>and</u></li> <li>• <u>After each occurrence which might affect the platform's structural integrity</u></li> </ul>	<u>Inspect for visible defects</u>
<u>Suspension wire ropes</u>	<ul style="list-style-type: none"> <li>• <u>Before every use</u></li> <li><u>and</u></li> <li>• <u>After each occurrence which might affect the wire rope's integrity</u></li> </ul>	<u>Visible inspection by a competent person for defects and gross damage</u>
<u>Governors and secondary brakes</u>	<u>Before use each day</u>	<u>Test before use. If testing is not feasible, visually inspect the brake to make sure it is free to operate</u>
Hoists	Each day before lowering personnel below the top elevation of the building	Test in the lifting direction with the intended load to make sure it has sufficient capacity to raise personnel back to the boarding level

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-30020 Periodic inspections and tests. (~~You must:~~**

•) (1) You must make sure the building owner has completed and documented the periodic inspections and tests shown in Table 2.

((\*) (2) You must make sure any documentation required by Table 2, Periodic Inspections and Tests, is readily available for your own review and that of the director or an authorized representative.

((\*) (3) You must make sure suspension wire rope is used and maintained as specified in the wire rope manufacturer's recommended procedures.

((\*) (4) You must remove from service a wire rope that has any of the following:

((-) (a) Broken wires exceeding three wires in one strand or six wires in one rope lay;

((-) (b) Distortion of rope structure such as would result from crushing or kinking;

((-) (c) Evidence of heat damage;

((-) (d) Evidence of rope deterioration from corrosion;

((-) (e) A broken wire within eighteen inches (460.8 mm) of the end attachments;

((-) (f) Noticeable rusting and pitting;

((-) (g) Evidence of core failure. This could be indicated by a lengthening of rope lay, protrusion of the rope core and a reduction in rope diameter;

((-) (h) More than one valley break (broken wire);

((-) (i) Outer wire wear exceeds one-third of the original outer wire diameter;

((-) (j) Any other condition which the competent person determines has significantly affected the integrity of the rope.

**Table 2**  
**Periodic Inspections and Tests**

What to inspect:	When to inspect:	Inspection and test requirements:	Building owner documentation:
Related building supporting structures	Intervals not exceeding twelve months	Inspection by a competent person	Keep a certification record of each inspection and test that includes all of the following: ((-) 1. Date of the inspection ((-) 2. Signature of the person who performed the inspection ((-) 3. Number, or other identifier, of the building support structure and equipment which was inspected
All parts of the equipment including control systems	Intervals specified by the manufacturer or supplier, but not to exceed twelve months	Inspection and test, where necessary, by a competent person to determine: ((-) 1. They are in safe operating condition; <u>and</u> (( <del>and</del> -) 2. Parts subject to wear, such as wire ropes, bearings, gears, and governors have not worn to such an extent as to affect the safe operation of the installation	
Working platform	((*) Every thirty days; <u>or</u> (( <del>or</del> *) Before each work cycle if the work cycle is more than thirty days	Maintenance inspection and test by a competent person following procedures recommended by the manufacturer	Keep a certification record of each inspection and test that includes all of the following: ((-) 1. Date of the inspection and test ((-) 2. Signature of the person who performed the inspection and test ((-) 3. An identifier for the platform installation which was inspected

What to inspect:	When to inspect:	Inspection and test requirements:	Building owner documentation:
Governors and secondary brakes	Intervals specified by the manufacturer or supplier, but not to exceed twelve months	Inspection and test by a competent person. Results need to confirm: ((-)) 1. The initiating device for the secondary braking system operates at the proper overspeed; <u>and</u> (( <del>and</del> -)) 2. The secondary brake is functioning properly  If any hoisting machine or initiating device for the secondary brake system is removed from the equipment for testing, reinspect all reinstalled and directly related components before returning the equipment installation to service	
Suspension wire ropes	((*) Once a month for ropes in service  (( <del>and</del> *) Before they are returned to service for ropes that have been out of service for thirty days or more	A thorough inspection by a competent person	Keep a certification record of each monthly inspection that includes all of the following: ((-)) 1. Date of the inspection ((-)) 2. Signature of the person who performed the inspection ((-)) 3. Number, or other identifier, of the wire rope which was inspected

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-30025 Reshackling and resocketing wire ropes. ((You must:**

\*) (1) You must make sure the nondrum ends of hoisting wire ropes are reshackled or, if the rope uses poured socket fastenings, resocketed at intervals not exceeding twenty-four months.

((\*) (2) You must make sure enough rope is cut from the end of the rope during reshackling or resocketing to remove any damaged or fatigued portions.

((\*) (3) You must make sure resocketed ropes meet the requirements of Suspension wire ropes and rope connections, WAC 296-870-70085.

((\*) (4) You must make sure limit switches affected by resocketed ropes are reset if necessary.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-30030 Disabling safety or electrical protective devices. ((You must:**

\*) (1) You must make sure no person renders any required safety devices or electrical protective devices inoperative unless necessary for tests, inspections, or maintenance.

((\*) (2) You must restore any disabled devices to normal operating condition immediately after the test, inspection or maintenance is completed.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-400 Section contents.**

**Summary**

**Your responsibility:**

To train employees who operate or inspect powered platforms.

((WAC 296-870-40005

General training-

WAC 296-870-40010

Emergency action plan-

WAC 296-870-40015

Certification.))

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>General training</u>	<u>WAC 296-870-40005</u>
<u>Emergency action plan</u>	<u>WAC 296-870-40010</u>
<u>Certification</u>	<u>WAC 296-870-40015</u>

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-40005 General training.** ~~((You must: \*~~)) (1) You must make sure employees are trained by a competent person.

((\*) (2) You must train employees who operate powered platforms in all of the following:

((-) (a) Recognizing safety hazards and the preventative measures to control or minimize hazards that are associated with:

((■)) (i) Using powered platforms, including those that apply to the specific platform they will be operating; ~~((AND~~

~~■)) and~~

(ii) Their individual work tasks.

((-) (b) Emergency action plan procedures;

((-) (c) Work procedures for operating, safely using and inspecting powered platforms.

((\*) (3) You must provide written work procedures for operating, safely using, and inspecting working platforms to be used in employee training.

**Note:** Visual presentations, such as graphics and pictures, may be used instead of written work procedures if it improves employee understanding. The powered platform system components manufacturers' operating manuals can serve as the basis for these work procedures.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-40010 Emergency action plan.** ~~((You must:~~

\*)) (1) You must make sure a written emergency action plan is developed and implemented for each kind of working platform operation that contains at least both of the following:

((-) (a) An explanation of the emergency procedures to be followed in the event of any of the following situations:

((■)) (i) Power failure;

((■)) (ii) Equipment failure;

((■)) (iii) Other emergencies which may be encountered.

((-) (b) That employees are informed about the building emergency escape routes, procedures and alarm systems.

((\*) (2) You must review with each employee those parts of the plan they need to know to protect themselves in the event of an emergency:

((-) (a) Upon initial assignment; ~~((AND~~

~~-)) and~~

(b) Whenever the plan is changed.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-40015 Certification.** ~~((You must:~~ \*) (1) You must certify in writing that employees have been trained in operating and inspecting a working platform.

((\*) (2) You must make sure training certifications are:

((-) (a) Prepared when the employee has completed training; ~~((AND~~

~~-)) and~~

(b) Contain all of the following:

((■)) (i) Name of the person trained;

((■)) (ii) Signature of the person who conducted the training;

((■)) (iii) Date training was completed.

((\*) (3) You must make sure the training certification is:

((-) (a) Maintained while the employee works for you; ~~((AND~~

~~-)) and~~

(b) Kept readily available for review by the director or an authorized representative.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-500 Section contents.**

~~((IMPORTANT:))~~ **Summary**

**Important:**

This section applies to permanent powered platform installations that meet **all** of the following:

((\*) (1) The installation was completed between August 27, 1971, and July 24, 1990;

((\*) (2) There has been no major modification to the installation after July 23, 1990; and

((\*) (3) The working platforms use electric-powered, winding drum type hoisting machines.

**Note:** ((\*) 1. Platforms operated by other types of power and using other types of hoisting machines are allowed if they:

((-) (a) Have adequate protective devices for the type of power used; ~~((AND))~~ and

((-) (b) Provide reasonable safety for persons using or exposed to the equipment;

((\*) 2. Other types of hoisting machines include, but are not limited to, machines such as traction drum hoisting machines, air powered machines, hydraulic powered machines, and internal combustion machines.

~~((Definition:~~

~~An existing installation is a permanent powered platform installation that:~~

~~—Was completed before July 23, 1990;~~

~~AND~~

~~—Has had no major modification done after July 23, 1990.)~~

**Your responsibility:**

To make sure powered platform installations completed between August 27, 1971, and July 24, 1990, meet these building and equipment requirements.

~~((WAC 296-870-50005~~

~~Design, construction, and installation.~~

~~WAC 296-870-50010~~

~~Fall protection.~~

~~WAC 296-870-50015  
Electrical~~)

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Design, construction, and installation</u>	<u>WAC 296-870-50005</u>
<u>Fall protection</u>	<u>WAC 296-870-50010</u>
<u>Electrical</u>	<u>WAC 296-870-50015</u>

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-50005 Design, construction, and installation.** ~~((You must:~~

•)) (1) You must make sure powered platforms designated as Type F meet all the requirements in Part II of ANSI A120.1-1970, American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance.

~~((Definition:~~

~~A **Type F powered platform** has both of the following characteristics:~~

~~-The working platform is suspended by at least four wire ropes and designed so that failure of any one wire rope will not substantially alter the normal position of the working platform~~

~~-Only one layer of hoisting rope is permitted on the winding drums.~~

~~**You must:**~~

•)) (2) You must make sure powered platforms designated as Type T meet all the requirements in Part III of ANSI A120.1-1970 American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance except for section 28, Safety belts and lifelines.

~~((Definition:~~

~~A **Type T powered platform** has a working platform that is suspended by at least two wire ropes. The platform will not fall to the ground if a wire rope fails, but the working platform's normal position would be upset.))~~

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-50010 Fall protection.** ~~((You must:~~

•)) (1) You must make sure the fall protection system of both Type F and Type T powered platforms meet the requirements of Appendix C—Personal fall arrest system, WAC 296-24-88050, found in the General safety and health standards, chapter 296-24 WAC.

(•) (2) You must make sure working platforms have permanent guardrails that meet all of the following requirements:

(-) (a) Guardrails on the building side (front) of the platform have a top rail that is not less than thirty-eight inches and not more than forty-five inches high.

(-) (b) Guardrails on the other three sides have a top rail that is not less than forty-five inches high.

(-) (c) Top rails are able to withstand a force of at least two hundred pounds.

(-) (d) Guardrails have a midrail around the entire platform between the top rail and the toeboard.

**Reference:** Ramps and walkways that are four feet (1.2 m) or more above a lower level need to have a guardrail system. These requirements are found in Working Surfaces, Guarding Floors and Wall Openings, Ladders, Part J-1, in the General safety and health standards, chapter 296-24 WAC.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-50015 Electrical.** ~~((You must:~~

•)) (1) You must make sure electrical wiring and equipment meets the requirements of the National Electric Code, NFPA 70-1987, ANSI C1-1987, except as modified by ANSI A120.1-1970 American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance.

(•) (2) You must make sure runway conductor systems are:

(-) (a) Designed for use in exterior locations; ~~((AND -)) and~~

(b) Located to prevent contact with water or accumulated snow.

(•) (3) You must make sure conductors, collectors, and disconnecting means meet the requirements for cranes and hoists in Article 610 of the National Electrical Code, NFPA 70-1987, ANSI C1-1987.

(•) (4) You must make sure the power conductors are paralleled by a grounded conductor that meets both of the following:

(-) (a) It cannot be opened by the disconnecting means; ~~((AND -)) and~~

(b) The system is designed to not pose a hazard to persons in the area.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-600 Section contents.**

~~((IMPORTANT:))~~ **Summary**

**Important:**

This section applies to permanent powered platform installations that meet **either** of the following:

(•) (1) Were completed after July 23, 1990;

**OR**

(•) (2) Have had major modifications done to an existing installation after July 23, 1990.

~~((Definition:~~

~~A **new installation** is a permanent powered platform installation that was completed, or an existing installation that has had major modifications done, after July 23, 1990.))~~

**Note:** If affected parts of the building meet the requirements of the edition of American National Standard Institute/American Society of Mechanical Engineers ANSI/ASME A120.1, Safety Requirements for Powered Platforms for Building Maintenance, that was in effect when the powered platform installation was completed, they will be considered to meet the requirements of this section.

**Your responsibility:**

To make sure new powered platform installations meet these building requirements.

~~((WAC 296-870-60005~~

~~Design.~~

~~WAC 296-870-60010~~

~~Stabilization systems.~~

~~WAC 296-870-60015~~

~~Intermittent stabilization system.~~

~~WAC 296-870-60020~~

~~Button guide stabilization system.~~

~~WAC 296-870-60025~~

~~Stabilization system using angulated roping and building face rollers.~~

~~WAC 296-870-60030~~

~~Cable stabilization.~~

~~WAC 296-870-60035~~

~~Electrical.~~

~~WAC 296-870-60040~~

~~Guarding roofs and other elevated areas.~~

~~WAC 296-870-60045~~

~~Moving equipment.~~

~~WAC 296-870-60050~~

~~Repair and maintenance.~~

~~WAC 296-870-60055~~

~~Communications.))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Design</u>	<u>WAC 296-870-60005</u>
<u>Stabilization systems</u>	<u>WAC 296-870-60010</u>
<u>Intermittent stabilization system</u>	<u>WAC 296-870-60015</u>
<u>Button guide stabilization system</u>	<u>WAC 296-870-60020</u>
<u>Stabilization system using angulated roping and building face rollers</u>	<u>WAC 296-870-60025</u>
<u>Cable stabilization</u>	<u>WAC 296-870-60030</u>
<u>Electrical</u>	<u>WAC 296-870-60035</u>
<u>Guarding roofs and other elevated areas</u>	<u>WAC 296-870-60040</u>
<u>Moving equipment</u>	<u>WAC 296-870-60045</u>
<u>Repair and maintenance</u>	<u>WAC 296-870-60050</u>
<u>Communications</u>	<u>WAC 296-870-60055</u>

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-60005 Design.** ~~((You must:~~

~~•)) (1) You must make sure structural supports, tie-downs, tie-in guides, anchoring devices and any affected parts of the building included in the installation are designed by, or under the direction of, a registered professional engineer experienced in such design.~~

~~((•)) (2) You must make sure affected parts of the building are capable of sustaining all the loads imposed by the equipment.~~

~~((•)) (3) You must make sure exterior installations are capable of withstanding prevailing climatic conditions.~~

~~((•)) (4) You must make sure the affected parts of the building allow employees to use the equipment without being exposed to a hazardous condition.~~

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-60010 Stabilization systems.** ~~((You must:~~

~~•)) (1) You must make sure the exterior of each building is provided with at least one of the following stabilization systems:~~

~~((-) (a) Continuous tie-in guides;~~

~~((-) (b) Intermittent stabilization system;~~

~~((-) (c) Button guide stabilization system;~~

~~((-) (d) System using angulated roping and building face rollers;~~

~~((-) (e) System equivalent to a continuous tie-in guide system.~~

~~((Exemption))~~  
**EXEMPTION:**

• Tie-in guides may be eliminated for not more than seventy-five feet (22.9 m) of the uppermost elevation of the building if:

((-) 1. Using tie-in guides there is not feasible due to building design;

AND

((-) 2. Angulated roping is used that provides a stabilizing force of at least ten pounds (44.4 n) under all conditions of loading.

~~((You must:~~

~~•)) (2) You must make sure embedded tie-down anchors, fasteners, and affected structures are corrosion-resistant.~~

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-60015 Intermittent stabilization system.**

**Note:** This system may be used with a continuous tie-in guide system on the same building as long as the requirements for each system are met.

~~((You must:~~

~~•)) (1) You must make sure an intermittent stabilization system:~~

~~((-) (a) Keeps the equipment in constant contact with the building; ~~((AND~~~~

~~-)) and~~

~~((b) Prevents sudden horizontal movement of the platform.~~

~~((•)) (2) You must make sure building anchors are located vertically so that:~~

~~((-) (a) The distance between anchors is not more than three floors or fifty feet (15.3 m), whichever is less; ~~((AND~~~~

~~-)) and~~

(b) Attaching the suspension ropes to the stabilizer ties will not cause the platform to move horizontally across the face of the building.

(\*) (3) You must make sure the anchors are positioned horizontally on the building face so as to be symmetrical about the platform suspension ropes.

(\*) (4) You must make sure building anchors:

(-) (a) Are easily seen by employees; (~~AND~~ -) and

(b) Allow a stabilizer tie attachment for each of the platform suspension ropes at each vertical interval.

(\*) (5) You must make sure building anchors that extend beyond the face of the building have no sharp edges or points.

(\*) (6) You must make sure building anchors do not interfere with the handling or operation of cables, suspension wire ropes and lifelines that may be in contact with the building face.

(\*) (7) You must make sure the building anchors and components can sustain, without failure, at least four times the maximum anticipated load applied or transmitted to them.

(\*) (8) You must make sure the building anchors and stabilizer ties can sustain the anticipated horizontal and vertical loads from winds specified for roof storage design which may act on the platform and wire ropes if the platform is stranded on the building face.

(\*) (9) You must make sure the minimum design wind load for each anchor is three hundred pounds (1334 n) if two anchors share the wind load.

(\*) (10) You must make sure one building anchor and stabilizer tie can sustain the wind load if either:

(-) (a) The building anchors have different spacing than the suspension wire rope; (~~OR~~ -) or

(b) The building requires different suspension spacings on one platform.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-60020 Button guide stabilization system.** (~~You must:~~

\*) (1) You must make sure the guide buttons are:

(-) (a) Coordinated with the platform guide tracks and other platform-mounted equipment; (~~AND~~ -) and

(b) Located on the building so they properly engage the guide tracks mounted on the platform.

(\*) (2) You must make sure two guide buttons engage each guide track at all times except for the initial engagement.

(\*) (3) You must make sure guide buttons that extend beyond the face of the building have no sharp edges or points.

(\*) (4) You must make sure guide buttons do not interfere with the handling or operation of cables, suspension wire ropes and lifelines that may be in contact with the building face.

(\*) (5) You must make sure guide buttons, connections, and seals are either:

(-) (a) Able to sustain, without damage, at least the weight of the platform; (~~OR~~

-) or

(b) Are prevented by the guide tracks or guide track connectors from having the weight of the platform and its attachments transmitted to them.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-60025 Stabilization system using angulated roping and building face rollers.** (~~You must:~~

\*) (1) You must make sure a stabilization system using angulated roping and building face rollers does all of the following:

(-) (a) Keeps the equipment in continuous contact with the building face;

(-) (b) Prevents sudden horizontal movement of the platform; and

(-) (c) Maintains a stabilizing force of at least ten pounds (44.4 n) against the face of the building.

(\*) (2) You must make sure the suspended portion of the equipment is not used more than one hundred thirty feet (39.6 m) above a safe surface or ground level.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-60030 Cable stabilization.** (~~You must:~~

\*) (1) You must make sure hanging lifelines and all other cables not in tension are stabilized after the initial two hundred feet (61 m) of vertical travel of the working platform and every two hundred feet (61 m) thereafter.

(\*) (2) You must make sure hanging cables which are in constant tension, other than suspended wire ropes, are stabilized after an initial six hundred feet (183 m) of vertical travel of the working platform and at intervals of six hundred feet (183 m) or less thereafter.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-60035 Electrical.** (~~You must:~~

\*) (1) You must make sure, when full load is applied to the equipment power circuit, that the building electrical wiring does not allow more than a five percent voltage drop from the building service vault voltage at any power circuit outlet used by the powered platform installation.

(\*) (2) You must make sure the equipment power circuit is provided with a disconnect switch that is all of the following:

(-) (a) Able to be locked in either the "off" or "on" position;

(-) (b) Conveniently located with respect to the primary operating area of the equipment to allow equipment operators access to the switch; and

(-) (c) Locked in the "on" position when the equipment is being used.

(\*) (3) You must make sure the powered platform equipment power supply is an independent electrical circuit

that remains separate from all other equipment within or on the building.

~~((Exemption:))~~ **EXEMPTION:** The equipment power circuit may be connected to the electrical circuit supplying power to hand tools used in conjunction with the equipment.

**Note:** If the building is provided with an emergency power system, the equipment power circuit may also be connected to the emergency power system.

**Reference:** Unless otherwise specified in this section, building electrical installations have to meet the requirements of Electrical, Part L, in the General safety and health standards, chapter 296-24 WAC.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-60040 Guarding roofs and other elevated areas.** ~~((You must:))~~

\*) (1) You must make sure employees working on a roof or other elevated working area four feet (1.2 m) or more above an adjacent safe surface are protected by a perimeter guarding system.

**Reference:** Requirements for the perimeter guarding system are found in Guarding floor and wall openings and holes, WAC 296-24-750, found in the General safety and health standards, chapter 296-24 WAC.

~~((You must:))~~

\*) (2) You must make sure the inboard face of the perimeter guard is:

((-) (a) Not more than six inches (152 mm) inboard of the inside face of a barrier such as the parapet wall or roof edge curb; ~~((AND~~

-)) and

(b) Not more than eighteen inches (457 mm) from the face of the building.

((\*) (3) You must make sure an elevated track system that is designed to be traversed by carriage-supported equipment and located four feet (1.2 m) or more above an adjacent safe surface is either:

((-) (a) Provided with a walkway and guardrail system; ~~((OR~~

-)) or

(b) Has a working platform that can be lowered, as part of normal operations, to the lower safe surface.

((\*) (4) You must make sure personnel have a safe way to access and to egress from the lower safe surface.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-60045 Moving equipment.** ~~((You must:))~~

\*) (1) You must make sure all carriages and carriage-supported equipment can be traversed to a safe area for storage and maintenance.

((\*) (2) You must make sure operational areas for trackless type equipment have structural stops, such as curbs, to prevent equipment from traveling outside its intended travel area.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-60050 Repair and maintenance.** ~~((You must:))~~

\*) You must make sure repair or major maintenance of parts of the building that provide primary support for suspended equipment does not affect the ability of the building to meet the requirements of this chapter.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-60055 Communications.** ~~((You must:))~~

\*) You must make sure an effective two-way voice communication system is provided between the equipment operators and persons stationed within the building.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-700 Section contents.**

~~((IMPORTANT:))~~ **Summary**

**Important:**

This section applies to permanent powered platform installations that meet either of the following:

((\*) (1) Were completed after July 23, 1990;

OR

((\*) (2) Have had major modifications done to an existing installation after July 23, 1990.

~~((Definition:))~~

~~A new installation is a permanent powered platform installation that was completed, or an existing installation that has had major modifications done, after July 23, 1990.)~~

**Note:** If the powered platform equipment meets the requirements of the edition of American National Standard Institute/American Society of Mechanical Engineers ANSI/ASME A120.1, Safety Requirements for Powered Platforms for Building Maintenance, that was in effect when the powered platform installation was completed, it will be considered to meet the requirements of this section.

**Your responsibility:**

To make sure equipment used with new powered platform installations meets these requirements.

~~((WAC 296-870-70005~~

~~Design and construction-~~

~~WAC 296-870-70010~~

~~Carriages-~~

~~WAC 296-870-70015~~

~~Carriage strength and stability-~~

~~WAC 296-870-70020~~

~~Carriage traversing-~~

~~WAC 296-870-70025~~

~~Transportable outriggers-~~

~~WAC 296-870-70030~~

~~Davits-~~

~~WAC 296-870-70035~~

~~Hoisting machines-~~

~~WAC 296-870-70040~~

~~Suspended equipment strength and stability-~~

~~WAC 296-870-70045~~



Suspended equipment guardrail system:  
WAC 296-870-70050  
Suspended working platforms and manned platforms used on supported equipment:  
WAC 296-870-70055  
Working platform fall protection:  
WAC 296-870-70060  
Two- and four-point suspended working platforms:  
WAC 296-870-70065  
Ground-rigged working platforms:  
WAC 296-870-70070  
Intermittently stabilized working platforms:  
WAC 296-870-70075  
Button guide stabilized working platforms:  
WAC 296-870-70080  
Supported equipment:  
WAC 296-870-70085  
Suspension wire ropes and rope connections:  
WAC 296-870-70090  
Control circuits, power circuits and electrical protective devices.))

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Design and construction</u>	<u>WAC 296-870-70005</u>
<u>Carriages</u>	<u>WAC 296-870-70010</u>
<u>Carriage strength and stability</u>	<u>WAC 296-870-70015</u>
<u>Carriage traversing</u>	<u>WAC 296-870-70020</u>
<u>Transportable outriggers</u>	<u>WAC 296-870-70025</u>
<u>Davits</u>	<u>WAC 296-870-70030</u>
<u>Hoisting machines</u>	<u>WAC 296-870-70035</u>
<u>Suspended equipment strength and stability</u>	<u>WAC 296-870-70040</u>
<u>Suspended equipment guardrail system</u>	<u>WAC 296-870-70045</u>
<u>Suspended working platforms and manned platforms used on supported equipment</u>	<u>WAC 296-870-70050</u>
<u>Working platform fall protection</u>	<u>WAC 296-870-70055</u>
<u>Two- and four-point suspended working platforms</u>	<u>WAC 296-870-70060</u>
<u>Ground-rigged working platforms</u>	<u>WAC 296-870-70065</u>
<u>Intermittently stabilized working platforms</u>	<u>WAC 296-870-70070</u>
<u>Button guide stabilized working platforms</u>	<u>WAC 296-870-70075</u>
<u>Supported equipment</u>	<u>WAC 296-870-70080</u>
<u>Suspension wire ropes and rope connections</u>	<u>WAC 296-870-70085</u>

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Control circuits, power circuits and electrical protective devices</u>	<u>WAC 296-870-70090</u>

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70005 Design and construction.**

**~~((IMPORTANT:))~~ Important:**

This section applies to equipment which is part of a powered platform installation, such as platforms, stabilizing components, carriages, outriggers, davits, hoisting machines, wire ropes and electrical components.

**~~((You must:~~**

**\*) (1) You must** make sure equipment installations are designed by, or under the direction of, a registered professional engineer experienced in such design.

**((\*) (2) You must** make sure the design uses a minimum live load of two hundred fifty pounds (113.6 kg) for each occupant of a suspended or supported platform.

**((\*) (3) You must** make sure equipment exposed to wind when not in service is designed to withstand loads generated by winds of at least one hundred miles per hour (44.7 m/s) at thirty feet (9.2 m) above grade.

**((\*) (4) You must** make sure equipment exposed to wind when in service is designed to withstand loads generated by winds of at least fifty miles per hour (22.4 m/s) for all elevations.

**((\*) (5) You must** make sure elevated building maintenance equipment is suspended by one of the following:

**((-) (a) A carriage;**

**((-) (b) Outriggers;**

**((-) (c) Davits;**

**((-) (d) An equivalent method.**

**((\*) (6) You must** make sure bolted connections are self-locking or otherwise secured to prevent loosening by vibration.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70010 Carriages. ~~((You must:~~**

**\*) (1) You must** make sure each carriage work station is identified by location markings or position indicators.

**((\*) (2) You must** make sure means are provided to lock out the power supply for the carriage.

**((\*) (3) You must** make sure safe access to and egress from the carriage is provided from a safe surface.

**((\*) (4) You must** make sure any carriage access gate is either:

**((-) (a) Self-closing and self-latching; ~~((OR~~**

**or**

**(b) Provided with an interlock.**

**((\*) (5) You must** make sure any operating area on the carriage is protected by a guardrail system.

**Reference:** Guardrail system requirements are found in Suspended equipment guardrail system, WAC 296-870-70045.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70015 Carriage strength and stability.**

~~((You must:~~

\*) (1) You must make sure roof carriage system stability is obtained by using gravity, attachment to a structural support, or a combination of gravity and structural attachment.

((\*) (2) You must never use a material that can flow as a counterweight to achieve stability.

((\*) (3) You must make sure the stability factor against overturning for horizontal traversing of the carriage, including wind and impact effects, is not less than two.

((\*) (4) You must make sure carriages and their anchorages can resist accidental over-tensioning of the wire ropes suspending the platform. Include in the calculation the effect of one and one-half times the stall load of the hoist.

((\*) (5) You must make sure all parts of the powered platform installation can withstand, without damage, the forces resulting from a load equal to the stall load of the hoist and one-half of the wind load.

((\*) (6) You must make sure roof carriages which develop the required stability against overturning by using tie-down devices secured to the building have an interlock which will prevent vertical platform movement unless the tie-down is engaged.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70020 Carriage traversing.** ~~((You must:~~

\*) (1) You must make sure carriages used to suspend powered platforms meet all of the following:

((-) (a) The horizontal movement of the carriage is controlled to permit it to be moved safely and to allow accurate positioning of the platform for vertical travel or storage;

((-) (b) Structural stops and curbs are provided to prevent traversing of the carriage beyond its designed limits of travel;

((-) (c) Powered carriages are limited to a maximum traversing speed of fifty feet per minute (0.3 m/s);

((-) (d) Manually propelled carriages on a smooth level surface require a horizontal force of not more than one hundred pounds (444.8 n) per person to initiate a traversing movement.

((\*) (2) You must make sure traversing controls for a powered carriage meet all of the following:

((-) (a) Controls are continuous pressure weatherproof type;

((-) (b) Multiple controls, if provided, only permit operation from one control station at a time;

((-) (c) An emergency stop device that interrupts power to the carriage drive motors is provided on each end of the carriage.

((\*) (3) You must make sure the operating controls of suspended equipment is connected so that traversing the carriage is not possible until:

((-) (a) The suspended portion of the equipment is at the uppermost designed position for traversing and free of contact with the face of the building or building guides; ~~((AND~~

-)) and

(b) All protective devices and interlocks are in the proper position to allow traversing of the carriage.

((\*) (4) You must make sure unintentional traversing of the carriage is prevented by providing one of the following:

((-) (a) An automatically applied braking or locking system, or the equivalent, for power-traversed or power-assisted carriages;

((-) (b) A manual or automatic braking or locking system, or the equivalent, for manually propelled carriages.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70025 Transportable outriggers.**

~~((You must:~~

\*) (1) You must make sure transportable outriggers are only used when all of the following are met:

((-) (a) They are used with self-powered, ground-rigged working platforms;

((-) (b) The point of suspension is not higher than three hundred feet (91.5 m) above a safe surface;

((-) (c) A tie-in guide stabilization system is provided.

((\*) (2) You must make sure each outrigger is secured with a tie down to a verified anchorage on the building and meets all of the following:

((-) (a) The outrigger is tied down during the entire time it is used;

((-) (b) The outrigger is tied back with a rope equivalent in strength to the suspension rope;

((-) (c) The tie-back rope is installed parallel to the centerline of the outrigger;

((-) (d) The anchorage has a design stability factor against overturning or upsetting of the outrigger of not less than four.

((\*) (3) You must make sure access to and egress from the working platform is from and to a safe surface below the point of suspension.

((\*) (4) You must make sure each outrigger has a design stability factor to prevent rollover in the event of an accidental lateral load on the outrigger of not less than seventy percent of the rated load of the hoist.

((\*) (5) You must make sure each outrigger is designed to support an ultimate load of not less than four times the rated load of the hoist.

((\*) (6) You must make sure each outrigger is located so that the suspension wire ropes for two point suspended working platforms are parallel.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70030 Davits.** ~~((You must:~~

\*) (1) You must make sure all davit installations are designed and installed to have a stability factor against overturning of not less than four.

((\*) (2) You must make sure access to and egress from the working platform of roof rigged davit systems:

((-) (a) Is from a safe surface; ~~((AND~~

-)) and

(b) Does not require persons to climb over a building parapet or guardrail.

(\*) (3) You must make sure the working platform of a roof rigged davit system has wheels, casters, or a carriage for traversing horizontally.

(\*) (4) You must make sure ground rigged davit systems meet all of the following:

(-) (a) The point of suspension is not higher than three hundred feet (91.5 m) above a safe surface;

(-) (b) A tie-in guide stabilization system is provided;

(-) (c) Access to and egress from the working platform is from a safe surface below the point of suspension.

(\*) (5) You must make sure a rotating davit of a ground rigged davit system requires a horizontal force of forty pounds (177.9 n) or less per person to initiate a rotating movement.

(\*) (6) You must make sure a transportable davit or part of a davit weighing more than eighty pounds (36 kg) has means provided for its transport that keep the center of gravity of the davit at or below thirty-six inches (914 mm) above the safe surface during transport.

(\*) (7) You must make sure a transportable davit is provided with a pivoting socket or base that allows the davit to be removed or inserted:

(-) (a) At a position of not more than thirty-five degrees above the horizontal; (~~AND~~

-)) and

(b) With the complete davit inboard of the building face.

(\*) (8) You must make sure means are provided to lock a transportable davit to its socket or base before it is used to suspend the platform.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70035 Hoisting machines.** (~~You must:~~

\*) (1) You must make sure suspended or supported equipment is raised or lowered only by a hoisting machine.

(\*) (2) You must make sure each hoisting machine is all of the following:

(-) (a) Powered only by air, electric, or hydraulic sources;

(-) (b) Capable of raising or lowering one hundred twenty-five percent of the rated load of the hoist;

(-) (c) Able to arrest any overspeed descent of the load.

(\*) (3) You must make sure the stall load of any hoist motor is not more than three times its rated load.

(\*) (4) You must make sure any component of a hoisting machine that needs to be lubricated for protection or proper functioning has means provided to apply the lubricant.

(\*) (5) You must make sure winding drums, traction drums and sheaves, and directional sheaves used in conjunction with hoisting machines are compatible with, and sized for, the wire rope used.

(\*) (6) You must make sure each winding drum:

(-) (a) Has a positive means to attach the wire rope to the drum; (~~AND~~

-)) and

(b) The attachment can develop at least four times the rated load of the hoist.

(\*) (7) You must make sure each hoisting machine is provided with a primary brake that is all of the following:

(-) (a) Capable of stopping and holding not less than one hundred twenty-five percent of the lifting capacity of the hoist;

(-) (b) Directly connected to the drive train of the hoisting machine without using belts, chains, clutches, or set screw type devices;

(-) (c) Automatically set when power to the prime mover is interrupted.

(\*) (8) You must make sure each hoisting machine is provided with at least one independent secondary brake that is all of the following:

(-) (a) Capable of stopping and holding not less than one hundred twenty-five percent of the lifting capacity of the hoist;

(-) (b) An automatic emergency type of brake that, if actuated during each stopping cycle, does not engage before the hoist is stopped by the primary brake;

(-) (c) Able to stop and hold the platform within a vertical distance of twenty-four inches (609.6 mm) after the brake is actuated.

**Reference:** Moving parts of a hoisting machine need to be enclosed or guarded as required by another chapter, Machine safety, chapter 296-806 WAC.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70040 Suspended equipment strength and stability.** (~~You must:~~

\*) (1) You must make sure each suspended unit component is:

(-) (a) Capable of supporting, without failure, at least four times the maximum intended live load applied or transmitted to it; (~~AND~~

-)) and

(b) Constructed of materials that will withstand the anticipated weather conditions.

(~~Exemption~~) The strength requirement does not apply to suspension ropes and guardrail systems.

(~~You must:~~ \*) (2) You must make sure each suspended unit has a load rating plate that:

(-) (a) Is conspicuously located; (~~AND~~

-)) and

(b) States the suspended unit weight and rated load.

(\*) (3) You must make sure suspended units that do not have the suspension points at the end of the unit:

(-) (a) Are continuously stable for any position or use of the live load; (~~AND~~

-)) and

(b) Maintain at least a one and one-half to one stability factor against unit upset.

(\*) (4) You must make sure each suspended unit has guide rollers, guide shoes, or building face rollers that compensate for variations in building dimensions and for minor horizontal out-of-level variations of the suspended unit.

((\*) (5) You must make sure the working platform of each suspended unit is secured to the building facade by at least one of the following methods:

- ((-) (a) Continuous engagement to building anchors;
- ((-) (b) Intermittent engagement to building anchors;
- ((-) (c) Button guide engagement;
- ((-) (d) Angulated roping and building face rollers;
- ((-) (e) A system equivalent to continuous engagement to building anchors.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70045 Suspended equipment guard-rail system.** (~~You must:~~

\*) (1) You must make sure each working platform of a suspended unit has a guardrail system on all sides that consists of a top guardrail, midrail, and a toeboard.

((\*) (2) You must make sure the top guardrail is:

- ((-) (a) At least thirty-eight inches (950 mm) high; (~~AND~~ -) and
- (b) Able to withstand at least a two hundred pound (890 n) force in any downward or outward direction.

((\*) (3) You must make sure the midrail is able to withstand at least a seventy-five pound (333 n) force in any downward or outward direction.

((\*) (4) You must make sure material encloses the area:

- ((-) (a) Between the top guardrail and the toeboard on the ends and outboard side of the platform; (~~AND~~ -) and
- (b) Between the midrail and the toeboard on the inboard side of the platform.

((\*) (5) You must make sure the material surrounding the platform is:

- ((-) (a) Able to withstand a load of one hundred pounds (45.4 kg) applied horizontally over any area of one square foot (.09 m<sup>2</sup>); (~~AND~~ -) and
- (b) Has openings small enough to not allow passage of life lines and potential falling objects.

((\*) (6) You must make sure toeboards are all of the following:

- ((-) (a) Capable of withstanding, without failure, a force of at least fifty pounds (222 n) applied at any point in a downward or horizontal direction;
- ((-) (b) At least four inches (9 cm) from their top edge to the level of the platform floor;
- ((-) (c) Securely fastened in place at the outermost edge of the platform;
- ((-) (d) Installed so there is not more than a one-half inch (1.3 cm) gap between the bottom of the toeboard and the platform floor;
- ((-) (e) Solid or with openings not more than one inch (2.5 cm) in the greatest dimension.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70050 Suspended working platforms and manned platforms used on supported equipment.** (~~You must:~~

\*) (1) You must make sure the width of the working platform is:

- ((-) (a) At least twenty-four inches (610 mm); (~~AND~~ -) and
- (b) Allows a minimum of a twelve-inch (305 mm) wide passage at or past any obstruction on the platform.

((\*) (2) You must make sure the platform has slip-resistant flooring.

((\*) (3) You must make sure any opening in the platform is either:

- ((-) (a) Small enough to prevent passage of life lines, cables, and other potential falling objects; (~~OR~~ -) or
- (b) Protected by material under the opening which prevents the passage of life lines, cables, and potential falling objects.

((\*) (4) You must make sure means are provided to store any cable suspended from above the platform to keep it from accumulating on the floor of the platform.

((\*) (5) You must make sure means are provided to secure all tools, water tanks, and other accessories to keep them from moving or accumulating on the floor of the platform.

((\*) (6) You must make sure flammable liquids are not carried on the working platform.

((\*) (7) You must make sure a type B-C portable fire extinguisher is provided and securely attached on all working platforms.

((\*) (8) You must make sure operating controls for vertical travel of the platform are:

- ((-) (a) Continuous-pressure type; (~~AND~~ -) and
- (b) Located on the platform.

((\*) (9) You must make sure the maximum rated speed of the platform is limited to:

- ((-) (a) Fifty feet per minute (0.3 ms) for single speed hoists; (~~AND~~ -) and
- (b) Seventy-five feet per minute (0.4 ms) for multispeed hoists.

((\*) (10) You must make sure access to and egress from a working platform, except for those that land directly on a safe surface, is provided by stairs, ladders, platforms or runways.

((\*) (11) You must make sure access gates are self-closing and self-latching.

**Reference:** Requirements for stairs, ladders, platforms and runways are found in other chapters:

- ((-) 1. Working Surfaces, Guarding Floors and Wall Openings, Ladders, Part J-1 in the General safety and health standards, chapter 296-24 WAC.
- ((-) 2. Scaffolds, chapter 296-874 WAC.
- ((-) 3. Ladders, portable, chapter 296-876 WAC.

~~((You must:~~

•)) (12) You must make sure a suspended platform's suspension system restricts the platform inboard to outboard roll around its longitudinal axis to not more than fifteen degrees from the horizontal when moving the live load from the inboard to the outboard side of the platform.

**Note:** The roll limitation does not apply to supported equipment.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70055 Working platform fall protection.** ~~((You must:~~

•)) (1) You must make sure a secondary wire rope suspension system which prevents the platform from falling if the primary means of support fails is provided on:

(-) (a) Working platforms that contain overhead structures which restrict emergency egress; ~~((AND~~

-)) and

(b) Single-point suspended working platforms.

(•) (2) You must make sure each person on the working platform is provided with a fall arrest system that:

(-) (a) Meets the requirements of Appendix C—Personal fall arrest system, WAC 296-24-88050, found in the General safety and health standards, chapter 296-24 WAC; ~~((AND~~

-)) and

(b) Uses a horizontal lifeline or direct connection anchorage on platforms that contain overhead structures which restrict emergency egress.

(•) (3) You must make sure platforms suspended by two or more wire ropes are provided with vertical lifelines if failure of one wire rope or suspension attachment will cause the platform to upset.

**Note:** Vertical lifelines are not required for the fall arrest system if a secondary wire rope suspension is used and each person is attached to a horizontal lifeline anchored to the platform.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70060 Two- and four-point suspended working platforms.**

~~((IMPORTANT:))~~ **Important:**

In addition to these requirements, you also need to meet the requirements of both of the following sections in this chapter:

(-) 1. Suspended working platforms and manned platforms used on supported equipment, WAC 296-870-70050;

(-) 2. Working platform fall protection, WAC 296-870-70055.

~~((You must:~~

•)) (1) You must make sure an emergency electric operating device is provided on roof powered platforms that:

(-) (a) Can be used if either the normal operating device located on the platform or the cable connected to the platform fails; ~~((AND~~

-)) and

(b) Is mounted in a secured compartment near the hoisting machine.

(•) (2) You must make sure the secured compartment containing the emergency electric operating device:

(-) (a) Is labeled with instructions for using the emergency electric operating device; ~~((AND~~

-)) and

(b) Has means for opening the compartment mounted in:

(-) (i) A break-glass receptacle near the emergency electric operating device; ~~((OR~~

-)) or

(ii) An equivalent secure and accessible location.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70065 Ground-rigged working platforms.**

~~((IMPORTANT:))~~ **Important:**

In addition to these requirements, you also need to meet the requirements of both of the following sections in this chapter:

(-) 1. Suspended working platforms and manned platforms used on supported equipment, WAC 296-870-70050;

(-) 2. Working platform fall protection, WAC 296-870-70055.

~~((You must:~~

•)) You must make sure, after each day's use, ground-rigged working platforms are:

(-) (1) Disconnected from the power supply within the building; ~~((AND~~

-)) and

(2) Disengaged from its suspension points or secured and stored at grade.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70070 Intermittently stabilized working platforms.**

~~((IMPORTANT:))~~ **Important:**

In addition to these requirements, you also need to meet the requirements of both of the following sections in this chapter:

(-) 1. Suspended working platforms and manned platforms used on supported equipment, WAC 296-870-70050;

(-) 2. Working platform fall protection, WAC 296-870-70055.

~~((You must:~~

•)) (1) You must make sure each stabilizer tie is equipped with a "quick connect - quick disconnect" device for attachment to the building anchor that:

(-) (a) Cannot be accidentally disengaged; ~~((AND~~

-)) and

(b) Is resistant to adverse environmental conditions.

(•) (2) You must make sure the platform has a stopping device that will interrupt the hoist power supply in the event the platform contacts a stabilizer tie during its ascent.

(•) (3) You must make sure intermittently stabilized platforms use stabilizer ties that:

(-) (a) Allow the specific attachment length needed to obtain the predetermined angulation of the suspended wire rope; ~~((AND~~

-)) and

(b) Maintain the specific attachment length at all building anchor locations.

((\*) (4) You must make sure stabilizer ties can be attached and removed without horizontal movement of the platform.

((\*) (5) You must make sure platform-mounted equipment and suspension wire ropes:

((-) (a) Will not be damaged by the loads from the stabilizer tie or its building anchor; (~~AND~~

-)) and

(b) Are able to withstand a load that is at least twice the ultimate strength of the stabilizer tie.

((\*) (6) You must make sure building face rollers are placed so they do not contact exterior anchors used on the building face.

((\*) (7) You must make sure the platform maintains continuous contact with the building face while ascending and descending.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70075 Button guide stabilized working platforms.**

~~((IMPORTANT:))~~ **Important:**

In addition to these requirements, you also need to meet the requirements of both of the following sections in this chapter:

((-) 1. Suspended working platforms and manned platforms used on supported equipment, WAC 296-870-70050;

((-) 2. Working platform fall protection, WAC 296-870-70055.

~~((You must:~~

\*) (1) You must make sure two guide tracks are mounted on the platform and provide continuous contact with the building face.

((\*) (2) Make sure each guide track on the platform meets all of the following:

((-) (a) Engages a minimum of two guide buttons during any vertical travel of the platform after the initial button engagement;

((-) (b) Is sufficiently maneuverable by platform occupants to permit easy engagement of the guide buttons;

((-) (c) Can be easily moved into and out of its storage position on the platform.

((\*) (3) You must make sure each guide track on the platform of a roof-rigged system has a storage position on the platform.

((\*) (4) You must make sure load carrying components of the button guide stabilization system which transmit the load into the platform are either:

((-) (a) Able to support the weight of the platform; (~~OR~~ -)) or

(b) Are prevented by the guide track connectors or platform attachments from having the weight of the platform transmitted to the platform attachments.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70080 Supported equipment.**

~~((IMPORTANT:))~~ **Important:**

Manned platforms used on supported equipment need to meet all the requirements, except the inboard to outboard roll limitation, of suspended working platforms and manned platforms used on supported equipment, WAC 296-870-60050.

~~((You must:~~

\*) (1) You must make sure supported equipment uses means other than friction to maintain a vertical position relative to the face of the building.

((\*) (2) You must make sure cog wheels or equivalent means are incorporated to provide climbing traction between the supported equipment and the building guides.

((\*) (3) You must make sure additional guide wheels or shoes are incorporated as necessary to keep the drive wheels continuously in positive engagement with the building guides.

((\*) (4) You must make sure that, at the point where the drive wheels enter the building guides, proper alignment is maintained using launch guide mullions that are:

((-) (a) Indexed to the building guides; (~~AND~~ -)) and

(b) Retained in alignment with the building guides.

AMENDATORY SECTION (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70085 Suspension wire ropes and rope connections.** ~~((You must:~~

\*) (1) You must make sure each specific installation uses suspension wire ropes and connections or combination cable and connections meeting the specifications recommended by the hoisting machine manufacturer.

((\*) (2) You must make sure connections are capable of developing at least eighty percent of the rated breaking strength of the wire rope.

((\*) (3) You must make sure each suspension rope has a design factor of at least ten.

~~((Definition:~~

The design factor is the ratio of the rated strength of the suspension wire rope to the rated working load. It is calculated using the following formula:

$$F = (S \times N) / W$$

Where:

F = Design factor

S = Manufacturer's rated strength of one suspension rope

N = Number of suspension ropes under load

W = Rated working load on all ropes at any point of travel.

**Example:**

A working platform is suspended by 4 wire ropes (N), each having a rated strength (S) of three thousand pounds. The rated working load of the platform (W) is one thousand pounds.

Calculate the design factor (F) as follows:

$$F = (S \times N) / W = (3000 \times 4) / 1000 = 12000 / 1000 = 12$$

**You must:**

(\*) (4) You must make sure the minimum grade of suspension wire rope used is improved plow steel or equivalent.

(\*) (5) You must make sure suspension wire ropes are sized to conform with the required design factor, but never less than 5/16 inch (7.94 mm) in diameter.

(\*) (6) You must make sure there is not more than one reverse bend in six wire rope lays.

(\*) (7) You must make sure a suspension wire rope that is to be used at a specific location, and will remain at that location, has a corrosion-resistant tag that:

(-) (a) Is securely attached to one of the wire rope fastenings; (~~AND~~

-) and

(b) Bears the following wire rope information:

(\*) (i) Diameter in inches or millimeters (mm);

(\*) (ii) Construction classification;

(\*) (iii) Whether nonpreformed or preformed;

(\*) (iv) Grade of material;

(\*) (v) Manufacturer's rated strength;

(\*) (vi) Manufacturer's name;

(\*) (vii) Month and year the ropes were installed;

(\*) (viii) Name of the person or company which installed the ropes.

(\*) (8) You must make sure a new tag is installed at each wire rope renewal.

(\*) (9) You must make sure when resocketing the wire rope either:

(-) (a) The original tag is stamped with the date of resocketing; (~~OR~~

-) or

(b) The original tag is retained and a supplemental tag added that shows:

(\*) (i) The date of resocketing; (~~AND~~

\*) and

(ii) The name of the person or company that resocketed the rope.

(\*) (10) You must make sure winding drum type hoists contain at least three wraps of the suspension wire rope on the drum when the suspended unit has reached the lowest possible point of its vertical travel.

(\*) (11) You must make sure traction drum and sheave type hoists use wire rope long enough to reach the lowest possible point of vertical travel of the suspended unit, and an additional length of the wire rope of at least four feet (1.2 m).

(\*) (12) You must make sure suspension wire rope is never lengthened or repaired.

(\*) (13) You must make sure babbitted fastenings are never used with suspension wire rope.

**AMENDATORY SECTION** (Amending WSR 06-19-075, filed 9/19/06, effective 1/1/07)

**WAC 296-870-70090 Control circuits, power circuits and electrical protective devices.**

**Reference:** Unless otherwise specified in this chapter, make sure electrical wiring and equipment meet the requirements of Electrical, Part L in the General safety and health standards, chapter 296-24 WAC.

~~(You must:~~

(\*) (1) You must make sure electrical runway conductor systems are:

(-) (a) Designed for use in exterior locations; (~~AND~~ -) and

(b) Located so they do not come in contact with accumulated snow or water.

(\*) (2) You must make sure cables are protected against damage resulting from over-tensioning or other causes.

(\*) (3) You must make sure the control system requires the operator to follow predetermined procedures to operate suspended or supported equipment.

(\*) (4) You must make sure the control system has:

(-) (a) Devices included to protect the equipment against electrical overloads, three-phase reversal and phase failure; (~~AND~~

-) and

(b) A separate method that is independent of the direction control circuit to break the power circuit in case of an emergency or malfunction.

(\*) (5) You must make sure installations where the carriage does not have a stability factor of at least four against overturning have electrical contacts provided and connected so that the operating devices for suspended or supported equipment will only function when the carriage is located and mechanically retained at an established operating point.

(\*) (6) You must make sure the hoisting or suspension system has overload protection to prevent the equipment from operating in the "up" direction with a load greater than one hundred twenty-five percent of the rated load of the platform.

(\*) (7) You must make sure an automatic detector is provided for each suspension point that will do both of the following if a suspension wire rope becomes slack:

(-) (a) Interrupt power to all hoisting motors for travel in the "down" direction; (~~AND~~

-) and

(b) Apply the primary brakes.

**Note:** A continuous-pressure rigging-bypass switch designed for use during rigging is permitted. It can only be used during rigging.

~~(You must:~~

(\*) (8) You must make sure upper and lower directional switches are provided that are designed to prevent the travel of suspended units beyond safe upward and downward levels.

(\*) (9) You must make sure remote controlled, roof-powered manned platforms have an emergency stop switch located adjacent to each control station on the platform.

(\*) (10) You must make sure cables which are in constant tension have overload devices which will prevent the tension in the cable from interfering with:

(-) (a) The device that limits the hoist from lifting a load greater than one hundred twenty-five percent of the rated load of the platform; (~~AND~~

-) and

(b) The platform roll limiting device required by WAC 296-870-70050, Suspended working platforms and manned platforms used on supported equipment.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-870-800 Definitions.

NEW SECTION**WAC 296-874-099 Definitions.**

**Adjustable suspension scaffold.** A suspended scaffold equipped with one or more hoists that can be operated by employees on the scaffold.

**Bearer.** A horizontal scaffold member (which may be supported by ledgers or runners) upon which the scaffold platform rests and which joins scaffold uprights, posts, poles, and similar members.

**Boatswain's chair.** A single-point adjustable suspended scaffold consisting of a seat or sling designed to support one employee in a sitting position.

**Brace.** A rigid connection that holds one scaffold member in a fixed position with respect to another member, or to a building or structure.

**Bricklayers' square scaffold.** A supported scaffold composed of framed squares which support a platform.

**Carpenters' bracket scaffold.** A supported scaffold consisting of a platform supported by brackets attached to building or structural walls.

**Catenary scaffold.** A suspended scaffold consisting of a platform supported by two essentially horizontal and parallel ropes attached to structural members of a building or other structure. Additional support may be provided by vertical pickups.

**Cleat.** A structural block used at the end of a platform to prevent the platform from slipping off its supports. Cleats are also used to provide footing on sloped surfaces such as access ramps.

**Competent person.** Someone who:

(a) Is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees; and

(b) Has the authority to take prompt corrective measures to eliminate them.

**Coupler.** A device for locking together the tubes of a tube and coupler scaffold.

**Double-pole (independent pole) scaffold.** A supported scaffold consisting of one or more platforms resting on cross beams (bearers) supported by ledgers and a double row of uprights independent of support (except ties, guys, braces) from any structure.

**Equivalent.** Alternative design, material, or method to protect against a hazard. You have to demonstrate that it provides an equal or greater degree of safety for employees than the method, material, or design specified in the rule.

**Exposed power lines.** Electrical power lines which are accessible to and may be contacted by employees. Such lines do not include extension cords or power tool cords.

**Eye or eye splice.** A loop at the end of a wire rope.

**Fabricated frame scaffold (tubular welded frame scaffold).** A scaffold consisting of platforms supported on

fabricated frames with integral posts, horizontal bearers, and intermediate members.

**Failure.** Load refusal, breaking, or separation of component parts. Load refusal is the point where the ultimate strength is exceeded.

**Float (ship) scaffold.** A suspended scaffold consisting of a braced platform resting on two parallel bearers and hung from overhead supports by ropes of fixed length.

**Form scaffold.** A supported scaffold consisting of a platform supported by brackets attached to formwork.

**Guardrail system.** A vertical barrier consisting of, but not limited to, top rails, midrails, and posts, erected to prevent employees from falling off a scaffold platform or walkway.

**Handrails (ladder stands).** A rail connected to a ladder stand running parallel to the slope and/or top step.

**Hoist.** A manual or power-operated mechanical device to raise or lower a suspended scaffold.

**Horse scaffold.** A supported scaffold consisting of a platform supported by construction horses (saw horses). Horse scaffolds constructed of metal are sometimes known as trestle scaffolds.

**Independent pole scaffold.** (See double-pole scaffold.)

**Interior hung scaffold.** A suspended scaffold consisting of a platform suspended from the ceiling or roof structure by fixed length supports.

**Ladder jack scaffold.** A supported scaffold consisting of a platform resting on brackets attached to ladders.

**Ladder stand.** A mobile, fixed-size, self-supporting ladder consisting of a wide flat tread ladder in the form of stairs.

**Landing.** A platform at the end of a flight of stairs.

**Large area scaffold.** A pole scaffold, tube and coupler scaffold, system scaffold, or fabricated frame scaffold erected over substantially the entire work area. For example: A scaffold erected over the entire floor area of a room.

**Lean-to scaffold.** A supported scaffold which is kept erect by tilting it toward and resting it against a building or structure.

**Ledger.** (See runner.)

**Lifeline.** A component consisting of a flexible line that connects to an anchorage at one end to hang vertically (vertical lifeline), or that connects to anchorages at both ends to stretch horizontally (horizontal lifeline). It serves as a means for connecting other components of a personal fall arrest system to the anchorage.

**Lower levels.** Areas below the level where the employee is located and to which an employee can fall. Such areas include, but are not limited to, ground levels, floors, roofs, ramps, runways, excavations, pits, tanks, materials, water, and equipment.

**Masons' adjustable supported scaffold.** (See self-contained adjustable scaffold.)

**Masons' multipoint adjustable suspension scaffold.** A continuous run suspended scaffold designed and used for masonry operations.

**Maximum intended load.** The total load of all persons, equipment, tools, materials, transmitted loads, and other loads reasonably anticipated to be applied to a scaffold or scaffold component at any one time.

**Midrail.** A rail, approximately midway between the top rail of a guardrail system and the platform, and secured to



the uprights erected along the exposed sides and ends of a platform.

**Mobile scaffold.** Supported scaffold mounted on casters or wheels.

**Multilevel suspended scaffold.** A two-point or multi-point adjustable suspension scaffold with a series of platforms at various levels resting on common stirrups.

**Multipoint adjustable suspension scaffold.** A suspended scaffold consisting of a platform(s) which is suspended by more than two ropes from overhead supports and equipped with means to raise and lower the platform to desired work levels.

**Needle beam scaffold.** A suspended scaffold which has a platform supported by two bearers (needle beams) suspended from overhead supports.

**Outrigger.** A structural member of a supported scaffold which increases the base width of a scaffold. This provides support for and increases the stability of the scaffold.

**Outrigger beam (suspended and supported).** The structural member of a suspended scaffold or outrigger scaffold which provides support for the scaffold by extending the scaffold point of attachment to a point out and away from the structure or building.

**Outrigger scaffold.** A supported scaffold consisting of a platform resting on outrigger beams which projects beyond the wall or face of the building or structure. The inboard ends of the outrigger beams are secured inside the building or structure.

**Overhand bricklaying.** The process of laying bricks and masonry so that the surface of the wall is on the opposite side of the wall from the mason, requiring the mason to lean over the wall to complete the work. It includes mason tending and electrical installation incorporated into the brick wall during the overhand bricklaying process.

**Personal fall arrest system.** A system used to arrest an employee's fall. It consists of an anchorage, connectors, and body harness and may also include a lanyard, deceleration device, lifeline, or combinations of these.

**Platform.** A work surface used in scaffolds, elevated above lower levels. Platforms can be constructed using individual wood planks, fabricated planks, fabricated decks, and fabricated platforms.

**Pole scaffold.** (See single-pole scaffold and double (independent) pole scaffold.)

**Pump jack scaffold.** A supported scaffold consisting of a platform supported by vertical poles and movable support brackets.

**Qualified person.** A person who has successfully demonstrated the ability to solve problems relating to the subject matter, work, or project, either by:

(a) Possession of a recognized degree, certificate, or professional standing; or

(b) Extensive knowledge, training and experience.

**Rated load.** The manufacturer's specified maximum load to be lifted by a hoist or to be applied to a scaffold or scaffold component.

**Repair bracket scaffold.** A supported scaffold consisting of a platform supported by brackets. The brackets are secured in place around the circumference or perimeter of a

chimney, stack, tank, or other supporting structure by one or more wire ropes placed around the supporting structure.

**Roof bracket scaffold.** A supported scaffold used on a sloped roof. It consists of a platform resting on angular-shaped supports so that the scaffold platform is level.

**Runner (ledger).** The lengthwise horizontal spacing or bracing member which may support the bearers.

**Scaffold.** A temporary elevated platform, including its supporting structure and anchorage points, used for supporting employees or materials.

**Self-contained adjustable scaffold.** A combination supported and suspended scaffold consisting of an adjustable platform mounted on an independent supporting frame, not a part of the object being worked on, which is equipped with a means to raise and lower the platform. Such systems include rolling roof rigs, rolling outrigger systems, and some masons' adjustable supported scaffolds.

**Shore scaffold.** A supported scaffold which is placed against a building or structure and held in place with props.

**Single-point adjustable suspension scaffold.** A suspended scaffold consisting of a platform suspended by one rope from an overhead support and equipped with means to permit the movement of the platform to desired work levels.

**Single-pole scaffold a supported scaffold.** Consisting of platforms resting on bearers, the outside ends of which are supported on runners secured to a single row of posts or uprights, and the inner ends of which are supported on or in a structure or building wall.

**Stair tower (scaffold stairway/tower).** A tower comprised of scaffold components which contains internal stairway units and rest platforms. These towers are used to provide access to scaffold platforms and other elevated points such as floors and roofs.

**Stall load.** The load at which the prime mover of a power-operated hoist stalls or the power to the prime mover is automatically disconnected.

**Step, platform, and trestle ladder scaffold.** A platform resting directly on the rungs of a step, platform, or trestle ladder.

**Stilts.** A pair of poles or similar supports with raised footrests, used to permit walking above the ground or working surface.

**Stonesetters' multipoint adjustable suspension scaffold.** A continuous run suspended scaffold designed and used for stonesetters' operations.

**Supported scaffold.** One or more platforms supported by rigid means such as outrigger beams, brackets, poles, legs, uprights, posts, or frames.

**Suspended scaffold.** One or more platforms suspended from an overhead structure by ropes or other nonrigid means.

**System scaffold.** A scaffold consisting of posts with fixed connection points that accept runners, bearers, and diagonals that can be interconnected at predetermined levels.

**Toeboard (scaffold).** A barrier erected along the exposed sides and ends of a scaffold platform at platform level to prevent material, tools, and other loose objects from falling from the platform.

**Top plate bracket scaffold.** A scaffold supported by brackets that hook over or are attached to the top of a wall.

This type of scaffold is similar to carpenters' bracket scaffolds and form scaffolds.

**Tube and coupler scaffold.** A scaffold consisting of platforms supported by tubing, erected with coupling devices connecting uprights, braces, bearers, and runners.

**Tubular welded frame scaffold.** (See fabricated frame scaffold.)

**Tubular welded sectional folding scaffold.** A sectional, folding metal scaffold either of ladder frame or inside stairway design. It is substantially built of prefabricated welded sections, which consist of end frames, platform frame, inside inclined stairway frame and braces, or hinged connected diagonal and horizontal braces. It can be folded into a flat package when the scaffold is not in use.

**Two-point suspension scaffold (swing stage).** A suspended scaffold consisting of a platform supported by hangers (stirrups), suspended by two ropes from overhead supports, and equipped with a means to permit the raising and lowering of the platform to desired work levels.

**Unstable objects.** Items whose strength, configuration, or lack of stability may allow them to become dislocated and shift and therefore may not properly support the loads imposed on them. Unstable objects do not constitute a safe base support for scaffolds, platforms, or employees. Examples include, but are not limited to, barrels, boxes, loose brick, and concrete blocks.

**Vertical pickup.** A rope used to support the horizontal rope in a catenary scaffold.

**Walkway (scaffold).** Part of a scaffold used only for access and not as a working level.

**Window jack scaffold.** A platform resting on a bracket or jack that projects through a window opening.

**Work level.** The elevated platform, used for supporting workers and their materials.

AMENDATORY SECTION (Amending WSR 07-17-026, filed 8/7/07, effective 10/6/07)

**WAC 296-874-100 Scope.** This chapter applies to suspended and supported scaffolds, including their supporting structure and anchorage points.

~~((Exemption))~~ This chapter does not apply to:

**EXEMPTION:**

- ((\*) 1. Manually propelled elevating work platforms;
- ((\*) 2. Self-propelled elevating work platforms;
- ((\*) 3. Boom-supported elevating work platforms;
- ((\*) 4. Aerial lifts;
- ((\*) 5. Crane or derrick suspended personnel platforms;
- ((\*) 6. Personnel platforms supported by powered industrial trucks (PITs).

**Reference:** Additional requirements for the following types of platforms are found in the general safety and health standards, chapter 296-24 WAC. Go to the following sections:

- ((\*) 1. For elevating work platforms and aerial lifts, go to elevating work platforms, WAC 296-24-875;
- ((\*) 2. For crane or derrick suspended personnel platforms, go to WAC 296-24-23533;
- ((\*) 3. For personnel platforms supported by powered industrial trucks (PITs), go to chapter 296-863 WAC.

~~((Definition:~~

~~A scaffold is a temporary elevated platform, including its supporting structure and anchorage points, used for supporting employees or materials.~~

~~A suspended scaffold is one or more platforms suspended from an overhead structure by ropes or other nonrigid means.~~

~~A supported scaffold is one or more platforms supported by rigid means such as outrigger beams, brackets, poles, legs, uprights, posts, or frames.))~~

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-200 General requirements for scaffolds. Section contents:**

**Your responsibility:**

To make sure all scaffolds meet these requirements.

~~((Make sure scaffolds are properly designed and constructed~~

~~WAC 296-874-20002.~~

~~Make sure scaffolds are erected, moved, altered, or dismantled by appropriate persons~~

~~WAC 296-874-20004.~~

~~Maintain structural integrity when intermixing scaffold components~~

~~WAC 296-874-20006.~~

~~Make sure platforms are properly planked or decked~~

~~WAC 296-874-20008.~~

~~Make sure platforms meet minimum width requirements~~

~~WAC 296-874-20010.~~

~~Meet these requirements when shorter platforms are used to create a longer platform~~

~~WAC 296-874-20012.~~

~~Lay platform planks properly when the platform changes direction~~

~~WAC 296-874-20014.~~

~~Stabilize the ends of platforms~~

~~WAC 296-874-20016.~~

~~Keep platform sag within acceptable limits~~

~~WAC 296-874-20018.~~

~~Provide safe access to scaffolds~~

~~WAC 296-874-20020.~~

~~Make sure portable, hook-on, and attachable ladders meet these requirements~~

~~WAC 296-874-20022.~~

~~Make sure stairway-type ladders meet these requirements~~

~~WAC 296-874-20024.~~

~~Make sure stair towers meet these requirements~~

~~WAC 296-874-20026.~~

~~Make sure stair rails and handrails meet these requirements~~

~~WAC 296-874-20028.~~

~~Make sure ramps and walkways used to access scaffolds meet these requirements~~

~~WAC 296-874-20030.~~

~~Make sure surfaces used to access scaffolds are close enough to use safely~~

~~WAC 296-874-20032.~~

Inspect scaffolds and scaffold components  
WAC 296-874-20034.  
Make sure damaged or weakened scaffolds meet minimum strength requirements  
WAC 296-874-20036.  
Make sure scaffolds are properly loaded  
WAC 296-874-20038.  
Protect employees when moving scaffolds  
WAC 296-874-20040.  
Increase employee working level height on scaffolds safely  
WAC 296-874-20042.  
Control loads being hoisted near scaffolds  
WAC 296-874-20044.  
Protect employees from energized power lines  
WAC 296-874-20046.  
Protect employees from weather hazards  
WAC 296-874-20048.  
Protect employees from slipping and tripping hazards  
WAC 296-874-20050.  
Provide fall protection for employees on scaffolds  
WAC 296-874-20052.  
Provide fall protection if the scaffold is too far from the work face  
WAC 296-874-20054.  
Provide specific fall protection for specific types of scaffolds  
WAC 296-874-20056.  
Make sure personal fall arrest systems meet these requirements  
WAC 296-874-20058.  
Make sure vertical lifelines used with personal fall arrest systems meet these requirements  
WAC 296-874-20060.  
Make sure horizontal lifelines used with personal fall arrest systems meet these requirements  
WAC 296-874-20062.  
Make sure guardrail systems meet these requirements  
WAC 296-874-20064.  
Provide falling object protection  
WAC 296-874-20066.  
Provide additional support lines on suspended scaffolds using a canopy for falling object protection  
WAC 296-874-20068.  
Make sure toeboards meet these requirements  
WAC 296-874-20070.  
Train employees who work on scaffolds  
WAC 296-874-20072.  
Train employees who erect, dismantle, operate or maintain scaffolds  
WAC 296-874-20074.  
Retrain employees when necessary  
WAC 296-874-20076-))

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Make sure scaffolds are erected, moved, altered, or dismantled by appropriate persons</u>	<u>WAC 296-874-20004</u>
<u>Maintain structural integrity when intermixing scaffold components</u>	<u>WAC 296-874-20006</u>
<u>Make sure platforms are properly planked or decked</u>	<u>WAC 296-874-20008</u>
<u>Make sure platforms meet minimum width requirements</u>	<u>WAC 296-874-20010</u>
<u>Meet these requirements when using shorter platforms to create a longer platform</u>	<u>WAC 296-874-20012</u>
<u>Lay platform planks properly when the platform changes direction</u>	<u>WAC 296-874-20014</u>
<u>Stabilize the ends of platforms</u>	<u>WAC 296-874-20016</u>
<u>Keep platform sag within acceptable limits</u>	<u>WAC 296-874-20018</u>
<u>Provide safe access to scaffolds</u>	<u>WAC 296-874-20020</u>
<u>Make sure portable, hook-on, and attachable ladders meet these requirements</u>	<u>WAC 296-874-20022</u>
<u>Make sure stairway-type ladders meet these requirements</u>	<u>WAC 296-874-20024</u>
<u>Make sure stair towers meet these requirements</u>	<u>WAC 296-874-20026</u>
<u>Make sure stair rails and handrails meet these requirements</u>	<u>WAC 296-874-20028</u>
<u>Make sure ramps and walkways used to access scaffolds meet these requirements</u>	<u>WAC 296-874-20030</u>
<u>Make sure surfaces used to access scaffolds are close enough to use safely</u>	<u>WAC 296-874-20032</u>
<u>Inspect scaffolds and scaffold components</u>	<u>WAC 296-874-20034</u>
<u>Make sure damaged or weakened scaffolds meet minimum strength requirements</u>	<u>WAC 296-874-20036</u>

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Make sure scaffolds are properly designed and constructed</u>	<u>WAC 296-874-20002</u>

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Make sure scaffolds are properly loaded</u>	<u>WAC 296-874-20038</u>
<u>Protect employees when moving scaffolds</u>	<u>WAC 296-874-20040</u>
<u>Increase employee working level height on scaffolds safely</u>	<u>WAC 296-874-20042</u>
<u>Control loads being hoisted near scaffolds</u>	<u>WAC 296-874-20044</u>
<u>Protect employees from energized power lines</u>	<u>WAC 296-874-20046</u>
<u>Protect employees from weather hazards</u>	<u>WAC 296-874-20048</u>
<u>Protect employees from slipping and tripping hazards</u>	<u>WAC 296-874-20050</u>
<u>Provide fall protection for employees on scaffolds</u>	<u>WAC 296-874-20052</u>
<u>Provide fall protection if the scaffold is too far from the work face</u>	<u>WAC 296-874-20054</u>
<u>Provide specific fall protection for specific types of scaffolds</u>	<u>WAC 296-874-20056</u>
<u>Make sure personal fall arrest systems meet these requirements</u>	<u>WAC 296-874-20058</u>
<u>Make sure vertical lifelines used with personal fall arrest systems meet these requirements</u>	<u>WAC 296-874-20060</u>
<u>Make sure horizontal lifelines used with personal fall arrest systems meet these requirements</u>	<u>WAC 296-874-20062</u>
<u>Make sure guardrail systems meet these requirements</u>	<u>WAC 296-874-20064</u>
<u>Provide falling object protection</u>	<u>WAC 296-874-20066</u>
<u>Provide additional support lines on suspended scaffolds using a canopy for falling object protection</u>	<u>WAC 296-874-20068</u>
<u>Make sure toeboards meet these requirements</u>	<u>WAC 296-874-20070</u>
<u>Train employees who work on scaffolds</u>	<u>WAC 296-874-20072</u>

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Train employees who erect, dismantle, operate or maintain scaffolds</u>	<u>WAC 296-874-20074</u>
<u>Retrain employees when necessary</u>	<u>WAC 296-874-20076</u>

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20002 Make sure scaffolds are properly designed and constructed.** (~~You must:~~

- ) (1) You must make sure scaffolds are:
  - (-) (a) Designed by a qualified person; (~~AND~~ -) and
  - (b) Constructed according to that design.
- (•) (2) You must prohibit the use of shore and lean-to scaffolds.

**(Definition:**

A ~~qualified person~~ is one who has demonstrated the ability to solve problems related to the subject matter, work, or project. This can be done by having either:

- A recognized degree, certificate, or professional standing;
- OR**
- Extensive knowledge, training, and experience.)

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20004 Make sure scaffolds are erected, moved, altered, or dismantled by ((appropriate) qualified persons.** (~~You must:~~

- ) You must make sure scaffolds are erected, moved, altered, or dismantled only when the work is:
  - (-) (1) Supervised and directed by a competent person qualified in scaffold erection, moving, dismantling, or alteration; (~~AND~~ -) and
  - (2) Done by experienced and trained employees selected by the competent person.

**(Definition:**

A ~~competent person~~ is someone who:
 

- Is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees;

~~AND~~

- Has the authority to take prompt corrective measures to eliminate them.)

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20006 Maintain structural integrity when intermixing scaffold components.** (~~You must:~~

- ) (1) You must make sure intermixed scaffold components:
  - (-) (a) Fit together without force; (~~AND~~

-) and

(b) Maintain the scaffold's structural integrity.

((\*) (2) You must make sure a qualified person determines that modifying components in order to intermix them will result in a structurally sound scaffold.

((\*) (3) You must make sure scaffold components made of different metals are not used together.

~~((Exemption))~~ Different types of metals may be used together if a competent person determines that galvanic action will not reduce the strength of any component to less than the minimum strength required.  
**EXEMPTION:**

**Reference:** The minimum strength requirements are found in the following sections:  
 ((\*) 1. Suspended scaffolds, WAC 296-874-30002;  
 ((\*) 2. Supported scaffolds, WAC 296-874-40002.

AMENDATORY SECTION (Amending WSR 13-04-073, filed 2/4/13, effective 4/1/13)

**WAC 296-874-20008 Make sure platforms are properly planked or decked.** (~~You must:~~

\*) (1) You must fully plank or deck each platform between the front uprights and the guardrail supports on all working levels of a scaffold so that there is no more than one inch (2.5 cm):

((-) (a) Between adjacent units; (~~AND~~

-) and

(b) Between the platform and the uprights.

~~((Exemption))~~ ((\*) 1. There may be more than one inch between platform units if all of the following are met:  
**EXEMPTION:**  
 ((-) a. You can demonstrate that a wider space is necessary, such as to fit around uprights when side brackets are used to extend the platform width;  
 ((-) b. The platform is planked or decked as fully as possible;  
 ((-) c. The open space between the platform and the guardrail supports is nine and one-half inches (24.1 cm) or less.  
 ((\*) 2. Platforms used solely as walkways or only by employees erecting or dismantling scaffolds do not have to be fully decked or planked if:  
 ((-) a. The planking provided makes for safe working conditions; (~~AND~~) and  
 ((-) b. Employees on those platforms are protected from falling.

REFERENCE		
Fall protection requirements for employees:	Are located in the following chapters:	In the following sections:
On walkways within scaffolds	Chapter 296-874 WAC, Scaffolds	WAC 296-874-20056
Erecting or dismantling suspended scaffolds	Chapter 296-874 WAC, Scaffolds	WAC 296-874-40010

REFERENCE		
Fall protection requirements for employees:	Are located in the following chapters:	In the following sections:
Erecting or dismantling suspended scaffolds in general industry	Chapter 296-24 WAC, General safety and health standards	Part J-1 Working surfaces, guarding floors and wall openings, ladders AND Part J-3 Powered platforms
Erecting or dismantling suspended scaffolds in construction work	Chapter 296-155 WAC, Safety standards for construction work	Part C-1 Fall protection requirements for construction

~~((You must:~~ \*) (2) You must make sure wood platforms are not covered with an opaque finish.

~~((Exemption))~~ Platform edges may be covered or marked for identification.  
**EXEMPTION:**

**Note:** Platforms may be coated periodically with wood preservatives, fire-retardant finishes, or slip-resistant finishes if the coating does not obscure the top or bottom wood surfaces.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20010 Make sure platforms meet minimum width requirements.** (~~You must:~~

\*) You must make sure scaffold platforms meet the minimum width requirements of Table 1, Minimum Platform Width.

**Table 1  
Minimum Platform Width**

Type of Scaffold	Minimum Platform Width Required
Ladder jack scaffold Pump jack scaffold Roof bracket scaffold Top plate bracket scaffold	12 inches (20 cm)
Boatswain's chair	No minimum width
All other scaffolds	18 inches (46 cm) <b>Exemption:</b> Platforms and walkways may be less than 18 inches (46 cm) wide if all of the following are met:

Type of Scaffold	Minimum Platform Width Required
	<p><del>((*)</del> <u>1.</u> You can demonstrate that the area is so narrow that the platform or walkway cannot be at least 18 inches (46 cm) wide;</p> <p><del>((*)</del> <u>2.</u> The platform or walkway is as wide as feasible;</p> <p><del>((*)</del> <u>3.</u> Employees on those platforms or walkways are protected from falling by using guardrails or personal fall arrest systems.</p>

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20012 Meet these requirements when using shorter platforms to create a longer platform. (~~You must:~~**

- ) (1) You must make sure, when platforms are overlapped to create a longer platform, that:
  - ~~((-~~) (a) The overlap is over a support; ~~((AND~~
  - ~~-)~~ (b) The platforms are either:
    - ~~((■~~) (i) Overlapped by at least twelve inches (30 cm);
    - ~~((OR~~ (ii) ~~■)) or~~ (ii) Are nailed together or otherwise prevented from moving.
- ) (2) You must make sure, when platforms are butted together to create a longer platform, that each abutted platform end rests on a separate support surface.

**Note:** Platforms may butt together on a common support member if the member is designed to support abutting platforms, such as either:

- ~~((\*)~~ 1. A "T" section; ~~((OR~~) or
- ~~((\*)~~ 2. Hook-on platforms designed to rest on common supports.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20014 Lay platform planks properly when the platform changes direction. (~~You must:~~**

- ) You must do the following whenever platforms overlap to change direction:
  - ~~((-~~) (1) First lay the platform that rests on a bearer at an angle other than a right angle; ~~((THEN~~
  - ~~-)~~ then
  - (2) Lay the platform that is perpendicular to the bearer.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20016 Stabilize the ends of platforms. (~~You must:~~**

- ) (1) You must make sure each end of a platform:
  - ~~((-~~) (a) Is cleated or restrained by hooks or equivalent means; ~~((OR~~
  - ~~-)~~ or
  - (b) Extends over the centerline of its support at least six inches (15 cm).
- ) (2) You must make sure the cantilevered portion of a platform meets at least one of the following:
  - ~~((-~~) (a) Is designed and installed to support employees or material without tipping;
  - ~~((-~~) (b) Has guardrails which block employee access to the cantilevered end;
  - ~~((-~~) (c) Extends over its support not more than:
    - ~~((■~~) (i) Twelve inches (30 cm) if the platform length is ten feet or less; ~~((OR~~
    - ~~■)) or~~
    - (ii) Eighteen inches (46 cm) if the platform length is greater than ten feet.

**Note:** The cantilevered portion of a platform is the portion that is not supported on one end.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20018 Keep platform sag within acceptable limits. (~~You must:~~**

- ) You must make sure a loaded platform does not sag more than one-sixtieth of the span.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20020 Provide safe access to scaffolds. (~~You must:~~**

- ) (1) You must provide scaffold platforms more than two feet (0.6 m) above or below a point of access with at least one of the following means of access:
  - ~~((-~~) (a) Portable, hook-on, or attachable ladder;
  - ~~((-~~) (b) Stairway-type ladder;
  - ~~((-~~) (c) Ladder stand;
  - ~~((-~~) (d) Stair tower (scaffold stairway or tower);
  - ~~((-~~) (e) Ramp;
  - ~~((-~~) (f) Walkway;
  - ~~((-~~) (g) Integral prefabricated scaffold access;
  - ~~((-~~) (h) Direct access from another scaffold, structure, personnel hoist, or similar surface.
- ) (2) You must make sure crossbraces are not used as a means of access.

**Reference:** For requirements about integral prefabricated scaffold access, go to WAC 296-874-40020.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20022 Make sure portable, hook-on, and attachable ladders meet these requirements. (~~You must:~~**

- ) (1) You must position portable, hook-on, and attachable ladders so they do not tip the scaffold.
- ) (2) You must make sure hook-on and attachable ladders meet all of the following:

((-) (a) Specifically designed and used for that type of scaffold;

((-) (b) Have rungs that are:

((■) (i) Uniformly spaced;

((■) (ii) Not more than sixteen and three-quarters inches apart;

((■) (iii) At least eleven and one-half inches (29 cm) long;

((■) (iv) Lined up vertically between rest platforms.

((\*) (3) You must position the bottom rung not more than twenty-four inches (61 cm) above the scaffold supporting level.

((\*) (4) You must have rest platforms at vertical intervals not greater than twenty-four feet (7.3 m) on supported scaffolds.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20024 Make sure stairway-type ladders meet these requirements. ((You must:**

\*) (1) You must make sure stairway-type ladders meet all of the following:

((-) (a) Position the bottom step not more than twenty-four inches (61 cm) above the scaffold supporting level;

((-) (b) Have rest platforms not more than twelve feet (3.7 m) apart vertically;

((-) (c) Have slip-resistant surfaces on treads and landings;

((-) (d) Have steps that:

((■) (i) Are at least sixteen inches (41 cm) wide; (~~AND~~

■)) and

(ii) Line up vertically between rest platforms.

((\*) (2) You must make sure mobile ladder stands have steps that are at least eleven and one-half inches (30 cm) wide.

((~~Definition:~~

~~A ladder stand is a mobile, fixed-size, self-supporting ladder consisting of a wide flat tread ladder in the form of stairs.))~~

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20026 Make sure stair towers meet these requirements. ((You must:**

\*) (1) You must make sure stair towers (scaffold stairways or towers) meet all of the following:

((-) (a) Are positioned so the bottom step is not more than twenty-four inches (61 cm) above the scaffold supporting level;

((-) (b) Are at least eighteen inches (45.7 cm) wide between stair rails;

((-) (c) Have slip-resistant surfaces on treads and landings;

((-) (d) Are installed at an angle of forty to sixty degrees from the horizontal.

((\*) (2) You must provide a landing platform at least eighteen inches (45.7 cm) wide by eighteen inches (45.7 cm) long at each level.

((\*) (3) You must provide guardrails on the open sides and ends of each landing.

**Reference:** For requirements about guardrails, go to WAC 296-874-20064.

((~~You must:~~

\*) (4) You must make sure steps meet all of the following requirements:

((-) (a) Line up vertically between rest platforms;

((-) (b) Have uniform tread depth, within one-quarter inch (0.6 cm), for each flight of stairs;

((-) (c) Have uniform riser height, within one-quarter inch (0.6 cm), for each flight of stairs.

**Note:** Riser height may have larger variations at the top step and bottom step of the entire stair system, but not at the top and bottom steps within each flight of stairs.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20028 Make sure stair rails and handrails meet these requirements. ((You must:**

\*) (1) You must provide a stair rail that meets all of the following on each side of a scaffold stairway:

((-) (a) Has a toprail and midrail;

((-) (b) Has a toprail that can serve as a handrail if a separate handrail is not provided;

((-) (c) Is at least twenty-eight inches (71 cm) but not more than thirty-seven inches (94 cm) high.

**Note:** Stair rail height is measured from the upper surface of the stair rail to the surface of the tread, in line with the face of the riser at the forward edge of the tread.

((~~You must:~~

\*) (2) You must make sure stair rail systems and handrails have:

((-) (a) A surface that prevents employees from:

((■) (i) Being injured by punctures or lacerations; (~~OR~~

■)) or

(ii) Snagging their clothing.

((-) (b) Ends that do not create a projection hazard.

((\*) (3) You must make sure handrails, and top rails that are used as handrails:

((-) (a) Provide an adequate handhold for employees to grasp to avoid falling; (~~AND~~

-)) and

(b) Are at least three inches (7.6 cm) from other objects.

AMENDATORY SECTION (Amending WSR 13-04-073, filed 2/4/13, effective 4/1/13)

**WAC 296-874-20030 Make sure ramps and walkways used to access scaffolds meet these requirements. ((You must:**

\*) (1) You must make sure ramps and walkways are not inclined at a slope steeper than one vertical in three horizontal (1:3 or twenty degrees from the horizontal).

((\*) (2) You must make sure ramps and walkways that are inclined at a slope steeper than one vertical in eight horizontal (1:8) have cleats to provide footing which are:

((-) (a) Securely fastened to the planks; (~~AND~~

-)) and

(b) Spaced not more than fourteen inches (35 cm) apart.

**Reference:** Ramps and walkways that are four feet (1.2 m) or more above a lower level need to have a guardrail system. Those requirements are found in other chapters.

(-) 1. For general industry activities, go to( )  
 ■) working surfaces, guarding floors and wall openings, Part J-1, in the general safety and health standards, chapter 296-24 WAC;

(-) 2. For construction activities, go to( )  
 ■) floor openings, wall openings, and stairways, Parts C-1 and J, in the safety standards for construction work, chapter 296-155 WAC.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20032 Make sure surfaces used to access scaffolds are close enough to use safely. ((You must:**

\*) You must make sure a surface used to provide access to or from a scaffold is not further from the scaffold than:

(-) (1) Fourteen inches (36 cm) horizontally;

(-) (2) Twenty-four inches (61 cm) vertically.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20034 Inspect scaffolds and scaffold components. ((You must:**

\*) You must make sure scaffolds and scaffold components are inspected for visible defects by a competent person:

(-) (1) Before each work shift; ((~~AND~~

-)) and

(2) After anything occurs that could affect the scaffold's structural integrity.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20036 Make sure damaged or weakened scaffolds meet minimum strength requirements.**

((~~You must:~~

\*) You must make sure any scaffold or scaffold component that has been damaged or weakened so that it no longer meets the minimum strength requirements of this chapter, is immediately either:

(-) (1) Repaired, replaced, or braced to meet the minimum strength requirements; ((~~OR~~

-)) or

(2) Removed from service until repaired.

**Reference:** For information on minimum strength requirements for suspended and supported scaffolds, go to the following sections within this chapter:

(-) 1. Make sure suspended scaffolds and scaffold components meet these strength requirements, WAC 296-874-30002;

(-) 2. Make sure supported scaffolds and scaffold components meet these strength requirements, WAC 296-874-40002.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20038 Make sure scaffolds are properly loaded. ((You must:**

\*) (1) You must load scaffolds as specified in the:

(-) (a) Manufacturer's instructions; ((~~OR~~

-)) or

(b) Design of the qualified person.

((\*) (2) You must make sure scaffolds and scaffold components do not exceed their maximum intended load or rated load, whichever is less.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20040 Protect employees when moving scaffolds. ((You must:**

\*) You must make sure scaffolds are not moved horizontally while employees are on them.

((~~Exemption~~)) A scaffold may be moved horizontally with employees on it if the scaffold:

**EXEMPTION:**

((\*) 1. Has been specifically designed for such movement by a registered professional engineer; ((~~OR~~) or  
 ((\*) 2. Is a mobile scaffold that meets the requirements of the section, Meet these requirements when moving mobile scaffolds, WAC 296-874-40012.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20042 Increase employee working level height on scaffolds safely. ((You must:**

\*) (1) You must make sure makeshift devices, such as boxes and barrels, are not used on scaffold platforms to increase the working level height for employees.

((\*) (2) You must meet all of the following when using stilts on scaffolds:

(-) (a) Use stilts only on large area scaffolds( )<sub>2</sub>.

(-) (b) Increase the height of a guardrail system used for fall protection by an amount equal to the height of the stilts being used( )<sub>2</sub>.

(-) (c) Make sure scaffold platforms where stilts are used are flat and free of:

((~~AND~~) (i) Pits, holes, and obstructions such as debris;

((~~AND~~

ii) and

(ii) Other tripping or falling hazards.

(-) (d) Make sure stilts are:

((~~AND~~) (i) Properly maintained; ((~~AND~~

ii) and

(ii) Not altered from the original equipment ((~~is not altered~~) without the manufacturer's approval.

((\*) (e) Meet all of the following when using ladders on scaffolds:

(-) (i) Use ladders only on large area scaffolds;

(-) (ii) Secure the platform units to the scaffold to prevent movement;

(-) (iii) Secure the scaffold against the sideways thrust exerted by the ladder if the ladder is placed against a structure that's not part of the scaffold;



((-)) (iv) Make sure the ladder legs are:  
 ((■)) (A) Secured to prevent them from slipping or being pushed off the platform; ~~((AND~~  
 ■)) and  
(B) On the same scaffold platform, or use other means, to stabilize the ladder against uneven platform deflection.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20044 Control loads being hoisted near scaffolds.** ~~((You must:~~

•) You must use a tag line or equivalent measures to control loads being hoisted onto or near a scaffold if the load could swing and contact the scaffold.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20046 Protect employees from energized power lines.** ~~((You must:~~

•) You must make sure scaffolds are erected, moved, altered, or dismantled so that they, and any conductive material handled on them, are kept at least as far from exposed and energized power lines as shown in Table 2, Minimum Separation Distance from Energized Power Lines.

**Table 2**

**Minimum Separation Distance from Energized Power Lines**

Voltage	Minimum Separation Distance
Less than 300 volts (insulated lines)	3 feet (0.9 m)
Less than 300 volts (uninsulated lines)	10 feet (3.1 m)
300 volts to 50 kv	10 feet (3.1 m)
More than 50 kv	10 feet (3.1 m) + 0.4 inches (1.0 cm) for each 1 kv over 50 kv <b>Note:</b> You may use an alternative minimum separation distance of 2 times the length of the line insulator, but never less than 10 feet (3.1 m).

~~((Exemption))~~  
**EXEMPTION:** Scaffolds and conductive materials handled on scaffolds may be closer to power lines than the minimum separation distance specified in Table 2 if **all** of the following are met:  
 ((•)) 1. Less clearance is necessary to do the work;  
 ((•)) 2. The utility company or electrical system operator has been notified of the need to work closer to the power lines;  
 ((•)) 3. The utility company or electrical system operator has done at least one of the following:  
 ((-)) a. ~~((Deenergized))~~ De-energized the lines;

((-)) b. Relocated the lines to meet the minimum separation distance requirement;  
 ((-)) c. Installed protective coverings over the lines to prevent accidental contact.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20048 Protect employees from weather hazards.** ~~((You must:~~

•) (1) You must prohibit work on or from scaffolds during storms or high winds unless both of the following are met:

((-)) (a) A competent person has determined that it is safe for employees to be on the scaffold;

((-)) (b) The employees are protected by either:

((■)) (i) A personal fall arrest system; ~~((OR~~

■)) or

(ii) Wind screens.

((•)) (2) You must make sure wind screens are not used unless the scaffold is secured against the anticipated wind forces.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20050 Protect employees from slipping and tripping hazards.** ~~((You must:~~

•) (1) You must make sure debris does not accumulate on platforms.

((•)) (2) You must prohibit employees from working on scaffolds covered with snow, ice, or other slippery material.

~~((Exemption))~~  
**EXEMPTION:** Employees may be on scaffolds as necessary to remove the slipping hazard.

AMENDATORY SECTION (Amending WSR 13-04-073, filed 2/4/13, effective 4/1/13)

**WAC 296-874-20052 Provide fall protection for employees on scaffolds.** ~~((You must:~~

•) (1) You must protect each employee on a scaffold more than ten feet (3.1 m) above a lower level, from falling to the lower level, by providing either:

((-)) (a) A personal fall arrest system; ~~((OR~~

-)) or

(b) Guardrails.

REFERENCE		
Fall protection requirements for employees:	Are located in the following chapters:	In the following sections:
On walkways within scaffolds	Chapter 296-874 WAC, Scaffolds	WAC 296-874-20056
Erecting or dismantling supported scaffolds	Chapter 296-874 WAC, Scaffolds	WAC 296-874-40010

REFERENCE		
Fall protection requirements for employees:	Are located in the following chapters:	In the following sections:
Erecting or dismantling suspended scaffolds in general industry	Chapter 296-24 WAC, General safety and health standards	Part J-1 Working surfaces, guarding floors and wall openings, ladders <del>((AND))</del> and Part J-3 Powered platforms
Erecting or dismantling suspended scaffolds in construction work	Chapter 296-155 WAC, Safety standards for construction work	Part C-1 Fall protection requirements for construction

~~((You must:~~

\*) (2) You must make sure employees erecting the scaffold install the guardrail system, if required, before the scaffold is used by any other employees.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20054 Provide fall protection if a scaffold is too far from the work face.** ~~((You must:~~

\*) You must provide a guardrail system along the front edge of the platform, or have employees use a personal fall arrest system, if the distance from the front edge of the platform to the work face is greater than:

((-) (1) Eighteen inches (46 cm) for scaffolds used for plastering and lathing operations;

((-) (2) Fourteen inches (36 cm) for all other scaffolds.

AMENDATORY SECTION (Amending WSR 07-17-026, filed 8/7/07, effective 10/6/07)

**WAC 296-874-20056 Provide specific fall protection for specific types of scaffolds.** ~~((You must:~~

\*) (1) You must use a personal fall arrest system to protect employees on the following scaffolds:

((-) (a) Boatswain's chair;

((-) (b) Catenary scaffold;

((-) (c) Float scaffold;

((-) (d) Ladder jack scaffold;

((-) (e) Needle beam scaffold.

((\*) (2) You must use a personal fall arrest system and a guardrail system to protect employees on:

((-) (a) Single-point adjustable suspension scaffolds;

~~((AND~~  
-)) and

(b) Two-point adjustable suspension scaffolds.

((\*) (3) You must protect employees working on a self-contained adjustable scaffold that has the platform:

((-) (a) Supported by the frame structure, using a guardrail system with a minimum two hundred pound toprail capacity.

((-) (b) Suspended by ropes, using:

((\*) (i) A guardrail system with a minimum two hundred pound toprail capacity; ~~((AND~~

\*) and

(ii) A personal fall arrest system.

((\*) (4) You must protect employees on walkways located within a scaffold by using a guardrail system that meets all of the following:

((-) (a) Has a minimum two hundred pound toprail capacity;

((-) (b) Is installed within nine and one-half inches (24.1 cm) of the walkway;

((-) (c) Is installed along at least one side of the walkway.

AMENDATORY SECTION (Amending WSR 13-04-073, filed 2/4/13, effective 4/1/13)

**WAC 296-874-20058 Make sure personal fall arrest systems meet these requirements.** ~~((You must:~~

\*) (1) You must make sure personal fall arrest systems used on scaffolds for general industry activities, meet the requirements of personal fall arrest system, Appendix C, Part 1, WAC 296-24-88050, in powered platforms, Part J-3, found in the general safety and health standards, chapter 296-24 WAC.

((\*) (2) You must make sure personal fall arrest systems are attached by a lanyard to one of the following:

((-) (a) Vertical lifeline;

((-) (b) Horizontal lifeline;

((-) (c) Appropriate structural member of the scaffold.

**Reference:** Requirements for personal fall arrest systems used on scaffolds for construction activities are in Part C-1, found in the safety standards for construction work, chapter 296-155 WAC.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20060 Make sure vertical lifelines used with personal fall arrest systems meet these requirements.** ~~((You must:~~

\*) (1) You must make sure vertical lifelines are all of the following:

((-) (a) Fastened to a fixed, safe point of anchorage;

((-) (b) Independent of the scaffold;

((-) (c) Protected from sharp edges and abrasion.

**Note:** Safe points of anchorage include structural members of buildings, but do not include:

((\*) 1. Standpipes, vents, or other piping systems;

((\*) 2. Electrical conduit;

((\*) 3. Outrigger beams;

((\*) 4. Counterweights.

~~((You must:~~

\*) (2) You must make sure vertical lifelines, independent support lines, and suspension ropes are not attached to any of the following:

((-) (a) Each other;

((-) (b) The same point of anchorage;

((-) (c) The same point on the scaffold.

((\*) (3) You must make sure vertical lifelines, independent support lines, and suspension ropes do not use the same point of anchorage.

((\*) (4) You must make sure independent support lines and suspension ropes are not attached to a personal fall arrest system.

((\*) (5) You must make sure vertical lifelines are not used with single-point or two-point adjustable suspension scaffolds that have overhead components such as overhead protection or additional platform levels.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20062 Make sure horizontal lifelines used with personal fall arrest systems meet these requirements. (~~You must:~~**

\*) (1) You must equip single-point or two-point adjustable suspension scaffolds that use horizontal lifelines or structural members of the scaffold for fall protection with both of the following:

((-) (a) Additional independent support lines that are equal in number and equivalent in strength to the suspension ropes;

((-) (b) Automatic locking devices capable of stopping the scaffold from falling if one or both of the suspension ropes fail.

((\*) (2) You must make sure horizontal lifelines are secured to either:

((-) (a) Two or more structural members of the scaffold;

((OR -) or

(b) Looped around both the suspension ropes and independent support lines above the hoist and brake attached to the end of the scaffold.

((\*) (3) You must make sure independent support lines and suspension ropes are **not**:

((-) (a) Attached to each other or the same point on the scaffold;

((-) (b) Attached to or use the same point of anchorage.

((\*) (4) You must make sure independent support lines and suspension ropes are not attached to either:

((-) (a) A personal fall arrest system; ((OR -) or

(b) The same point on the scaffold as a personal fall arrest system.

((\*) (5) You must make sure, if a horizontal lifeline is used where it may become a vertical lifeline, that the device used to connect a lanyard to the horizontal lifeline is capable of locking in both directions on the lifeline.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20064 Make sure guardrail systems meet these requirements. (~~You must:~~**

\*) (1) You must make sure guardrails, if required, are installed along all open sides and ends of platforms.

((~~Exemption:~~) **EXEMPTION:** For employees doing overhand bricklaying operations from a supported scaffold, a guardrail is not required on the side next to the wall.

((~~Definition:~~

~~Overhand bricklaying is the process of laying bricks and masonry units so that the surface of the wall is on the opposite side of the wall from the mason, requiring the mason to lean over the wall to complete the work. It includes mason tending and electrical installation incorporated into the brick wall.~~

~~You must:~~

\*) (2) You must make sure the height of the toprail top edge, or the equivalent member, of supported scaffolds is:

((-) (a) At least thirty-six inches (0.9 m) and not more than forty-five inches (1.2 m) above the platform surface for scaffolds manufactured or first placed in service **before January 1, 2000**;

((-) (b) At least thirty-eight inches (0.97 m) and not more than forty-five inches (1.2 m) above the platform surface for scaffolds manufactured or first placed in service **after January 1, 2000**.

((\*) (3) You must make sure the height of the toprail top edge, or the equivalent member, of suspended scaffolds that require guardrails and personal fall arrest systems, is at least thirty-six inches (0.9 m) and not more than forty-five inches (1.2 m) above the platform surface.

((~~Exemption:~~) **EXEMPTION:** When conditions warrant, the height of the top edge of the toprail may be greater than forty-five inches if the guardrail system meets all other criteria of this chapter.

((~~You must:~~

\*) (4) You must make sure the top edge of the toprail doesn't drop below the required height when the minimum load, shown in Table 3, Minimum Toprail and Midrail Strength Requirements, is used.

((\*) (5) Each toprail and midrail, or equivalent member, of a guardrail system must be able to withstand, without failure, the force shown in Table 3, Minimum Toprail and Midrail Strength Requirements, when the force is applied as follows:

((-) (a) To the toprail in a downward or horizontal direction at any point along its top edge;

((-) (b) To the midrail in a downward or horizontal direction at any point.

**Note:** Midrail includes screens, mesh, intermediate vertical members, solid panels, and equivalent structural members of the guardrail system.

**Table 3**

**Minimum Toprail and Midrail Strength Requirements**

Type of Scaffold	Toprail Capacity	Midrail Capacity
((*) Single-point adjustable suspension scaffolds	100 pounds (445 n)	75 pounds (333 n)
((*) Two-point adjustable suspension scaffolds		
((*) All other scaffolds	200 pounds (890 n)	150 pounds (666 n)
((*) Walkways within a scaffold		

~~((You must:~~

\*) (6) You must install midrails, screens, mesh, intermediate vertical members, solid panels, or equivalent structural members as follows:

(-) (a) Midrails at a height approximately midway between the top edge of the guardrail system and the platform surface;

(-) (b) Screens and mesh:

(\*) (i) From the top edge of the guardrail system to the scaffold platform; ~~((AND~~

~~\*) and~~

(ii) Along the entire opening between the supports(;) )

(-) (c) Intermediate members, such as balusters or additional rails, not more than nineteen inches (48 cm) apart.

(\*) (7) You must make sure steel or plastic banding is not used as a toprail or midrail.

(\*) (8) You must have a competent person inspect manila rope and plastic or other synthetic rope that is used as a toprail or midrail as frequently as necessary to make sure it continues to meet the strength requirements for a toprail or midrail.

**Note:** Crossbraces may be used as a toprail or midrail in a guardrail system if they meet the following requirements:

(\*) 1. The crossing point of the two braces is between:

(-) a. 20" and 30" above the work platform when used as a midrail.

(-) b. 38" and 48" above the work platform when used as a toprail.

(\*) 2. The end points at each upright are not more than 48" apart.

~~((You must:~~

\*) (9) You must make sure guardrails have a surface that prevents:

(-) (a) Puncture and laceration injuries; ~~((AND~~

~~-) and~~

(b) Snagging clothing.

(\*) (10) You must make sure any rail extending beyond the post of a guardrail does not create a projection hazard.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20066 Provide falling object protection.**

**Reference:** Hardhats and possibly other personal protective equipment has to be used to protect employees exposed to overhead hazards.

(\*) 1. Those requirements are found in the safety and health core rules, chapter 296-800 WAC.

(-) 2. Go to personal protective equipment (PPE), WAC 296-800-160.

~~((You must:~~

\*) (1) You must protect employees from being struck by tools, materials, or equipment falling from a scaffold by doing one or more of the following:

(-) (a) Use a barricade to keep employees out of the area where falling objects could be a hazard(;) )

(-) (b) Install a toeboard along the edge of the platform anywhere an object could fall on an employee below(;) )

(-) (c) Install paneling or screening that covers from the top of the guardrail to the toeboard or platform anywhere the toeboard is **not** high enough to keep objects from falling off the platform(;) )

(-) (d) Install a guardrail system with openings small enough to keep potential falling objects from passing through(;) )

(-) (e) Erect a canopy structure, debris net, or catch platform over employees that does all of the following:

(\*) (i) Will contain or deflect falling objects;

(\*) (ii) Is strong enough to withstand the impact forces;

(\*) (iii) Is installed between the falling object hazard and the employees.

(\*) (2) You must make sure potential falling objects that are too large or heavy to be contained or deflected by the falling object protection you are using are:

(-) (a) Moved away from the edge of the surface they could fall from; ~~((AND~~

~~-) and~~

(b) Secured, as necessary, to prevent falling.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20068 Provide additional support lines on suspended scaffolds using a canopy for falling object protection. ~~((You must:~~**

\*) You must equip suspended scaffolds, that use a canopy for falling object protection, with additional independent support lines that meet all of the following:

(-) (1) Have the same number of support lines as there are suspension ropes;

(-) (2) Are equivalent in strength to the suspension ropes;

(-) (3) Are not attached to the same point of anchorage as the suspension ropes.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20070 Make sure toeboards meet these requirements. ~~((You must:~~**

\*) You must make sure toeboards, when used, are:

(-) (1) At least three and one-half inches (9 cm) high from the top edge of the toeboard to the platform;

(-) (2) Securely fastened along the outer edge of the platform;

(-) (3) Installed for enough distance along the platform to protect employees below;

(-) (4) Installed so the gap between the bottom of the toeboard and the platform is one-quarter inch (0.7 cm) or less;

(-) (5) Solid or with openings that are one inch (2.5 cm) or less in the largest dimension;

(-) (6) Able to withstand, without failing, a force of at least fifty pounds (222 n) applied in a downward or horizontal direction anywhere along the toeboard.

~~((Exemption))~~  
**EXEMPTION:** On float (ship) scaffolds, an edging of three-quarters by one and one-half inch (2 x 4 cm) wood or the equivalent may be used instead of a toeboard.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20072 Train employees who work on a scaffold.** ~~((You must:~~

\*) (1) You must have a qualified person train each employee who works on a scaffold to:

((-) (a) Recognize the hazards associated with the type of scaffold they are using; ~~((AND~~

-)) and

(b) Understand the procedures to control or minimize the hazards.

((\*) (2) You must include the following subjects in your training:

((-) (a) Hazards in the work area and how to deal with them, including:

((\*) (i) Electrical hazards;

((\*) (ii) Fall hazards;

((\*) (iii) Falling object hazards;

((\*) (iv) How to erect, maintain, and disassemble the fall protection and falling object protection systems being used((:)).

((-) (b) How to:

((\*) (i) Use the scaffold;

((\*) (ii) Handle materials on the scaffold((:)).

((-) (c) The load-carrying capacity and maximum intended load of the scaffold((:)).

((-) (d) Any other requirements of this chapter that apply.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20074 Train employees who erect, dismantle, operate or maintain scaffolds.** ~~((You must:~~

\*) (1) You must have a competent person train each employee who erects, disassembles, moves, operates, repairs, maintains, or inspects scaffolds to recognize any hazards associated with the work.

((\*) (2) You must make sure the training includes at least the following subjects:

((-) (a) Hazards in the work area and how to deal with them;

((-) (b) The correct procedures for erecting, disassembling, moving, operating, repairing, inspecting, and maintaining the type of scaffold being used;

((-) (c) The design criteria, maximum intended load-carrying capacity and intended use of the scaffold;

((-) (d) Any other requirements of this chapter that apply.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-20076 Retrain employees when necessary.** ~~((You must:~~

\*) (1) You must retrain employees to reestablish proficiency if you believe they lack the skill or understanding to safely erect, use, or dismantle a scaffold.

((\*) (2) You must retraining is required in at least the following situations:

((-) (a) An employee's work involving scaffolds is inadequate and indicates they lack the necessary proficiency((:)).

((-) (b) A change in **any** of the following that presents a hazard the employee has not been trained for:

((\*) (i) Worksite;

((\*) (ii) Type of scaffold;

((\*) (iii) Fall protection;

((\*) (iv) Falling object protection;

((\*) (v) Other equipment.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-300 Suspended scaffolds.**

~~((Section contents:))~~ **Summary**

**Your responsibility:**

To meet these requirements when using suspended scaffolds.

~~((Make sure suspended scaffolds and scaffold components meet these strength requirements~~

~~WAC 296-874-30002.~~

~~Make sure suspended scaffold outrigger beams meet these requirements~~

~~WAC 296-874-30004.~~

~~Make sure counterweights are safe and used properly~~

~~WAC 296-874-30006.~~

~~Make sure tiebacks meet these requirements~~

~~WAC 296-874-30008.~~

~~Make sure suspended scaffold support devices meet these requirements~~

~~WAC 296-874-30010.~~

~~Make sure scaffold hoists meet these requirements~~

~~WAC 296-874-30012.~~

~~Make sure scaffold hoists retain enough suspension rope~~

~~WAC 296-874-30014.~~

~~Make sure wire rope is in good condition~~

~~WAC 296-874-30016.~~

~~Make sure wire suspension rope connections meet these requirements~~

~~WAC 296-874-30018.~~

~~Make sure wire rope clips are used properly~~

~~WAC 296-874-30020.~~

~~Prevent swaying of two point and multipoint suspension scaffolds~~

~~WAC 296-874-30022.~~

~~Use emergency escape and rescue devices appropriately~~

~~WAC 296-874-30024.~~

~~Protect suspension ropes from heat or corrosive substances~~

~~WAC 296-874-30026.~~

~~Take precautions while welding~~

~~WAC 296-874-30028.~~

~~Prohibit use of gasoline-powered equipment on suspended scaffolds~~

~~WAC 296-874-30030.~~

~~Meet these requirements when using catenary scaffolds~~

~~WAC 296-874-30032.~~

~~Meet these requirements when using float (ship) scaffolds~~

~~WAC 296-874-30034.~~

~~Meet these requirements when using interior hung scaffolds~~

~~WAC 296-874-30036.~~

~~Meet these requirements when using multilevel suspended scaffolds~~

~~WAC 296-874-30038.~~

~~Meet these requirements when using multipoint adjustable suspension scaffolds~~

~~WAC 296-874-30040~~

~~Meet these requirements when using needle beam scaffolds~~

~~WAC 296-874-30042.~~

~~Meet these requirements when using single point adjustable suspension scaffolds~~

~~WAC 296-874-30044.~~

~~Meet these requirements when using two point adjustable suspension scaffolds (swing stages)~~

~~WAC 296-874-30046.))~~

<u><b>You must meet the requirements ...</b></u>	<u><b>in this section:</b></u>
<u>Make sure suspended scaffolds and scaffold components meet these strength requirements</u>	<u>WAC 296-874-30002</u>
<u>Make sure suspended scaffold outrigger beams meet these requirements</u>	<u>WAC 296-874-30004</u>
<u>Make sure counterweights are safe and used properly</u>	<u>WAC 296-874-30006</u>
<u>Make sure tiebacks meet these requirements</u>	<u>WAC 296-874-30008</u>
<u>Make sure suspended scaffold support devices meet these requirements</u>	<u>WAC 296-874-30010</u>
<u>Make sure scaffold hoists meet these requirements</u>	<u>WAC 296-874-30012</u>
<u>Make sure scaffold hoists retain enough suspension rope</u>	<u>WAC 296-874-30014</u>
<u>Make sure wire rope is in good condition</u>	<u>WAC 296-874-30016</u>
<u>Make sure wire suspension rope connections meet these requirements</u>	<u>WAC 296-874-30018</u>
<u>Make sure wire rope clips are used properly</u>	<u>WAC 296-874-30020</u>
<u>Prevent swaying of two-point and multipoint suspension scaffolds</u>	<u>WAC 296-874-30022</u>
<u>Use emergency escape and rescue devices appropriately</u>	<u>WAC 296-874-30024</u>

<u><b>You must meet the requirements ...</b></u>	<u><b>in this section:</b></u>
<u>Protect suspension ropes from heat or corrosive substances</u>	<u>WAC 296-874-30026</u>
<u>Take precautions while welding</u>	<u>WAC 296-874-30028</u>
<u>Prohibit use of gasoline-powered equipment on suspended scaffolds</u>	<u>WAC 296-874-30030</u>
<u>Meet these requirements when using catenary scaffolds</u>	<u>WAC 296-874-30032</u>
<u>Meet these requirements when using float (ship) scaffolds</u>	<u>WAC 296-874-30034</u>
<u>Meet these requirements when using interior hung scaffolds</u>	<u>WAC 296-874-30036</u>
<u>Meet these requirements when using multilevel suspended scaffolds</u>	<u>WAC 296-874-30038</u>
<u>Meet these requirements when using multipoint adjustable suspension scaffolds</u>	<u>WAC 296-874-30040</u>
<u>Meet these requirements when using needle beam scaffolds</u>	<u>WAC 296-874-30042</u>
<u>Meet these requirements when using single-point adjustable suspension scaffolds</u>	<u>WAC 296-874-30044</u>
<u>Meet these requirements when using two-point adjustable suspension scaffolds (swing stages)</u>	<u>WAC 296-874-30046</u>

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30002 Make sure suspended scaffolds and scaffold components meet these strength requirements.** (~~You must:~~

•) (1) You must meet the following strength requirements:

((-) (a) Suspended scaffolds must support, without failure, the total of their own weight plus four times the maximum intended load;

((-) (b) Suspended scaffold components must meet the requirements contained in Table 4, Suspended Scaffold Strength Requirements.

(•) (2) Surfaces that support scaffold support devices must withstand four times the rated load of the hoist.

**Note:** Scaffold support devices include outrigger beams, cornice hooks, parapet clamps, and similar devices.

**Table 4**  
**Suspended Scaffold Strength Requirements**

<b>These scaffold components:</b>	<b>Must meet these strength requirements:</b>
Adjustable scaffold (-) Suspension ropes, including connecting hardware	Support six times the rated load of the hoist.
Adjustable scaffold (-) Direct connections to roofs and floors (-) Counterweights used to balance the scaffold	Resist four times the tipping moment with the scaffold operating at the rated load of the hoist.
Nonadjustable scaffold (-) Suspension ropes, including connecting hardware	Support six times the maximum intended load applied or transmitted to the rope.
All other scaffold components	Support its own weight plus four times the maximum intended load.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30004 Make sure suspended scaffold outrigger beams meet these requirements. (~~You must:~~**

•) (1) You must make sure outrigger beams are made of structural metal or equivalent strength material.

(•) (2) You must stabilize the inboard ends of outrigger beams by using either:

(-) (a) Bolts or other direct connections to the floor or roof deck; (~~OR~~

-) or

(b) Counterweights and tiebacks.

(~~Exemption:~~) Masons' multipoint adjustable scaffold (outrigger beams **EXEMPTION:** cannot be stabilized by counterweights.

(~~You must:~~

•) (3) You must make sure, before the scaffold is used, that a competent person:

(-) (a) Evaluates the direct connections; (~~AND~~ -) and

(b) Confirms that the supporting surfaces can support the loads placed on them.

(•) (4) You must make sure suspended scaffold outrigger beams are all of the following:

(-) (a) Restrained to prevent moving;

(-) (b) Provided with stop bolts or shackles at both ends;

(-) (c) Securely fastened together with the flanges turned out when channel iron beams are used in place of I-beams;

(-) (d) Set and maintained with the web in a vertical position;

(-) (e) Placed so the suspension rope is centered over the stirrup.

(•) (5) You must place outrigger beams at a right angle (perpendicular) to their bearing support.

(~~Exemption:~~) Outrigger beams can be placed at other than a right angle (perpendicular) if:

(•) 1. You can demonstrate that immovable obstructions make it impossible to place the beams at a right angle (perpendicular) to their bearing support; (~~AND~~) and

(•) 2. Opposing angle tiebacks are used.

**Note:** The angle between the outrigger beam and the bearing support is usually the same as the angle between the outrigger beam and the face of the building or structure.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30006 Make sure counterweights are safe and used properly. (~~You must:~~**

•) (1) You must make sure counterweights:

(-) (a) Are made of material that cannot flow; (~~AND~~ -) and

(b) Have been specifically designed to be used as counterweights.

**Note:** The following cannot be used as counterweights:

(•) 1. Sand, gravel and similar materials that can be easily dislocated;

(•) 2. Construction material such as masonry units and roofing felt.

(~~You must:~~

•) (2) You must secure counterweights to outrigger beams by mechanical means to prevent them from being accidentally detached.

(•) (3) You must leave counterweights attached to the outrigger beams until after the scaffold has been disassembled.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30008 Make sure tiebacks meet these requirements. (~~You must:~~**

•) (1) You must make sure tiebacks are equivalent in strength to the suspension ropes.

(•) (2) You must make sure tiebacks are secured to a structurally sound anchorage on the building or structure and installed:

(-) (a) At a right angle (perpendicular) to the face of the building or structure; (~~OR~~

-) or

(b) As opposing angle tiebacks.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30010 Make sure suspended scaffold support devices meet these requirements. (~~You must:~~**

•) You must make sure suspended scaffold support devices, such as cornice hooks, roof hooks, roof irons, parapet clamps, or similar devices, are:

((-) (1) Made of steel, wrought iron, or other material of equivalent strength;

((-) (2) Supported by bearing blocks;

((-) (3) Prevented from moving by using tiebacks.

**Reference:** ((\*) 1. For outrigger beam requirements, go to WAC 296-874-30004;  
((\*) 2. For tieback requirements go to WAC 296-874-30008.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30012 Make sure scaffold hoists meet these requirements. (~~You must:~~**

•) (1) You must make sure the stall load of any scaffold hoist is **not** more than three times its rated load.

((\*) (2) You must make sure the design of scaffold hoists has been tested by an independent nationally recognized testing laboratory.

((\*) (3) You must make sure scaffold hoists have both a:

((-) (a) Normal operating brake; (~~AND~~

-)) and

(b) Braking device or locking pawl which automatically engages when the hoist has an uncontrolled:

((■) (i) Instantaneous change in momentum; ((OR ■)) or

(ii) An accelerated overspeed.

((\*) (4) You must prohibit use of gasoline-powered hoists on suspended scaffolds.

((\*) (5) You must enclose the gears and brakes of power-operated hoists used on suspended scaffolds.

((\*) (6) You must make sure manually operated hoists need a positive crank force to descend.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30014 Make sure scaffold hoists retain enough suspension rope. (~~You must:~~**

•) (1) You must make sure the suspension rope on winding drum hoists is long enough to wrap around the drum at least four times when the scaffold is at its lowest point of travel.

((\*) (2) You must make sure the suspension rope on hoists that do **not** use a winding drum:

((-) (a) Is long enough to allow the scaffold to be lowered to the level below without the rope end passing through the hoist; ((OR

-)) or

(b) Has the rope end configured, or uses other means, to prevent it from passing through the hoist.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30016 Make sure wire rope is in good condition. (~~You must:~~**

•) (1) You must make sure a competent person inspects each rope for defects:

((-) (a) Before each work shift; (~~AND~~

-)) and

(b) After anything happens that could affect the rope's integrity.

((\*) (2) You must replace a rope if it has any of the following:

((-) (a) Physical damage which impairs the function and strength of the rope;

((-) (b) Kinks that could impair the tracking or wrapping of the rope around a drum or sheave;

((-) (c) Six randomly distributed broken wires in one rope lay;

((-) (d) Three broken wires in one strand of one rope lay;

((-) (e) Loss of more than one-third of the original diameter of the outside wires caused by abrasion, corrosion, scrubbing, flattening or peening;

((-) (f) Heat damage caused by a torch;

((-) (g) Any damage caused by contact with electrical wires;

((-) (h) Evidence that the secondary brake has been activated during an overspeed condition and has engaged the suspension rope.

((\*) (3) You must prohibit the use of repaired wire rope as suspension rope.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30018 Make sure wire suspension rope connections meet these requirements. (~~You must:~~**

•) (1) You must only use eye splice thimbles connected with shackles or cover plates and bolts to join wire suspension ropes together.

((\*) (2) You must make sure the load ends of wire suspension ropes are:

((-) (a) Equipped with proper size thimbles; (~~AND~~

-)) and

(b) Secured by eye splicing or an equivalent means.

((\*) (3) You must make sure all swaged attachments or spliced eyes on wire suspension rope have been made by either:

((-) (a) The wire rope manufacturer; ((OR

-)) or

(b) A qualified person.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30020 Make sure wire rope clips are used properly. (~~You must:~~**

•) (1) You must make sure, if wire rope clips are used on suspended scaffolds, such as on the suspension ropes or support lines, that:

((-) (a) A minimum of three clips are installed;

((-) (b) The distance between clips is at least six rope diameters;

((-) (c) Clips are installed according to the manufacturer's recommendations.



((\*) (2) You must retighten the clips to the manufacturer's recommendations after the initial loading.

((\*) (3) You must inspect the clips and retighten them to the manufacturer's recommendations at the start of each work shift.

((\*) (4) You must make sure U-bolt clips are not used at the point of suspension for any scaffold hoist.

((\*) (5) You must make sure, if U-bolt clips are used, that:

((-) (a) The U-bolt is placed over the dead end of the rope; (~~AND~~

-)) and

(b) The saddle is placed over the live end of the rope.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30022 Prevent swaying of two-point and multipoint suspension scaffolds.** (~~(You must:~~

\*) You must tie or use other means to keep two-point and multipoint suspension scaffolds from swaying, if an evaluation by a competent person determines it is necessary.

**Note:** Window cleaners' anchors **cannot** be used to secure scaffolds since they are not designed to withstand the load.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30024 Use emergency escape and rescue devices appropriately.** (~~(You must:~~

\*) You must make sure devices whose sole function is to provide emergency escape and rescue are not used as working platforms.

**Note:** Systems which are designed to function both as suspended scaffolds and emergency systems may be used as working platforms.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30026 Protect suspension ropes from heat or corrosive substances.** (~~(You must:~~

\*) (1) You must shield suspension ropes from heat-producing processes.

((\*) (2) You must make sure, when acids or other corrosive substances are used on a scaffold, that the suspension ropes are protected by at least one of the following:

((-) (a) Shielding;

((-) (b) Treating to protect the rope from the corrosive substances;

((-) (c) Making the rope of material that the corrosive substance will not damage.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30028 Take precautions while welding.** (~~(You must:~~

\*) You must do the following to protect employees while welding on suspended scaffolds:

((-) (1) Use an insulated thimble to attach each suspension wire rope to its hanging support, such as a cornice hook or outrigger;

((-) (2) Insulate excess suspension wire rope and any additional independent lines to prevent grounding;

((-) (3) Cover the wire suspension rope with insulating material that extends at least four feet (1.2 m) above the hoist;

((-) (4) Make sure any tail line that extends below the hoist is:

((\*) (a) Insulated to prevent contact with the platform; (~~AND~~

\*) and

(b) Guided or retained so it does not become grounded.

((-) (5) Cover each hoist with an insulated protective cover;

((-) (6) Connect the scaffold to the structure using a grounding conductor that:

((\*) (a) Is at least the size of the welding process work lead; (~~AND~~

\*) and

(b) Is not in series with the welding process or the work piece.

((-) (7) Shut off the welding machine if the scaffold grounding lead becomes disconnected;

((-) (8) Make sure an active welding rod or an uninsulated welding lead is not allowed to contact the:

((\*) (a) Scaffold; (~~OR~~

\*) or

(b) Scaffold suspension system.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30030 Prohibit use of gasoline-powered equipment on suspended scaffolds.** (~~(You must:~~

\*) You must make sure gasoline-powered equipment is **not** used on suspended scaffolds.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30032 Meet these requirements when using catenary scaffolds.** (~~(You must:~~

\*) (1) You must make sure catenary scaffolds have:

((-) (a) No more than one platform between consecutive vertical pickups; (~~AND~~

-)) and

(b) No more than two platforms per scaffold.

((\*) (2) You must make sure any platform that's supported by wire ropes has hook-shaped stops placed at each end of the platform that will prevent it from falling if one of the horizontal wire ropes breaks.

((\*) (3) You must make sure wire ropes are:

((-) (a) Continuous and without splices between anchors; (~~AND~~

-)) and

(b) Not tightened to the point that putting a load on the scaffold will overstress them.

**Reference:** For specific fall protection requirements for employees on catenary scaffolds, go to WAC 296-874-20056.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30034 Meet these requirements when using float (ship) scaffolds. (~~You must:~~**

\*) (1) You must support the platform with at least two bearers.

(\*) (2) You must make sure each bearer:

(-) (a) Projects at least six inches (15.2 cm) beyond the platform on both sides; (~~AND~~

-) and

(b) Is securely fastened to the platform.

(\*) (3) You must make sure rope connections won't allow the platform to shift or slip.

(\*) (4) You must make sure scaffolds that only have two ropes used with each float meet all of the following:

(-) (a) There are four rope ends that are securely fastened to overhead supports;

(-) (b) Each supporting rope is hitched around one end of the bearer, passed under the platform to the other end of the bearer, and hitched again;

(-) (c) There is enough rope at each end for the supporting ties.

**Reference:** For specific fall protection requirements for employees on float (ship) scaffolds, go to WAC 296-874-20056.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30036 Meet these requirements when using interior hung scaffolds. (~~You must:~~**

\*) (1) You must suspend the scaffold only from the roof structure or other structural member, such as ceiling beams.

(\*) (2) You must inspect the overhead supporting members and check to make sure they're strong enough before erecting the scaffold.

(\*) (3) You must connect suspension ropes and cables to the overhead supporting members by:

(-) (a) Shackles, clips, or thimbles; (~~OR~~

-) or

(b) Other means that meet equivalent criteria, such as strength and durability.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30038 Meet these requirements when using multilevel suspended scaffolds. (~~You must:~~**

\*) (1) You must equip scaffolds with additional independent support lines that meet all of the following:

(-) (a) There are the same number of support lines as there are connection points for the suspension ropes;

(-) (b) The support lines are equivalent in strength to the suspension ropes;

(-) (c) The support lines are rigged to support the scaffold if the suspension ropes fail.

(\*) (2) You must make sure the independent support lines and the suspension ropes are not attached to the same points of anchorage.

(\*) (3) You must attach platform supports directly to the support stirrup and not to another platform.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30040 Meet these requirements when using multipoint adjustable suspension scaffolds.**

~~(IMPORTANT:)~~ **Important:**

This requirement applies when using multipoint adjustable suspension scaffolds, stonemasons' multipoint adjustable suspension scaffolds, and masons' multipoint adjustable suspension scaffolds.

~~(You must:~~

\*) (1) You must make sure masons' multipoint adjustable suspension scaffold connections are designed by an engineer experienced in designing this type of scaffold.

(\*) (2) You must make sure bridges between two or more scaffolds meet all of the following:

(-) (a) The scaffolds were designed to be bridged;

(-) (b) The bridges are articulated;

(-) (c) The hoists are properly sized.

(\*) (3) You must make sure passage from one platform to another, without using bridges, is done only when the platforms are:

(-) (a) At the same height; (~~AND~~

-) and

(b) Abutting.

(\*) (4) You must suspend scaffolds from:

(-) (a) Metal outriggers, brackets, wire rope slings, or hooks; (~~OR~~

-) or

(b) Other means that meet equivalent criteria, such as strength and durability.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30042 Meet these requirements when using needle beam scaffolds. (~~You must:~~**

\*) (1) You must install scaffold support beams on edge.

(\*) (2) You must use ropes or hangers for scaffold supports(=

-). One end of a needle beam scaffold may be supported by a permanent structural member.

(\*) (3) You must securely attach ropes to the needle beams.

(\*) (4) You must arrange the support connection to prevent the needle beam from rolling or becoming displaced.

(\*) (5) You must securely attach platform units to the needle beams with bolts or equivalent means.

**Note:** Cleats and overhang are not adequate means of attachment.

**Reference:** For specific fall protection requirements for employees on needle beam scaffolds, go to WAC 296-874-20056.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30044 Meet these requirements when using single-point adjustable suspension scaffolds. (~~You must:~~**

\*) (1) You must make sure two scaffolds that have been combined to form a two-point adjustable suspension scaffold

meet the requirements of the section. Make sure two-point adjustable suspension scaffolds (swing stages) meet these requirements, WAC 296-874-30046.

**(\*) (2) You must** make sure scaffolds, where the suspension rope between the scaffold and the suspension device is not vertical, meet all of the following:

**(-) (a)** The rigging has been designed by a qualified person;

**(-) (b)** The scaffold is accessible to rescuers;

**(-) (c)** The suspension rope is protected from chafing at any point where it changes direction;

**(-) (d)** The scaffold is positioned so that swinging cannot bring the scaffold into contact with another surface.

**(\*) (3) You must** make sure boatswain's chair tackle meets all of the following:

**(-) (a)** It consists of correct size ball bearing blocks or bushed blocks~~(:)~~;

**(-) (b)** The blocks contain safety hooks~~(:)~~;

**(-) (c)** The rope is properly eye spliced~~(:)~~;

**(-) (d)** The rope is either:

**(■) (i)** First-grade manila rope that has a diameter of at least five-eighths inch (1.6 cm); ~~(OR~~

~~■) or~~

**(ii)** Other rope that has equivalent characteristics, such as strength and durability.

**(\*) (4) You must** make sure boatswain's chair seat slings meet all of the following:

**(-) (a)** Are reeved through four corner holes in the seat~~(:)~~;

**(-) (b)** Cross each other on the underside of the seat~~(:)~~;

**(-) (c)** Are rigged to prevent slipping which could cause the seat to become out-of-level~~(:)~~;

**(-) (d)** Are made from fiber, synthetic, or other rope which have:

**(■) (i)** A diameter of at least five-eighths inch (1.6 cm); ~~(AND~~

~~■) and~~

**(ii)** Characteristics equivalent to first grade manila rope, such as strength, slip resistance, and durability.

**(\*) (5) You must** make sure the seat sling of boatswain's chairs used when a heat-producing process, such as gas or arc welding, is being conducted is at least three-eighths inch (1.0 cm) wire rope.

**(\*) (6) You must** securely fasten cleats to the underside of noncross-laminated wood boatswain's chairs to prevent the board from splitting.

**Reference:** For specific fall protection requirements for employees on single-point adjustable suspension scaffolds, go to WAC 296-874-20056.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-30046 Meet these requirements when using two-point adjustable suspension scaffolds (swing stages).**

~~(IMPORTANT:)~~ **IMPORTANT:**

This section does not apply to two-point adjustable suspension scaffolds used as masons' or stonemasons' scaffolds.

**Reference:** For requirements for masons' or stonemasons' scaffolds, go to WAC 296-874-30040.

~~(You must:~~

**(\*) (1) You must** make sure platforms more than thirty-six inches (0.9 m) wide have been designed by a qualified person to prevent unstable conditions.

**(\*) (2) You must** make sure platforms are one of the following:

**(-) (a)** Ladder-type;

**(-) (b)** Plank-type;

**(-) (c)** Beam-type;

**(-) (d)** Light-metal type.

**(\*) (3) You must** make sure the design of light-metal type platforms have been tested and listed by a nationally recognized testing laboratory if they:

**(-) (a)** Have a rated capacity of seven hundred fifty pounds or less; ~~(OR~~

~~-) or~~

**(b)** Have a length of forty feet (12.2 m) or less.

**(\*) (4) You must** securely fasten the platform to the hangers (stirrups) using U-bolts or other means that satisfy the section titled, Make sure suspended scaffolds and scaffold components meet these strength requirements, WAC 296-874-30002.

**(\*) (5) You must** make sure fiber or synthetic ropes are used with blocks that:

**(-) (a)** Consist of at least one double and one single block; ~~(AND~~

~~-) and~~

**(b)** Have sheaves that fit the size of the rope used.

**(\*) (6) You must** make sure employees move from one platform to another only when all of the following are met:

**(-) (a)** The platforms are at the same height;

**(-) (b)** The platforms are abutting;

**(-) (c)** Walk-through stirrups are used that have been specifically designed to allow employee passage.

**(\*) (7) You must** make sure two-point scaffolds that are bridged or otherwise connected together when being raised or lowered meet both of the following:

**(-) (a)** The bridge connections are articulated;

**(-) (b)** The hoists are properly sized.

**Reference:** For specific fall protection requirements for employees on two-point adjustable suspension scaffolds, go to WAC 296-874-20056.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-400 Supported scaffolds.**

~~(Section contents:)~~ **Summary**

**Your responsibility:**

To meet these requirements when using supported scaffolds.

~~(Make sure supported scaffolds and scaffold components meet strength requirements~~

~~WAC 296-874-40002.~~

~~Prevent supported scaffolds from tipping~~

~~WAC 296-874-40004.~~

~~Make sure supported scaffolds are properly supported~~

~~WAC 296-874-40006.~~

Provide safe access for persons erecting or dismantling supported scaffolds  
~~WAC 296-874-40008.~~  
 Provide fall protection for persons erecting or dismantling supported scaffolds  
~~WAC 296-874-40010.~~  
 Meet these requirements when moving mobile scaffolds  
~~WAC 296-874-40012.~~  
 Meet these requirements when using bricklayers' square scaffolds (squares)  
~~WAC 296-874-40014.~~  
 Meet these requirements when using crawling boards (chicken ladders)  
~~WAC 296-874-40016.~~  
 Meet these requirements when using fabricated frame scaffolds (tubular welded frame scaffolds)  
~~WAC 296-874-40018.~~  
 Meet these requirements when using integral prefabricated scaffold access frames  
~~WAC 296-874-40020.~~  
 Meet these requirements when using form scaffolds and carpenter's bracket scaffolds  
~~WAC 296-874-40022.~~  
 Meet these requirements when using horse scaffolds  
~~WAC 296-874-40024.~~  
 Meet these requirements when using ladder jack scaffolds  
~~WAC 296-874-40026.~~  
 Meet these requirements when using outrigger scaffolds  
~~WAC 296-874-40028.~~  
 Meet these requirements when using pole scaffolds  
~~WAC 296-874-40030.~~  
 Meet these requirements when using pump jack scaffolds  
~~WAC 296-874-40032.~~  
 Meet these requirements when using repair bracket scaffolds  
~~WAC 296-874-40034.~~  
 Meet these requirements when using roof bracket scaffolds  
~~WAC 296-874-40036.~~  
 Meet these requirements when using step, platform, and trestle ladder scaffolds  
~~WAC 296-874-40038.~~  
 Meet these requirements when using tube and coupler scaffolds  
~~WAC 296-874-40040.~~  
 Meet these requirements when using window jack scaffolds  
~~WAC 296-874-40042.))~~

<u><b>You must meet the requirements ...</b></u>	<u><b>in this section:</b></u>
<u>Make sure supported scaffolds and scaffold components meet strength requirements</u>	<u>WAC 296-874-40002</u>
<u>Prevent supported scaffolds from tipping</u>	<u>WAC 296-874-40004</u>

<u><b>You must meet the requirements ...</b></u>	<u><b>in this section:</b></u>
<u>Make sure supported scaffolds are properly supported</u>	<u>WAC 296-874-40006</u>
<u>Provide safe access for persons erecting or dismantling supported scaffolds</u>	<u>WAC 296-874-40008</u>
<u>Provide fall protection for persons erecting or dismantling supported scaffolds</u>	<u>WAC 296-874-40010</u>
<u>Meet these requirements when moving mobile scaffolds</u>	<u>WAC 296-874-40012</u>
<u>Meet these requirements when using bricklayers' square scaffolds (squares)</u>	<u>WAC 296-874-40014</u>
<u>Meet these requirements when using fabricated frame scaffolds (tubular welded frame scaffolds)</u>	<u>WAC 296-874-40018</u>
<u>Meet these requirements when using integral prefabricated scaffold access frames</u>	<u>WAC 296-874-40020</u>
<u>Meet these requirements when using form scaffolds and carpenter's bracket scaffolds</u>	<u>WAC 296-874-40022</u>
<u>Meet these requirements when using horse scaffolds</u>	<u>WAC 296-874-40024</u>
<u>Meet these requirements when using ladder jack scaffolds</u>	<u>WAC 296-874-40026</u>
<u>Meet these requirements when using outrigger scaffolds</u>	<u>WAC 296-874-40028</u>
<u>Meet these requirements when using pole scaffolds</u>	<u>WAC 296-874-40030</u>
<u>Meet these requirements when using pump jack scaffolds</u>	<u>WAC 296-874-40032</u>
<u>Meet these requirements when using repair bracket scaffolds</u>	<u>WAC 296-874-40034</u>
<u>Meet these requirements when using roof bracket scaffolds</u>	<u>WAC 296-874-40036</u>
<u>Meet these requirements when using step, platform and trestle ladder scaffolds</u>	<u>WAC 296-874-40038</u>

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Meet these requirements when using tube and coupler scaffolds</u>	<u>WAC 296-874-40040</u>
<u>Meet these requirements when using window jack scaffolds</u>	<u>WAC 296-874-40042</u>

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-40002 Make sure supported scaffolds and scaffold components meet strength requirements.**

~~((You must:~~

•)) You must make sure each supported scaffold and scaffold component can support, without failure, the total of its own weight plus at least four times the maximum intended load applied or transmitted to it.

AMENDATORY SECTION (Amending WSR 07-17-026, filed 8/7/07, effective 10/6/07)

**WAC 296-874-40004 Prevent supported scaffolds from tipping.** ~~((You must:~~

•)) (1) You must make sure supported scaffolds with a height to least base dimension ratio of greater than four to one are prevented from tipping by one or more of the following:

- ((-) (a) Guying;
- ((-) (b) Tying;
- ((-) (c) Bracing;
- ((-) (d) Other equivalent means.

**Note:** The least base dimension includes outriggers, if used.

~~((You must:~~

•)) (2) You must install guys, ties, and braces where horizontal members support both the inner and outer legs of the scaffold.

((•) (3) You must install guys, ties, and braces:

((-) (a) According to the scaffold manufacturer's recommendations; ~~((OR~~

-)) or

(b) At all points where the following horizontal and vertical planes meet:

((■) (i) First vertical level at a height equal to four times the least base dimension((:)),

((■) (ii) Subsequent vertical levels every:

((♦) (A) Twenty feet (6.1 m) or less for scaffolds having a width of three feet (0.91 m) or less;

((♦) (B) Twenty six feet (7.9 m) or less for scaffolds more than three feet (0.91 m) wide((:)),

((■) (iii) Horizontally at:

((♦) (A) Each end of the scaffold; ~~((AND~~

♦)) and

(B) Intervals of thirty feet (9.1 m) or less.

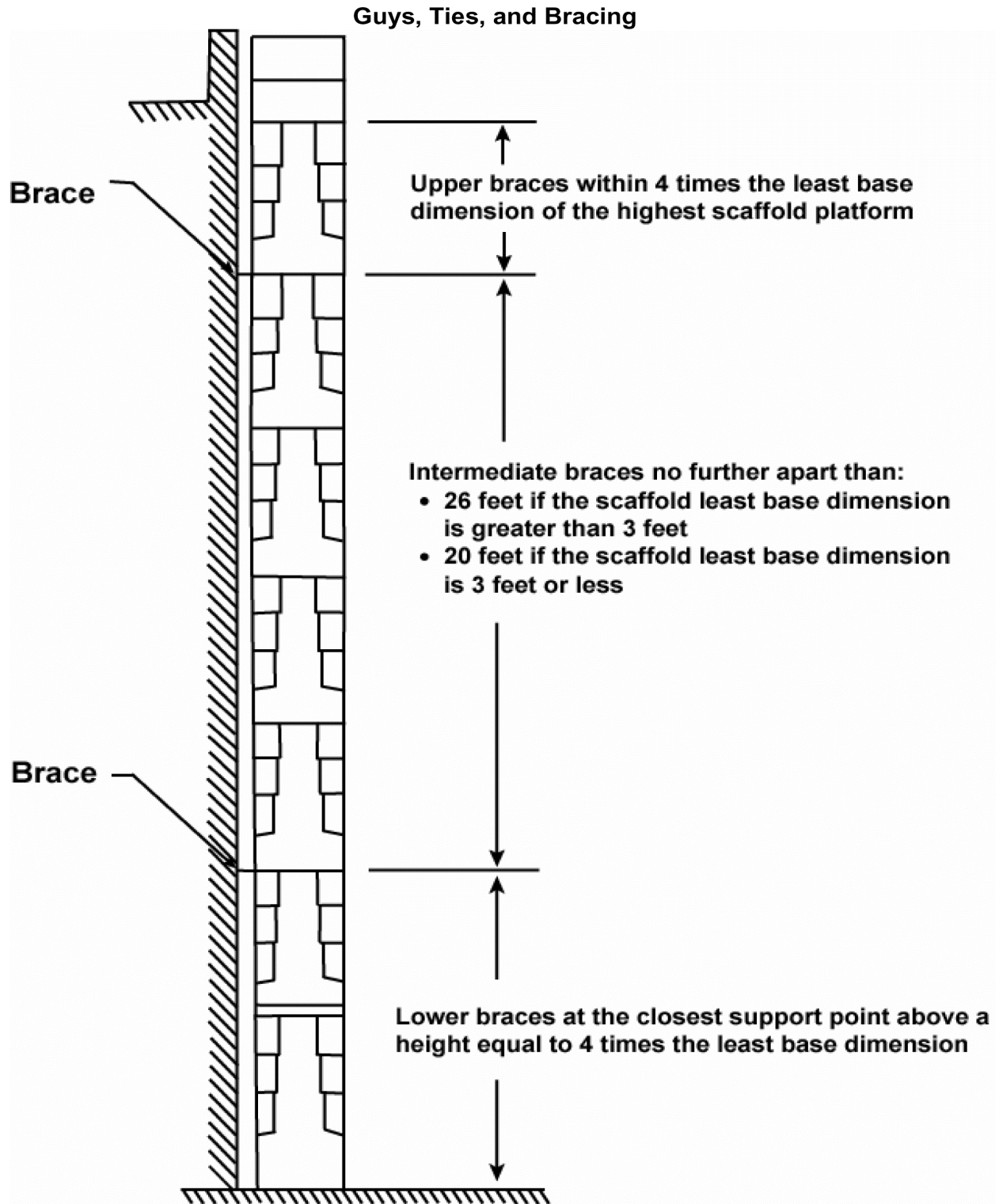
**Note:** The thirty-foot horizontal intervals are measured from one end of the scaffold to the other.

~~((You must:~~

•)) (4) You must make sure the highest level of guys, ties, or braces is no further from the top of the scaffold than a distance equal to four times the least base dimension.

((•) (5) You must make sure scaffolds that have an eccentric load applied or transmitted to them, such as a cantilevered work platform, are prevented from tipping by one or more of the following:

- ((-) (a) Guying;
- ((-) (b) Tying;
- ((-) (c) Bracing;
- ((-) (d) Outriggers;
- ((-) (e) Other equivalent means.



AMENDATORY SECTION (Amending WSR 07-17-026, filed 8/7/07, effective 10/6/07)

**WAC 296-874-40006 Make sure supported scaffolds are properly supported. ((You must:**

•)) (1) You must make sure supported scaffold poles, legs, posts, frames, and uprights are:

((-) (a) Plumb; ((~~AND~~ -)) and

(b) Braced to prevent swaying or displacement.

((\*) (2) You must make sure supported scaffold poles, legs, posts, frames, and uprights, bear on base plates that rest on:

((-) (a) Mudsills; (~~OR~~  
-)) or

(b) Other firm foundations such as concrete or dry, compacted soil.

((\*) (3) You must make sure foundations are all of the following:

((-) (a) Level;

((-) (b) Sound;

((-) (c) Rigid;

((-) (d) Capable of supporting the loaded scaffold without settling or displacement.

**Note:** The condition of the foundation may change due to weather or other factors. If changes occur, the foundation needs to be evaluated by a competent person to make sure it will safely support the scaffold.

((\*) (4) You must make sure unstable objects are not used:

((-) (a) To support scaffolds or platform units; (~~OR~~  
-)) or

(b) As working platforms.

((\*) (5) You must make sure mobile scaffolds meet these additional requirements:

((-) (a) Wheel and caster stems are pinned or otherwise secured in the scaffold legs or adjustment screws;

((-) (b) Wheels and casters are locked, or equivalent means are used, to prevent movement when the scaffold is being used;

((-) (c) Screw jacks or other equivalent means are used if it's necessary to level the work platform.

((\*) (6) You must make sure front-end loaders and similar equipment used to support scaffold platforms have been specifically designed for such use by the manufacturer.

**Reference:** When forklifts or other powered industrial trucks are used for personnel lifting on support scaffold platforms, follow the requirements found in Forklifts and other powered industrial trucks, chapter 296-868 WAC.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-40008 Provide safe access for persons erecting or dismantling supported scaffolds. (~~You must:~~**

(\*) (1) You must provide a safe means of access for persons erecting or dismantling scaffolds if it is:

((-) (a) Feasible; (~~AND~~  
-)) and

(b) Does **not** create a greater hazard.

((\*) (2) You must have a competent person determine the feasibility of providing safe access.

((\*) (3) You must make sure the determination is based on site conditions and the type of scaffold being erected or dismantled.

((\*) (4) You must install a hook-on or attachable ladder as soon as scaffold erection has progressed to a point where it can be safely installed and used.

((\*) (5) You must make sure crossbraces on tubular welded frame scaffolds are not used to access or egress from the scaffold.

((\*) (6) You must make sure the frames of tubular welded frame scaffolds that are used as climbing devices meet all of the following:

((-) (a) Create a usable ladder;

((-) (b) Provide good hand holds and foot space;

((-) (c) Have horizontal members that are all of the following:

((\*) (i) Parallel;

((\*) (ii) Level;

((\*) (iii) Spaced not more than twenty two inches apart vertically.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-40010 Provide fall protection for persons erecting or dismantling supported scaffolds. (~~You must:~~**

(\*) (1) You must have a competent person determine the feasibility of providing fall protection for persons erecting or dismantling supported scaffolds.

((\*) (2) You must provide fall protection if the installation and use of fall protection is:

((-) (a) Feasible; (~~AND~~  
-)) and

(b) Does **not** create a greater hazard.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-40012 Meet these requirements when moving mobile scaffolds. (~~You must:~~**

(\*) (1) You must make sure, before a scaffold is moved, that employees on the scaffold are made aware of the move.

((\*) (2) You must apply manual force being used to move a scaffold:

((-) (a) As close to the base as practicable; (~~AND~~  
-)) and

(b) Within five feet (1.5 m) of the supporting surface.

((\*) (3) You must make sure power systems used to propel mobile scaffolds have been designed for such use.

((\*) (4) You must make sure forklifts, trucks, similar motor vehicles, or add-on motors are not used to propel scaffolds unless the scaffold has been designed to be used with that type of propulsion system.

((\*) (5) You must stabilize scaffolds to prevent tipping when they're being moved.

((\*) (6) You must make sure a scaffold is not moved with employees riding on it unless all of the following are met:

((-) (a) The surface on which the scaffold is being moved is:

((\*) (i) Within three degrees of level; (~~AND~~  
\*) and

(ii) Free of pits, holes, and obstructions;

((-) (b) No employee is on any part of the scaffold which extends out beyond the wheels, casters, or other supports;

((-) (c) Outrigger frames, when used, are installed on both sides of the scaffold;

((-) (d) The power system, if used:

- ~~((■))~~ (i) Applies the propelling force directly to the wheels; ~~((AND ■))~~ and
- (ii) Produces a speed of one foot per second (.3 mps) or less;
- ~~((-))~~ (e) The height of the scaffold;
- ~~((■))~~ (i) Is not more than two times the least base dimension; ~~((OR ■))~~ or
- (ii) The scaffold is designed and constructed to meet or exceed nationally recognized stability test requirements, such as those listed in ANSI/SIA A92.5, Boom-Supported Elevating Work Platforms, and ANSI/SIA A92.6, Self-Propelled Elevating Work Platforms.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-40014 Meet these requirements when using bricklayers' square scaffolds (squares).** ~~((You must: ■))~~ (1) You must reinforce wood scaffolds with gussets on both sides of each corner.

~~((★))~~ (2) You must make sure diagonal braces are installed:

- ~~((-))~~ (a) On all sides of each square;
- ~~((-))~~ (b) Between squares on the front and back sides of the scaffold;
- ~~((-))~~ (c) Extending from the bottom of each square to the top of the next square.
- ~~((★))~~ (3) Make sure scaffolds meet all of the following:
  - ~~((-))~~ (a) Are no more than three tiers high;
  - ~~((-))~~ (b) Are constructed and arranged so that each square rests directly above another square;
  - ~~((-))~~ (c) The upper tiers:
    - ~~((■))~~ (i) Stand on a continuous row of planks laid across the next lower tier; ~~((AND ■))~~ and
    - (ii) Are nailed down or otherwise secured to prevent displacement.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-40018 Meet these requirements when using fabricated frame scaffolds (tubular welded frame scaffolds).** ~~((You must: ■))~~

~~((★))~~ (1) You must make sure scaffolds over one hundred twenty-five feet (38.0 m) high above their base plates are:

- ~~((AND -))~~ (a) Designed by a registered professional engineer; ~~((AND -))~~ and
- (b) Constructed and loaded as specified in the design.
- ~~((★))~~ (2) You must brace frames and panels using cross-braces, horizontal braces, diagonal braces, or a combination thereof to secure vertical members together laterally.
- ~~((★))~~ (3) You must make sure the length of the cross-braces will:
  - ~~((-))~~ (a) Automatically square and align the vertical members; ~~((AND -))~~ and
  - (b) Make the scaffold plumb, level, and square.

~~((★))~~ (4) You must secure all brace connections.

~~((★))~~ (5) You must join frames and panels together vertically by using one of the following:

- ~~((-))~~ (a) Coupling pins;
- ~~((-))~~ (b) Stacking pins;
- ~~((-))~~ (c) Equivalent means.

~~((★))~~ (6) You must use pins or other equivalent means to lock scaffold frames or panels together vertically where uplift may occur.

~~((★))~~ (7) You must make sure brackets used to support cantilevered loads are all of the following:

- ~~((-))~~ (a) Seated with side-brackets parallel to the frames and end-brackets at ninety degrees to the frames;
- ~~((-))~~ (b) Not bent or twisted from these positions;
- ~~((-))~~ (c) Used only to support persons.

~~((Exemption))~~ Brackets may be used to support cantilevered loads other than personnel if the scaffold has been:

- EXEMPTION:**
- ~~((★))~~ 1. Designed for other loads by a qualified engineer; ~~((AND))~~ and
  - ~~((★))~~ 2. Built to withstand the tipping forces caused by those loads.

~~((You must: ■))~~

~~((★))~~ (8) You must leave existing platforms undisturbed until new frames have been set in place and braced, then move the platforms to the next level.

**AMENDATORY SECTION** (Amending WSR 13-04-073, filed 2/4/13, effective 4/1/13)

**WAC 296-874-40020 Meet these requirements when using integral prefabricated scaffold access frames.** ~~((You must: ■))~~

~~((★))~~ (1) You must make sure integral prefabricated scaffold access frames meet all of the following:

- ~~((-))~~ (a) Have been specifically designed and constructed to be used as ladder rungs;
- ~~((-))~~ (b) Have a rung length of at least eight inches (20 cm);
- ~~((-))~~ (c) Have a maximum spacing between rungs of sixteen and three quarters inches (43 cm);
- ~~((-))~~ (d) Are uniformly spaced within each frame section;
- ~~((-))~~ (e) Have rest platforms at least every twenty feet (6.1 m) on all supported scaffolds more than twenty-four feet (7.3 m) high.

**Note:** Nonuniform rung spacing caused by joining end frames together is allowed, provided the resulting spacing does not exceed sixteen and three quarters inches (43 cm).

~~((You must: ■))~~

~~((★))~~ (2) You must make sure, when panels with rungs that are less than eleven and one-half inches long are used as work platforms, that employees use either:

- ~~((-))~~ (a) A positioning device; ~~((OR -))~~ or
- (b) A personal fall arrest system.

**Reference:**

- ~~((★))~~ 1. For personal fall arrest system requirements in this chapter, go to WAC 296-874-20058.
- ~~((★))~~ 2. For construction activities, go to Part C-1, in safety standards for construction work, chapter 296-155 WAC.



AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-40022 Meet these requirements when using form scaffolds and carpenter's bracket scaffolds.** ~~((You must:~~

•)) (1) You must secure folding-type metal brackets that have been extended for use, with:

((-) (a) Bolts; ~~((OR~~

-)) or

(b) Locking-type pins.

(•) (2) You must make sure wooden-bracket form scaffolds are an integral part of the form panel.

(•) (3) You must attach each bracket, other than those for wooden bracket-form scaffolds, to the supporting form-work or structure by using one or more of the following:

((-) (a) Nails;

((-) (b) A metal stud attachment device;

((-) (c) Welding;

((-) (d) Hooking over a secured structural supporting member, with the form wales either:

((•) (i) Bolted to the form; ~~((OR~~

•)) or

(ii) Secured by snap ties or tie bolts extending through the form and securely anchored.

((-) (e) For carpenters' bracket scaffolds only, using a bolt extending through to the opposite side of the structure's wall.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-40024 Meet these requirements when using horse scaffolds.** ~~((You must:~~

•)) (1) You must make sure horse scaffolds are not constructed or arranged higher than two tiers or ten feet (3.0 m), whichever is less.

(•) (2) You must do all of the following if horses are arranged in tiers:

((-) (a) Place each horse directly over the horse in the tier below;

((-) (b) Nail down or otherwise secure the legs of each horse to prevent displacement;

((-) (c) Crossbrace each tier.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

**WAC 296-874-40026 Meet these requirements when using ladder jack scaffolds.** ~~((You must:~~

•)) (1) You must make sure the platform height is not higher than twenty feet (6.1 m).

(•) (2) You must make sure ladder jacks are designed and constructed so they rest:

((-) (a) On the side rails and ladder rungs together; ~~((OR~~

-)) or

(b) Only on the rungs.

(•) (3) You must make sure ladder jacks that rest on rungs only have a bearing area that includes a length of at least ten inches (25.4 cm) on each rung.

(•) (4) You must make sure ladders used to support ladder jacks are:

((-) (a) Type I (two hundred fifty pound rated capacity) or Type IA (300 pound rated capacity); ~~((AND~~

-)) and

(b) Are placed, fastened, or equipped with devices to prevent slipping.

**Note:** Ladders with a duty rating or weight capacity greater than a Type I ladder (250 pounds) satisfy the requirement to use a Type I or Type IA ladder.

~~((You must:~~

•)) (5) You must make sure job-made ladders are not used to support ladder jack scaffolds.

(•) (6) You must make sure scaffold platforms are not bridged together.

**Reference:** (•) 1. There are specific fall protection requirements for employees using ladder jack scaffolds. Go to WAC 296-874-20056.

(•) 2. Requirements for portable and fixed ladders are found in chapter 296-876 WAC, Ladders, portable and fixed.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-40028 Meet these requirements when using outrigger scaffolds.** ~~((You must:~~

•)) (1) You must make sure outrigger scaffolds and scaffold components are:

((-) (a) Designed by a registered professional engineer; ~~((AND~~

-)) and

(b) Constructed and loaded as specified in the design.

(•) (2) You must make sure the part of the outrigger beam from the fulcrum point to the inboard end (farthest point of anchorage) is at least one and one-half times longer than the part from fulcrum point to the outboard end (the platform side).

(•) (3) You must place I-beam or channel shaped outrigger beams so that the web section is vertical.

(•) (4) You must make sure the fulcrum point of outrigger beams rests on secure bearings at least six inches (15.2 cm) in each horizontal dimension.

(•) (5) You must make sure outrigger beams are:

((-) (a) Secured in place to prevent movement; ~~((AND~~

-)) and

(b) Securely braced at the fulcrum point against tipping.

(•) (6) You must securely anchor the inboard ends of outrigger beams by using one or both of the following:

((-) (a) Braced struts bearing against sills that are in contact with the overhead beams or ceiling; ~~((OR~~

-)) or

(b) Tension members secured to the floor joists below.

(•) (7) You must securely brace the entire supporting structure to prevent any horizontal movement.

(•) (8) You must nail, bolt, or otherwise secure platform units to the outriggers to prevent platform displacement. Platform units must extend to within three inches of the building wall.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-40030 Meet these requirements when using pole scaffolds.** (~~You must:~~

\*) (1) You must make sure pole scaffolds over sixty feet high are:

((-) (a) Designed by a registered professional engineer; (~~AND~~

-)) and

(b) Constructed and loaded as specified in the design.

((\*) (2) You must leave existing platforms undisturbed until new bearers have been set in place and braced before moving the platforms to the new level.

((\*) (3) You must install bracing on double-pole scaffolds as follows:

((-) (a) Crossbracing between the inner and outer sets of poles;

((-) (b) Diagonal bracing in both directions across the entire outside face of the scaffold;

((-) (c) Diagonal bracing in both directions across the entire inside face of scaffolds that are used to support loads equivalent to a uniformly distributed load of fifty pounds (222 kg) or more per square foot (929 square cm).

((\*) (4) You must install diagonal bracing on single pole scaffolds in both directions across the entire outside face of the scaffold.

((\*) (5) You must make sure runners meet all of the following:

((-) (a) Are installed on edge;

((-) (b) Extend over a minimum of two poles;

((-) (c) Are supported by bearing blocks securely attached to the poles.

((\*) (6) You must make sure bearers are:

((-) (a) Installed on edge; (~~AND~~

-)) and

(b) Extend a minimum of three inches (7.6 cm) over the outside edges of runners.

((\*) (7) You must make sure runners, bearers, and braces are not spliced between poles.

((\*) (8) You must make sure wood poles that are spliced together meet both of the following:

((-) (a) The ends of the poles at the splice:

((\*) (i) Are square; (~~AND~~

\*) and

(ii) The upper section rests squarely on the lower section.

((-) (b) Wood splice plates are provided that meet all of the following:

((\*) (i) Are installed on at least two adjacent sides;

((\*) (ii) Extend at least two feet (0.6 m) on either side of the splice;

((\*) (iii) Overlap the abutted ends equally;

((\*) (iv) Have the same cross-sectional areas as the pole.

**Note:** Splice plates of material other than wood may be used if they are of equivalent strength.

AMENDATORY SECTION (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-40032 Meet these requirements when using pump jack scaffolds.** (~~You must:~~

\*) (1) You must make sure pump jack brackets, braces, and accessories are made from metal plates and angles.

((\*) (2) You must make sure pump jack brackets have two positive gripping mechanisms to prevent any failure or slippage.

((\*) (3) You must secure poles to the structure using rigid triangular bracing or the equivalent located at all of the following:

((-) (a) Top;

((-) (b) Bottom;

((-) (c) Other points on the pole as necessary.

((\*) (4) You must do both of the following when the pump jack has to pass bracing that's already installed:

((-) (a) Install an additional brace approximately four feet (1.2 m) above the brace to be passed((:)).

((-) (b) Leave it in place until:

((\*) (i) The pump jack has been moved; (~~AND~~

\*) and

(ii) The original brace is reinstalled.

((\*) (5) You must make sure work benches are not used as scaffold platforms.

**Note:** A work bench may be used as a toprail only if it meets the toprail requirements in Make sure guardrail systems meet these requirements, WAC 296-874-20064.

(~~You must:~~

\*) (6) You must make sure wood poles used with pump jack scaffolds are:

((-) (a) Straight grained; (~~AND~~

-)) and

(b) Free of shakes, large loose or dead knots, and other defects which might impair strength.

((\*) (7) You must make sure wood poles that are constructed of two continuous lengths are joined together with the seam parallel to the bracket.

((\*) (8) You must install a mending plate at all splices to develop the full strength of the member when splicing two by fours together to make a pole.

AMENDATORY SECTION (Amending WSR 13-04-073, filed 2/4/13, effective 4/1/13)

**WAC 296-874-40034 Meet these requirements when using repair bracket scaffolds.** (~~You must:~~

\*) (1) You must make sure brackets are all of the following:

((-) (a) Secured in place by at least one wire rope that's at least one-half inch (1.27 cm) in diameter;

((-) (b) Attached to the securing wire rope by a positive locking device, or equivalent, that will prevent the bracket from being unintentionally detached from the rope;

((-) (c) Provided with a shoe, heel block, foot, or a combination that:

((\*) (i) Is located at the contact point between the supporting structure and the bottom of the bracket; (~~AND~~

\*) and

(ii) Will prevent lateral movement of the bracket.

((\*) (2) You must secure the platforms to the brackets in a way that prevents:

((-) (a) The platforms from separating from the brackets; ~~((AND~~  
-)) and

(b) The platforms or brackets from moving on a completed scaffold.

((\*) (3) You must make sure wire rope placed around the structure to provide a safe anchorage for personal fall arrest systems used by employees erecting or dismantling scaffolds:

((-) (a) Is at least five-sixteenths inch (0.8 cm) in diameter;

((-) (b) Provides an anchorage that meets the requirements of WAC 296-874-20058((-));

((\*) (c) For construction activities, go to Part C-1, in the safety standards for construction work, chapter 296-155 WAC.

((\*) (4) You must make sure each wire rope used for securing brackets in place or as an anchorage for personal fall arrest systems is all of the following:

((-) (a) Protected from damage due to contact with edges, corners, protrusions, or other parts of the supporting structure or scaffold components;

((-) (b) Tensioned by a turnbuckle or equivalent means. Turnbuckles must be:

((\*) (i) At least one inch (2.54 cm) in diameter; ~~((AND~~  
\*) and

(ii) Connected to the other end of its rope by an eye splice thimble that's sized appropriate to the turnbuckle.

((-) (c) **Not** used with U-bolt wire rope clips.

((\*) (5) You must make sure materials are not dropped to the outside of the supporting structure.

((\*) (6) You must erect the scaffold by progressing around the structure in only one direction.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-40036 Meet these requirements when using roof bracket scaffolds. ((You must:**

\*) You must make sure scaffold brackets meet all of the following:

((-) (1) Are constructed to fit the pitch of the roof;

((-) (2) Provide a level support for the platform;

((-) (3) Are anchored in place by nails.

**Note:** If it's not practical to use nails to anchor brackets, secure them in place with first grade manila rope of at least three-quarters inch (1.9 cm) diameter, or equivalent.

**AMENDATORY SECTION** (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

**WAC 296-874-40038 Meet these requirements when using step, platform and trestle ladder scaffolds. ((You must:**

\*) (1) You must make sure ladders used to support step, platform, and trestle ladder scaffolds are:

((-) (a) Type I (250 pound rated capacity) or Type IA (300 pound rated capacity); ~~((AND~~

-)) and

(b) Placed, fastened, or equipped with devices to prevent slipping.

**Note:** Ladders with a duty rating or weight capacity greater than a Type I ladder (250 pounds) satisfy the requirement to use a Type I or Type IA ladder.

~~((You must:~~

\*) (2) You must make sure job-made ladders are not used to support step, platform, and trestle ladder scaffolds.

**Reference:** ((\*) 1. There are specific fall protection requirements for employees using ladder jack scaffolds. Go to WAC 296-874-20056.

((\*) 2. Requirements for portable and fixed ladders are found in chapter 296-876 WAC, Ladders, portable and fixed.

~~((You must:~~

\*) (3) You must make sure scaffold platforms are not placed higher than the second highest rung or step of the ladder supporting the platform.

((\*) (4) You must make sure scaffold platforms are not bridged together.

**AMENDATORY SECTION** (Amending WSR 07-17-026, filed 8/7/07, effective 10/6/07)

**WAC 296-874-40040 Meet these requirements when using tube and coupler scaffolds. ((You must:**

\*) (1) You must make sure tube and coupler scaffolds over one hundred twenty-five feet high are:

((-) (a) Designed by a registered professional engineer; ~~((AND~~

-)) and

(b) Constructed and loaded as specified in the design.

((\*) (2) You must leave existing platforms undisturbed until new bearers have been set in place and braced before moving the platforms to the new level.

((\*) (3) You must install crossbracing across the width of the scaffold that meets all of the following:

((-) (a) Bracing is installed at:

((\*) (i) Each end of the scaffold; ~~((AND~~  
\*) and

(ii) At least at every third set of posts horizontally and every fourth runner vertically.

((-) (b) Bracing extends diagonally from the:

((\*) (i) Outer posts or runners upwards to the next inner posts or runners; ~~((AND~~

\*) and

(ii) Inner posts or runners upwards to the next outer posts or runners.

((\*) (4) You must install building ties:

((-) (a) At the bearer levels between the crossbracing; ~~((AND~~

-)) and

(b) At locations specified in WAC 296-874-40004.

((\*) (5) You must install longitudinal bracing on straight run scaffolds as follows:

((-) (a) Diagonally in both directions across the inner and outer rows of posts;

((-) (b) From the base of the end posts upward to the top of the scaffold at approximately a forty-five degree angle;

((-)) (c) As close as possible to the intersection of the bearer and post or runner and post;

((-)) (d) If the scaffold is longer than it is tall, repeat the bracing beginning at every fifth post;

((-)) (e) If the scaffold is taller than its length, install the bracing:

((■)) (i) From the base of the end posts upward to the opposite end posts; (~~AND~~

■)) and

((ii)) In alternating directions until reaching the top of the scaffold.

((★)) (6) You must attach bracing to the runners as close to the post as possible, if bracing can't be attached to the post.

((★)) (7) You must make sure bearers meet all of the following:

((-)) (a) Are installed transversely between posts;

((-)) (b) If the bearer is coupled to the post, have the inboard coupler bear directly on the runner coupler;

((-)) (c) If the bearer is coupled to the runners, have the couplers as close to the posts as possible;

((-)) (d) Extend bearers beyond the posts and runners;

((-)) (e) Provide full contact with the coupler;

((-)) (f) The bottom bearers are located as close to the base as possible.

((★)) (8) You must make sure runners meet all of the following:

((-)) (a) Are installed along the length of the scaffold;

((-)) (b) Are located on both the inside and outside posts at the same height;

((-)) (c) Are interlocked on straight runs to form continuous lengths and are coupled to each post;

((-)) (d) The bottom runners are located as close to the base as possible.

**Note:** Tube and coupler guardrails and midrails installed on outside posts can be used in lieu of outside runners.

((~~You must:~~

★)) (9) You must make sure couplers are made of a structural metal, such as drop-forged steel, malleable iron, or structural grade aluminum.

((★)) (10) You must prohibit using couplers made of gray cast iron.

**AMENDATORY SECTION** (Amending WSR 05-01-054, filed 12/7/04, effective 3/1/05)

**WAC 296-874-40042 Meet these requirements when using window jack scaffolds.** (~~You must:~~

★)) You must make sure window jack scaffolds meet all of the following:

((-)) (1) Are securely attached to the window opening;

((-)) (2) Are used for working only at the window opening the jack is placed through;

((-)) (3) Are not used:

((■)) (a) To support planks placed between one window jack and another; (~~OR~~

■)) or

(b) As any other element of scaffolding.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-874-500 Definitions.

**WSR 15-13-098**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 16, 2015, 8:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-09-119.

Title of Rule and Other Identifying Information: WAC 296-20-125 Billing procedures, 296-20-01002 Definitions, 296-20-025 Initiating treatment and submitting a claim for benefits, 296-20-03001 Treatment requiring authorization, and 296-20-06101 What reports are health care providers required to submit to the insurer?

Hearing Location(s): Department of Labor and Industries (L&I), Room S119, 7273 Linderson Way S.W., Tumwater, WA 98501, on July 21, 2015, at 9 a.m.

Date of Intended Adoption: August 18, 2015.

Submit Written Comments to: Bob Mayer, P.O. Box 44322, Olympia, WA 98504-4322, e-mail MAYR235@Lni.Wa.Gov, fax (360) 902-4249, by 5 p.m. on July 27, 2015.

Assistance for Persons with Disabilities: Contact Bob Mayer by July 14, 2015, TTY (360) 902-5021 or fax (360) 902-4249.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the changes is to ensure the agency is current in its use of the federally adopted diagnosis code set. The anticipated effect of this rule change is to decrease administrative burden on the provider community if and when the federal government adopts a new diagnostic code set.

Reasons Supporting Proposal: If L&I does not make the change, providers would need to maintain dual billing systems to accommodate the outdated L&I billing model while they adhere to the federally adopted, industry standard code set used by other payers.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030, and 51.36.080.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Robert Mayer, Tumwater, Washington, (360) 902-5021; Implementation and Enforcement: Vickie Kennedy, Assistant Director, Tumwater, Washington, (360) 902-4997.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule adoption is exempt under RCW 19.85.025(3) as it meets the criteria under RCW 34.05.310 (4)(c). This rule adoption will have no economic impact on providers. It is not changing who may perform services under the rules and will not result in either

increased or decreased payments to providers of medical services.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply because the content of this rule fits within the exception listed in RCW 34.05.328 (5)(b)(iii).

June 16, 2015  
Joel Sacks  
Director

**AMENDATORY SECTION** (Amending WSR 08-24-047, filed 11/25/08, effective 12/26/08)

**WAC 296-20-01002 Definitions. Acceptance, accepted condition:** Determination by a qualified representative of the department or self-insurer that reimbursement for the diagnosis and curative or rehabilitative treatment of a claimant's medical condition is the responsibility of the department or self-insurer. The condition being accepted must be specified by one or more diagnosis codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM).

**Appointing authority:** For the evidence-based prescription drug program of the participating agencies in the state purchased health care programs, appointing authority shall mean the following persons acting jointly: The administrator of the health care authority, the secretary of the department of social and health services, and the director of the department of labor and industries.

**Attendant care:** Those proper and necessary personal care services provided to maintain the worker in his or her residence. Refer to WAC 296-23-246 for more information.

**Attending provider report:** This type of report may also be referred to as a "60 day" or "special" report. The following information must be included in this type of report. Also, additional information may be requested by the department as needed.

(1) The condition(s) diagnosed including (~~ICD-9-CM~~) the current federally adopted ICD-CM codes and the objective and subjective findings.

(2) Their relationship, if any, to the industrial injury or exposure.

(3) Outline of proposed treatment program, its length, components, and expected prognosis including an estimate of when treatment should be concluded and condition(s) stable. An estimated return to work date should be included. The probability, if any, of permanent partial disability resulting from industrial conditions should be noted.

(4) If the worker has not returned to work, the attending doctor should indicate whether a vocational assessment will be necessary to evaluate the worker's ability to return to work and why.

(5) If the worker has not returned to work, a doctor's estimate of physical capacities should be included with the report. If further information regarding physical capacities is needed or required, a performance-based physical capacities evaluation can be requested. Performance-based physical capacities evaluations should be conducted by a licensed occupational therapist or a licensed physical therapist. Performance-based physical capacities evaluations may also be

conducted by other qualified professionals who provided performance-based physical capacities evaluations to the department prior to May 20, 1987, and who have received written approval to continue supplying this service based on formal department review of their qualifications.

**Attending provider:** For these rules, means a person licensed to independently practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; naturopathic physician; podiatry; dentistry; optometry; and advanced registered nurse practitioner. An attending provider actively treats an injured or ill worker.

**Authorization:** Notification by a qualified representative of the department or self-insurer that specific proper and necessary treatment, services, or equipment provided for the diagnosis and curative or rehabilitative treatment of an accepted condition will be reimbursed by the department or self-insurer.

**Average wholesale price (AWP):** A pharmacy reimbursement formula by which the pharmacist is reimbursed for the cost of the product plus a mark-up. The AWP is an industry benchmark which is developed independently by companies that specifically monitor drug pricing.

**Baseline price (BLP):** Is derived by calculating the mean average for all NDC's (National Drug Code) in a specific product group, determining the standard deviation, and calculating a new mean average using all prices within one standard deviation of the original mean average. "Baseline price" is a drug pricing mechanism developed and updated by First Data Bank.

**Bundled codes:** When a bundled code is covered, payment for them is subsumed by the payment for the codes or services to which they are incident. (An example is a telephone call from a hospital nurse regarding care of a patient. This service is not separately payable because it is included in the payment for other services such as hospital visits.) Bundled codes and services are identified in the fee schedules.

**By report:** BR (by report) in the value column of the fee schedules indicates that the value of this service is to be determined by report (BR) because the service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures (e.g., operative, medical, radiological, laboratory, pathology, or other similar service report) are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

- (1) Diagnosis;
- (2) Size, location and number of lesion(s) or procedure(s) where appropriate;
- (3) Surgical procedure(s) and supplementary procedure(s);
- (4) Whenever possible, list the nearest similar procedure by number according to the fee schedules;
- (5) Estimated follow-up;
- (6) Operative time;
- (7) Describe in detail any service rendered and billed using an "unlisted" procedure code.

The department or self-insurer may adjust BR procedures when such action is indicated.

**Chart notes:** This type of documentation may also be referred to as "office" or "progress" notes. Providers must maintain charts and records in order to support and justify the services provided. "Chart" means a compendium of medical records on an individual patient. "Record" means dated reports supporting bills submitted to the department or self-insurer for medical services provided in an office, nursing facility, hospital, outpatient, emergency room, or other place of service. Records of service shall be entered in a chronological order by the practitioner who rendered the service. For reimbursement purposes, such records shall be legible, and shall include, but are not limited to:

- (1) Date(s) of service;
- (2) Patient's name and date of birth;
- (3) Claim number;
- (4) Name and title of the person performing the service;
- (5) Chief complaint or reason for each visit;
- (6) Pertinent medical history;
- (7) Pertinent findings on examination;
- (8) Medications and/or equipment/supplies prescribed or provided;
- (9) Description of treatment (when applicable);
- (10) Recommendations for additional treatments, procedures, or consultations;
- (11) X rays, tests, and results; and
- (12) Plan of treatment/care/outcome.

**Consultation examination report:** The following information must be included in this type of report. Additional information may be requested by the department as needed.

- (1) A detailed history to establish:
  - (a) The type and severity of the industrial injury or occupational disease.
  - (b) The patient's previous physical and mental health.
  - (c) Any social and emotional factors which may effect recovery.
- (2) A comparison history between history provided by attending doctor and injured worker, must be provided with exam.
- (3) A detailed physical examination concerning all systems affected by the industrial accident.
- (4) A general physical examination sufficient to demonstrate any preexisting impairments of function or concurrent condition.
- (5) A complete diagnosis of all pathological conditions including ~~((CD-9-CM))~~ the current federally adopted ICD-CM codes found to be listed:
  - (a) Due solely to injury.
  - (b) Preexisting condition aggravated by the injury and the extent of aggravation.
  - (c) Other medical conditions neither related to nor aggravated by the injury but which may retard recovery.
  - (d) Coexisting disease (arthritis, congenital deformities, heart disease, etc.).
- (6) Conclusions must include:
  - (a) Type of treatment recommended for each pathological condition and the probable duration of treatment.
  - (b) Expected degree of recovery from the industrial condition.

(c) Probability, if any, of permanent disability resulting from the industrial condition.

(d) Probability of returning to work.

(7) Reports of necessary, reasonable X-ray and laboratory studies to establish or confirm the diagnosis when indicated.

**Doctor or attending doctor:** For these rules, means a person licensed to independently practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; naturopathic physician; podiatry; dentistry; optometry. An attending doctor is a treating doctor.

Only those persons so licensed may sign report of accident forms, the provider's initial report, and certify time loss compensation; however, physician assistants (PAs) also may sign these forms pursuant to WAC 296-20-01501 (PAs may be "treating providers" pursuant to the definition contained in WAC 296-20-01002); and ARNPs may also sign these forms pursuant to WAC 296-23-241 (ARNPs may be "attending providers" consistent with the definition contained in WAC 296-20-01002).

**Emergent hospital admission:** Placement of the worker in an acute care hospital for treatment of a work related medical condition of an unforeseen or rapidly progressing nature which if not treated in an inpatient setting, is likely to jeopardize the workers health or treatment outcome.

**Endorsing practitioner:** A practitioner who has reviewed the preferred drug list and has notified the health care authority that he or she has agreed to allow therapeutic interchange of a preferred drug for any nonpreferred drug in a given therapeutic class.

**Fatal:** When the attending doctor has reason to believe a worker has died as a result of an industrial injury or exposure, the doctor should notify the nearest department service location or the self-insurer immediately. Often an autopsy is required by the department or self-insurer. If so, it will be authorized by the service location manager or the self-insurer. Benefits payable include burial stipend and monthly payments to the surviving spouse and/or dependents.

**Fee schedules or maximum fee schedule(s):** The fee schedules consist of, but are not limited to, the following:

~~((+))~~ (1) Health Care Common Procedure Coding System Level I and II Codes, descriptions and modifiers that describe medical and other services, supplies and materials.

~~((+))~~ (2) Codes, descriptions and modifiers developed by the department.

~~((+))~~ (3) Relative value units (RVUs), calculated or assigned dollar values, percent-of-allowed-charges (POAC), or diagnostic related groups (DRGs), that set the maximum allowable fee for services rendered.

~~((+))~~ (4) Billing instructions or policies relating to the submission of bills by providers and the payment of bills by the department or self-insurer.

~~((+))~~ (5) Average wholesale price (AWP), baseline price (BLP), and policies related to the purchase of medications.

**Health services provider or provider:** For these rules means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially

injured worker. It includes, but is not limited to, hospitals, medical doctors, dentists, chiropractors, vocational rehabilitation counselors, osteopathic physicians, pharmacists, podiatrists, physical therapists, occupational therapists, massage therapists, psychologists, naturopathic physicians, and durable medical equipment dealers.

**Home nursing:** Those nursing services that are proper and necessary to maintain the worker in his or her residence. These services must be provided through an agency licensed, certified or registered to provide home care, home health or hospice services. Refer to WAC 296-20-091 for more information.

**Independent or separate procedure:** Certain of the fee schedule's listed procedures are commonly carried out as an integral part of a total service, and as such do not warrant a separate charge. When such a procedure is carried out as a separate entity, not immediately related to other services, the indicated value for "independent procedure" is applicable.

**Initial prescription drugs:** Any drug prescribed for an alleged industrial injury or occupational disease during the initial visit.

**Initial visit:** The first visit to a health care provider during which the *Report of Industrial Injury or Occupational Disease* is completed and the worker files a claim for workers compensation.

**Medical aid rules:** The Washington Administrative Codes (WACs) that contain the administrative rules for medical and other services rendered to workers.

**Modified work status:** The worker is not able to return to their previous work, but is physically capable of carrying out work of a lighter nature. Workers should be urged to return to modified work as soon as reasonable as such work is frequently beneficial for body conditioning and regaining self confidence.

Under RCW 51.32.090, when the employer has modified work available for the worker, the employer must furnish the doctor and the worker with a statement describing the available work in terms that will enable the doctor to relate the physical activities of the job to the worker's physical limitations and capabilities. The doctor shall then determine whether the worker is physically able to perform the work described. The employer may not increase the physical requirements of the job without requesting the opinion of the doctor as to the worker's ability to perform such additional work. If after a trial period of reemployment the worker is unable to continue with such work, the worker's time loss compensation will be resumed upon certification by the attending doctor.

If the employer has no modified work available, the department should be notified immediately, so vocational assessment can be conducted to determine whether the worker will require assistance in returning to work.

**Nonemergent (elective) hospital admission:** Placement of the worker in an acute care hospital for medical treatment of an accepted condition which may be safely scheduled in advance without jeopardizing the worker's health or treatment outcome.

**Physician or attending physician (AP):** For these rules, means any person licensed to perform one or more of the fol-

lowing professions: Medicine and surgery; or osteopathic medicine and surgery. An AP is a treating physician.

**Practitioner or licensed health care provider:** For these rules, means any person defined as a "doctor" under these rules, or licensed to practice one or more of the following professions: Audiology; physical therapy; occupational therapy; pharmacy; prosthetics; orthotics; psychology; nursing; advanced registered nurse practitioners (ARNPs); certified medical physician assistants or osteopathic physician assistants; and massage therapy.

**Preferred drug list:** The list of drugs selected by the appointing authority to be used by applicable state agencies as the basis for the purchase of drugs in state purchased health care programs.

**Proper and necessary:**

(1) The department or self-insurer pays for proper and necessary health care services that are related to the diagnosis and treatment of an accepted condition.

(2) Under the Industrial Insurance Act, "proper and necessary" refers to those health care services which are:

(a) Reflective of accepted standards of good practice, within the scope of practice of the provider's license or certification;

(b) Curative or rehabilitative. Care must be of a type to cure the effects of a work-related injury or illness, or it must be rehabilitative. Curative treatment produces permanent changes, which eliminate or lessen the clinical effects of an accepted condition. Rehabilitative treatment allows an injured or ill worker to regain functional activity in the presence of an interfering accepted condition. Curative and rehabilitative care produce long-term changes;

(c) Not delivered primarily for the convenience of the claimant, the claimant's attending doctor, or any other provider; and

(d) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition.

(3) The department or self-insurer stops payment for health care services once a worker reaches a state of maximum medical improvement. Maximum medical improvement occurs when no fundamental or marked change in an accepted condition can be expected, with or without treatment. Maximum medical improvement may be present though there may be fluctuations in levels of pain and function. A worker's condition may have reached maximum medical improvement though it might be expected to improve or deteriorate with the passage of time. Once a worker's condition has reached maximum medical improvement, treatment that results only in temporary or transient changes is not proper and necessary. "Maximum medical improvement" is equivalent to "fixed and stable."

(4) In no case shall services which are inappropriate to the accepted condition or which present hazards in excess of the expected medical benefits be considered proper and necessary. Services that are controversial, obsolete, investigational or experimental are presumed not to be proper and necessary, and shall be authorized only as provided in WAC 296-20-03002(6) and 296-20-02850.

**Refill:** The continuation of therapy with the same drug (including the renewal of a previous prescription or adjust-

ments in dosage) when a prescription is for an antipsychotic, antidepressant, chemotherapy, antiretroviral or immunosuppressive drug, or for the refill of an immunomodulator/antiviral treatment for hepatitis C for which an established, fixed duration of therapy is prescribed for at least twenty-four weeks but no more than forty-eight weeks.

**Regular work status:** The injured worker is physically capable of returning to his/her regular work. It is the duty of the attending doctor to notify the worker and the department or self-insurer, as the case may be, of the specific date of release to return to regular work. Compensation will be terminated on the release date. Further treatment can be allowed as requested by the attending doctor if the condition is not stationary and such treatment is needed and otherwise in order.

**Temporary partial disability:** Partial time loss compensation may be paid when the worker can return to work on a limited basis or return to a lesser paying job is necessitated by the accepted injury or condition. The worker must have a reduction in wages of more than five percent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the worker's condition is stationary. **All time loss compensation must be certified by the attending doctor based on objective findings.**

**Termination of treatment:** When treatment is no longer required and/or the industrial condition is stabilized, a report indicating the date of stabilization should be submitted to the department or self-insurer. This is necessary to initiate closure of the industrial claim. The patient may require continued treatment for conditions not related to the industrial condition; however, financial responsibility for such care must be the patient's.

**Therapeutic alternative:** Drug products of different chemical structure within the same pharmacologic or therapeutic class and that are expected to have similar therapeutic effects and safety profiles when administered in therapeutically equivalent doses.

**Therapeutic interchange:** To dispense with the endorsing practitioner's authorization, a therapeutic alternative to the prescribed drug.

**Total permanent disability:** Loss of both legs or arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the worker from performing any work at any gainful employment. When the attending doctor feels a worker may be totally and permanently disabled, the attending doctor should communicate this information immediately to the department or self-insurer. A vocational evaluation and an independent rating of disability may be arranged by the department prior to a determination as to total permanent disability. Coverage for treatment does not usually continue after the date an injured worker is placed on pension.

**Total temporary disability:** Full-time loss compensation will be paid when the worker is unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted industrial injury or exposure.

**Treating provider:** For these rules, means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; naturopathic physician; podiatry; dentistry;

optometry; advanced registered nurse practitioner (ARNP); and certified medical physician assistants or osteopathic physician assistants. A treating provider actively treats an injured or ill worker.

**Unusual or unlisted procedure:** Value of unlisted services or procedures should be substantiated "by report" (BR).

**Utilization review:** The assessment of a claimant's medical care to assure that it is proper and necessary and of good quality. This assessment typically considers the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

AMENDATORY SECTION (Amending WSR 12-06-066, filed 3/6/12, effective 4/6/12)

**WAC 296-20-025 Initiating treatment and submitting a claim for benefits.** (1) Worker's responsibility: The worker must notify the provider when the worker has reason to believe his/her injury or illness is work related. If treatment beyond the initial office or emergency room visit is needed, the worker must seek treatment from a network provider.

(2) Provider's responsibility: The provider must notify the worker if he/she identifies an injury, illness, or condition which he/she has reason to believe is work related.

Once such determination is made by either the worker or the attending provider, a report of the injury or illness must be filed with the department or self-insurer.

Failure to comply with this responsibility can result in penalties as outlined in RCW 51.48.060.

(3) Additional provider responsibilities: The provider must ascertain whether he/she is the first attending provider and give emergency treatment.

The first attending provider must immediately complete and forward a report of the injury or illness to the department or self-insurer and instruct and assist the injured worker in completing his/her portion of the report of the injury or illness. In filing a claim, the following information is necessary so there is no delay in adjudication of the claim or payment of compensation.

(a) Complete history of the work related accident or exposure.

(b) Complete listing of positive physical findings.

(c) Specific diagnosis with (~~ICD-9-CM, or most current version as updated,~~) the current federally adopted ICD-CM code(s) and narrative definition relating to the injury.

(d) Type of treatment rendered.

(e) Known medical, emotional or social conditions which may influence recovery or cause complications.

(f) Estimate time-loss due to the injury or illness.

(4) Initial office and emergency room visit services may be performed by a network or nonnetwork provider. Services that are bundled with those performed during the initial visit (as defined in WAC 296-20-01002), with no additional payment being due, are part of the initial visit.

(5) When the worker needs treatment beyond the initial office or emergency room visit, the network provider continues with necessary treatment in accordance with medical aid rules. If the provider is not enrolled in the provider network



and the injured worker requires additional treatment, the provider will either:

(a) Apply for the provider network (if eligible) at the time he/she files the worker's report of accident; or

(b) Refer the injured worker to a network provider of the worker's choice.

(6) If the provider is *not* the original attending provider, he/she should question the injured worker to determine whether a report of accident has been filed for the injury or condition. If no report of accident has been filed, it should be completed immediately and forwarded to the department or self-insurer, as the case may be, with information as to the name and address of original provider if known, so that he/she may be contacted for information if necessary. A worker must complete a request for transfer as outlined in WAC 296-20-065 if a report of accident has previously been filed and the provider is not enrolled in the provider network or the worker and provider agree that a change in attending provider is desirable.

**AMENDATORY SECTION** (Amending WSR 12-12-059, filed 6/5/12, effective 7/6/12)

**WAC 296-20-03001 Treatment requiring authorization.** Certain treatment procedures require authorization by the department or self-insurer. Requests for authorization must include a statement of: The condition(s) diagnosed; (~~ICD-9-CM~~) the current federally adopted ICD-CM codes; their relationship, if any, to the industrial injury/exposure; an outline of the proposed treatment program, its length and components, procedure codes, and expected prognosis; and an estimate of when treatment would be concluded and condition stable.

(1) Office calls in excess of the first twenty visits or sixty days whichever occurs first.

(2) The department may designate those inpatient hospital admissions that require prior authorization.

(3) X ray and radium therapy.

(4) Diagnostic studies other than routine X-ray and blood or urinalysis laboratory studies.

(5) Myelogram in nonemergent cases.

(6) Physical therapy treatment beyond initial twelve treatments as outlined in chapters 296-21, 296-23, and 296-23A WAC.

(7) Diagnostic or therapeutic injections that include, but are not limited to:

(a) Therapeutic subarachnoid, epidural, or caudal injections for chronic pain;

(b) Diagnostic facet injections;

(c) Sacroiliac joint injections for chronic pain;

(d) Intra-muscular and trigger point injections of steroids and other nonscheduled medications are limited to three injections per patient. The attending doctor must submit jus-

tification for an additional three injections if indicated with a maximum of six injections to be authorized for any one patient.

Refer to fee schedule payment policies and coverage decisions for authorization criteria.

(8) Home nursing, attendant services or convalescent center care must be authorized per provisions outlined in WAC 296-20-091 or 296-23-246.

(9) Provision of prosthetics, orthotics, surgical appliances, special equipment for home or transportation vehicle; custom made shoes for ankle/foot injuries resulting in permanent deformity or malfunction of a foot; masking devices; hearing aids; etc., must be authorized in advance as per WAC 296-20-1101 and 296-20-1102.

(10) Biofeedback program; structured intensive multidisciplinary pain programs (SIMP); pain clinic; weight loss program; psychotherapy; rehabilitation programs; and other programs designed to treat special problems must be authorized in advance. Refer to the department's medical aid rules and fee schedules for details.

(11) Prescription or injection of vitamins for specific therapeutic treatment of the industrial condition(s) when the attending doctor can demonstrate that published clinical studies indicate vitamin therapy is the treatment of choice for the condition. Authorization for this treatment will require presentation of facts to and review by department medical consultant.

(12) The long term prescription of medication under the specific conditions and circumstances in (a) and (b) of this subsection are considered corrective therapy rather than palliative treatment and approval in advance must be obtained.

(a) Nonsteroidal anti-inflammatory agents for the treatment of degenerative joint conditions aggravated by occupational injury.

(b) Anticonvulsive agents for the treatment of seizure disorders caused by trauma.

(13) The department may designate those diagnostic and surgical procedures which can be performed in other than a hospital inpatient setting. Where a worker has a medical condition which necessitates a hospital admission, prior approval of the department or self-insurer must be obtained.

**AMENDATORY SECTION** (Amending WSR 13-12-024, filed 5/28/13, effective 7/1/13)

**WAC 296-20-06101 What reports are health care providers required to submit to the insurer?** The department or self-insurer requires different kinds of information at various stages of a claim in order to approve treatment, time loss compensation, and treatment bills. The information provided in these reports is needed to adequately manage industrial insurance claims.

<i>Report</i>	<i>Due/Needed by Insurer</i>	<i>What Information Should Be Included In the Report?</i>	<i>Special Notes</i>
<b>Report of Industrial Injury or Occupational Disease</b> (form)	Immediately - Within five days of first visit.	See form	Only MD, DO, DC, ND, DPM, DDS, ARNP, PA, and OD may sign and be paid for completion of this form.

<i>Report</i>	<i>Due/Needed by Insurer</i>	<i>What Information Should Be Included In the Report?</i>	<i>Special Notes</i>
<b>Self-Insurance: Provider's Initial Report</b> (form)		If additional space is needed, please attach the information to the application. The claim number should be at the top of the page.	
<b>Sixty Day</b> (narrative) <b>Purpose:</b> Support and document the need for continued care when conservative (non-surgical) treatment is to continue beyond sixty days	Every sixty days when only conservative (nonsurgical) care has been provided.	(1) The <b>conditions diagnosed</b> , including ( <del>ICD-9-CM</del> ) <u>the current federally adopted ICD-CM</u> codes and the subjective complaints and objective findings.	Providers may submit legible comprehensive chart notes in lieu of sixty day reports <b>PROVIDED</b> the chart notes include all the information required as noted in the "What Information Should Be Included?" column.
		(2) The <b>relationship of diagnoses</b> , if any, to the industrial injury or exposure.	<b>However</b> , office notes are not acceptable in lieu of requested narrative reports and providers may not bill for the report if chart notes are submitted in place of the report.
		(3) Outline of <b>proposed treatment program</b> , its length, components and expected prognosis including an <b>estimate of when treatment should be concluded</b> and condition(s) stable. An <b>estimated return to work date</b> and the <b>probability</b> , if any, of <b>permanent partial disability</b> resulting from the industrial condition.	
		(4) <b>Current medications</b> , including dosage and amount prescribed. With repeated prescriptions, include the plan and need for continuing medication.	Providers must <b>include</b> their <b>name, address and date</b> on all chart notes submitted.
		(5) If the worker has not returned to work, <b>indicate whether a vocational assessment will be necessary</b> to evaluate the worker's ability to return to work and why.	
		(6) If the worker has not returned to work, a <b>doctor's estimate of physical capacities</b> should be included.	

<i>Report</i>	<i>Due/Needed by Insurer</i>	<i>What Information Should Be Included In the Report?</i>	<i>Special Notes</i>
		(7) <b>Response to any specific questions</b> asked by the insurer or vocational counselor.	
<b>Opioid Authorization Requirement</b>	Opioids in subacute phase - Six weeks from the date of injury or surgery.  Opioids in chronic phase - Twelve weeks from the date of injury or surgery.  Opioids for ongoing chronic therapy - Every ninety days.	Please see WAC 296-20-03056 through 296-20-03059 for documentation requirements for those workers receiving opioids.	
<b>Special Reports/Follow-up Reports</b> (narrative)	As soon as possible following request by the department/insurer.	<b>Response to any specific questions</b> asked by the insurer or vocational counselor.	"Special reports" are payable only when requested by the insurer.
<b>Consultation Examination Reports</b> (narrative)	At one hundred twenty days if only conservative (nonsurgical) care has been provided.	(1) Detailed history.	If the injured/ill worker had been seen by the consulting doctor within the past three years for the same condition, the consultation will be considered a follow-up office visit, not consultation.
<b>Purpose:</b> Obtain an objective evaluation of the need for ongoing conservative medical management of the worker.		(2) <b>Comparative history</b> between the history provided by the attending or treating provider and injured worker.	
		(3) Detailed physical examination.	
The attending or treating provider may choose the consultant.		(4) <b>Condition(s) diagnosed</b> including (( <del>ICD-9-CM</del> ) <u>the current federally adopted ICD-CM</u> ) codes, subjective complaints and objective findings.	A copy of the consultation report must be submitted to both the attending or treating provider and the department/insurer.
		(5) Outline of <b>proposed treatment program:</b> Its length, components, expected prognosis including when treatment should be concluded and condition(s) stable.	
		(6) <b>Expected degree of recovery</b> from the industrial condition.	

<i>Report</i>	<i>Due/Needed by Insurer</i>	<i>What Information Should Be Included In the Report?</i>	<i>Special Notes</i>
		(7) <b>Probability of returning to regular work</b> or modified work and an <b>estimated</b> return to work <b>date</b> .	
		(8) <b>Probability</b> , if any, of <b>permanent partial disability</b> resulting from the industrial condition.	
		(9) A doctor's <b>estimate of physical capacities</b> should be included if the worker has not returned to work.	
		(10) <b>Reports</b> of necessary, reasonable <b>X ray</b> and <b>laboratory</b> studies to establish or confirm diagnosis when indicated.	
<b>Attending Provider Review of IME Report</b> (form) <b>Purpose:</b> Obtain the attending provider's opinion about the accuracy of the diagnoses and information provided based on the IME.	As soon as possible following request by the department/insurer.	Agreement or disagreement with IME findings. If you disagree, provide objective/subjective findings to support your opinion.	Payable only to the attending provider upon request of the department/insurer. PAs can concur with treatment recommendations but not PPD ratings.
<b>Loss of Earning Power</b> (form) <b>Purpose:</b> Certify the loss of earning power is due to the industrial injury/occupational disease.	As soon as possible after receipt of the form.	See form	Payable only to the attending or treating provider.
<b>Application to Reopen Claim Due to Worsening of Condition</b> (form) <b>Purpose:</b> Document worsening of the accepted condition and need to reopen claim for additional treatment.	Immediately following identification of worsening after a claim has been closed for sixty days. <b>Crime Victims:</b> Following identification of worsening after a claim has been closed for ninety days.	See form	Only MD, DO, DC, ND, DPM, DDS, ARNP, PA, and OD may sign and be paid for completion of this form.

**What documentation is required for initial and follow up visits?**

Legible copies of office or progress notes are required for the initial and all follow-up visits.

**What documentation are ancillary providers required to submit to the insurer?**

Ancillary providers are required to submit the following documentation to the department or self-insurer:

<b>Provider</b>	<b>Chart Notes</b>	<b>Reports</b>
Audiology	X	X
Biofeedback	X	X

<b>Provider</b>	<b>Chart Notes</b>	<b>Reports</b>
Dietician		X
Drug & Alcohol Treatment	X	X
Free Standing Surgery	X	X
Free Standing Emergency Room	X	X
Head Injury Program	X	X
Home Health Care		X

Provider	Chart Notes	Reports
Infusion Treatment, Professional Services		X
Hospitals	X	X
Laboratories		X
Licensed Massage Therapy	X	X
Medical Transportation		X
Nurse Case Managers		X
Nursing Home	X	X
Occupational Therapist	X	X
Optometrist	X	X
Pain Clinics	X	X
Panel Examinations		X
Physical Therapist	X	X
Prosthetist/Orthotist	X	X
Radiology		X
Skilled Nursing Facility	X	X
Speech Therapist	X	X

AMENDATORY SECTION (Amending WSR 07-08-088, filed 4/3/07, effective 5/23/07)

**WAC 296-20-125 Billing procedures.** All services rendered must be in accordance with the medical aid rules, fee schedules, and department policy. The department or self-insurer may reject bills for services rendered in violation of these rules. Workers may not be billed for services rendered in violation of these rules.

(1) Bills must be itemized on department or self-insurer forms or other forms which have been approved by the department or self-insurer. Bills may also be transmitted electronically using department file format specifications. Providers using any of the electronic transfer options must follow department instructions for electronic billing. Physicians, osteopaths, advanced registered nurse practitioners, chiropractors, naturopaths, podiatrists, psychologists, and registered physical therapists use the current national standard Health Insurance Claim Form (as defined by the National Uniform Claim Committee) with the bar code placed 2/10 of an inch from the top and 1 1/2 inches from the left side of the form. Hospitals use the current National Uniform Billing Form (as defined by the National Uniform Billing Committee) for institution services and the current national standard Health Insurance Claim Form (as defined by the National Uniform Claim Committee) with the bar code placed 2/10 of an inch from the top and 1 1/2 inches from the left side of the form for professional services. Hospitals should refer to chapter 296-23A WAC for billing rules pertaining to institution, or facilities, charges. Pharmacies use the department's statement for pharmacy services. Dentists, equipment suppliers, transportation services, vocational services, and massage therapists use the department's statement for miscellaneous services. When billing the department for

home health services, providers should use the "statement for home nursing services." Providers may obtain billing forms from the department's local service locations.

(2) Bills must specify the date and type of service, the appropriate procedure code, the condition treated, and the charges for each service.

(3) Bills submitted to the department must be completed to include the following:

- (a) Worker's name and address;
- (b) Worker's claim number;
- (c) Date of injury;
- (d) Referring doctor's name and L & I provider account number;
- (e) Area of body treated, including (~~ICD-9-CM~~) the current federally adopted ICD-CM code(s), identification of right or left, as appropriate;
- (f) Dates of service;
- (g) Place of service;
- (h) Type of service;
- (i) Appropriate procedure code, hospital revenue code, or national drug code;
- (j) Description of service;
- (k) Charge;
- (l) Units of service;
- (m) Tooth number(s);
- (n) Total bill charge;
- (o) The name and address of the practitioner rendering the services and the provider account number assigned by the department;

(p) Date of billing;

(q) Submission of supporting documentation required under subsection (6) of this section.

(4) Responsibility for the completeness and accuracy of the description of services and charges billed rests with the practitioner rendering the service, regardless of who actually completes the bill form;

(5) Vendors are urged to bill on a monthly basis. Bills must be received within one year of the date of service to be considered for payment.

(6) The following supporting documentation is required when billing for services:

- (a) Laboratory and pathology reports;
- (b) X-ray findings;
- (c) Operative reports;
- (d) Office notes;
- (e) Consultation reports;
- (f) Special diagnostic study reports;
- (g) For BR procedures - See chapter 296-20 WAC for requirements; and
- (h) Special or closing exam reports.

(7) The claim number must be placed on each bill and on each page of reports and other correspondence in the upper right-hand corner.

(8) The following considerations apply to rebills.

(a) If you do not receive payment or notification from the department within one hundred twenty days, services may be rebilled.

(b) Rebills must be submitted for services denied if a claim is closed or rejected and subsequently reopened or allowed. In these instances, the rebills must be received

within one year of the date the final order is issued which subsequently reopens or allows the claim.

(c) Rebills should be identical to the original bill: Same charges, codes, and billing date.

(d) In cases where vendors rebill, please indicate "REBILL" on the bill.

(9) The department or self-insurer will adjust payment of charges when appropriate. The department or self-insurer must provide the health care provider or supplier with a written explanation as to why a billing or line item of a bill was adjusted at the time the adjustment is made. A written explanation is not required if the adjustment was made solely to conform with the maximum allowable fees as set by the department. Any inquiries regarding adjustment of charges must be received in the required format within ninety days from the date of payment to be considered. Refer to the medical aid rules for additional information.

### WSR 15-13-105

#### WITHDRAWAL OF PROPOSED RULES WASHINGTON STATE PATROL

(By the Code Reviser's Office)

[Filed June 16, 2015, 9:58 a.m.]

Chapter 212-17 WAC, proposed by the Washington state patrol in WSR 14-24-043, appearing in issue 14-24 of the Washington State Register, which was distributed on December 17, 2014, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

### WSR 15-13-106

#### WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF HEALTH

(By the Code Reviser's Office)

[Filed June 16, 2015, 9:59 a.m.]

WAC 246-870-020, 246-870-030, 246-870-050, 246-870-060, 246-870-070, 246-870-080 and 246-870-090, proposed by the department of health in WSR 14-24-076, appearing in issue 14-24 of the Washington State Register, which was distributed on December 17, 2014, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

### WSR 15-13-107

#### WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF HEALTH

(By the Code Reviser's Office)

[Filed June 16, 2015, 9:59 a.m.]

WAC 246-138-030, proposed by the department of health in WSR 14-24-093, appearing in issue 14-24 of the Washington State Register, which was distributed on December 17, 2014, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

### WSR 15-13-117

#### PROPOSED RULES OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2014-08—Filed June 16, 2015, 3:05 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-15-104.

Title of Rule and Other Identifying Information: Provider network maintenance standards.

Hearing Location(s): Office of Insurance Commissioner (OIC), Training Room (TR-120), 5000 Capitol Boulevard S.E., Tumwater, WA, on July 21, 2015, at 2:00 p.m.-4:00 p.m.

Date of Intended Adoption: July 24, 2015.

Submit Written Comments to: Jim Freeburg, P.O. Box 40258, Olympia, WA 98504, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109, by July 21, 2015.

Assistance for Persons with Disabilities: Contact Lorie Villaflores by July 19, 2015, TTY (360) 586-0241 or (360) 725-7087.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In May 2014, the OIC completed the first phase of rule making to clarify its expectations for health insurance issuers' provider networks. This "phase 2" of rule making offers additional guidance to issuers on the implementation of phase 1 network access standards. The rules require that issuers document and maintain their networks to provide ongoing access. They also ensure that network-related processes and procedures do not serve as a barrier to access.

Statutory Authority for Adoption: RCW 48.02.060, 48.18.120, 48.20.450, 48.20.460, 48.43.055, 48.43.505, 48.43.510, 48.43.515, 48.43.530, 48.43.535, 48.43.730, 48.44.020, 48.44.050, 48.44.080, 48.46.030, 48.46.200.

Statute Being Implemented: RCW 48.20.450, 48.44.020, 48.44.080, 48.46.030, 45 C.F.R. 156.230, 156.235, 156.245.

Rule is necessary because of federal law, 45 C.F.R. 156.230, 156.235, 156.245.

Name of Proponent: Mike Kreidler, insurance commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Jim Freeburg, 302 Sid Snyder Avenue, Olympia, WA 98504, (360) 725-7170; Implementation: Molly Nollette, 5000 Capitol Boulevard, Tumwater, WA 98504, (360) 725-7117; and Enforcement: AnnaLisa Gellermann, 5000 Capitol Boulevard, Tumwater, WA 98504, (360) 725-7050.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The entities that must comply with the proposed rule are not small businesses, pursuant to chapter 19.85 RCW.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Jim Freeburg, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7170, fax (360) 586-3535, e-mail [rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov).

July [June] 16, 2015  
Mike Kreidler  
Insurance Commissioner

#### NEW SECTION

**WAC 284-43-202 Maintenance of sufficient provider networks.** (1) An issuer must maintain and monitor its provider networks on an ongoing basis for compliance with the network access standards set forth in WAC 284-43-200. This includes an issuer of a stand-alone dental plan offered through the exchange or a stand-alone dental plan offered outside the exchange for the purpose of providing the essential health benefit category of pediatric oral benefits, which must maintain and monitor its networks for compliance with WAC 284-43-200(14). An issuer must report to the commissioner, within the time frames stated in this section, any changes affecting the ability of its network providers and facilities to furnish covered services to enrollees.

(2) An issuer must notify the OIC in writing within five business days of either receiving or issuing a written notice of potential contract termination that would affect the network's ability to meet the standards set forth in WAC 284-43-200. Notice of potential termination must include an issuer's preliminary determination of whether an alternate access delivery request must be filed and the documentation supporting that determination. The issuer's notice must be submitted electronically following the submission instructions on the commissioner's web site.

(a) If the issuer determines that an alternate access delivery request must be submitted to comply with WAC 284-43-200(15), the issuer has ten business days to submit the request and supporting documentation for the alternate access delivery request in accordance with WAC 284-43-220 (3)(d).

(b) If, after reviewing the issuer's preliminary determination that an alternate access delivery request is not necessary, the OIC determines that an alternate access delivery request is required to comply with WAC 284-43-200(15), the issuer has five business days to submit the request and supporting documentation for the alternate access delivery request in accordance with WAC 284-43-220 (3)(d).

(c) If the OIC determines that a network is out of compliance with WAC 284-43-200 and the issuer has failed to report this change to the OIC, the issuer must, within one business day of notification by the OIC, submit an alternate

access delivery request in accordance with WAC 284-43-200(15) and supporting documentation for the alternate access delivery request in accordance with WAC 284-43-220(3)(d).

(3) An issuer of a health plan must maintain and monitor, on an ongoing basis, the ability and clinical capacity of its network providers and facilities to furnish covered health plan services to enrollees. An issuer must notify the commissioner in writing within fifteen days of a change in its network as described below:

(a) A reduction, by termination or otherwise, of ten percent or more in the number of either specialty providers, mental health providers, or facilities participating in the network since the initial approval date;

(b) Termination or reduction of a specific type of specialty provider on the American Board of Medical Specialties list of specialty and subspecialty certificates, where there are fewer than two of the specialists in a service area;

(c) An increase or reduction of twenty-five percent or more in the number of enrollees in the service area since the annual approval date;

(d) A reduction of five percent or more in the number of primary care providers in the service area who are accepting new patients;

(e) The termination or expiration of a contract with a hospital or any associated hospital-based medical group within a service area;

(f) A fifteen percent reduction in the number of providers or facilities for a specific chronic condition or disease participating in the network where the chronic condition or disease affects more than five percent of the issuer's enrollees in the service area. For purposes of monitoring, chronic illnesses are those conditions identified (or recognized) by the Centers for Medicare and Medicaid Services within the most current version of the Centers for Medicare and Medicaid Chronic Conditions Data Warehouse (CCW) data base available on the CMS.gov web site; or

(g) Written notice to the commissioner must include the issuer's preliminary determination whether the identified changes in the network require an alternate access delivery request in accordance with WAC 284-43-220 (3)(d).

(i) If the issuer determines that an alternate access delivery request must be submitted, the issuer has ten business days to submit the request and supporting documentation for the alternate access delivery request in accordance with WAC 284-43-220 (3)(d).

(ii) If, after reviewing the issuer's preliminary determination that an alternate access delivery request is not required, the OIC determines that an alternate access delivery request is required, the issuer has five business days to submit the request and supporting documentation for the alternate access delivery request in accordance with WAC 284-43-220 (3)(d).

(iii) If the OIC determines that a network is out of compliance with these standards and the issuer has failed to report this change to the OIC, the issuer must, within one business day of notification by the OIC, submit an alternate access delivery request in accordance with WAC 284-43-200(15) and supporting documentation for the alternate access delivery request in accordance with WAC 284-43-220 (3)(d).

(4) An issuer of a stand-alone dental plan offered through the exchange or of a stand-alone dental plan offered outside the exchange for the purpose of providing the essential health benefit category of pediatric oral benefits must maintain and monitor, on an ongoing basis, the ability and clinical capacity of its network providers and facilities to furnish covered services to enrollees. An issuer must notify the commissioner in writing within fifteen days of the change in its network as described below:

(a) A reduction, by termination or otherwise, of ten percent or more in the number of specialty providers in the network since the initial approval date;

(b) An increase or reduction of twenty-five percent or more in the number of enrollees in the service area since the annual approval date;

(c) A reduction of five percent or more in the number of providers of preventive and general dentistry accepting new patients in the service area;

(d) Notice to the commissioner must include the issuer's preliminary determination whether an alternate access delivery request must be submitted with supporting documentation in accordance with WAC 284-43-220 (3)(d).

(i) If the issuer determines that an alternate access delivery request must be submitted, the issuer has ten business days to submit the request and supporting documentation in accordance with WAC 284-43-220 (3)(d).

(ii) If after reviewing the issuer's preliminary determination that an alternate access delivery request is not required, the OIC determines that an alternate access delivery request is required, the issuer has five business days to submit the request and supporting documentation for the request in accordance with WAC 284-43-220 (3)(d).

(iii) If the OIC determines that a network is not in compliance with these standards and the issuer has failed to report this change to the OIC, the issuer must, within one business day of notification by the OIC, submit an alternate access delivery request in accordance with WAC 284-43-200(15) and supporting documentation for the request in accordance with WAC 284-43-220 (3)(d).

(5) The following network access standards must be met on an ongoing basis:

(a) The actuarial projections of health care costs submitted as part of a premium rate filing must continue to be based on the actual network the issuer proposes for the health plan's service areas.

(b) A practice that is not currently accepting new patients may be included in a provider network for purposes of reporting network access, but must not be used to justify network access for anticipated enrollment growth.

(c) An issuer must have and maintain in its network a sufficient number and type of providers to whom direct access is required under RCW 48.43.515 (2) and (5) and 48.42.100 to accommodate all new and existing enrollees in the service areas.

(d) Issuers that use the following network models must maintain and monitor the continuity and coordination of care that enrollees receive: Networks that include medical home or medical management services in lieu of providing access to specialty or ancillary services through primary care provider referral, and networks where the issuer requires provid-

ers to whom an enrollee has direct access to notify the enrollee's primary care provider of treatment plans and services delivered. For these models, an issuer must perform continuity and coordination of care in a manner consistent with professionally recognized evidence-based standards of practice, across the health plan network. The baseline for such coordination is maintenance and monitoring as often as is necessary, but not less than once a year:

(i) The systems or processes for integration of health care services by medical and mental health providers;

(ii) The exchange of information between primary and specialty providers;

(iii) Appropriate diagnosis, treatment, and referral practices;

(iv) Access to treatment and follow-up for enrollees with coexisting conditions including, but not limited to, a mental health condition coexisting with a chronic health condition.

(6) This section is effective for all plans, whether new or renewed, with effective dates on or after January 1, 2016.

#### NEW SECTION

**WAC 284-43-225 Issuer recordkeeping—Provider networks.** (1) An issuer must make available to the commissioner upon request its records, contracts, and agreements related to its provider networks.

(a) Records to support proof of good faith contracting efforts must be retained for seven years.

(b) Signed contracts, reimbursement agreements, and associated accounting records must be retained for ten years after the contract is terminated.

(2) Beginning January 1, 2016, an issuer must be able to provide to the commissioner upon request the following information for a time period specified by the commissioner:

(a) The number of requests submitted for prior authorization for services by all providers and facilities;

(b) The total number of such requests processed; and

(c) The total number of such requests denied.

AMENDATORY SECTION (Amending WSR 01-03-033, filed 1/9/01, effective 7/1/01)

**WAC 284-43-251 (~~Covered person's~~) Enrollee's access to providers.** (1) Each (~~earlier~~) issuer must allow (~~a covered person~~) an enrollee to choose a primary care provider who is accepting new patients from a list of participating providers. (~~Covered persons~~)

(a) Enrollees also must be permitted to change primary care providers at any time with the change becoming effective (~~no~~) not later than the beginning of the month following the (~~covered person's~~) enrollee's request for the change.

(b) The issuer must ensure at all times that there are a sufficient number of primary care providers in the service area accepting new patients to accommodate new enrollees if the plan is open to new enrollment, and to ensure that existing enrollees have the ability to change primary care providers.

(2) Each issuer must allow an enrolled child direct access to a pediatrician from a list of participating pediatricians within their network who are accepting new patients.

(a) Enrollees must be permitted to change pediatricians at any time, with the change becoming effective not later than



the beginning of the month following the enrollee's request for the change.

(b) Each issuer must ensure at all times that there are a sufficient number of pediatricians in the service area accepting new patients to accommodate new enrollees if the plan is open to new enrollment, and to ensure that existing enrolled children have the ability to change pediatricians.

~~((2))~~ (3) Each (carrier) issuer must have a process whereby ((a covered person) an enrollee with a complex or serious medical condition or ((psychiatric) mental health or substance use disorder, including behavioral health condition, may receive a standing referral to a participating specialist for an extended period of time. The standing referral must be consistent with the ((covered person's) enrollee's medical or mental health needs and plan benefits. For example, a one-month standing referral would not satisfy this requirement when the expected course of treatment was indefinite. However, a referral does not preclude ((carrier) issuer performance of utilization review functions.

~~((3) Each carrier shall provide covered persons)~~ (4) Each issuer must provide enrollees with direct access to the participating chiropractor of the ((covered person's) enrollee's choice for covered chiropractic health care without the necessity of prior referral. Nothing in this subsection ((shall prevent carriers)) prevents issuers from restricting ((covered persons) enrollees to seeing only chiropractors who have signed participating provider agreements or from utilizing other managed care and cost containment techniques and processes such as prior authorization for services. For purposes of this subsection, "covered chiropractic health care" means covered benefits and limitations related to chiropractic health services as stated in the plan's medical coverage agreement, with the exception of any provisions related to prior referral for services.

~~((4) Each carrier)~~ (5) Each issuer must provide, upon the request of ((a covered person) an enrollee, access by the ((covered person) enrollee to a second opinion regarding any medical diagnosis or treatment plan from a qualified participating provider of the ((covered person's) enrollee's choice. The ((carrier) issuer may not impose any charge or cost upon the ((covered person) enrollee for such second opinion other than ((a) the charge or cost imposed for the same service in otherwise similar circumstances.

~~((5) Each carrier)~~ (6) Each issuer must cover services of a primary care provider whose contract with the plan or whose contract with a subcontractor is being terminated by the plan or subcontractor without cause under the terms of that contract:

(a) For at least sixty days following notice of termination to the ((covered persons or,) enrollees; or

(b) In group coverage arrangements involving periods of open enrollment, only until the end of the next open enrollment period.

(i) Notice to ((covered persons shall) enrollees must include information of the ((covered person's) enrollee's right of access to the terminating provider for an additional sixty days.

(ii) The provider's relationship with the ((carrier) issuer or subcontractor must be continued on the same terms and conditions as those of the contract the plan or subcontractor is

terminating, except for any provision requiring that the ((carrier) issuer assign new ((covered persons) enrollees to the terminated provider.

~~((6) Each carrier shall)~~ (7) Each issuer must make a good faith effort to assure that written notice of a termination ((within fifteen working days of receipt or issuance of a notice of termination is provided to all covered persons)) is provided at least thirty days prior to the effective date of the termination to all enrollees who are patients seen on a regular basis by the provider or facility whose contract is terminating, irrespective of whether the termination was for cause or without cause. When a termination for cause provides less than thirty days notice to the carrier or provider, an issuer must make a good faith effort to assure that written notice of termination is provided immediately to all enrollees.

AMENDATORY SECTION (Amending WSR 98-04-005, filed 1/22/98, effective 2/22/98)

**WAC 284-43-300 Provider and facility contracts with ((health carriers) issuers—Generally.** ~~((A health carrier)~~ (1) An issuer contracting with providers or facilities for health care service delivery to ((covered persons shall) enrollee must satisfy all the requirements contained in this subchapter. ((The health carrier shall ensure that providers and facilities subcontracting with these providers and facilities under direct contract with the carrier also satisfy the requirements of this subchapter.))

(2) An issuer must ensure that subcontractors of its contracted providers and facilities comply with the requirements of this subchapter. Provider networks must include and maintain every provider category and type necessary to deliver covered services. An issuer's obligation to comply with these requirements is nondelegable; the issuer is not exempt from these requirements because it relied upon a third-party vendor or subcontracting arrangement.

AMENDATORY SECTION (Amending WSR 98-04-005, filed 1/22/98, effective 2/22/98)

**WAC 284-43-310 Selection of participating providers—Credentialing and unfair discrimination.** ~~((Health carrier)~~ (1) An issuer must develop selection standards for participating providers ((and facilities shall be developed by the carrier), for primary care providers, and for each health care provider or facility license ((or) and professional specialty. The standards ((shall) must be used in determining the selection of health care providers and facilities by the ((health carrier) issuer. The standards ((shall) must be consistent with rules or standards established by the state department of health or other regulatory authority established in Title 18 RCW for health care providers specified in RCW 18.130.040. Selection criteria ((shall) must not be established in a manner that would:

(a) ((That would allow a health carrier) Allow an issuer to avoid risk by excluding providers or facilities because they are located in geographic areas that contain populations presenting a risk of higher than average claims, losses, or health services utilization; ((or)

(b) ((That would) Exclude providers, practitioners, or facilities because they treat or specialize in treating persons

presenting a risk of higher than average claims, losses, or health services utilization or because they treat or specialize in treating minority or special populations; or

(c) Discriminate regarding participation in the network solely based on the provider or facility type or category if the provider is acting within the scope of their license.

(2) The provisions of subsection (1)~~((a) and (b))~~ of this section ~~((shall))~~ must not be construed to prohibit ~~((a carrier))~~ an issuer from declining to select a provider or facility who fails to meet other legitimate selection criteria of the ~~((carrier))~~ issuer. The purpose of these provisions is to prevent ~~((network creation and provider or facility selection to serve as a substitute for))~~ prohibited health risk avoidance or prohibited discrimination through network creation and provider or facility selection.

(3) The provisions of this subchapter do not require ~~((a health carrier))~~ an issuer to employ, to contract with, or retain more providers or facilities than are necessary to comply with the network ~~((adequacy))~~ access standards of this chapter.

(4) ~~((A health carrier shall))~~ An issuer must make its selection standards for participating providers and facilities available for review upon request by the commissioner.

AMENDATORY SECTION (Amending WSR 99-21-016, filed 10/11/99, effective 11/11/99)

**WAC 284-43-320 Provider contracts—Standards—Hold harmless provisions.** The execution of a contract by ~~((a health carrier shall))~~ an issuer does not relieve the ~~((health carrier))~~ issuer of its obligations to any ~~((covered person))~~ enrollee for the provision of health care services, nor of its responsibility for compliance with statutes or regulations. In addition to the contract form filing requirements of this subchapter, all individual provider and facility contracts ~~((shall))~~ must be in writing and available for review upon request by the commissioner.

(1) ~~((A health carrier shall))~~ An issuer shall establish a mechanism by which its participating providers and facilities can obtain timely information on patient eligibility for health care services and health plan benefits, including any limitations or conditions on services or benefits.

(2) Nothing contained in a participating provider or a participating facility contract may have the effect of modifying benefits, terms, or conditions contained in the health plan. In the event of any conflict between the contract and a health plan, the benefits, terms, and conditions of the health plan ((shall)) must govern with respect to coverage provided to ((covered persons)) enrollees.

~~((2))~~ (3) Each participating provider and participating facility contract ((shall)) must contain the following provisions ((or variations approved by the commissioner)):

"(a) ((a)) {Name of provider or facility} hereby agrees that in no event, including, but not limited to nonpayment by {name of ((carrier)) issuer}, {name of ((carrier's)) issuer's} insolvency, or breach of this contract ((shall)) will {name of provider or facility} bill, charge, collect a deposit from, seek compensation, remuneration, or reimbursement from, or have any recourse against ((a covered person)) an enrollee or person acting on their behalf, other than {name of ((carrier)) issuer}, for services provided pursuant to this contract. This

provision ~~((shall))~~ does not prohibit collection of {deductibles, copayments, coinsurance, and/or payment for noncovered services}, which have not otherwise been paid by a primary or secondary ~~((carrier))~~ issuer in accordance with regulatory standards for coordination of benefits, from ~~((covered persons))~~ enrollees in accordance with the terms of the ~~((covered person's))~~ enrollee's health plan.((a))

(b) ((a)) {Name of provider or facility} agrees, in the event of {name of ((carrier's)) issuer's} insolvency, to continue to provide the services promised in this contract to ~~((covered persons))~~ enrollees of {name of ((carrier)) issuer} for the duration of the period for which premiums on behalf of the ~~((covered person))~~ enrollee were paid to {Name of ((carrier)) issuer} or until the ~~((covered person's))~~ enrollee's discharge from inpatient facilities, whichever time is greater.((a))

(c) ((a)) Notwithstanding any other provision of this contract, nothing in this contract shall be construed to modify the rights and benefits contained in the ~~((covered person's))~~ enrollee's health plan.((a))

(d) ((a)) {Name of provider or facility} may not bill the ~~((covered person))~~ enrollee for covered services (except for deductibles, copayments, or coinsurance) where {name of ((carrier)) issuer} denies payments because the provider or facility has failed to comply with the terms or conditions of this contract.((a))

(e) ((a)) {Name of provider or facility} further agrees (i) that the provisions of (a), (b), (c), and (d) of this subsection ~~((for identifying citations appropriate to the contract form))~~ shall survive termination of this contract regardless of the cause giving rise to termination and shall be construed to be for the benefit of {name of ((carrier's) covered persons)) issuer's} enrollees, and (ii) that this provision supersedes any oral or written contrary agreement now existing or hereafter entered into between {name of provider or facility} and ~~((covered persons))~~ enrollees or persons acting on their behalf.((a))

(f) ((a)) If {name of provider or facility} contracts with other providers or facilities who agree to provide covered services to ~~((covered persons))~~ enrollees of {name of ((carrier)) issuer} with the expectation of receiving payment directly or indirectly from {name of ((carrier)) issuer}, such providers or facilities must agree to abide by the provisions of (a), (b), (c), (d), and (e) of this subsection ~~((for identifying citations appropriate to the contract form))~~."

~~((2))~~ (4) The contract ((shall)) must inform participating providers and facilities that willfully collecting or attempting to collect an amount from ((a covered person)) an enrollee knowing that collection to be in violation of the participating provider or facility contract constitutes a class C felony under RCW 48.80.030(5).

~~((4))~~ (5) An issuer must notify participating providers and facilities of their responsibilities with respect to the health ((carrier's)) issuer's applicable administrative policies and programs, including but not limited to payment terms, utilization review, quality assessment and improvement programs, credentialing, grievance, appeal and adverse benefit determination procedures, data reporting requirements, pharmacy benefit substitution processes, confi-

dentality requirements and any applicable federal or state requirements.

(6) An issuer must make all documents, procedures, and other administrative policies and programs referenced in the contract ((must be)) available for review by the provider or facility prior to contracting. An issuer may comply with this subsection by providing electronic access.

(a) Participating providers and facilities must be given reasonable notice of not less than sixty days of changes that affect provider or facility compensation ((and)) or that affect health care service delivery unless changes to federal or state law or regulations make such advance notice impossible, in which case notice ((shall)) must be provided as soon as possible.

(b) Subject to any termination and continuity of care provisions of the contract, a provider or facility may terminate the contract without penalty if the provider or facility does not agree with the changes, subject to the requirements in subsection (9) of this section.

A material amendment to a contract may be rejected by a provider or facility. The rejection will not affect the terms of the existing contract. A material amendment has the same meaning as in RCW 48.39.005.

(c) No change to the contract may be made retroactive without the express written consent of the provider or facility.

((5) The following provision is a restatement of a statutory requirement found in RCW 48.43.075 included here for ease of reference:)) (d) An issuer must give a provider or facility full access to the coverage and service terms of the applicable health plan for an enrolled patient.

(7) Each participating provider and participating facility contract must contain the following provisions:

(a) "No health carrier subject to the jurisdiction of the state of Washington may in any way preclude or discourage their providers from informing patients of the care they require, including various treatment options, and whether in their view such care is consistent with medical necessity, medical appropriateness, or otherwise covered by the patient's service agreement with the health carrier. No health carrier may prohibit, discourage, or penalize a provider otherwise practicing in compliance with the law from advocating on behalf of a patient with a health carrier. Nothing in this section shall be construed to authorize providers to bind health carriers to pay for any service."

(b) "No health carrier may preclude or discourage patients or those paying for their coverage from discussing the comparative merits of different health carriers with their providers. This prohibition specifically includes prohibiting or limiting providers participating in those discussions even if critical of a carrier."

((6) A health carrier shall)

(8) Subject to applicable state and federal laws related to the confidentiality of medical or health records, an issuer must require participating providers and facilities to make health records available to appropriate state and federal authorities involved in assessing the quality of care or investigating ((the grievances or complaints of covered persons subject to applicable state and federal laws related to the confidentiality of medical or health records.

(7) A health carrier)) complaints, grievances, appeals, or review of any adverse benefit determinations of enrollees. An issuer must require providers and facilities to cooperate with audit review of encounter data in relation to the administration of health plan risk adjustment and reinsurance programs.

(9) An issuer and participating provider and facility ((shall)) must provide at least sixty days' written notice to each other before terminating the contract without cause. ((The health carrier shall))

(10) Whether the termination was for cause, or without cause, the issuer must make a good faith effort to ((assure that)) ensure written notice of a termination ((within fifteen working days of receipt or issuance of a notice of termination)) is provided at least thirty days prior to the effective date of the termination of immediately for a termination for cause that results in less than thirty days notice to a provider or carrier to all ((covered persons)) enrollees who are patients seen;

(a) On a regular basis ((by the provider whose contract is terminating, irrespective of whether the termination was for cause or without cause. Where a contract termination involves a)) by a specialist;

(b) By a provider for whom they have a standing referral: or

(c) By a primary care provider((, that carrier shall make a good faith effort to assure that notice is provided to all covered persons who are patients of that primary care provider.

(8) A health carrier));

(11) An issuer is responsible for ensuring that participating providers and facilities furnish covered services to ((covered persons)) each enrollee without regard to the ((covered person's)) enrollee's enrollment in the plan as a private purchaser of the plan or as a participant in publicly financed programs of health care services. This requirement does not apply to circumstances when the provider should not render services due to limitations arising from lack of training, experience, skill, or licensing restrictions.

((9) A health carrier shall) (12) An issuer must not penalize a provider because the provider, in good faith, reports to state or federal authorities any act or practice by the ((health carrier)) issuer that jeopardizes patient health or welfare or that may violate state or federal law.

((10) The following provision is a restatement of a statutory requirement found in RCW 48.43.085: "Notwithstanding any other provision of law, no health carrier subject to the jurisdiction of the state of Washington may prohibit directly or indirectly its enrollees from freely contracting at any time to obtain any health care services outside the health care plan on any terms or conditions the enrollees choose. Nothing in this section shall be construed to bind a carrier for any services delivered outside the health plan."

((11)) (13) Every participating provider contract ((shall)) must contain procedures for the fair resolution of disputes arising out of the contract.

AMENDATORY SECTION (Amending WSR 13-16-045, filed 7/31/13, effective 8/31/13)

**WAC 284-43-330 Participating provider—Filing and approval.** (1) ((A health carrier must file with the commissioner thirty calendar days prior to use sample contract

forms proposed for use with its participating providers and facilities.

~~(2) A health carrier shall submit material changes to a sample contract form to the commissioner thirty calendar days prior to use. Carriers shall indicate in the filing whether any change affects a provision required by this chapter.)~~ An issuer must file for prior approval all participating provider agreements and facility agreements thirty calendar days prior to use. If a carrier negotiates a provider or facility contract or a compensation agreement that deviates from an approved agreement, then the issuer must file that negotiated contract or agreement with the commissioner for approval thirty days before use. The commissioner must receive the filings electronically in accordance with chapters 284-44A, 284-46A, and 284-58 WAC.

(2)(a) An issuer may file a provider or facility contract template with the commissioner. A "contract template" is a sample contract and compensation agreement form that the issuer will use to contract with multiple providers or facilities. A contract template must be issued exactly as approved.

(i) When an issuer modifies the contract template, an issuer must refile the modified contract template for approval. All changes to ~~(contracts)~~ the contract template must be indicated through strike outs for deletions and underlines for new material. ~~((Alternatively, carriers may refile a sample contract that incorporates changes along with a copy of the contract addendum or amendment and any correspondence that will be sent to providers and facilities sufficient for a clear determination of contract changes. Changes not affecting a provision required by this chapter are deemed approved upon filing.))~~ The modified template must be issued to providers and facilities upon approval.

(ii) Alternatively, issuers may file the modified contract template for prospective contracting and a contract addendum or amendment that would be issued to currently contracted providers or facilities for prior approval. The filing must include any correspondence that will be sent to a provider or facility that explains the amendment or addendum. The correspondence must provide sufficient information to clearly inform the provider or facility what the changes to the contract will be. All changes to the contract template must be indicated through strike outs for deletions and underlines for new material.

(iii) Changes to a previously filed and approved provider compensation agreement modifying the compensation amount or terms related to compensation must be filed and are deemed approved upon filing if there are no other changes to the previously approved provider contract or compensation agreement.

(b) All negotiated contracts and compensation agreements must be filed with the commissioner for approval thirty calendar days prior to use and include all contract documents between the parties.

If the only negotiated change is to the compensation amount or terms related to compensation, it must be filed and is deemed approved upon filing.

~~(3) If the commissioner takes no action within thirty calendar days after submission ((of a sample contract or a material change to a sample contract form by a health carrier)), the ~~(change or)~~ form is deemed approved except that the com-~~

missioner may extend the approval period an additional fifteen calendar days upon giving notice before the expiration of the initial thirty-day period. Approval may be subsequently withdrawn for cause.

~~(4) The ~~((health carrier shall))~~ issuer must maintain provider and facility contracts at its principal place of business in the state, or the ~~((health carrier shall))~~ issuer must have access to all contracts and provide copies to facilitate regulatory review upon twenty days prior written notice from the commissioner.~~

(5) Nothing in this section relieves the issuer of the responsibility detailed in WAC 284-43-220 (3)(b) to ensure that all provider and facility contracts are current and signed if the provider or facility is listed in the network filed for approval with the commissioner.

(6) If an issuer enters into a reimbursement agreement that is tied to health outcomes, utilization of specific services, patient volume within a specific period of time, or other performance standards, the issuer must file the reimbursement agreement with the commissioner thirty days prior to the effective date of the agreement, and identify the number of enrollees in the service area in which the reimbursement agreement applies. Such reimbursement agreements must not cause or be determined by the commissioner to result in discrimination against or rationing of medically necessary services for enrollees with a specific covered condition or disease. If the commissioner fails to notify the issuer that the agreement is disapproved within thirty days of receipt, the agreement is deemed approved. The commissioner may subsequently withdraw such approval for cause.

## WSR 15-13-118

### PROPOSED RULES

### DEPARTMENT OF ECOLOGY

[Order 06-12—Filed June 16, 2015, 3:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-13-004.

Title of Rule and Other Identifying Information: New chapter 173-219 WAC, Reclaimed water.

Hearing Location(s): Hearing 1 - at the CenterPlace Regional Event Center, 2426 North Discovery Place, Spokane, WA 99216, on July 21, 2015, at 9:30 a.m. - Presentation, question and answer session followed by the formal public hearing.

Hearing 2 - combined with a webinar at the Ecology Headquarters, 300 Desmond Drive S.E., Lacey, WA 98504, on July 23, 2015, at 9:30 a.m. - Presentation, question and answer session followed by the formal public hearing.

Webinar: Ecology is also offering this hearing via webinar. Webinars are an online meeting forum that you can attend from any computer using internet access.

Comments: Ecology will accept comments at the Lacey location and through the webinar via phone at (877) 668-4490.

To join the webinar click on the following link for more information and instructions <https://wadis.webex.com/wadis/j.php?MTID=m86eb3bbfdb7b5f10530bf64bb9f05d08>.

Date of Intended Adoption: October 28, 2015.

Submit Written Comments to: Dennis McDonald, P.O. Box 47696, Olympia, WA 98504-7696, e-mail ReclaimedWater@ecy.wa.gov, fax (360) 407-6426, by Friday, August 21, 2015.

Assistance for Persons with Disabilities: Contact water quality program reception by July 14, 2015, TTY (844) 833-6341 or (360) 407-6600.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Ecology is proposing a new rule for producing, distributing and using reclaimed water, chapter 173-219 WAC, Reclaimed water. The rule will clarify regulatory authorities and requirements, streamlines application process, and provides clarity for permittees. The rule will codify existing practices and replace 1997 *Water Reclamation and Reuse Standards* and several statutes. Also available for review and comment is the proposed guidance document *Reclaimed Water Treatment Facilities Manual: The Purple Book*. This and the rule-making documents can be found here <http://www.ecy.wa.gov/programs/wq/ruledev/wac173219/0612documents.html>.

Reasons Supporting Proposal: The state legislature amended chapter 90.46 RCW in 2006 directing ecology to coordinate with department of health to implement a rule to encourage reclaimed water use and address all aspects of reclaimed water use.

Statutory Authority for Adoption: RCW 90.46.015.

Statute Being Implemented: RCW 90.46.015.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Heather Bartlett, Program Manager, Bill Moore, PDS Section Manager, Kathleen Emmett - WQP, Dennis McDonald - WQP, and Jennifer Holderman - WRP, Lacey, (360) 407-6600; Implementation and Enforcement: Heather Bartlett, Lacey, (360) 407-6600.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed reclaimed water rule (chapter 173-219 WAC) does not require a small business economic impact statement to be prepared, per the requirements of the Regulatory Fairness Act, chapter 19.85 RCW.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Dennis McDonald, Ecology, P.O. Box 47696, Olympia, WA 98504-7696, phone (360) 407-6321, fax (360) 407-6426, e-mail ReclaimedWater@ecy.wa.gov.

June 16, 2015

Polly Zehm  
Deputy Director

## Chapter 173-219 WAC

### RECLAIMED WATER

#### PART I

#### GENERAL INFORMATION

##### Subpart A

##### Definitions

#### NEW SECTION

**WAC 173-219-010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

**"Agricultural irrigation"** means the application of water to agricultural land with the intent of meeting the water needs for production of agricultural food or nonfood crops.

**"Agronomic rate"** refers to a specific rate of hydraulic loading and nutrient loading that meets the agricultural crop or landscape plant requirements while avoiding over application.

**"AKART"** is an acronym for all known, available, and reasonable methods of prevention, control, and treatment.

**"Alarm"** means an instrument, or device, that continuously monitors a specific function or process and automatically gives warning of an unsafe condition by means of visual, or audible signals, or both.

**"Applicant"** means any person applying for an operating permit or submitting a document for approval of ecology or DOH.

**"Approval"** of plans and specifications means written ecology approval of the certified copy filed by the applicant in conformance with RCW 39.04.020. Written approval may include electronic approval employing technology that legally ensures the integrity of the electronic document and signature.

**"Beneficial purpose"** or **"beneficial use"** means the uses of reclaimed water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and for preservation of environmental and aesthetic values, and for all other uses compatible with the enjoyment of the public waters of the state. Beneficial purpose or beneficial use of reclaimed water includes all uses authorized under chapter 90.46 RCW.

**"Certified operator"** means a person certified under chapter 173-230 WAC for wastewater treatment plants or, where applicable, chapter 246-292 WAC for waterworks operation.

**"Commercial, industrial, and institutional use"** means nonpotable uses of water to produce private sector or institutional products or provide goods and services and associated sanitary uses such as toilet flushing. The term does not include land application.

**"Contaminant"** means any chemical, physical, biological, or radiological substance or matter that does not occur

naturally in groundwater or that occurs at concentrations greater than those in the natural levels.

**"Contaminants of emerging concern"** or **"CEC"** means substances detected in water that require further study to determine potential impacts to human health and the environment. CEC include, but are not limited to, pharmaceutical products, endocrine disrupting compounds, personal care products, and household cleaning products.

**"Distributor"** means the permittee or a person authorized by the permittee to distribute or supply reclaimed water to users.

**"DOH"** means the Washington state department of health.

**"Ecology"** means the Washington state department of ecology.

**"Engineering report"** means a document that thoroughly examines the engineering and administrative aspects of a reclaimed water treatment facility, as required under this chapter.

**"Food crops"** means any crops intended for human consumption.

**"Generator"** means any person reclaiming or proposing to reclaim water who is eligible to apply for a reclaimed water permit under this chapter.

**"Groundwater"** means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

**"Instream flow"** means either a stream flow level set in rule that is needed to protect and preserve fish, wildlife, scenic, aesthetic, recreational, water quality, and other environmental values, and navigational values, or a federally reserved water right for a stream flow. The term instream flow means a base flow under chapter 90.54 RCW, a minimum flow under chapter 90.03 or 90.22 RCW, or a minimum instream flow under chapter 90.82 RCW, or a federally reserved water right for a stream flow.

**"Land application"** means the beneficial use of reclaimed water for crop or urban landscape irrigation. It includes both surface and subsurface (drip) irrigation methods. It does not include dedicated sprayfields used for land treatment and disposal of wastewater.

**"Master generator"** means a generator that owns or otherwise provides overall management and operational responsibilities for multiple facilities reclaiming water under one operating permit.

**"Mitigation"** see "wetland mitigation" and "water right mitigation."

**"Most recent edition"** means that version of a specific guidance or reference document in effect at the time the initial reclaimed water project documents are accepted by the lead agency.

**"NPDES"** means the National Pollution Discharge Elimination System.

**"Peak hourly flow"** means the greatest volume of water passing through the system during any one hour in a day.

**"Permittee"** means any person who is issued a reclaimed water permit.

**"Person"** means any state, individual, public or private corporation, political subdivision, governmental subdivision,

governmental agency, municipality, copartnership, association, firm, trust estate, or any other legal entity.

**"Plans and specifications"** means the detailed drawings and specifications used in the construction or modification of reclaimed water treatment facilities. Except as otherwise allowed, plans and specifications are preceded by an approved engineering report.

**"Potable water"** or **"drinking water"** means water suitable for human consumption.

**"Primary contact recreation"** means activities where a human would have direct contact with water to the point of complete submergence.

**"Public entity"** means a municipal, quasi-municipal, or other governmental entity or entities formed under the Interlocal Cooperation Act.

**"Reclaimed water"** means water derived in any part from a wastewater with a domestic wastewater component that has been adequately and reliably treated, so that it can be used for beneficial purposes. Reclaimed water is not considered a wastewater.

**"Reclaimed water permit"** means an operating permit issued to a generator of reclaimed water under Part III of this chapter.

**"Reclaimed water treatment facility"** or **"facility"** means the plant, equipment, storage, conveyance devices, and dedicated sites for reclaimed water generation and management. It may include wastewater collection systems and reclaimed water distribution or use sites.

**"Reclaimed water use"** means the deliberate use of reclaimed water for a beneficial purpose.

**"Reliability"** means the ability of a system or component(s) thereof to perform a required function under stated conditions for a stated period.

**"Reliability assessment"** means a formal determination and review of the reliability of reclaimed water treatment facility components and equipment.

**"Secondary contact recreation"** means activities where a person's water contact would be limited to the extent that illness or infections due to exposure to pathogens would normally be avoided.

**"Spray irrigation"** means application of water from finely divided water droplets to land using artificial means.

**"Surface irrigation"** means application of water to the land as a broad stream or down furrows by means other than spraying.

**"Third-party guarantor"** means an entity approved by the lead agency to provide stand-by management services if a permittee fails to operate a reclaimed water treatment facility in compliance with this chapter.

**"Unit process"** means an individual stage in the wastewater treatment or reclaimed water generating sequence that performs a major single treatment operation.

**"Use"** means an application of reclaimed water in a manner and for a purpose, as designated in a user permit or agreement, and in compliance with all applicable regulatory agency requirements.

**"Use area"** means any facility, building, or area approved for reclaimed water use and permitted by the lead agency.

**"User"** means any individual, corporation, entity, business, or other establishment that utilizes reclaimed water for a beneficial use, in accordance with the requirements of these rules and regulations.

**"Vadose zone"** means the unsaturated zone of aeration between the land surface and the regional water table. It does not include localized perched groundwater or the base of the capillary fringe where pores are filled with water due to tension saturation.

**"Water right impairment"** means an interruption or interference in the availability of water, or degradation of the quality of water, caused by decreasing or ceasing a wastewater discharge to freshwater in order to reclaim the water, that would:

- (a) Prevent an existing water right holder from partially or fully beneficially using the water right; or
- (b) Require an existing water right holder to make significant modifications in order to beneficially use the water right; or
- (c) In the case of an existing instream flow established by rule or otherwise, cause the flow of the stream to fall below the instream flow more frequently, for a longer duration, or by a greater amount than prior to decreasing or ceasing the discharge.

**"Water right mitigation"** means the use of reclaimed water for mitigation of new surface or groundwater rights and changes to existing surface or groundwater rights.

**"Waters of the state"** means lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington. Term used is the same as defined in RCW 90.48.020.

**"Wetland enhancement"** means intentional actions taken to improve the functions, processes, and values of existing wetlands.

**"Wetland mitigation"** means a sequence of intentional steps or actions taken to reduce impacts to wetlands. Unless the context refers to the entire mitigation sequence, or clearly indicates other steps, the term "wetland mitigation" means compensatory mitigation or the compensation stage of the wetland mitigation sequence, where impacts to wetland functions are offset through the creation, restoration, enhancement, or preservation of other wetlands.

**"Wetland restoration"** means intentional actions taken to return historic functions and processes to a former or degraded wetland site.

## Subpart B

### General Information

#### NEW SECTION

**WAC 173-219-020 Purpose and scope.** (1) The purpose of this chapter is to provide consistent, predictable, and efficient regulatory reviews, permitting processes and technical standards that encourage the generation and beneficial use of reclaimed water while preserving and protecting public health, the environment, and existing water rights.

(2) The requirements in this chapter apply to all aspects of the use of reclaimed water in the state of Washington, including the authority to generate, store, and distribute reclaimed water, and the sanctions for failing to comply with state requirements in statute or rule.

#### NEW SECTION

**WAC 173-219-030 Applicability.** (1) This rule applies only to the use of reclaimed water as defined in RCW 90.46.010 and in this chapter.

(2) This rule does not apply to the following:

- (a) The capture and redirection of wastewater effluent for treatment facility purposes when under the direct control of the operator in responsible charge of the facility.
  - (b) The capture and redirection of used process water back to process uses within the bounds of an industrial facility.
  - (c) The use of greywater or treated greywater as defined in RCW 90.46.140 and chapter 246-274 WAC.
  - (d) The use of agricultural industrial process water as defined in RCW 90.46.010.
  - (e) The use of industrial reuse water as defined in RCW 90.46.010.
  - (f) Land treatment systems of wastewater regulated under chapter 90.48 RCW.
  - (g) Wastewater effluent discharges under chapter 90.48 RCW.
  - (h) On-site sewage disposal systems under chapters 70.118 and 70.118B RCW.
- (3) **Severability.** If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application.

#### NEW SECTION

**WAC 173-219-040 Compliance deadlines.** (1) **Direct enforceability.** Except as allowed under subsection (2) of this section, all persons and facilities subject to the requirements of this chapter must comply on the effective date of this chapter.

(2) **Facilities existing before the effective date of this rule.** Any reclaimed water treatment facility authorized by an existing reclaimed water permit that was issued before the effective date of this rule is subject to this chapter except as follows:

- (a) For good cause shown and at the request of an existing permittee, the lead agency may issue an extension for compliance to provide a reasonable period of time for an existing facility to meet the new requirements under this chapter;
- (b) An existing permittee is not required to apply for or obtain a modification of the existing reclaimed water permit until the application for the permit renewal is due under WAC 173-219-290; and
- (c) An existing permittee is not required to submit an analysis for water right impairment under this chapter or otherwise meet the requirements under WAC 173-219-100.

NEW SECTION**WAC 173-219-050 Lead agency designation—Regulatory agency responsibilities. (1) Designation of lead agency.**

(a) Ecology shall be designated as the lead agency for projects where any of the following apply:

(i) The reclaimed water treatment facility is a water pollution control facility permitted by ecology;

(ii) The uses of reclaimed water include discharge to water bodies that are regulated under the Federal Water Pollution Control Act or under chapter 90.48 RCW;

(iii) The primary use of reclaimed water is for land application; or

(iv) Both DOH and ecology agree that, for environmental protection or water right administration reasons, ecology should be the lead agency for a specific project or use.

(b) DOH shall serve as the lead agency for projects where any of the following apply:

(i) There is no discharge of reclaimed water to waters of the state except as authorized under (b)(ii) of this subsection.

(ii) The only discharge of wastewater or surplus reclaimed water is to an on-site sewage system with a design flow less than or equal to one hundred thousand gallons per day, regulated under chapters 246-272A or 246-272B WAC or to a sanitary sewer.

(iii) When a reclaimed water permit is dependent on a large on-site sewage operating permit or an on-site sewage system approval or permit for required treatment, reliability, or use, DOH shall be the lead agency and issues the individual reclaimed water permit. DOH shall review, approve, and permit an on-site sewage system designed as part of a reclaimed water project.

(iv) Both DOH and ecology agree that for public health protection reasons, DOH should be the lead agency for a specific project or use.

(c) When either DOH or ecology is designated as a lead agency under (a) and (b) of this subsection, the other agency shall be designated by default as the nonlead agency.

**(2) Lead agency responsibilities.**

(a) The lead agency for a reclaimed water permit is responsible for the coordination, review, issuance, and enforcement of a permit under chapter 90.46 RCW, and shall be responsible for actions as directed in this chapter and as follows:

(i) Coordinating application review for completeness, and evaluating applications pursuant to WAC 173-219-200 through 173-219-310;

(ii) Notifying the nonlead agency of receipt of required construction review documents, coordinating the review with the nonlead agency as needed, and reviewing applications and submittals pursuant to WAC 173-219-200 through 173-219-310;

(iii) Issuing or denying reclaimed water permits;

(iv) Assessing and collecting fees as authorized by that agency's regulations;

(v) Monitoring compliance with the reclaimed water permit, conducting inspections, and taking corrective actions as needed;

(vi) Notifying the nonlead agency of violations and coordinate reclaimed water permit compliance as agreed upon by ecology and DOH;

(vii) Responding to appeals of reclaimed water permit decisions, and conducting compliance and enforcement actions as needed; and

(viii) Any other responsibilities and obligations.

(b) Notwithstanding (a) of this subsection, enforcement of a permit issued under this chapter shall be at the sole discretion of the lead agency issuing the permit.

(3) **Nonlead agency responsibilities.** The nonlead agency shall be responsible for actions as directed in this chapter and as follows:

(a) Participating in meetings convened by the lead agency as requested by the lead agency.

(b) Determining the scope of its nonlead review of the reclaimed water permit documents and notifying the lead agency of that determination.

(c) Submitting comments and recommending reclaimed water permit conditions to the lead agency if appropriate.

(d) Assessing and collecting any fees as authorized by that agency's regulations.

(e) Assisting the lead agency, as agreed upon under subsection (2)(a)(vi) of this section, with appeals of reclaimed water permit decisions and compliance and enforcement actions.

(4) **Ecology responsibilities.** In either its role as the lead agency under subsection (2) of this section or nonlead agency under subsection (3) of this section ecology shall:

(a) Develop reclaimed water permit requirements as necessary to:

(i) Regulate the design, construction, and operation of all sewerage systems and associated water pollution control facilities that collect or treat wastewater and generate reclaimed water, except as exempted under RCW 90.48.110; and

(ii) Protect waters of the state.

(b) Certify operators for facilities generating reclaimed water, when operator certification under chapter 173-230 WAC is required in a reclaimed water permit;

(c) Add public health permit conditions to permits it issues as recommended by DOH; and

(d) Issue all regulatory decisions related to water rights as provided under WAC 173-219-100.

(5) **DOH responsibilities.** In either its role as the lead agency under subsection (2) of this section or nonlead agency under subsection (3) of this section DOH shall:

(a) Develop reclaimed water permit requirements as necessary to ensure adequate public health protection in the use of reclaimed water;

(b) Assure that the public health-related treatment, reliability, and exposure requirements for reclaimed water production, storage, distribution, and use are adequate to protect public health, such as by employing a person(s) certified by DOH under chapter 246-292 WAC for cross-connection control prevention or water distribution operations; and

(c) Add environmental protection and water right-related conditions to permits it issues as recommended by ecology.



NEW SECTION

**WAC 173-219-060 Regulatory action for noncompliance.** (1) Whenever the lead agency determines that any person violates or creates a substantial potential to violate the provisions of this chapter or chapter 90.46 RCW, the lead agency shall notify such person of its determination by registered mail. Such determination shall not constitute a directive, enforcement action order, or appealable agency action. Within thirty days from the receipt of notice of such determination, such person shall file with the lead agency a full report stating what steps have been and are being taken to control such waste or pollution or to otherwise comply with the determination of the lead agency.

(2) After the expiration of thirty days, the lead agency shall issue an order, directive, or take such other enforcement actions it deems appropriate under the circumstances and shall notify such person thereof by registered mail and any other method of service required by the lead agency's rules.

(3) Notwithstanding subsections (1) and (2) of this section, whenever the lead agency deems immediate action is necessary to protect public health or the environment, it may immediately issue such order or directive, as appropriate under the circumstances, without first issuing a notice or determination pursuant to subsection (1) of this section. An order or directive issued pursuant to this subsection shall be served by registered mail or personally, upon any person to whom it is directed and in the manner required by the lead agency's rules.

(4) The lead agency may establish schedules and conditions to achieve compliance as follows:

(a) Schedules of compliance must set forth the shortest, most reasonable time, to achieve the specified requirements.

(b) When schedules for compliance exceed one year, the schedule must be specified within a permit, and provide interim requirements and the dates for their achievement, with no more than one year between interim dates. If the time necessary for completion of the interim requirement (such as construction of a treatment facility) is more than one year and not readily divided into stages of completion, the permit must specify interim dates for the submission of progress reports toward completion of the interim requirement.

(c) Within fourteen days following each date to achieve compliance within the schedule, the person to whom the compliance schedule was issued must provide the lead agency with written notice of their compliance or noncompliance with the requirement.

(d) If the person fails or refuses to comply with an interim or final requirement in the compliance schedule, the noncompliance constitutes a continuing violation and the lead agency may modify or revoke the reclaimed water permit or take other direct enforcement action.

**(5) Enforcement authority.**

(a) The lead agency, with the assistance of the attorney general, may sue in courts of competent jurisdiction to enjoin any threatened or continuing violations of any reclaimed water permits or conditions thereof without the necessity of a prior revocation of the permit.

(b) The lead agency may assess, or with the assistance of the attorney general, sue to recover in court, such civil fines,

penalties, and other civil relief as may be appropriate for the violation by any person of any:

- (i) Reclaimed water standard or limitation;
- (ii) Reclaimed water permit or term or condition thereof;
- (iii) Filing requirement;
- (iv) Duty to allow or carry out inspection, entry, or monitoring activities; or

(v) Rules, regulations, or orders issued by the lead agency.

(c) The lead agency, with the assistance of the attorney general, may seek criminal sanctions for the willful violation by such persons of any:

- (i) Water quality standards;
- (ii) Reclaimed water permit or term or condition thereof;
- (iii) Filing requirements.

(d) The lead agency, with the assistance of the attorney general, may seek criminal sanctions against any person who knowingly makes any false statement, representation, or certification in any form or any notice or report required by the terms and conditions of any issued permit or knowingly renders inaccurate any required monitoring device or method.

(6) The lead agency shall notify the nonlead agency of any compliance actions taken under this section.

NEW SECTION

**WAC 173-219-070 Appeals.** Appealable actions include agency decisions to issue a reclaimed water permit, a final impairment determination under WAC 173-219-100 (5)(b)(iv), a directive, an order, or an imposition of a civil penalty. Any person aggrieved by a decision, made in accordance with provisions of this chapter, may appeal that decision as provided by law applicable to the agency issuing the decision including, but not limited to, chapters 43.21B, 43.70, 34.05 RCW, and RCW 90.46.220(7), 90.46.250, and 90.46.270. When issuing a decision, the agency must inform the person(s) of the process for requesting an adjudicative hearing or an appeal. The request for an adjudicative proceeding must be made in the form and manner set forth in the lead agency's laws and regulations. DOH's procedural rules are set forth in chapter 246-10 WAC; ecology's final agency actions are appealable by the pollution control hearings board (PCHB) in accordance with the PCHB's procedural rules under WAC 371-08-335.

**PART II****PLANNING, DESIGN, AND CONSTRUCTION****Subpart A****Water Right Considerations**NEW SECTION

**WAC 173-219-100 Impairment analysis.** (1) **Purpose.** This section describes the requirement to conduct a water rights impairment analysis to address the potential for impairment of an existing water right. Under RCW 90.46.130, reclaimed water facilities shall not impair any existing water right downstream from any freshwater discharge points of the

proposed reclaimed water facility unless compensation or mitigation for such impairment is agreed to by the holder of the affected water right.

(2) **Applicability.** This section applies to any person applying for a reclaimed water permit under this chapter where there is a potential for the impairment of a downstream water right due to a proposed decreasing or ceasing of a discharge to a freshwater surface or groundwater body. A groundwater right is considered to be potentially impaired if it is located down-gradient of the proponent's original location of discharge.

(3) **Existing water rights.** Existing water rights include any permits, claims, and certificates in existence when a submitted water rights impairment analysis is accepted by ecology. Existing water rights include instream flow appropriation established by rule pursuant to chapters 90.22 and 90.54 RCW.

(4) **Cost reimbursement agreements.** At the request of the applicant, ecology may enter into a cost-reimbursement agreement with the applicant at any stage of scoping or conducting the impairment analysis under this section. Such agreements must meet the requirements as to form, process, and as otherwise provided under RCW 43.21A.690.

(5) **Analysis process.**

(a) Applicant responsibilities:

(i) An applicant must submit a complete water rights impairment analysis for review by ecology or request ecology to complete it through a cost reimbursement agreement as authorized by ecology under subsection (4) of this section. In all cases a water rights impairment analysis must be conducted by a hydrogeologist or engineer licensed by the state of Washington. The applicant must consult with ecology to develop the scope of the impairment analysis prior to ecology accepting the final analysis for review. However, the applicant must submit the final water rights impairment analysis information with the engineering report described in WAC 173-219-160. At a minimum, the impairment analysis must include the following information:

(A) The effect of the designed change in existing discharge as supported by a complete study;

(B) The effect, as supported by a complete study, of the new discharge location as it relates to any increase or decrease of discharged quantities to specific locations in surface water streams and groundwater aquifers;

(C) Who will own, operate, and maintain the reclaimed water facilities;

(D) A description of the method and the quantity of the historical discharge. Include the seasonal quantity differences if there are any;

(E) A determination of the study area based upon the effluent influence limit;

(F) Identification of individual water right permits, certificates, and claims in the final study area, as identified by the applicant or as prescribed by ecology through any meetings and consultations;

(G) Calculation of the maximum flow that can be redirected and not impair the subject water rights, including the seasonal quantity differences if there are any;

(H) Any recommendations made by ecology in the decision of impairment issued under (b)(iv) of this subsection, to achieve final approval.

(ii) When an applicant or ecology identifies water right impairments, the applicant must submit to ecology copies of signed agreements with each holder of a potentially impaired water right, as determined under (b)(iv) of this subsection, that they have or will have received sufficient compensation or mitigation for such impairment as required under RCW 90.46.130. Such agreements must contain the signature of both the applicant and the holder of the impaired water right.

(b) **Ecology responsibilities:**

(i) Ecology will provide technical assistance on the scope of the water right impairment analysis as identified in (a) of this subsection.

(ii) Ecology will notify affected tribes and the WDFW within fifteen working days of receiving an ecology accepted impairment analysis. The affected tribes and the WDFW will have thirty days to respond to the notification.

(iii) Ecology will determine the potential for impairment of existing water rights and consult with WDFW and any affected tribe before making a final decision of impairment.

(iv) Ecology shall issue a final decision of impairment within sixty days of receipt of an ecology accepted impairment assessment completed by the applicant or the cost reimbursement contractor. If additional time to review the applicant's impairment analysis is required, ecology must notify the applicant of the reason for the delay and give an estimated decision time. Ecology, at its sole discretion, may adopt, amend, reject, or issue its own analysis after considering the analysis provided by the applicant.

(v) Where the holder of an impaired water right accepts mitigation, ecology may condition the reclaimed water permit with the mitigation agreement.

(6) **Reclaimed water permit modification and renewals.** A supplemental impairment analysis and final decision of impairment are required if the permittee elects to modify the project in a manner that may affect existing water rights.

NEW SECTION

**WAC 173-219-110 Use of reclaimed water for water right mitigation.** (1) **Applicability.** This section applies to the use of reclaimed water to mitigate for a new surface or groundwater right or a change to an existing surface or groundwater right.

(2) **Minimum requirements.**

(a) To use reclaimed water for mitigation of a new water right or a change to an existing water right, the water right applicant must prepare a mitigation plan and submit it in support of an application for a new water right or an application to change an existing water right.

(b) Ecology will evaluate applications for the use of reclaimed water to mitigate for new water rights or changes to existing water rights on a case-by-case basis. These applications must satisfy all applicable provisions of chapters 90.03 and 90.44 RCW including, but not limited to, the four-part-test under RCW 90.03.290.

(c) In the event a mitigation plan with a reclaimed water component is approved by ecology, the new water right or

change must be conditioned to ensure the availability of mitigation water for the life of the approved water use.

### Subpart B

#### Construction of Reclaimed Water Treatment Facilities

##### NEW SECTION

##### **WAC 173-219-120 Submission of documents for review and approval. (1) Submission required.**

(a) Before constructing or modifying reclaimed water treatment facilities, the applicant must submit reclaimed water plans, engineering reports, construction plans and specifications, construction quality assurance, applicable to the project to the lead agency for review and approval.

(b) Before operating the facility, the applicant must submit an operation and maintenance manual as described in WAC 173-240-080, and a declaration of construction as described in WAC 173-240-090 and 173-240-095.

(c) Documents must be submitted to ecology, when acting as lead agency, via the water quality permitting portal unless otherwise specified by ecology. The lead agency and nonlead agency may also request a paper copy on an as needed basis. The nonlead agency may limit the scope of their review or waive the requirement for submission of documents.

##### **(2) Required signatures and stamps of approval on submittals.**

(a) The applicant must sign all documents or a transmittal letter accompanying the submittal in accordance with the signatory requirements under WAC 173-219-250(2).

(b) A professional engineer, licensed in accordance with chapter 18.43 RCW, must supervise preparation of all technical documents related to the construction or modification of facilities regulated under this chapter. All copies of these documents submitted to the lead and nonlead agencies for review must include the signed and dated seal/stamp of the professional engineer under whose supervision they were prepared.

(c) Supplemental technical documents such as hydrogeological reports may be prepared, approved, and stamped by other appropriately licensed professionals.

##### **(3) Project development schedule.**

(a) The applicant is responsible for ensuring that there is sufficient time to meet funding, contractual and other project deadlines. Agency standards for submittal review are included under WAC 173-219-130.

(b) If submittals are part of a reclaimed water permit or compliance schedule, the lead agency must receive the required submittals by the deadline established in the permit or compliance schedule.

(c) Where two or more years have elapsed since approval of the engineering report or construction plans and specifications, and construction has not begun, the lead agency may require updates to address changes in water quality conditions, regulatory requirements, or engineering technology.

##### NEW SECTION

**WAC 173-219-130 Agency review standards.** (1) The lead agency coordinates regulatory reviews with the nonlead agency in accordance with WAC 173-219-050.

(2) The purpose of the review is to evaluate whether the proposed reclaimed water treatment facilities:

(a) Meet state standards and other requirements for the generation, distribution, and use of reclaimed water under this chapter and chapter 90.46 RCW.

(b) Meet applicable requirements of chapters 90.48 and 90.54 RCW necessary to prevent and control pollution of waters of the state.

(c) Meet applicable requirements of chapter 70.118, 70.118A, 70.118B, 70.119, 70.119A, or 43.20 RCW with respect to on-site sewage systems or public water systems.

(d) Meet standard engineering criteria and practices used in the planning, design and construction of all reclaimed water treatment facilities,

(e) And all other applicable regulations and authorities.

(3) **Review period.** Both lead and nonlead agencies must promptly take action to comment on, approve, or reject a submittal as follows:

(a) The lead agency must take action regarding documents submitted for planning, design and construction within ninety days of receipt. If appropriate, the lead agency forwards the documents to the nonlead agency and sets a schedule for receipt of comments and proposed conditions from the nonlead agency. The nonlead agency will have a minimum of twenty business days from receipt of documents to review it and submit responses to the lead agency. If circumstances prevent adequate review within a ninety-day period, the lead agency must notify the applicant of the reason for the delay and provide an estimated review time.

(b) The provisions of WAC 173-219-100 apply to the review periods for analysis of potential impairment of existing water rights.

(c) The provisions of chapter 173-219 WAC, Part III, Reclaimed Water Permit Application and Procedures, WAC 173-219-200 through 173-219-310 apply to review periods for all reclaimed water permitting decisions.

##### NEW SECTION

**WAC 173-219-140 Reclaimed water planning. (1) Planning documents.** Reclaimed water planning is the basic planning required for the entire reclaimed water treatment facility. Planning may be conducted at multiple levels depending on the scale and scope of the proposal. Since opportunities for reclaimed water must be considered or coordinated under other planning requirements in state law, relevant planning documents may be submitted to meet all or part of the submittal requirements of this section. Documents approved for other purposes may require amendments or additions to meet these requirements. For purposes of meeting the planning requirements under WAC 173-219-120, acceptable planning documents include, but are not limited to, any combination of the following:

(a) General sewer plans and engineering reports/facility plan for domestic wastewater facilities under RCW 90.48.-110 and 90.48.112, or WAC 173-240-050 and 173-240-060;

(b) Water system plans, small water system management plans, sewage and sewage treatment works system plans or predesign reports under chapter 43.20, 70.116, or 70.118B RCW or chapter 246-290, 246-291, 246-272A, or 246-272B WAC;

(c) Water supply plans under chapter 90.44 or 90.82 RCW;

(d) A regional water supply plan or plans addressing potable water supply service by multiple water purveyors under RCW 90.46.120;

(e) Comprehensive reclaimed water plans under RCW 57.16.010; and

(f) A stand-alone or supplemental reclaimed water plan.

(2) **Content.** Reclaimed water planning documents must provide sufficient detail for a professional engineer to complete the design engineering report consistent with the information in the approved planning document(s). The plan(s) must include the following content and any other relevant data required by the rules of the lead or nonlead agency:

(a) Explain who will own, operate, and maintain the reclaimed water treatment facility.

(b) For private utilities, provide a capacity assessment under WAC 173-219-150.

(c) Identify existing and proposed uses of the reclaimed water.

(d) Describe the proposed level of water quality, treatment and reliability and how existing and planned reclaimed water treatment facilities intend to meet and assure the minimum requirements for water quality, treatment and reliability for the proposed uses, such as through backflow prevention.

(e) Estimate the annual or seasonal volumes of reclaimed water required, proposed and available. Describe plans for storage or discharge of the excess reclaimed water.

(f) Describe the contingency plan for reversion to domestic wastewater facilities and alternative water supply systems where applicable, if reclaimed water production is discontinued.

(g) Describe the existing, if any, and proposed storage and distribution system areas of reclaimed water use. Provide a map showing proposed routes for pipelines to provide reclaimed water to the identified uses.

(h) Identify delineated wellhead protection areas for wells used for public water supply.

(i) Identify existing or proposed interlocal or interagency agreements, if any, with local governments or local potable water utilities within the area of existing or proposed distribution and use of reclaimed water.

(j) Provide a planning level estimate of capital and operational costs for the treatment, storage and distribution of the reclaimed water. Include any use areas under the direct control of the generator.

(k) A statement regarding compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA), where applicable.

#### NEW SECTION

**WAC 173-219-150 Private utility capacity assessment.** (1) An applicant that qualifies as a private utility, as defined under RCW 36.94.010, must submit adequate infor-

mation to the lead agency to determine if the entity has the technical, managerial, administrative, operational, and financial capacity upon issuance of a reclaimed water permit.

(2) The lead agency may require the private utility to make changes, such as managerial or financial changes, before issuance of a reclaimed water permit.

(3) **Content.** The lead agency may require the following information together with any other relevant data required by the lead or nonlead agency:

(a) A brief, nontechnical description of the proposed reclaimed water treatment facility and its customers. Include the major components, treatment type, startup volume, maximum treatment capacity, and the planned uses of reclaimed water.

(b) A description of the administrative, managerial, operational, and technical capabilities of the private utility that includes:

(i) Type of ownership.

(ii) Responsible managerial officials, such as board members or corporate officers, and the individual(s) in charge of long-term capital planning, repair, and maintenance, and a brief description of their qualifications.

(iii) The certified primary operator and any other individual(s) directly responsible for achieving effective and reliable routine operations.

(iv) A list of all subcontracted services such as engineering, legal, and accounting.

(c) A description of the financial capabilities of the private utility that includes:

(i) A summary of past income and expenses.

(ii) A five-year balanced operational budget.

(iii) A twenty-year projected operational budget in which revenues meet or exceed expenses.

(iv) A twenty-year capital improvements plan.

(v) An explanation of the sources of revenue and the method that will be implemented to ensure collection of the revenue necessary to maintain cash flow stability.

(vi) An explanation of funding method that will be implemented for maintaining an operating cash reserve.

(vii) An explanation of the funding for the capital improvement program and emergency repairs.

(viii) An explanation of user fees that includes evaluation of affordability and the procedure and frequency for review to ensure adequate revenue.

(ix) A summary of the state of Washington utilities and trade commission rates and rate setting process, as applicable.

(4) **Decline permit.** The lead agency may decline to issue a reclaimed water permit based on a determination of inadequate technical, managerial, or financial capacity, or lack of sufficient information on which to make a determination. With the consent of the lead agency, the private utility may establish adequate capacity by entering into an agreement with a qualified public entity acceptable to the lead agency to serve as the primary management entity or as a third-party guarantor. The management agreement must be binding on both parties to remain in force until the lead agency determines that the private utility has the technical, managerial, and financial capacity to qualify for a reclaimed

water permit, or until the private utility enters into an agreement with another qualified public entity.

#### NEW SECTION

**WAC 173-219-160 Engineering report.** (1) An applicant for a reclaimed water permit under this chapter must submit an engineering report as part of its application consistent with the rules of the lead agency, sufficient to meet the provisions of this subsection and WAC 173-219-100, Impairment analysis. The engineering report is the basis for the design for the entire reclaimed water treatment facility including the treatment, storage, distribution, and use areas, and shall reflect good engineering and public health protection practices.

(2) The engineering report must provide sufficient detail for a professional engineer to complete plans and specifications consistent with the information within the approved engineering report.

(3) The engineering report must include the following content together with any other relevant data required by rules of the lead-reviewing agency:

(a) The name, address, and telephone number of the owner of the existing and proposed reclaimed water treatment facilities and the owner's authorized representative.

(b) A project description that includes a location map and a map of the present and proposed areas for reclaimed water distribution and use. On the reclaimed water distribution and use map, the following must be located and identified: Public water supply sources and public water system facilities that are within the proposed treatment, storage, distribution, and use areas.

(c) The proposed quantity, quality, and uses of the reclaimed water generated by the reclaimed water treatment facility.

(d) Analysis of potential impairment of existing water rights as required under WAC 173-219-100.

(e) A description of who will operate and maintain the reclaimed water treatment facility, the proposed methods of operation and maintenance, staffing levels, qualifications, experience, certifications, responsibilities, and testing requirements.

(f) The specific responsibilities of the reclaimed water generator, distributors, and users, if different. Describe how the generator will provide information to existing or proposed distributors or users regarding:

(i) Responsibilities of the distributor and users of the reclaimed water generated.

(ii) Best management practices.

(iii) The quality of the reclaimed water provided.

(iv) Any limitations on availability or suitability of the reclaimed water for the proposed use.

(v) Any certification, such as under chapter 246-292 WAC, provided or required for operation of the distribution system and storage of reclaimed water to protect public health.

(vi) Any training provided or required for use of the reclaimed water.

(vii) Provisions included in ordinances and user agreements relevant to the collection, treatment, storage, distribution, and use of the reclaimed water.

(g) A list of the locations, as defined in WAC 173-219-500 and 173-219-520, of nearby public water supply sources, delineated wellhead protection areas for wells used for public water supply, and facilities in the proposed reclaimed water treatment, storage, distribution, and use areas. Describe how the generator will notify and coordinate with their owners on topics such as cross-connection control plans and actual backflow incidents.

(h) An analysis of potential physical and water quality impacts from the reclaimed water treatment, storage, distribution and use areas to nearby public water system(s) facilities and source water, including when using surface water to convey reclaimed water to users under WAC 173-219-540 of this rule. Facilities include, but are not limited to, wellheads, surface water intakes, treatment works, and piping.

(i) Calculate and identify, if applicable:

(i) A public health protective minimum horizontal distance between a proposed reclaimed water discharge point and any surface water and groundwater under the influence of surface water intakes for potable water, similar to a mixing zone analysis; and

(ii) Minimum horizontal separation between reclaimed water discharge and a potable water intake to protect the physical integrity of the potable intake from damage caused by such things as scour, erosion and flooding.

(j) Identify applicable requirements of the Uniform Plumbing Code amended for Washington state, including pipe colors and labeling.

(k) Reclaimed water distribution system design, including meeting the requirements of WAC 173-219-520, and consistent with the most recent version of the *DOH Water System Design Manual*.

(l) The degree of treatment required to generate reclaimed water for the proposed uses based upon applicable technical standards in this chapter, the amount, characteristics and strength of the wastewater to be treated, and other influencing factors.

(m) Processes and diagrams of all reclaimed water unit processes, reliability features and controls.

(n) The basis for design. Reference requirements within this chapter, published design standards, pilot reclaimed water treatment facility study results, and site-specific data.

(o) The reliability assessment of all major or otherwise significant equipment and components, individual unit processes, and complete treatment trains must meet the requirements of WAC 173-219-450 and include, but are not limited to:

(i) Flexibility of design.

(ii) Power supply.

(iii) Unit processes.

(iv) Alarms.

(v) Automated diversions.

(vi) Storage.

(vii) Provisions for disposal of reclaimed water or alternative uses.

(p) The engineering design calculations for reclaimed water processes include:

- (i) Aeration/organic carbon reduction.
- (ii) Nutrient reduction (if required).
- (iii) Disinfection system selection meeting the requirements of WAC 173-219-440.
- (iv) Disinfectant reactor contact time.
- (v) Coagulation and filtration processes (if required).
- (vi) Reverse osmosis or comparable technology process (if required).

(q) A description of the contingency plan assuring that untreated or inadequately treated wastewater will not be delivered to the use area.

(r) An estimate of the costs and expenses of the proposed facility and the method of assessing costs and expenses. The total amount must include capital and operational costs for the life of the project, in terms of total annual cost and present worth.

(s) The applicable information required in the following. An approved engineering report may be referenced:

- (i) WAC 173-240-060, for an engineering report for domestic wastewater facilities;
- (ii) WAC 246-272B, Parts 3 and 4, if applicable, for a site and environmental review, predesign report, and engineering report for large on-site sewage systems;
- (iii) WAC 246-271-170, for an engineering report; and
- (iv) WAC 246-290-110, for a project report for public water systems.

(t) A statement regarding compliance with SEPA and, where required, NEPA.

(u) A statement regarding compliance with any applicable state or local water quality management plan or any plan adopted under the Federal Water Pollution Control Act as amended.

(v) If the reclaimed water will be used for a wetland, the information required in WAC 173-219-600.

(w) If the reclaimed water will be used for streamflow and surface water augmentation, the information required in WAC 173-219-610(8).

(x) If the reclaimed water will be used for groundwater recharge, the information required in WAC 173-219-620(8).

(y) If the reclaimed water will be used for aquifer storage and recovery, the information required in WAC 173-219-630(2).

(4) **Use management plan.** The engineering report or a supplement thereof must include a plan for management of the use site(s) included or proposed to be included in the reclaimed water permit. The use management plan must be sufficiently complete regarding the water quality, location, rate and purpose of use for the lead agency to determine the uses and users that may be covered under the reclaimed water permit without reopening the permit. The use management plan must:

(a) Include or reference any supplemental reports by qualified soil scientists, professional geologists, professional engineers, or other qualified individuals used as a basis for site management.

(b) Include the following content, if applicable to the use, together with any other relevant information required by the lead or nonlead agency:

(i) The types of uses proposed and whether the reclaimed water provides essential services such as fire protection that cannot be disrupted.

(ii) The specific responsibilities of the reclaimed water generator, distributors, and users, if different. Describe how the generator will provide information to existing or proposed distributors or users regarding:

(A) Responsibilities of the distributor and users of the reclaimed water generated.

(B) Best management practices.

(C) The quality of the reclaimed water provided.

(D) Any limitations on availability or suitability of the reclaimed water for the proposed use.

(E) Any training provided or required for distribution or use of the reclaimed water.

(F) Provisions included in ordinances and user agreements relevant to the collection, treatment, storage, distribution, and use of the reclaimed water.

(iii) Any proposed modification of existing pipes or related infrastructure to convey reclaimed water.

(iv) Identification and location of nearby public water supply sources and facilities, as defined in WAC 173-219-500 and 173-219-520, and plans to notify and coordinate with the owners of these facilities in advance of proposed modifications to use, treatment, storage, and distribution facilities at the use site.

(v) Any treatment, controls or storage facilities at a use site.

(vi) The percentage of reclaimed water in the nonpotable water supply and the procedures for blending with other water supplies, if any.

(vii) Reliability features and other site controls used to minimize the potential for human contact or improper use of the reclaimed water, such as hours of use, methods of use, protection of any drinking fountains, picnic tables, food establishments or other eating areas, and training of personnel.

(viii) Measures, such as a use site cross-connection control plan, to reduce risk to human health from cross-connections of reclaimed water to potable and to incompletely treated reclaimed water or improper use of the reclaimed water.

(ix) Measures to reduce the risk of environmental impact. Refer to WAC 173-219-570(3) and 173-219-580(4) for examples of risks of environmental impacts.

(x) Procedures for notification of employees and the public.

(c) For proposed irrigation uses, address the following items. If not known at the time of submittal, they can be included in a supplemental report:

(i) The types of crops or vegetation irrigated.

(ii) The types of irrigation system(s).

(iii) Calculations or other methods used to calculate and assure application is limited to agronomic rates.

(iv) Parameters to be tested in the reclaimed water to assure that reclaimed water is acceptable to address irrigation needs.

(v) Reliability features and other controls used to confine the reclaimed water to the use area and minimize the potential for runoff, ponding, overspray or excessive application.

(vi) Reliability features and other controls used to minimize impact to groundwater quality.

(vii) Methods to maximize reclaimed water efficiency such as metering, soil moisture sensors, irrigation schedules and other controls.

**(5) Pilot reclaimed water treatment facility study.**

(a) A pilot facility study may be required to encourage innovation or evaluate the ability of the proposed facility to reliably meet all reclaimed water quality requirements applicable to the project.

(b) When required, a study protocol must be submitted for agency review and approval before the pilot facility startup. The protocol must provide a description of the:

(i) Equipment and facilities to be used during the study.

(ii) Treatment capacity of the pilot facility.

(iii) Operation and maintenance procedures.

(iv) Parameters monitored, monitoring frequency, sampling techniques, and analytical methods.

(v) Length of the pilot facility study.

(vi) Steps taken to protect both public health and the environment if any discharge of reclaimed water is anticipated during the pilot facility study.

**NEW SECTION**

**WAC 173-219-170 Construction plans and specifications.** (1) The plans and specifications approved by lead agency for a reclaimed water treatment facility are part of the detailed construction documents by which the owner solicits bids and awards a contract to construct the facility.

(2) The content and format of the plans and specifications must follow applicable requirements in the following:

(a) WAC 173-240-070, for plans and specifications for domestic wastewater facilities; or

(b) WAC 246-272B-04400, for plans and specifications for large on-site sewage systems.

(3) Plans and specifications must include or reference a list of the design criteria and a plan for interim operation of facilities during construction, where required.

**NEW SECTION**

**WAC 173-219-180 Operation and maintenance manual.** (1) The operation and maintenance manual must provide sufficient detail to describe the operation and maintenance of the entire reclaimed water treatment facility, storage, and distribution system.

(2) The operation and maintenance manual must include the following content together with any other relevant data required by the reviewing agencies:

(a) A copy of the reclaimed water permit.

(b) Manufacturer's information on the reclaimed water treatment facility equipment.

(c) Technical guidance for both normal and emergency operating conditions.

(d) A section containing the permittee's cross-connection control plan consistent with chapter 246-290 WAC, whose purpose is to protect potable water, and where applicable, reclaimed water, from contamination via cross-connections and that includes this information:

(i) Identify all potential cross-connection control issues with higher and lower quality waters in the reclaimed water treatment, distribution, storage, and use areas under the control of the reclaimed water permittee;

(ii) Explain how cross-connections will be eliminated or controlled, including in the use areas under the control of the reclaimed water permittee;

(iii) List all installed backflow preventers under the control of the permittee, their locations, and their inspection and testing dates;

(iv) Identify the person(s) or position(s) responsible for coordination, compliance, inspection, testing, reporting, maintenance, repair and replacement of backflow preventers used by the permittee and their certification(s);

(v) Include a list of any public potable water purveyors with facilities within the reclaimed water treatment, storage, distribution and use areas, and relevant contact information for each purveyor;

(e) A communication plan with any potable water purveyors identified in WAC 173-219-180 (2)(d)(v) and any other affected agencies regarding:

(i) The initial reclamation project;

(ii) Any planned modifications;

(iii) Proposed and actual uses; and

(iv) Known or suspected backflow, spill, or exposure incidents that could affect the public potable water system.

(f) The following information:

(i) The assignment of managerial and operational responsibilities, including facility classification and classification of required certified operators and personnel for treatment, distribution, and cross-connection control.

(ii) The principal design criteria.

(iii) A process description of each facility unit, including function, relationship to other facility units, and schematic diagrams.

(iv) A discussion of the detailed operation of each unit and description of various controls, recommended settings, fail-safe features, and other elements that ensure proper operation of equipment.

(v) A discussion of how the facility is to be operated during anticipated maintenance procedures, and under less than design loading conditions, and overload conditions, if applicable, such as initial loading on a system designed for substantial growth.

(vi) Information on any maintenance procedures that contribute to the generation of wastewater or residual solids and the proper handling of the wastewater or solids generated.

(vii) A discussion of provisions to provide a sufficient number of qualified personnel to operate the facility, storage and distribution system effectively to achieve the required level of treatment at the facility and reclaimed water quality delivered to the use site(s) at all times.

(viii) A section on laboratory procedures, including sampling techniques, monitoring requirements, and sample analysis.

(ix) Recordkeeping procedures and sample forms to be used.

(x) A maintenance program and schedule that incorporates manufacturer's recommendations, preventative maintenance.

nance and housekeeping schedules, and special tools and equipment usage to ensure that all unit processes and equipment are kept in reliable operating condition.

(xi) A section on safety.

(xii) A section that lists the spare parts inventory, address of local suppliers, equipment warranties, and appropriate equipment catalogues.

(xiii) Emergency plans and procedures including, but not limited to:

(A) Reclaimed water treatment facility shutdown and cleanup in the event of a treatment process upset or failure.

(B) A response plan to ensure that no untreated or inadequately treated wastewater will be delivered to reclaimed water use areas.

(xiv) A section on the distribution system including, but not limited to:

(A) Responsibilities for operation and maintenance.

(B) Operational controls, maintenance requirements, monitoring and inspection.

(xv) A section on the reclaimed water use areas including, but not limited to:

(A) Responsibilities for operation and maintenance.

(B) Operational controls, maintenance requirements, monitoring and inspection.

(3) For those projects funded by the U.S. Environmental Protection Agency, the operation and maintenance manual must also follow the requirements of the most recent edition of the EPA publication, *Considerations for Preparation of Operation and Maintenance Manuals*.

#### NEW SECTION

##### **WAC 173-219-190 Construction quality assurances.**

(1) All reclaimed water treatment facilities subject to the provisions of this chapter must be constructed in accordance with the plans and specifications approved by the lead agency.

(2) If during construction, the applicant determines a substantial change to the approved plans and specifications is necessary, the applicant shall submit revisions to the approved engineering plans and specifications to the lead agency for review and approval.

(3) Within thirty days after acceptance by the owner of the construction or modification of a reclaimed water treatment facility, the professional engineer responsible for inspection of the project must submit a declaration of construction to the lead agency. The declaration of construction must include:

(a) Name and brief description of project.

(b) Name and address of the owner of the reclaimed water treatment facility.

(c) Date completed.

(d) Date of approval of plans and specifications.

(e) One complete set of record drawings.

(f) The following statement:

"I hereby declare that I am the project engineer of the above identified project and that the project was reviewed and observed by me or my authorized agent. I further declare that the project was, to the best of my knowledge and information, constructed and completed in accordance with the

plans and specifications and major change orders approved by the lead agency and as shown on the owner's record drawings."

(g) Signature, date and seal/stamp of a professional engineer.

### **PART III**

#### **RECLAIMED WATER PERMITS**

##### **Subpart A**

##### **Reclaimed Water Permit Application and Procedures**

#### NEW SECTION

**WAC 173-219-200 Reclaimed water permit and application required.** (1) Any person proposing to generate reclaimed water for distribution or use must apply to the lead agency for and obtain one of the following types of reclaimed water permits before generating, distributing or using the reclaimed water:

(a) An individual reclaimed water permit under WAC 173-219-220.

(b) A master generator reclaimed water permit, if eligible, under WAC 173-219-230.

(2) The lead agency develops and provides the required permit application forms. The application forms must include provisions for sufficient information about the reclaimed water quality, volume generated, purposes of use, locations and other relevant factors for the lead agency to make a draft determination to issue or deny the reclaimed water permit.

(3) Any person permitted to generate reclaimed water must file a new or supplemental application for any use of reclaimed water not specifically authorized in the reclaimed water permit. Adding new users for uses authorized in an existing permit does not require supplemental application. Permittee must submit a copy of the new contract for lead agency review and include summary of reclaimed water use by the new customer/user in the annual use report submitted to the lead agencies.

##### **(4) Exceptions.**

(a) The capture and redirection of wastewater effluent for facility and internal reuse purposes does not require a reclaimed water permit under this chapter, provided those uses are in restricted areas, are not subject to public exposure, are under the direct control of the generator's or user's authorized maintenance personnel, and are described within an approved operations and maintenance manual.

(b) Facilities existing on the effective date of this chapter to the extent provided under WAC 173-219-040.

#### NEW SECTION

**WAC 173-219-210 Eligibility to apply for a reclaimed water permit—Permittee.** (1) Only the person generating the reclaimed water is eligible for a reclaimed water permit.

(2) A permittee must be one of the following:

(a) A public entity. Nothing in this chapter precludes a public entity from contracting for operation and maintenance



of the reclaimed water treatment facility with the consent of the lead agency.

(b) A private utility as defined in RCW 36.94.010 provided the lead agency determines that the private utility meets the requirements for financial and other resources to ensure the reliability, continuity, and supervision of the reclaimed water treatment facility as specified in WAC 173-219-150.

(c) Any person currently holding an active waste discharge permit issued under chapter 90.48 RCW, a large on-site sewage system permit under chapter 70.118B RCW, or a permit or approval under chapter 70.118A RCW.

(3) For new facilities, ecology may issue the wastewater discharge permit under chapter 90.48 RCW concurrently with the reclaimed water permit and DOH may issue a reclaimed water permit concurrently with a large on-site sewage permit or an on-site sewage permit or approval by a local health jurisdiction.

(4) The lead agency may require the information specified in WAC 173-219-150 to assure that a private utility has sufficient capacity to provide reliability, continuity, and supervision of the reclaimed water treatment facility.

#### NEW SECTION

**WAC 173-219-220 Individual reclaimed water permit application.** (1) Any reclaimed water generator eligible for a reclaimed water permit may apply for an individual permit on the forms provided by the lead agency.

(2) Upon receipt and review of a complete and accurate application, the lead agency will require a public notice by electronic mail, posting on the lead agency's internet site, publication in a local newspaper, press releases or other appropriate means.

(3) Upon receipt and review of a complete and accurate application, the lead agency makes a draft determination to issue or deny the reclaimed water permit and prepares a fact sheet consistent with WAC 173-219-260.

#### NEW SECTION

**WAC 173-219-230 Master generator reclaimed water permit application.** The lead agency may issue a master generator reclaimed water permit to a person that meets all of the following qualifications to the satisfaction of the lead agency:

(1) Provides overall management and operational responsibilities for multiple facilities generating reclaimed water.

(2) Owns or otherwise demonstrates direct control over all facilities included under one reclaimed water permit. The facilities do not have to be physically connected with each other.

(3) Upon receipt and review of a complete and accurate application, the lead agency makes a draft determination to issue or deny a reclaimed water permit and prepares a fact sheet.

(4) Satisfies all other permitting requirements under this chapter.

#### NEW SECTION

**WAC 173-219-250 Signature requirements.** (1) **Signature on reclaimed water permit application.** All reclaimed water permit application forms must be signed as follows:

(a) Public agency; by either the principal executive officer or ranking elected official.

(b) Corporations; by a responsible corporate officer.

(c) Partnership; by a general partner.

(d) Sole proprietorship; by the proprietor.

(2) **Signature on other required submittals.**

(a) All other required submittals must be signed by either the person in subsection (1) of this section or by their duly authorized representative.

(b) A person is a duly authorized representative only if the person described in subsection (1) of this section submits written authorization to the lead agency and specifies an individual or a position with responsibility for the overall operation of the regulated facility or activity.

(c) If an authorization under (b) of this subsection is no longer accurate, the person in subsection (1) of this section must submit a new authorization before or with the signed submittal.

(3) **Certification.** Any person signing a document under this rule must make the following certification, unless a different certification is applicable under another related section of this chapter:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a facility designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the facility, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for violations."

#### NEW SECTION

**WAC 173-219-260 Fact sheet.** (1) The fact sheet completed by ecology must, at a minimum summarize the:

(a) Type and location of all proposed reclaimed water treatment facilities.

(b) Reclaimed water quality and purpose of use.

(c) Legal and technical basis for the reclaimed water permit terms and conditions.

(d) Procedures described in WAC 173-219-270 for public review and comment.

(2) Fact sheets for NPDES permits must also include the additional information required under WAC 173-220-060.

#### NEW SECTION

**WAC 173-219-270 Notifications, comments and procedures.** (1) **Prenotice review.** Before notifying the public of a draft determination to issue a reclaimed water permit, the lead agency must:

(a) Allow the nonlead agency at least ten working days to review and submit written comments on or objections to the proposed reclaimed water draft permit and fact sheet; and

(b) Upon request, provide the applicant with a copy of the proposed draft reclaimed water permit and fact sheet in a form completed after any comments from the nonlead agency are incorporated, and allow at least ten working days for the applicant to make factual corrections to the information contained therein.

(2) **Public notice.** When ecology is the lead agency it must notify the public of the draft determination to issue or deny a reclaimed water permit under this chapter by electronic mail, posting on the lead agency's internet site, publication in a local newspaper, press releases, or other appropriate means that:

(a) Conveys the lead agency's draft determination to issue or deny a reclaimed water permit under this chapter.

(b) Informs interested and potentially affected persons of the proposed reclaimed water quality, location, rate and purpose of use.

(c) Informs the public living within the geographical boundaries of the proposed project or service area.

(d) Notifies other affected federal, state, county or local government agencies and Indian tribes of the draft determination. For permits subject to NPDES requirements, notifies all government agencies as required under WAC 173-220-070.

(e) Notifies any other parties that requested notification.

(f) If DOH is the lead agency, it may require the applicant to provide the public notice details described in this section consistent with the requirements of WAC 246-272B-2200 and 173-272B-2300, regardless of the size of the reclaimed water and on-site sewage system(s).

(3) **Contents of public notice.** The public notice must, at a minimum, include:

(a) The name, address, and phone number to contact the lead agency.

(b) The procedure for obtaining copies of the fact sheet and the draft reclaimed water permit(s).

(c) The types and locations of facilities, activities and uses covered under the reclaimed water permit.

(d) The geographical area covered by the reclaimed water permit.

(e) The draft determination to issue or deny the reclaimed water permit.

(f) The procedures for the formulation of final decisions, including the thirty-day public notice and comment period and any other means by which interested persons may comment upon those decisions.

(g) The address and phone number of the state premises at which interested persons may obtain further information.

(h) For individual and master generator reclaimed water permits, include the following additional information:

(i) The name and address of each applicant, and if different, of the reclaimed water treatment facility or activity to be regulated.

(ii) Whether this is a new or existing reclaimed water treatment facility, activity or use.

(iii) The actual or proposed reclaimed water quality.

(iv) The actual or proposed locations, uses, and quantity of reclaimed water required.

(v) The potential for impairment of existing downstream water rights and any compensation or mitigation proposed for such impairment.

(vi) The criteria and process to add new reclaimed water treatment facilities, users, or uses under the reclaimed water permit.

(4) **Comment period.** The lead agency must:

(a) Provide a period of not less than thirty days following the date of the public notice during which time interested persons may submit their written comments on a draft determination.

(b) Retain and consider all written comments submitted during the comment period in the formulation of the lead agency's final decision with respect to the reclaimed water permit. The period for comment may be extended at the discretion of the lead agency.

(5) **Public access to information.**

(a) In accordance with chapter 42.56 RCW, the lead agency must make records relating to reclaimed water permits available to the public for inspection and copying. The lead agency may require a reasonable fee for copying of documents.

(b) Claims of confidentiality must be handled in accordance with the appropriate provisions of chapters 42.56 RCW, 173-03 WAC, and RCW 43.21A.160.

(c) For reclaimed water permits that are also subject to NPDES permit requirements, any information accorded confidential status must be disclosed to the USEPA regional administrator if the USEPA requests this information.

(6) **Public workshops or hearings.** The applicant or any interested agency or person may request a public workshop or hearing with respect to a draft determination.

(a) Any such request for a public workshop or hearing must:

(i) Be filed with the lead agency prior to the end of the public comment period.

(ii) Indicate the interest of the party filing such request.

(iii) Indicate the reasons why a workshop or hearing is needed.

(b) The lead agency may hold a workshop or hearing in its sole discretion.

(c) The lead agency determines the time and place to hold the workshop or hearing.

(d) At least thirty days in advance of the workshop or hearing, the lead agency must publish notice of the event at least as widely as the public notice of the draft determination.

The notice must include the:

(i) Name, address, and phone number of the lead agency contact person.

(ii) Time and location for the workshop or hearing.

(iii) Nature and purpose of the workshop or hearing.

(iv) Issues indicated by the persons requesting the workshop or hearing, and any other appropriate issues thought to be of interest to the public.

(v) A reference to the public notice provided under this section including the method of notice and date of issuance.

(vi) Contacts and locations where interested persons may obtain more information.

(7) **Notification of final permit decision.** The lead agency must notify the applicant, the nonlead agency, and all

persons who have submitted written comments or requested notice of the final permit decision. This notice must include a response to comments received, the final decision, a copy of any permit issued and the procedures for appealing the decision.

#### NEW SECTION

**WAC 173-219-280 Permit transfers.** A reclaimed water permit may be automatically transferred provided a written agreement between the old and new owners of the reclaimed water treatment facility and the permittees, if different, is submitted to the lead agency at least thirty days before the proposed change takes place. The agreement must specify the date for transfer of reclaimed water permit responsibility, coverage and liability.

(1) An automatic transfer is effective on the date specified in the written agreement unless the lead agency notifies the parties of their intent to modify or revoke and reissue the reclaimed water permit.

(2) Reclaimed water permits that are not automatically transferred under subsection (1) of this section may be transferred only if modified or revoked and reissued by the lead agency.

#### NEW SECTION

**WAC 173-219-290 Renewal of a permit or of coverage under a reclaimed water permit.** An individual or master generator reclaimed water permit is issued for a fixed term, not to exceed five years from the effective date, and to avoid expiration renewal must be accomplished as follows:

(1) The permittee must file an application for renewal of their reclaimed water permit at least one hundred eighty days before the permit expiration date on a form provided by the lead agency.

(2) The lead agency must review the renewal application sufficiently to determine whether:

(a) The permittee is in substantial compliance with all of the terms, conditions, requirements and schedules of compliance of the expiring reclaimed water permit.

(b) The application information is up-to-date.

(c) The reclaimed water quality is consistent with the applicable water quality standards, and limitations and other legally acceptable requirements.

(3) As long as the permittee meets the application requirements and deadlines for renewal, an expiring reclaimed water permit remains in effect and enforceable until the lead agency either denies the application or issues a replacement permit. If a permittee fails to meet the deadline or application requirements for renewal, coverage expires on the expiration date of the reclaimed water permit.

(4) For each draft replacement reclaimed water permit, adequate public notice and opportunity for public review and comment must be given in accordance with the process established under WAC 173-219-270.

#### NEW SECTION

**WAC 173-219-295 Reclaimed water permit modification or revocation.** (1) The lead agency may modify or

revoke a reclaimed water permit in whole or in part during its term for cause including, but not limited to:

(a) Violation of any term or condition including, but not limited to, a repeated violation or event, such as inadequate monitoring and maintenance, which threatens public health or the environment.

(b) A reclaimed water permit was obtained by misrepresentation or failure to disclose fully all relevant facts.

(c) A change in any condition that requires either a temporary or permanent reduction or cessation of generation, distribution or use of the reclaimed water.

(d) A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations.

(e) Failure or refusal of the permittee to allow entry for reclaimed water permit compliance inspection.

(f) Nonpayment of assessed fees.

(g) A material change in the quantity or type of reclaimed water generated.

(h) A material change in the condition of the waters of the state.

(2) Public notice and an opportunity for public comment must be provided in the manner directed in WAC 173-219-270 in those instances where changes are proposed which lessen the stringency of enforceable limits. In all other instances, the lead agency determines the form of public notice and public participation, if any, on a case-by-case basis according to the significance of the proposed action. Modification may also require a supplemental impairment analysis and determination of impairment to the extent required under WAC 173-219-100(6).

### **Subpart B**

#### **Permit Terms and Conditions**

#### NEW SECTION

**WAC 173-219-300 Standard reclaimed water permit conditions.** The following standard conditions apply to and must be included in all reclaimed water permits issued under this chapter:

(1) **Compliance required.** The permittee must comply with all terms and conditions of the reclaimed water permit. The generation, distribution or use of reclaimed water in a manner not authorized by a permit, or that violates the terms and conditions of a permit is prohibited.

(2) **Signatory requirements.** All applications, reports, or information submitted to the lead agency must be signed as required under WAC 173-219-250.

(3) **Removed substances.** Collected screenings, grit, solids, sludge, filter backwash, or other pollutants removed in the course of treatment must not be resuspended or reintroduced to the reclaimed water or to an effluent stream discharging to state waters.

(4) **Sampling and analytical procedures.** Sampling and analytical methods must conform to the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 C.F.R. Part 136 or to the most recent edition of *Standard Methods for the Examination of Water and Wastewater*

(APHA), unless otherwise specified in the reclaimed water permit. Most recent in this section means at the time of permit issuance or renewal.

(5) **Accreditation of environmental laboratories.** A laboratory registered or accredited under the provisions of chapter 173-50 WAC (Accreditation of environmental laboratories) must prepare all monitoring data required by the reclaimed water permit. Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement unless the laboratory must obtain accreditation for other parameters.

(6) **Plan review required.** Before constructing or significantly modifying reclaimed water treatment facilities, the permittee must submit planning, design, and construction documents for approval and receive approval from the lead agency to proceed to construction, as required under WAC 173-219-140. Prior to operation, the permittee must submit an operation and maintenance manual for approval.

(7) **Regulatory entry and access.** For assessing compliance, the permittee must allow the lead and nonlead agencies the right to:

(a) Enter the permitted reclaimed water treatment facilities and premises where records are kept.

(b) Inspect any records that must be kept under the conditions of the reclaimed water permit.

(c) Inspect any facility, equipment, practice, or operation permitted or required by the reclaimed water permit.

(d) Sample or monitor any substance or any parameter at the reclaimed water treatment facility.

(e) Copy, at reasonable cost, any records required to be kept under the terms and conditions of the reclaimed water permit.

(8) **Duty to provide information.** If the permittee has failed to submit any relevant facts, or submitted incorrect information in a reclaimed water permit application, or in any report to the lead agency, the permittee must promptly submit such facts or information. The permittee must furnish to the lead agency within a reasonable time as specified by the lead agency, any information including copies of records, construction submittals or new reclaimed water permit applications, which may be requested by the lead agency to determine whether cause exists for modifying, revoking, reissuing, or terminating the reclaimed water permit, or to determine compliance with the permit or this chapter. The falsification of information submitted to the lead agency constitutes a violation of the terms and conditions of the reclaimed water permit.

(9) **Reporting planned changes.** The permittee must provide advance notice to the lead agency of any reclaimed water treatment facility expansions, production increases, or other planned changes, such as maintenance activities or process modifications that may result in noncompliance with permit limits or conditions.

(10) **Noncompliance action required.** The permittee must take immediate action to stop, contain, and clean up unauthorized generation, distribution, or use of reclaimed water, including any unauthorized discharges or otherwise stop the violation, and correct the problem and to notify the lead agency of a failure to comply with reclaimed water permit requirements. Unless requested earlier, the permittee

must submit a written report to the lead agency within thirty days of the violation that describes the following:

(a) The noncompliance and its cause, if known;

(b) The period of noncompliance including times and dates, to the extent possible, and if the compliance has not been corrected, the anticipated time it is expected to continue;

(c) The corrective actions taken;

(d) Steps planned to reduce or eliminate recurrence; and

(e) Any other pertinent information.

(11) **Notification requirements.** In the event of any change in control or ownership of reclaimed water treatment facilities from which the authorized reclaimed water production emanates, the permittee must notify the succeeding owner or controller of the existence of this permit by letter, a copy of which must be forwarded to the lead agency.

(12) **Renewal responsibilities.** If the permittee intends to continue operation of the permitted reclaimed water treatment facility after the expiration of an existing reclaimed water permit, the permittee must apply for a new reclaimed water permit in accordance with WAC 173-219-290.

(13) **Cause for modification, suspension or termination.** The reclaimed water permit is subject to modification, suspension, or termination, in whole or in part by the lead agency for cause including, but not limited to, the causes listed in WAC 173-219-295 or when remanded to ecology for modification by the pollution control hearings board. The lead agency may also modify a reclaimed water permit, including the schedule of compliance or other conditions, if it determines good cause exists, such as promulgation or revisions of regulations or new information.

(14) **Penalties for violating permit conditions or failing to obtain a permit.**

(a) Any person who is found guilty of willfully violating the terms and conditions of a reclaimed water permit is guilty of a crime, and upon conviction thereof may be punished by a fine of up to ten thousand dollars per day for every violation and costs of prosecution, or by imprisonment at the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

(b) Any person who violates the terms and conditions of a reclaimed water permit incurs, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is considered a separate and distinct violation.

(c) Any person who generates any reclaimed water for a use regulated under this chapter and distributes or uses that reclaimed water without a permit is in violation of this chapter and incurs, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is considered a separate and distinct violation.

(15) **Compliance with other laws and statutes required.** Nothing in the reclaimed water permit excuses the permittee from being in compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

NEW SECTION

**WAC 173-219-310 Specific reclaimed water permit conditions.** The reclaimed water permit must include specific conditions necessary for the protection of public health and the environment that may differ from facility to facility because of characteristics specific to the permitted reclaimed water treatment facilities. The reclaimed water permit must specify conditions determined to be necessary by the lead agency in order to implement this chapter and chapters 90.46, 90.48, and 70.118B RCW as applicable.

(1) **Basis for specific conditions.** Characteristics specific to the permitted reclaimed water treatment facilities include, but are not limited to:

(a) The nature of the source water to the reclaimed water treatment facility.

(b) The chemical, biological, physical characteristics of the reclaimed water generated.

(c) The size of the reclaimed water treatment facility, the approved facility design, reliability features and methods of operation.

(d) The methods of distribution.

(e) The types of uses covered under the reclaimed water permit.

(f) The location including geology, climate, land use, population, and sensitivity of waters of the state.

(g) The compliance history of the reclaimed water treatment facility and the need for monitoring and recordkeeping to document compliance.

(h) The legal considerations relative to land use, water rights, and the public interest.

(i) The requirements from other state and federal agencies.

(2) **Reclaimed water permit duration.** A reclaimed water permit may be valid for up to five years. The reclaimed water permit must specify the issue date, effective date, and expiration date.

(3) **Compliance schedules.** The reclaimed water permit may allow a compliance schedule establishing specific steps or actions the permittee must take and the deadlines for compliance with the required steps or actions. Compliance schedules in permits must conform with the requirements listed in WAC 173-219-060.

(4) **Source control and pretreatment.** The reclaimed water permit must specify conditions for source control and pretreatment appropriate to the type and size of the reclaimed water treatment facility. Conditions may include specific prohibitions, pretreatment requirements, industrial user surveys, establishment of local ordinances, inspections, public education requirements or other source control measures such as pollution prevention plans.

(5) **Water quality limits.** The reclaimed water permit must specify enforceable water quality limits verifying that the required treatment processes at the reclaimed water treatment facility are functioning correctly and that the reclaimed water treatment facility is reliably achieving the required technology-based and use-based standards. Enforceable limits must include the minimum requirements established in the technical standards. The reclaimed water permit must list each required parameter, the regulatory limits, the sample type, method, and point of compliance. The reclaimed water

permit must establish the action required when exceeding a limit is a permit violation.

(6) **Monitoring schedules.** The reclaimed water permit must establish a detailed self-monitoring and testing schedule for water quality limits and other substances or parameters to be monitored in the reclaimed water or in waters of the state. Specified monitoring parameters, sample types, locations, and frequencies must include any minimum requirements established in the technical standards in this chapter for the permitted use(s). Permit conditions should base requirements on available guidance or model permits, the quantity, quality and variability of the reclaimed water, the treatment methods, significance of the pollutants, the availability of appropriate indicator or surrogate parameters, the cost of monitoring, and past compliance history. The lead agency may increase monitoring parameters or frequency for cause including, but not limited to, significant, recurrent reclaimed water permit violations or where determined necessary to protect public health or the environment.

(7) **Influent monitoring.** The reclaimed water permit must specify the requirements for the monitoring of influent to the reclaimed water treatment facility. Minimum requirements include flow, five-day biochemical oxygen demand (BOD5), total suspended solids and pH. Reclaimed water treatment facilities required to reduce nitrogen concentrations across the treatment processes must monitor influent nitrogen levels. If the influent to the reclaimed water treatment facility is effluent from a wastewater treatment facility, the permittee may use monitoring data collected for the wastewater discharge permit to fulfill all or part of influent monitoring requirements.

(8) **Assessment of contaminants of emerging concern or CEC.** The lead agency may include in the reclaimed water permit monitoring for CEC in the reclaimed water, the receiving environment, or both, for the purpose of evaluating or estimating the nature, extent, and detected compounds for the protection of public health and the environment.

(9) **Representative sampling and analysis.** In addition to the standard requirements, the reclaimed water permit may establish specific conditions to assure that sampling and measurements accurately represent the volume and nature of the parameters monitored.

(10) **Field instrumentation measurement, accuracy, and calibration.** The reclaimed water permit must establish requirements based on manufacturer's requirements and accepted scientific practices for the appropriate installation, use, calibration, and maintenance of monitoring equipment for flow, field measurements, and continuous monitoring devices and methods.

(11) **Recordkeeping and reporting.**

(a) Reclaimed water permit conditions must specify the requirements for recordkeeping for each measurement or sample taken including:

(i) The date, the exact place, and time of sampling, and the individual who performed the sampling or measurement.

(ii) The dates the analyses were performed and the individual who performed the analyses.

(iii) The analytical techniques or methods used and the results of all analyses.

(b) Reclaimed water permit conditions must specify the reporting requirements for routine compliance monitoring including the content and forms, reporting frequency (monthly, quarterly, annually), the beginning and ending of reporting periods and due dates, whether reporting is required when the permittee is not generating reclaimed water, and where and how to send reports.

(c) The reclaimed water permit may establish requirements for recordkeeping and reporting of other operational records such as preventative maintenance activities and corrective actions.

(12) **Records retention.** The reclaimed water permit must specify the retention period of all monitoring records at specified locations for a minimum period of three years. Reclaimed water permit conditions may specify other records that must be retained such as calibration and maintenance records, original recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for this permit. The reclaimed water permit may establish requirements that extend the period of retention for some or all records during the course of any unresolved litigation or when requested by the lead agency.

(13) **Facility loading.** Where design criteria have been established in an engineering report, the permittee shall not allow flows or waste loading to exceed approved design criteria. The reclaimed water permit must establish conditions to assure that the facility operates within the approved design capacity. The reclaimed water permit may specify design limits that the facility may not exceed, periodic assessments, reporting of flow and loadings, and warning levels that trigger requirements to maintain adequate capacity.

(14) **Operational reliability.**

(a) The reclaimed water permit must establish appropriate conditions to assure operational reliability at all times. Permit conditions must specify requirements for the following:

(i) Proper operation and maintenance of the reclaimed water treatment facility, based on the technical standards established in this chapter, good engineering practices, the approved engineering report(s) and the approved operation and maintenance manual(s).

(ii) Site presence and the required level(s) of certified operator(s) as defined in WAC 173-219-010 for all reclaimed water treatment facilities covered under the reclaimed water permit. Required levels of operator certification are established under chapter 173-230 WAC for operators of reclaimed water treatment plants.

(b) The permit may include a requirement for other certifications for distribution system operation and cross-connection control, such as provided under chapters 246-290 and 246-292 WAC.

(c) The reclaimed water permit may require submission to the lead agency of any proposed contract for the operation of any reclaimed water treatment facility covered by this permit.

(15) **Actions to avoid bypass of treatment.** The reclaimed water permit must prohibit the generation, distribution, or use of reclaimed water under certain conditions. Reclaimed water permit conditions must specify when and

how the reclaimed water treatment facility must cease or otherwise control the generation, distribution, and use of reclaimed water including, but not limited to, the reduction, loss, failure, or bypass of any unit processes of the reclaimed water treatment facility. Permit conditions may specify procedures to establish when the treatment processes are sufficiently restored to allow the generation, distribution, or use of the reclaimed water. Bypassing of untreated or partially treated wastewater from the approved reclaimed water treatment facility to the distribution system or to the point of use is prohibited.

(16) **Authorized uses and locations.** The reclaimed water permit must include conditions specifying the authorized uses of reclaimed water and the water quality, quantities, and locations of use authorized under the permit. The reclaimed water permit must include conditions addressing requirements for management of the use area or areas. The reclaimed water permit may list specific authorizations, require a use summary plan, or reference the approved engineering report and use management plan. The distribution or use of reclaimed water not authorized by the reclaimed water permit is prohibited.

(17) **Reclaimed water summary plan.** The reclaimed water permit must specify the frequency, at least annually, and date(s) of submission of a summary plan. The lead agency must specify content and may provide a reporting form for the use summary plan. The summary plan must summarize the total volume of reclaimed water generated, distributed and used since the last report. The permit may require the summary plan to include one or more of the following:

(a) A description of the reclaimed water distribution system;

(b) Identification of all distributors, users, purposes, and locations of use;

(c) A description of the method(s) used to measure the rate and volume of reclaimed water for each use;

(d) Identification of any specific requirements for management of use areas;

(e) Additional monitoring requirements;

(f) Results of inspections for cross-connections, annual inspections of air gaps, and annual inspection and testing of backflow prevention assemblies under the control of the permittee; or

(g) Any other information determined to be necessary by the lead agency.

(18) **Adding new users or uses.** The reclaimed water permit may include conditions authorizing the addition of new users or similar uses without reopening the permit, only requiring submission of a copy of the new user's agreement to the permitting agency. If a different use, not in the permit, is being added, the permittee must provide a new user agreement, or a standard user agreement application for approval by the lead agency before the new use can begin. The new user agreement(s) must specify the:

(a) Types of uses to be authorized;

(b) Locations or areas of authorized uses;

(c) Required reclaimed water quality;

(d) Requirements for evaluation of suitability of proposed uses such as application rates, water balances, and proximity to waters of the state;

(e) Methods and frequency for reporting to the lead agency;

(f) Authority of the lead agency to revoke an authorization for cause;

(g) Identification of any specific requirements for monitoring; and

(h) Any other information determined to be necessary by the lead agency.

(19) **Distribution or use by persons other than the permittee.** Unless expressly stated otherwise in enforceable ordinances or contracts, the permittee is responsible for all reclaimed water treatment facilities and activities inherent to the generation, distribution, and use of the reclaimed water.

(a) The permittee must coordinate with all potable water system purveyors in whose service areas the permittee operates or owns facilities for treatment, storage and distribution, and/or reclaimed water uses.

(b) Coordination shall include, but is not limited to, cross-connection control, pipe installation, facility construction, reclaimed water uses, and any changes to these in order to assure that public health is protected.

(c) The reclaimed water permit may include conditions authorizing the distribution or use of reclaimed water by persons other than the permittee provided that enforceable provisions are in place that ensure construction, operation, maintenance, and use meets all requirements of the reclaimed water permit and this chapter.

(d) The reclaimed water permit may include conditions requiring the permittee to obtain lead agency review and approval of individual contracts or may specify terms and conditions allowing the use of a standardized contract or local ordinances for all or some distributors, uses, or users.

(20) **Water right considerations.** The reclaimed water permit must include conditions necessary to address any water right considerations regulated under the reclaimed water permit, such as mitigation plans as required under RCW 90.46.130.

(21) **Additional permit conditions.** The reclaimed water permit may establish additional conditions specific to the types of distribution systems and uses authorized within the permit. The reclaimed water permit conditions must assure compliance with the technical standards in this chapter and the approved engineering report.

## PART IV

### TECHNICAL STANDARDS

#### Subpart A

#### Technology-Based Treatment Requirements

#### NEW SECTION

**WAC 173-219-400 Minimum requirements.** Reclaimed water must meet the minimum technology-based treatment and reliability standards required for the use authorized under this chapter.

#### NEW SECTION

**WAC 173-219-410 Source control and pretreatment requirements.** Source water controls must prevent the presence of substances that may affect the reclaimed water quality or the ability to generate reclaimed water. Source water to reclaimed water treatment facilities must comply with the applicable requirements for:

(1) Pretreatment of industrial wastewater under 40 C.F.R. Part 403, Sections 307(b) and 308 in the Federal Water Pollution Control Act, and chapter 90.48 RCW.

(2) Discharge restrictions and prohibitions for dangerous waste under chapter 173-303 WAC and WAC 173-216-060.

(3) Restrictions and prohibitions of certain substances entering an on-site sewage system under WAC 246-272B-06000, 246-272B-07050, and 246-272A-0270.

#### NEW SECTION

**WAC 173-219-420 Class A reclaimed water.** Reclaimed water must meet one of the minimum technology-based treatment methods and all applicable performance standards established in this section to meet the treatment requirements for Class A.

##### (1) Allowable treatment methods.

(a) The traditional treatment method consists of unit processes for biological oxidation, followed by coagulation, filtration, and disinfection.

(b) Membrane filtration methods consist of biological oxidation, followed by membrane filtration and disinfection or a membrane bioreactor combining the biological oxidation and membrane filtration processes followed by disinfection.

(c) Alternative treatment methods must demonstrate an equivalent treatment process in a reclaimed water engineering report. Minimum performance standards for an equivalent process must demonstrate that reclaimed water quality limits are consistently achieved through proper design, operation and maintenance of each of the treatment units in that process.

##### (2) Biological oxidation performance standards.

(a) A reclaimed water treatment facility receiving effluent from a domestic wastewater treatment facility is considered to meet the biological oxidation performance standard provided the effluent received meets or exceeds the minimum secondary treatment requirements in WAC 173-221-040.

(b) A reclaimed water treatment facility receiving untreated or partially treated wastewater must meet the following performance standards for biological oxidation at a sampling point prior to filtration:

(i) Dissolved oxygen must be measured and present in the effluent or within the biological oxidation process in all samples.

(ii) Five-day biochemical oxygen demand (BOD5) must be measured as a twenty-four-hour composite sample in the effluent from the biological oxidation process. BOD5 must not exceed a monthly average of 30 milligrams per liter (mg/L) BOD or a weekly average of 45 mg/L.

(iii) Total suspended solids (TSS) must be measured as a twenty-four-hour composite sample in the effluent from the biological oxidation process. TSS must not exceed a monthly average of 30 mg/L or a weekly average of 45 mg/L TSS.

(iv) pH must be measured in the effluent from the biological oxidation process. The pH must be between 6.0 and 9.0 standard units unless contributions from industrial sources are not the cause of the pH less than 6.0 or greater than 9.0.

**(3) Coagulation/filtration performance standards.**

(a) Turbidity must be continuously measured following filtration and must not exceed a monthly average of 2 NTU or exceed 5 NTU at any time.

(b) The lead agency may waive the requirement in subsection (2)(b)(ii) and (iii) of this section to measure TSS and BOD5 prior to filtration. If BOD5 is not measured before filtration, it must be measured as a twenty-four-hour composite sample after the filtration process, and BOD5 at that point must not exceed a monthly average of 10 mg/L.

**(4) Membrane filtration performance standards.**

(a) Turbidity must be continuously measured following filtration and must not exceed a monthly average of 0.2 NTU or exceed 0.5 NTU reading for more than five consecutive minutes.

(b) The lead agency may waive the requirement in subsection (2)(b)(ii) and (iii) of this section to measure TSS and BOD5 prior to filtration. If BOD5 is not measured before filtration, it must be measured as a twenty-four-hour composite sample after the filtration process, and BOD5 at that point must not exceed a monthly average of 10 mg/L.

**(5) Total coliform bacteria performance standards.**

Total coliform bacteria must be measured in the final, disinfected reclaimed water at the entry point to the distribution system. Grab samples must not exceed a seven-day median reported as 2.2 MPN/100 mL or a sample maximum of 23. The lead agency may approve other standard methods and criteria that are equivalent to these MPN values.

**(6) Disinfection performance standards.** The proposed reclaimed water disinfection method must reliably achieve minimum disinfection performance criteria including:

(a) 5-log virus removal or inactivation following filtration; or

(b) 4-log virus removal or inactivation following filtration if preceded by coagulation, flocculation and sedimentation unit processes; or

(c) 4-log removal or inactivation following micro-filtration (MF) or ultra-filtration (UF) membrane processes.

**NEW SECTION**

**WAC 173-219-430 Class B reclaimed water.**

Reclaimed water must meet the minimum technology-based treatment methods and all applicable performance standards established in this section to meet the treatment requirements for Class B.

(1) Class B reclaimed water requires biological oxidation followed by disinfection.

(2) Biological oxidation performance standards are the same as in WAC 173-219-420 except that the performance standard may be measured in the final Class B reclaimed water.

(3) Total coliform bacteria must be measured in the final, disinfected reclaimed water before distribution. Grab samples must not exceed a seven-day median reported as 23

MPN/100 mL or a sample maximum of 240. The lead agency may approve other standard methods and criteria on a case-by-case basis.

**NEW SECTION**

**WAC 173-219-440 Disinfection process standards.**

(1) The disinfection process for Classes A and B may use chlorination, ultraviolet light, or any other system approved by the lead agency in accordance with the most recent edition of the state of Washington *Reclaimed Water Treatment Facilities Manual* or other accepted standard engineering practices for reclaimed water disinfection. The engineering report must demonstrate, to the satisfaction of the lead agency, that the proposed method consistently provides the required level of adequate and reliable disinfection. Class A disinfection requirements for virus removal or inactivation are in WAC 173-219-420.

(2) **Chlorine.** Chlorination disinfection processes must at a minimum meet a disinfectant concentration (C) of 1.0 mg/L measured as free chlorine, a disinfectant contact time (T) of thirty minutes measured, as "t10" at peak hourly flow, and a combined CT value of 30 mg/minute per liter.

(a) The lead agency may specify a higher minimum C, T, or CT value where needed to assure adequate pathogen reduction.

(b) The lead agency may approve an alternative CT measurement and disinfection process including, but not limited to, C values based on total chlorine residual at peak hourly flow and T values determined through an acceptable residence time distribution analysis of the contact chamber. The alternative must demonstrate, to the satisfaction of the lead agency, that it consistently provides an equivalent degree of public health and environmental protection.

(c) The proposed CT and method of measurement must be addressed within the engineering report.

(d) Pipelines or other facilities proposed or used to meet a minimum required T value must be considered as part of the reclaimed water treatment facility's disinfection unit process. Reliability requirements must be included in the engineering report.

(3) **Ultraviolet light.** Ultraviolet light disinfection processes must be designed and installed to conform to recognized standards and engineering practices developed for use in reclaimed water treatment facilities. Acceptable methods include the criteria in the most recent edition of:

(a) *Ultraviolet Disinfection, Guidelines for Drinking Water and Water Reuse*, published by the National Water Research Institute (NWRI) in collaboration with the American Water Works Association Research Foundation; or

(b) State of Washington, department of ecology *Reclaimed Water Treatment Facilities Manual*; or

(c) WEF *MOP-8 Design of Municipal Wastewater Treatment Plants*.

(4) **Other disinfection methods.** A disinfection process demonstrated as equivalent to chlorination or ultraviolet light must be documented in an engineering report that is approved by the lead agency.

(5) **Field commission tests.** Disinfection processes and facilities shall be tested and verified prior to producing and



using reclaimed water. The field commissioning test shall include all processes, equipment, and reactors used in the production of reclaimed water. Adequate procedures and acceptable field commissioning tests shall be addressed during the design of the disinfection facilities. Field commissioning tests shall be conducted in conformance with a field commissioning test plan approved by the lead agency prior to beginning of the test and should be consistent with the most recent edition of the state of Washington *Reclaimed Water Treatment Facilities Manual* or other accepted standard engineering practices for reclaimed water disinfection. Virus inactivation performance of the proposed disinfection reactor shall be validated by using one of the following:

(a) Field validation of chemical disinfection processes by:

(i) A challenge study or pilot facility demonstration specific to the project conditions;

(ii) An acceptable third-party challenge study or equipment verification study acceptable to the lead agency; or

(iii) Design and operation limits from other regulatory programs applied to the production of reclaimed or recycled water equivalent to Class A reclaimed water as deemed acceptable by the lead agency.

(b) Field validation of ultraviolet disinfection processes by an acceptable bioassay study conforming to the most recent edition of the *NWRI/AWWARF Ultraviolet Disinfection - Guidelines for Drinking Water and Water Reuse*.

(c) Existing reclaimed water treatment facilities are exempt from the field commission test requirement unless a disinfection system is updated or required to be replaced.

#### NEW SECTION

**WAC 173-219-450 Treatment reliability.** (1) All reclaimed water treatment facilities must be designed and operated to meet the reliability requirements in this section. The methods and criteria must be approved by the lead agency as part of the engineering report and the operation and maintenance manual.

(2) **Bypassing prohibited.** Bypassing of untreated or partially treated wastewater from the approved reclaimed water treatment facility to the distribution system or to the point of use is prohibited. Reclaimed water treatment facilities must either store inadequately treated wastewater for additional treatment or have authorization to discharge the wastewater to another permitted site, or both, if required by the lead agency.

(3) **Storage.** Storage used for treatment reliability must:

(a) Be reserved for the intended purposes.

(b) Include all the necessary diversion works, conduits, and pumping and pump back equipment.

(c) Provide a power supply independent of the primary power supply or a standby source for all diversion equipment.

(d) Provide adequate capacity that may include multiple treatment trains or standby replacement equipment acceptable to the lead agency.

(4) **Discharge.** Discharge locations used for treatment reliability must:

(a) Have all required authorization and permits for the discharge location.

(b) Include all the necessary diversion works, conduits, and pumping and pump back equipment.

(c) Provide a power supply independent of the primary power supply or a standby power source for all diversion equipment.

(5) **Automated diversions.** Automated diversions used for treatment reliability must have all necessary sensors, instruments, valves, and other devices to enable fully automatic diversion to the approved location. The reset process must be manually initiated to prevent unsupervised automatic restart.

(6) **Alarms required.** Alarm systems are required reliability features at all reclaimed water treatment facilities. Alarm systems used as treatment reliability features must:

(a) Provide alarm systems warning of all of the following:

(i) Loss of power from the primary power supply;

(ii) Failure of required treatment units;

(iii) Interruption of required chemical feeds;

(iv) Other features as required in the approved engineering report.

(b) Be independent of the primary power supply of the reclaimed water treatment facility.

(c) Sound at an attended location that will alert the responsible operator in charge or designee available to take immediate corrective action.

#### **Subpart B**

#### **Operational Storage and Distribution**

#### NEW SECTION

**WAC 173-219-500 Operational storage of reclaimed water.** (1) **Applicability.** This section applies only to the storage of reclaimed water for the purpose of adequate and reliable operation for treated reclaimed water meeting Class A or Class B standards. These requirements are in addition to all other applicable requirements in this rule. This section does not apply to either storage for treatment reliability in WAC 173-219-450 or aquifer storage in WAC 173-219-630.

(2) **Operational storage or diversion.** Whenever reclaimed water is generated that cannot be used as permitted, the permittee or person maintaining control must store the reclaimed water until it can be used, or divert it to a different approved use, or discharge it to a permitted wastewater discharge location. The provisions of WAC 173-219-510 and 173-219-520 apply, unless waived by the lead agency.

(3) **Storage design.** Storage capacity design calculations must be reasonably consistent with methods provided in the most recent edition of the state of Washington *Reclaimed Water Treatment Facilities Manual*, and consider the following:

(a) Types of use;

(b) Supply, demand and operating requirements and agreements;

(c) Potential for impact to human health and the environment;

(d) Frequency and duration of adverse weather conditions such as precipitation or frozen ground that would preclude use;

(e) Shut down for system maintenance and repair; and

(f) Other factors that may limit or prevent the planned use of reclaimed water.

(4) **Notice of facility location(s).** The person proposing to generate reclaimed water must locate, identify and provide notice of proposed reclaimed water storage or diversion facilities to all owners of potable water supplies with sources located within:

(a) One thousand feet; or

(b) An area determined by the lead agency, based on the hydrogeology and soil type of the storage or diversion facilities area.

(5) **Distance to public water supply well.** The minimum horizontal distance between a public water supply well and reclaimed water storage facilities (unlined storage facilities like ponds), must comply with restrictions for the sanitary control area established under WAC 246-290-135 for Group A public water supplies and established under WAC 246-291-125 for all other public water supplies.

(6) **Distance to a public water supply surface water or designated groundwater under the influence of surface water intake.** The minimum horizontal distance between reclaimed water operational storage and public source water intakes shall be determined in the reclaimed water engineering report prepared under WAC 173-219-160(3).

#### NEW SECTION

##### **WAC 173-219-510 Maintenance of chlorine residual.**

Chlorine residual must be maintained as follows:

(1) **Chlorine residual.** A minimum chlorine residual of  $\geq 0.2$  mg/L free chlorine or  $\geq 0.5$  mg/L combined or total chlorine is required in pipeline distribution systems conveying the reclaimed water from the facility to the point of use. The lead agency may waive or modify the requirements for maintaining a chlorine residual during storage or conveyance to the point of use, if the applicant demonstrates a benefit from reducing or eliminating the chlorine residual.

(2) **Chlorine residual for use areas.** A chlorine residual is not required in reclaimed water impoundments, storage ponds, and storage tanks at the point of use, or for conveyance along natural streams, lakes, or surface waters of the state. However, the lead agency may require maintenance of a chlorine residual within distribution systems within the use area to prevent biological growth, prevent deterioration of reclaimed water quality, or to protect public health.

#### NEW SECTION

##### **WAC 173-219-520 Distribution system requirements.**

(1) **Labeling.** All new reclaimed water piping, valves, outlets, storage facilities and other appurtenances must be labeled or color-coded purple (Pantone 512, 522 or other shade approved in the engineering report), identified with purple tape, or otherwise marked to clearly identify the water conveyed as nonpotable reclaimed water, and in conformance with the most recent edition of the Uniform Plumbing Code amended for Washington state, where applicable. If the

lead agency approves the conversion of existing storage and distribution systems to reclaimed water use, all accessible points must be labeled as reclaimed water at the time of conversion and any inaccessible locations must be labeled at the time of repair or replacement.

(2) **Pipe separation.** Reclaimed water distribution systems must provide adequate separation between the underground reclaimed water lines and sanitary sewer lines, storm sewer lines, potable water lines, and potable water wells. The engineering report must provide: Pipeline separation distances proposed, both horizontal and vertical, consistent with the most recent edition of *Pipeline Separation Design and Installation Reference Guide* by ecology and DOH. The selected separation distance must be justified in the engineering report.

(3) **Notice of facility location.** Notice shall be given as described in the operations and maintenance manual, as described in WAC 173-219-180 (2)(e).

(4) **Cross-connection control.** Potential cross-connections between the reclaimed water and potable water and between the reclaimed water and wastewater, storm water or other systems of lower water quality must be managed as described in WAC 173-219-180 (2)(d).

(5) **Other design requirements.** Reclaimed water distribution pipe material, valves, valve covers, hydrants, and associated components must comply with the most recent *Planning for the Distribution of Reclaimed Water - M24* by American Water Works Association manual or other recognized standard engineering practices for water distribution systems such as the most recent edition of the *DOH Water System Design Manual*.

#### NEW SECTION

**WAC 173-219-530 Distribution by transport vehicles.** Tank trucks or similar transport vehicles may be used to distribute reclaimed water provided:

(1) The vehicle is clearly identified with reclaimed water advisory signs.

(2) Vehicles transporting hazardous or dangerous waste shall not be used to transport reclaimed water.

(3) The operation and maintenance manual includes provisions for the use of transport vehicles.

#### NEW SECTION

##### **WAC 173-219-540 Conveying reclaimed water through surface waters of the state.**

(1) **Applicability.** Surface waters of the state may be used to convey reclaimed water from the point of generation to the point of diversion in accordance with the provisions of RCW 90.03.030 and chapters 90.46 and 90.48 RCW. Water withdrawn must be for beneficial use. The conveyance of the reclaimed water must be as described in an approved reclaimed water plan and engineering report.

(2) **NPDES permit required.** Reclaimed water conveyed through any surface water of the state for downstream withdrawal must meet all applicable requirements of the Federal Water Pollution Control Act and chapter 90.48 RCW. Permittees must apply for and obtain an NPDES permit issued in accordance with the requirements of chapter 173-

220 WAC and this chapter. The reclaimed water permit compliance point is at the point of discharge to the surface water.

(3) **Conveyance report.** For projects proposing conveyance in waters of the state, ecology must approve a conveyance report as part of the engineering report. The report must address how the following requirements are met:

(a) The maximum quantity of water diverted for beneficial use must equal the amount discharged minus evaporation, seepage, and other losses, as determined by ecology.

(b) The calculations for determining the distance and time shall be included in the engineering report.

(c) The total volume of reclaimed water discharged and conveyed must not raise the intervening surface water body above the ordinary high water mark of that body of water.

(4) **Reclaimed water permit.** The reclaimed water permit must include conditions assuring the conveyance and diversion of water as approved in the engineering report. The reclaimed water permit conditions must specify:

(a) Enforceable limits and monitoring requirements.

(b) The distance and time interval between discharge and diversion.

(c) The distance and time interval between the reclaimed water discharge and any potentially affected potable supply intakes.

(d) Requirements for an enforceable contract with each person diverting or using the conveyed reclaimed water.

(e) Measurement and recording of the location, rate, frequency, timing, and duration of each diversion.

(f) Recordkeeping and reporting of requested data to ecology.

(g) Circumstances requiring cessation of discharge, conveyance or diversion.

### Subpart C

#### Use-Based Requirements

##### NEW SECTION

**WAC 173-219-550 Use area requirements.** (1) **General requirements.** The labeling, pipeline separation, cross-connection control, and other design requirements of WAC 173-219-520 apply to all use areas unless otherwise specified by the lead agency.

(2) **Other cross-connection requirements.** Where both reclaimed water and potable water are supplied to any use area:

(a) If the potable water purveyor or the reclaimed water distributor determines that a potential for cross-connection exists, the permittee, the user or the owner of a use site must install a backflow preventer at the potable water service connection or meter as required in WAC 246-290-490, and in conformance with the installation standards of the potable water supplier, as required in WAC 246-290-490.

(b) If potable water is mixed with reclaimed water at a use site, the use site owner must ensure that:

(i) The potable water is supplied through an approved air gap as required in the Uniform Plumbing Code amended for Washington state;

(ii) The air gap is inspected for compliance with the approved air gap definition by a DOH-certified backflow assembly tester or cross-connection control specialist at the time of installation or replumbing and at least twelve-month intervals thereafter; and

(iii) Results of air-gap inspections are reported to the lead agency in the permit water use summary plan.

(c) Reclaimed water shall not be used to flush toilets or for other indoor use in any residential property or dwelling unit where residents have access to plumbing systems for repairs or modifications.

(3) **Signage or advisory notification.** The permittee or user must notify the public and employees at the use site of the use of reclaimed water in all use areas by the posting of advisory signs, distribution of written advisory notices, or both. Signage must be clearly visible, emphasize the color purple and read "Reclaimed Water - Not For Drinking," or other language acceptable to DOH or required by the most recent edition of the Uniform Plumbing Code as amended for Washington state, when applicable. DOH may approve other methods of notification that provide equivalent public health protection.

(4) **Confined to site.** Reclaimed water, including runoff and spray, must be confined to the designated and approved use area.

(5) **Restricted operation.** All reclaimed water valves and outlets must be of a type, or secured in a manner, that permits operation only by authorized personnel. Access to hose bibs on reclaimed water lines must be controlled or restricted.

##### NEW SECTION

**WAC 173-219-560 Facility maintenance uses.** When under the direct control of responsible maintenance personnel, reclaimed water may be used at other restricted locations within the sanitary sewer collection system for flushing of the sanitary sewers, for pump station maintenance, and hydro excavation.

##### NEW SECTION

**WAC 173-219-570 Commercial, industrial, and institutional uses.** (1) **Applicability.** This section applies only to commercial, industrial, and institutional uses of reclaimed water. These requirements are in addition to all other applicable requirements in this chapter.

(2) **Uses with public contact.** Class A technology-based standards apply to all uses where public or general employee contact is likely. These uses include, but are not limited to, toilet and urinal flushing, street washing, decorative fountains and similar water features, cooling water that produces mists or aerosols, fire control hydrants and indoor sprinkler systems, and industrial process water with worker exposure, and indoor residential uses consistent with locally adopted plumbing codes and WAC 173-219-550 (2)(c).

(3) **Uses or storage with environmental contact.** Class A technology-based standards shall apply to all uses with significant potential for site runoff or seepage. These uses must minimize the potential for adverse impacts to the environment including aesthetics, algal growth, runoff, and discharges to waters of the state. Ponds or other water features

that are not lined or sealed to prevent seepage may be approved provided the engineering report demonstrates how the groundwater quality standards in chapter 173-200 WAC are met. All outlets flowing from reclaimed water storage or use sites to surface waters must meet all applicable requirements of the Federal Water Pollution Control Act and chapter 90.48 RCW.

(4) **Uses with restricted access.** The Class B technology-based standards shall apply to uses with restricted access where contact is limited to qualified personnel and there is little potential for environmental impact. These uses include, but are not limited to, emergency dumping from aircraft for firefighting, damp sweeping, noncontact cooling water with mist or aerosol suppression, noncontact process water, and ship ballast water.

(5) **Water quality characterization.** In addition to the minimum technology based standards, the quality of the reclaimed water must be characterized sufficiently to assure it is appropriate for the approved uses. Characterization must include the parameters listed in standard manuals of practice applicable to the types of use. Where approved:

(a) Reclaimed water may be blended with potable or other nonpotable water supplies; or

(b) Additional treatment may be provided at the use site to meet required water quality.

(6) **Use management plan.** A use management plan is required. See WAC 173-219-160(4).

#### NEW SECTION

**WAC 173-219-580 Land applications—Landscape irrigation.** (1) **Applicability.** This section applies only to landscape irrigation uses of reclaimed water. These requirements are in addition to all other applicable requirements in this chapter.

(2) **Uses with public contact.** The Class A technology-based standards shall apply to all uses where public or employee contact is likely. These uses include, but are not limited to, public areas such as parks, playgrounds, golf courses, common areas, and private property including individual residences.

(3) **Uses with restricted access and contact.** The Class B technology-based standards shall apply to uses with restricted access and contact limited to specialized personnel regardless of irrigation technology used. These uses include, but are not limited to, subsurface drip irrigation systems, highway medians, and fenced industrial properties. The minimum setback distance between the area subject to spray or surface irrigation and any public use area is fifty feet.

(4) **Agronomic rates and water quality characterization.** The application of irrigation water is limited to methods and agronomic rates established in standard manuals of practice appropriate to the type of landscape irrigated. In addition to the minimum technology-based standards, the quality of the reclaimed water must be characterized sufficiently to assure it is appropriate for the uses approved in the engineering report. Constituents such as salts, nutrients, organic, and inorganic compounds may adversely affect soil or plants when applied for irrigation. Characterization must include the parameters listed in standard industry manuals of practice

applicable to the types of vegetation and irrigation methods. Where approved by the lead agency:

(a) Reclaimed water may be blended with potable or other nonpotable water supplies;

(b) Additional treatment may be provided at the use site; or

(c) Additional restrictions may apply to address human and ecological health concerns.

(5) **Use management plan.** A use management plan or supplement thereof meeting the requirements in WAC 173-219-160(4) is required.

#### NEW SECTION

**WAC 173-219-590 Land application—Agricultural irrigation.** (1) **Applicability.** This section applies only to agricultural irrigation uses of reclaimed water. These requirements are in addition to all other applicable requirements in this chapter.

(2) **Uses with public contact.** The Class A technology-based standards shall apply to all uses where public contact is likely.

(3) **Food crops.** The Class A technology-based standards shall apply to all uses of reclaimed water for food crop production except where otherwise specified in this section.

(4) **Frost protection of orchard crops.** The Class B technology-based standards shall apply to reclaimed water use for frost protection of orchard crops provided the crops are not harvested for at least fifteen days. The minimum setback distance between the area subject to spray or surface irrigation and any public use area is fifty feet.

(5) **Nonfood crops.** The Class B technology-based standards shall apply to all nonfood crop production uses for trees, fodder, fiber, or seed crops and pastures. The minimum setback distance between the area subject to spray or surface irrigation and any public use area is fifty feet, and ten feet minimum setback to public use areas subject to subsurface drip irrigation.

(6) **Surface or subsurface irrigation of orchards or vineyards and other food crops suspended above ground.** The Class B technology-based standards shall apply to irrigation uses where the fruit does not contact the irrigation water or the ground, except that the total coliform bacteria standard is 240 MPN/100 mL as a seven-day median and 400 MPL/100 mL as a sample maximum. The lead agency may approve standard analytical methods and criteria that are equivalent to these MPN values. The minimum setback distance between the area subject to spray or surface irrigation and any public use area is fifty feet, and ten feet minimum setback to public areas subject to subsurface drip irrigation.

(7) **Processed food crops.** The Class B technology-based standards shall apply to irrigation uses for food crops that are processed by physical or chemical methods sufficient to destroy all pathogenic agents before distribution, sale, or use except that the total coliform bacteria standard is 240 MPN/100 mL as a seven-day median and 400 MPN/100 mL as a sample maximum. The lead agency may approve standard analytical methods and criteria that are equivalent to these MPN values. The minimum setback distance between the area subject to spray or surface irrigation and any public

use area is fifty feet, and ten feet minimum setback to public use areas subject to subsurface drip irrigation.

(8) **Trees, fodder, fiber, or seed crops in pastures not accessed by milking animals.** Class B technology-based standards shall apply to irrigation uses on trees, fodder, fiber or seed crops in pastures not accessed by milking animals except that the reclaimed water meets a total coliform bacteria limit of 240 MPN/100 mL as a seven-day median and 400 MPN/100 mL as a sample maximum. The minimum setback distance between the area subject to spray or surface irrigation and any public use area is fifty feet, and ten feet minimum setback to public use areas subject to subsurface drip irrigation. The lead agency may approve other standard methods and criteria that are equivalent to these MPN values.

(9) **Agronomic rates and water quality characterization.** The application of irrigation water is limited to methods and agronomic rates established in standard manuals of practice appropriate to the type of crop irrigated. In addition to the minimum technology-based standards, the quality of the reclaimed water must be characterized sufficiently to assure it is appropriate for the uses approved in the engineering report. Constituents such as salts, nutrients, organic and inorganic compounds may adversely affect soil or plants when applied for irrigation. Characterization must include the parameters listed in standard industry manuals of practice applicable to the crops and irrigation methods. Where approved by the lead agency:

(a) Reclaimed water may be blended with potable or other nonpotable water supplies;

(b) Additional treatment may be provided at the use site; or

(c) Additional restrictions may apply to address concerns on human health and the environment.

(10) **Use management plan.** A use management plan under WAC 173-219-160(4) is required.

#### NEW SECTION

**WAC 173-219-600 Wetlands.** (1) **Applicability.** This section applies only to uses of reclaimed water in wetlands. These requirements are in addition to all other applicable requirements in this chapter.

(2) **Other applicable laws.** Any use of reclaimed water in wetlands must be consistent with the applicable requirements of the Federal Water Pollution Control Act, chapters 90.48 and 90.58 RCW, and local government adopted critical areas ordinances and any other applicable laws.

(3) **General requirements for all allowable uses in wetlands.**

(a) Unless net environmental benefits are authorized, Class A technology-based standards shall apply in addition to the requirements below.

(b) Reclaimed water must not exceed 20 mg/L BOD<sub>5</sub>, 20 mg/L TSS, 3 mg/L-N total Kjeldahl nitrogen, and 1 mg/L-P measured as annual average concentrations.

(c) Un-ionized ammonia concentrations must comply with the Washington chronic toxicity standards in chapter 173-201A WAC for freshwater systems.

(d) Metal concentrations in reclaimed water must comply with the surface water quality standards in chapter 173-

201A WAC, unless acute whole effluent toxicity testing using daphnids demonstrates absence of toxicity.

(4) **Use in Category I wetlands and Category II wetlands with special characteristics.** In order to protect sensitive wetland functions and values, the use of reclaimed water is not allowed in wetlands designated as Category I or Category II with special characteristics under the state of Washington wetland rating system unless a net environmental benefit to the wetland has been clearly demonstrated in the approved engineering report. Examples of these Category II wetlands include estuarine, coastal lagoons, interdunal wetlands, and vernal pools in western Washington, forested wetlands in eastern Washington, and others listed in the state of Washington wetland rating system.

(5) **Use in all other Category II and in Category III or IV wetlands.** Reclaimed water is encouraged for restoration or enhancement of wetlands designated as Category II, III, or IV under the state of Washington wetland rating system.

(a) Reclaimed water use is limited to an annual hydraulic load  $\leq 2$  cm/day in Category II wetlands and  $\leq 3$  cm/day in Category III or IV wetlands unless a net environmental benefit to the wetland has been clearly demonstrated in the approved engineering report.

(b) For depressional wetlands, reclaimed water use is limited to an increase of 10 cm above the natural average monthly water level unless it has been clearly demonstrated in the approved engineering report that a higher increase in water level provides a net environmental benefit to the wetland.

(6) **Monitoring requirements.** Monitoring requirements must be sufficient to document the protection or enhancement of the beneficial uses and biological criteria established for the wetland, public health and the environment such as impacts to the quality of groundwater and surface water. At a minimum, a claim of net environmental benefit must demonstrate that the use of reclaimed water provides full and uninterrupted protection of all significant beneficial uses existing in the wetland prior to the use of reclaimed water and creates new or enhances the existing beneficial uses of the wetland.

(7) **Engineering report for wetlands uses.** The engineering report must include baseline information and background studies necessary to evaluate the proposed project, including:

(a) The wetland rating category, size, hydrogeomorphic class, and vegetation class of the existing and proposed wetlands.

(b) The beneficial uses of the existing and proposed wetland.

(c) The hydrologic regime of the existing and proposed wetland, including depth and duration of inundation, average monthly water level fluctuations, and annual loadings of reclaimed water to the wetlands.

(d) Characterization of the quality of reclaimed water to be used.

(e) The assimilative capacity of the wetland, the anticipated or actual changes in the timing, quantity and quality of the water leaving the wetland, and the potential for degradation of existing groundwater or surface water quality from the use of reclaimed water.

(f) Any studies conducted or additional information applicable to the specific project or site.

(g) Information to support a claim of net environmental benefit, if proposed. At a minimum, a claim of net environmental benefit must demonstrate that the use of reclaimed water provides full and uninterrupted protection of all significant beneficial uses existing in the wetland prior to the use of reclaimed water and creates new or enhances the existing beneficial uses of the wetland.

**(8) Mitigation wetlands.**

(a) Any wetland constructed to provide compensatory mitigation for natural wetlands must be consistent with the requirements established in an ecology-approved wetland mitigation plan. Use of reclaimed water for mitigation to impacts of federal jurisdictional wetlands requires additional approvals and permits from the U.S. Army Corps of Engineers or the USEPA. Guidance is available to assist in site selection and preparation of wetland mitigation plans.

(b) Only Class A reclaimed water may be used to establish wetland vegetation or its buffer during construction of a mitigation wetland.

(c) Reclaimed water meeting the requirements for use in wetlands may be used to provide a temporary supplemental water source to protect or enhance wetlands functions and values after the mitigation wetland is established.

**(9) Constructed treatment wetlands.**

(a) Reclaimed water may be used for the following constructed treatment wetlands as defined in RCW 90.46.010(5):

(i) The Class B technology-based standards shall apply to all uses in constructed treatment wetlands, except as noted in (a)(ii) of this subsection. Constructed treatment wetlands may provide additional treatment or retention of reclaimed water to prepare it for another use, or may use the reclaimed water to construct or supplement wetlands used for wastewater treatment or storm water management.

(ii) The Class A technology-based standards shall apply to all uses in constructed wetlands where public contact is likely. Those uses include wetland water features specifically constructed in parks or on wetland sites to provide aesthetic, recreational, or educational benefits.

(b) The lead agency may establish additional monitoring requirements to assure that the use of reclaimed water in a constructed treatment wetland is sufficient to protect the wetland functions and values, public health and the environment.

(c) The following information is required as part of the reclaimed water engineering report for a constructed treatment wetland.

(i) The location and proposed uses of reclaimed water in the constructed treatment wetland.

(ii) The proposed functions and values of the constructed treatment wetland.

(iii) Characterization of the quality of reclaimed water to be used.

(d) Wetland design including influent and effluent structures, grading, linings, berms, vegetation, flow patterns, and number of cells.

(i) The relationship to and potential for impact to groundwater quality.

(ii) The relationship to and potential for impact to surface water quality and additional information applicable to the specific project or site as required by the lead agency.

NEW SECTION

**WAC 173-219-610 Streamflow and surface water augmentation.** (1) **Applicability.** This section applies only to uses of reclaimed water for streamflow or surface water augmentation. These requirements are in addition to all other applicable requirements in this rule.

(2) Projects must meet all applicable requirements of the Federal Water Pollution Control Act, chapters 90.48 RCW, 173-220, and 173-201A WAC.

(3) **Use in primary contact recreation impoundments.** The Class A technology-based standards shall apply to all uses for augmentation directly into primary contact recreation impoundments.

(4) **Use in potable water supply impoundments.** The Class A technology-based standards shall apply to all uses for augmentation directly into raw water impoundments used as a source of water supply.

(5) **Use in other surface waters.** The Class B technology-based standards shall apply to all other uses for direct augmentation of surface water.

(6) **Use for indirect augmentation of surface water via groundwater.** The lead agency shall establish requirements for indirect augmentation of surface water by groundwater recharge on a case-by-case basis.

(7) **Monitoring.** The lead agency may establish additional monitoring requirements to assure that the use of reclaimed water is sufficient to protect the surface water, public health and the environment.

(8) **Engineering report.** The following information is required as part of the reclaimed water engineering report:

(a) The location and proposed augmentation uses of the reclaimed water.

(b) The quality of reclaimed water to be used.

(c) A description of the receiving water, applicable water quality standards, potential for impact to surface water quality and how water quality standards will be met outside any applicable dilution zone.

(d) Determination of adequate time of travel and distance between the reclaimed water discharge point and any nearby downstream surface water or groundwater under the influence of surface water intake for potable water, based on protecting public health and on not causing additional intake modifications or treatment requirements for the production of potable water.

(e) The degree of treatment required based upon applicable permits and rules, the receiving body of water, and other influencing factors.

NEW SECTION

**WAC 173-219-620 Groundwater recharge.** (1) **Applicability.** This section applies only to uses of reclaimed water for groundwater recharge. These requirements are in addition to all other applicable requirements in this chapter. The project description must clearly specify the planned

intent to recharge groundwater and the relevant site characteristics.

(2) **Other applicable laws.**

(a) Reclaimed water used for any groundwater recharge project must meet all applicable requirements of chapter 90.48 RCW including chapter 173-200 WAC for the protection of groundwater.

(b) The minimum horizontal distance between a groundwater recharge site and any potable water supply well, or surface water and groundwater under the influence of surface water intakes must comply with restrictions for adequate source water protection under chapters 246-290 and 246-291 WAC.

(i) Notice of groundwater recharge use of reclaimed water shall be provided to all Group A water purveyors, if it is within their watershed control area or five-year time of travel for their Group A public water supply well head as defined in WAC 246-290-135.

(ii) Surface percolation or direct recharge to groundwater recharge is regulated within the sanitary control area established in WAC 246-290-135 for Group A public potable water supplies and WAC 246-291-125 for all other potable water supplies.

(iii) Class V UIC wells that are used as part of a reclaimed water project must register with ecology per chapter 173-218 WAC underground injection control programs.

(3) **Recharge by surface percolation.** The Class A technology-based standards plus biological nitrogen reduction shall apply for all uses of reclaimed water to recharge groundwater by surface or vadose zone percolation except as described in subsection (5) of this section. Total nitrogen must be reduced within the biological oxidation treatment process. Total nitrogen measured in the final, disinfected reclaimed water before groundwater recharge must not exceed a monthly average of 10 mg/L or a sample maximum of 15 mg/L.

(4) **Recharge directly into groundwater and subsurface infiltration.** The technology-based standards for recharge by percolation shall apply to all reclaimed water that is directly recharged to groundwater, regardless of the source of that water or the treatment technologies used to reclaim the water. The following performance standards apply:

(a) Total nitrogen measured in the final, disinfected reclaimed water before groundwater recharge must not exceed a monthly average of 10 mg/L or a sample maximum of 15 mg/L.

(b) Turbidity must be continuously measured following reverse osmosis treatment, or other comparable technologies, and must not exceed a monthly average of 0.1 NTU or exceed 0.5 NTU at any time.

(c) Total organic carbon (TOC) must be measured in the final, disinfected reclaimed water before direct recharge. TOC must not exceed a monthly average of 1.0 mg/L based on twenty-four-hour composite samples.

(d) Total coliform bacteria must be measured in the final, disinfected reclaimed water before direct recharge. Grab samples must not exceed a seven-day median reported as 1 MPN/100 mL or a sample maximum of 5 MPN/100 mL. The lead agency may approve other standard methods and criteria that are equivalent to these MPN values.

(5) **Enforceable limits.** Enforceable limits must be established in permits at levels that will be protective of the groundwater quality beneath the recharge application site.

(a) Limits must consider the:

(i) Potential for the parameter to be in the reclaimed water.

(ii) Existing groundwater quality.

(iii) Existing and proposed uses of the recharge groundwater.

(iv) Antidegradation provisions of state waters in chapter 173-200 WAC.

(v) Point where compliance is measured.

(b) Enforceable limits are based on the following state standards:

(i) Drinking water standards adopted by the state of Washington under chapter 246-290 WAC; and

(ii) Water quality standards for groundwater adopted by the state of Washington under chapter 173-200 WAC.

(6) **Point of compliance.** For each parameter, the lead agency establishes the location(s) where the enforceable limit for each parameter applies. The point of compliance may be:

(a) In the reclaimed water before recharge.

(b) Within the groundwater as near the reclaimed water recharge location as technically, hydrogeologically, and geographically feasible.

(c) At an alternative point some distance from the reclaimed water recharge location up to but not exceeding the property boundary.

(d) In the surface water beyond the property boundary when needed for compliance with chapter 173-201A WAC.

(7) **Monitoring requirements.** Monitoring requirements must be sufficient to document the protection of public health and groundwater quality at the designated point(s) of compliance.

(8) **Engineering report.** The following information is required as part of the reclaimed water engineering report.

(a) Information requested by the lead agency necessary to assess the specific treatment and use of reclaimed water for application to recharge groundwater.

(b) Site specific soil and hydrogeologic information necessary to characterize and evaluate the groundwater recharge site using criteria from chapter 173-157 WAC, WAC 173-157-110 through 173-157-170, and chapter 173-200 WAC, as applicable.

(c) A pilot reclaimed water treatment facility study, if needed.

## NEW SECTION

### **WAC 173-219-630 Aquifer storage and recovery.**

This section applies only to the artificial storage of reclaimed water in underground geological formations and subsequent recovery for beneficial use permitted under this chapter. These requirements are in addition to all other applicable requirements in this rule. The provisions of this chapter do not limit any person's ability to submit an application for and acquire water rights appropriated under RCW 90.03.250 and 90.44.060. Class V UIC wells that are used as part of a reclaimed water project must register with the ecology per

chapter 173-218 WAC underground injection control programs.

(1) **Water right permit exemption.** Use, distribution, and recovery of reclaimed water for beneficial use, from aquifer storage are exempt from the permit requirements of RCW 90.03.250 and 90.44.060.

(2) **Engineering report.** The following information is required as part of the reclaimed water engineering report. A professional hydrogeologist licensed by the state of Washington must prepare the geological information required.

(a) Reclaimed water aquifer storage and recovery projects must meet the standards for mitigation of impacts and review established under RCW 90.03.370(2) for artificial underground storage and recovery. These standards are described in RCW 90.03.370 (2) and (7) and WAC 173-157-110 through 173-157-170.

(b) Any withdrawal facilities constructed solely for extracting reclaimed water from the underground must comply with chapters 173-136, 173-150, and 173-157 WAC.

(3) **Reclaimed water permit conditions.** The reclaimed water permit must include appropriate conditions authorizing and controlling the storage, recovery, and subsequent uses of the reclaimed water. Conditions must include estimated time frames for recovery of the reclaimed water based on the hydrogeologist report. Ecology may modify the reclaimed water permit and the recovery time based on later, supplemental documentation.

**WSR 15-13-119**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed June 16, 2015, 4:15 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-09-121.

Title of Rule and Other Identifying Information: WAC 392-194-002 Fee for processing initial educator certificate applications and subsequent actions. Due to the implementation of ESHB 1449 (RCW 28A.410.062) the superintendent of public instruction (OSPI) will charge a nonrefundable fee for processing any applications or requests for administration actions which results in the issuance of a certificate, renewal, or reissuance of a permit or certificate at a sufficient level to defray the costs of administering the educator certification program.

Hearing Location(s): OSPI, Policy Conference Room, 600 Washington Street, Olympia, WA 98504-7200, on July 30, 2015, at 9:00 a.m.

Date of Intended Adoption: July 31, 2015.

Submit Written Comments to: David Kinnunen, P.O. Box 47200, Olympia, WA 98504-7200, e-mail David.Kinnunen@k12.wa.us, fax (360) 586-0145, by July 23, 2015.

Assistance for Persons with Disabilities: Contact Kristin Murphy by July 23, 2015, TTY (360) 725-3631 or (360) 725-6133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: OSPI's professional certification office operations is solely funded by the processing fee established by ESHB 1449. The purpose of this revision is to increase the fee by six dollars to more adequately set a sufficient processing level fee to defray the costs of administering the educator certification program.

This proposed fee adjustment is necessary to defray the ongoing and additional activity incurred by the professional certification office due to increased customer service activity and application processing.

With the restricted certification activity by educational service districts in Washington state, OSPI's professional certification office customer service activity has dramatically increased. Phone service has increased over twenty percent with the number of call-backs due to phone service overload increased sixty-six percent. Person-to-person assistance has increased from a monthly average of twenty-five to thirty to over two hundred fifty for the months of June, July, and August 2014. E-mails received by OSPI's professional certification office increased thirty-six percent from twenty-one thousand one hundred eighty-nine in 2010 to thirty-two thousand seven hundred twenty in 2014.

Additionally, out-of-state applications and additional endorsement applications requested directly to OSPI have increased 52.9 percent from 2010 to 2014.

The anticipated impact of customer service activity was greater than the staffing originally projected to adequately respond to Washington state educators, school districts administrator personnel, and the general public. Educator hiring and school district placements are impacted by OSPI's professional certification office's ability to sufficiently and adequately respond to customer service requests and requests for applications.

Statutory Authority for Adoption: RCW 28A.410.062.

Statute Being Implemented: RCW 28A.410.062.

Name of Proponent: OSPI, professional certification office, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Kinnunen, Olympia, Washington, (360) 725-6406.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no fiscal impact to school districts.

June 16, 2015  
Randy Dorn  
Superintendent of  
Public Instruction

AMENDATORY SECTION (Amending WSR 12-03-065, filed 1/12/12, effective 2/12/12)

**WAC 392-194-002 Fee for processing initial educator certificate applications and subsequent actions.** Effective October 1, 2011, the superintendent of public instruction will charge a nonrefundable fee of (~~thirty-three~~) thirty-nine dollars for processing any certificate application or requests for administrative action which results in the issuance, renewal or reissuance of a permit or certificate pursuant to RCW 28A.410.010, 28A.410.025, 28A.410.210, and chap-



ters 181-85 and 181-77 WAC; for issuance of a letter authorizing internship/student teaching pursuant to WAC 181-78A-130; and any subsequent action upon any certificate or permit referred to within this chapter. Educator certificates governed under this chapter include:

(1) Teacher. The teacher certificate, including teacher exchange permits as provided in WAC 181-79A-140, authorizes service as a classroom teacher.

(2) Career and technical. The career and technical education certificate authorizes service in career and technical education programs in accordance with the provisions of chapter 181-77 WAC.

(3) First people's language/culture. The first peoples' language, culture, and oral tribal traditions teacher certificate authorizes service as defined under WAC 181-78A-700(8).

(4) Administrator.

(5) Educational staff associate. The educational staff associate certificate authorizes service in the roles of school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physical therapists, school psychologists, and school social workers: Provided, That nothing within chapter 181-79A WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

(6) Limited certificates. The following limited certificates are issued to individuals under specific circumstances set forth in WAC 181-79A-231:

- (a) Conditional certificate.
- (b) Substitute certificate.
- (c) Emergency certificate.
- (d) Emergency substitute certificate.
- (e) Nonimmigrant alien exchange teacher.
- (f) Intern substitute teacher certificate.
- (g) Transitional certificate.
- (h) Provisional alternative administrative certificate.

**WSR 15-13-124**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**

[Filed June 16, 2015, 5:02 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: WAC 246-980-990 Home care aide certification fees, increasing application and renewal fees for home care aide certification.

Hearing Location(s): Department of Health, Point Plaza East, Room 152, 310 Israel Road S.E., Tumwater, WA 98501, on July 23, 2015, at 2:00 p.m.

Date of Intended Adoption: July 30, 2015.

Submit Written Comments to: Brittany Mahugh, P.O. Box 47850, Olympia, WA 98504-7850, e-mail <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-4626, by July 23, 2015.

Assistance for Persons with Disabilities: Contact Brittany Mahugh by July 16, 2015, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule increases application and certification renewal fees for home care aides. Current licensing fees do not generate the revenue needed to fully cover the costs of administering the home care aide licensing program. This profession started in fiscal year 2012 with a deficit, partly because the estimated number of applicants was fewer than anticipated, the certification costs were higher than anticipated, and the initial fee was set lower than recommended for the program to be self-supporting.

Reasons Supporting Proposal: RCW 43.70.250 requires the department to charge sufficient fees to cover the costs of administering each profession. The proposed fees meet this requirement by increasing revenue to cover costs. The proposed fees have been determined through fee analyses to support the costs of doing business.

Statutory Authority for Adoption: RCW 43.70.110, 43.70.250, 43.70.280.

Statute Being Implemented: RCW 43.70.250, chapter 18.88B RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Brittany Mahugh, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-4622; Implementation and Enforcement: Stacey Saunders, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-2813.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025 and 34.05.310 (4)(f), a small business economic impact statement is not required for proposed rules that set or adjust fees or rates pursuant to legislative standards.

A cost-benefit analysis is not required under RCW 34.05.328. The agency did not complete a cost-benefit analysis under RCW 34.05.328. RCW 34.05.328 (5)(b)(vi) exempts rules that set or adjust fees or rates pursuant to legislative standards.

June 16, 2015  
John Wiesman, DrPH, MPH  
Secretary

AMENDATORY SECTION (Amending WSR 10-15-103, filed 7/20/10, effective 1/1/11)

**WAC 246-980-990 Home care aide certification fees.**

(1) Certifications must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for home care aide:

Title of Fee	Fee
Application	\$(( <del>60.00</del> )) <u>85.00</u>
Certification renewal	(( <del>60.00</del> )) <u>85.00</u>
Late renewal penalty	30.00

Title of Fee	Fee
Expired certification reactivation	30.00
Duplicate certification	15.00
Verification	25.00

**WSR 15-13-131  
PROPOSED RULES  
DEPARTMENT OF HEALTH**

[Filed June 17, 2015, 10:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-17-098.

Title of Rule and Other Identifying Information: WAC 246-928-442, amending the section regarding acceptable continuing education for respiratory care practitioners; and repealing WAC 246-928-441.

Hearing Location(s): Department of Health, Town Center 2 (TC2), 111 Israel Road S.E., Room 145, Tumwater, WA 98501, on August 14, 2015, at 9:30 a.m.

Date of Intended Adoption: August 28, 2015.

Submit Written Comments to: Susan Gragg, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, e-mail <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2901, by August 14, 2015.

Assistance for Persons with Disabilities: Contact Susan Gragg by August 7, 2015, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department of health (department) is proposing revisions to the rules regarding acceptable continuing education for respiratory care practitioners. The proposed revisions will clarify acceptable continuing education, as well as identify different modalities that can be used and hour limits for those modalities. These clarification revisions will increase the options and methods available to licensees for meeting the continuing education requirement. The proposal does not increase the total number of hours required.

Reasons Supporting Proposal: RCW 18.89.140 establishes continuing education requirements for licensees applying for license renewal. The statute allows the secretary to adopt rules setting specific requirements that protect the public through clearly stated educational standards. The proposed rule will help ensure competent respiratory care practitioners by keeping these licensees abreast of current and forecasted developments in a rapidly changing field. The proposal eliminates confusion in the rules which, as currently written, give little direction on acceptable modalities and the hours assigned to various activities.

Statutory Authority for Adoption: RCW 18.89.050 and 18.89.140.

Statute Being Implemented: RCW 18.89.140.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Susan Gragg, Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-4941.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Susan Gragg, Program Manager, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4941, fax (360) 236-2901, e-mail [susan.gragg@doh.wa.gov](mailto:susan.gragg@doh.wa.gov).

June 17, 2015

John Wiesman, DrPH, MPH  
Secretary

AMENDATORY SECTION (Amending WSR 01-21-136, filed 10/24/01, effective 11/24/01)

**WAC 246-928-442 ((Acceptable)) Continuing education.** ~~((1) Continuing respiratory care education must be a minimum of ten hours of continuing respiratory care education approved by the American Association for Respiratory Care. The remaining twenty hours of continuing respiratory care education may be in any of the following:~~

~~(a) Additional courses approved by the American Association for Respiratory Care.~~

~~(b) Category I level formal in service approved by the American Association for Respiratory Care.~~

~~(c) Courses in respiratory care approved by the American Medical Association, the American Osteopathic Association and the American Nurses Association.~~

~~(d) Initial and renewal certification courses in Advanced Cardiac Life Support, Pediatric Advanced Life Support and Neonatal Resuscitation Program.~~

~~(e) Courses in respiratory care at any accredited college.~~

~~(f) Self-study courses in respiratory care.~~

~~(g) Passing the National Board for Respiratory Care's self assessment competency examination with a minimum score of 75. Three hours of continuing education may be applied for successful completion of this examination.~~

~~(h) Educational offerings in respiratory care which include learning objectives provided by hospitals or health organizations.~~

~~(i) Educational offerings in respiratory care which include learning objectives, where the licensee serves as the instructor subject to the limitation described in subsection (3) of this section.)~~

All licensed respiratory care practitioners seeking to renew their license shall acquire thirty credit hours of continuing respiratory care education every two years as required in RCW 18.89.140. Licensees shall meet the continuing education requirement outlined in this section and report such continuing education as required in chapter 246-12 WAC, Part 7.

(1) The following are categories of acceptable continuing education activities for licensed respiratory care practitioners:

(a) A minimum of ten credit hours of continuing education during each two-year reporting cycle must be earned in courses approved by the American Association for Respiratory Care (AARC).

(b) The remaining twenty hours of continuing education during each two-year reporting cycle may be in any of the following areas:

(i) Sponsored courses. Courses sponsored or approved by the:

- (A) American Academy of Pediatrics;
- (B) American Academy of Physician Assistants;
- (C) American Association of Critical Care Nurses;
- (D) American Association of Respiratory Care;
- (E) American College of Chest Physicians;
- (F) American College of Emergency Physicians;
- (G) American College of Physicians;
- (H) American Medical Association;
- (I) American Nurses Association;
- (J) American Osteopathic Association;
- (K) American Thoracic Society;
- (L) Society of Critical Care Medicine;
- (M) Washington academy of physician assistants;
- (N) Washington osteopathic medicine association;
- (O) Washington state medical association; or
- (P) Washington state nurses association.

(ii) Certifications/examinations. Licensees shall only claim credit hours in this category that were obtained during the current reporting cycle.

(A) Ten credit hours each may be claimed for the following initial or renewal certifications:

- (I) Advanced cardiac life support (also known as ACLS);
- (II) Neonatal advanced life support (also known as NALS, or neonatal resuscitation program or NRP);
- (III) Pediatric advanced life support (also known as PALS).

(B) Five credit hours may be claimed for initial or renewal certification in basic life support (also known as BLS).

(C) Ten credit hours each may be claimed for passing either of the following National Board of Respiratory Care (NBRC) advanced practitioner examinations:

- (I) Registered respiratory therapist; or
  - (II) Registered pulmonary function technologist.
- (D) Five credit hours each may be claimed for passing any of the following:

- (I) The NBRC entry level examination;
- (II) Any NBRC specialty examination;
- (III) The NBRC self-assessment competency examination with a minimum score of seventy-five; or
- (IV) National Asthma Educator Certification Board certified asthma educator examination.

(iii) Educational settings.

(A) A licensee may claim courses completed at a regionally accredited college, university, or institute of higher education. Such courses must focus on the clinical practice of respiratory care or education related to the cardiopulmonary system. Credit hours for such courses may be claimed as either:

(I) Actual semester contact hours (such as fifteen semester contact hours shall be equal to fifteen continuing education credits); or

(II) An academic credit formula that multiplies the academic credits by a factor of three (such as four academic credits shall be equal to twelve continuing education credits).

(B) A licensee may claim respiratory care educational offerings provided by hospitals or health organizations.

(C) A licensee may claim continuing education credit hours for serving as an instructor of educational offerings in respiratory care provided by hospitals or health organizations; or at a regionally accredited college, university, or institute of higher education. Such educational offerings must include learning objectives. The number of credit hours claimed for serving as an instructor shall be the same number as those earned by attendees. The credit hours for presenting a specific topic, lecture, or education course may only be used for continuing education once during each reporting cycle.

(c) No more than ten credit hours of continuing education during a two-year reporting cycle may be in any of the following areas:

(i) Self-study. Journal reading of publications related to respiratory care;

(ii) Practice related topics. Formal, internet-based, or video-format courses offered by organizations not listed in (b) of this subsection including, but not limited to, the American Association of Cardiovascular and Pulmonary Rehabilitation, the Association for the Treatment of Tobacco Use and Dependence, or the Council for Tobacco Treatment Training Programs; or

(iii) Nonclinical practice topics. Courses or activities including, but not limited to, health promotion, health care cost management, mandatory reporting, professional ethics, and regulatory affairs.

(2) Documentation. Licensees are responsible for acquiring and maintaining all acceptable documentation of their continuing education activities, as required in chapter 246-12 WAC, Part 7. Acceptable documentation shall include transcripts, letters from course instructors, or certificates of completion or other formal certifications provided by hospitals, course instructors, and health organizations ((as required in chapter 246-12 WAC, Part 7)). In all cases other than transcripts, the documentation must show the participant's name, activity title, number of continuing education credit hours, date(s) of activity, instructor's name(s) and degree and the signature of the verifying individual program sponsor.

((3) The licensee who prepares and presents lectures or education courses that contributes to the professional competence of a licensed respiratory care practitioner may accumulate the same number of hours obtained for continuing education purposes by attendees as determined in WAC 246-12-220. The hours for presenting a specific topic lecture or education may only be used for continuing education credit once during each renewal period.))

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-928-441 Implementation.

**WSR 15-13-135**  
**PROPOSED RULES**  
**NORTHWEST CLEAN**  
**AIR AGENCY**

[Filed June 17, 2015, 11:19 a.m.]

Original Notice.

Proposal is exempt under RCW 70.94.141(1).

Title of Rule and Other Identifying Information: Regulation of the Northwest Clean Air Agency (NWCAA).

Hearing Location(s): NWCAA, 1600 South Second Street, Mount Vernon, WA 98273, on August 5, 2015, at 11:00 a.m.

Date of Intended Adoption: August 13, 2015.

Submit Written Comments to: Mark Buford, NWCAA, 1600 South Second Street, Mount Vernon, WA 98273, e-mail info@nwcleanair.org, fax (360) 428-1620, by August 5, 2015, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Laurie Caskey-Schreiber by July 29, 2015, (360) 428-1617.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:

- Clarify and reconcile the rule language to better match state and federal rules and laws, including several minor clarifications and word changes, new and revised definitions (i.e., greenhouse gases, volatile organic compounds), and incorporation of three minor new source review exemptions. This will remove unnecessary gaps from the state and federal rules and laws making implementation confusing and inconsistent for both the agency and regulated entities. (NWCAA Sections 132, 133, 155, and 300)
- Update the maximum civil penalty to reflect the adjustment for inflation as allowed by law for the sake of transparency. (NWCAA Section 133)
- Remove certain sections and definitions that are no longer used or necessary. (NWCAA Sections 200, 145, and 470)
- Update external adoption-by-reference lists to ensure that the most recent versions of the referenced regulations are adopted. (Amended NWCAA Sections 104, 155, and 300)
- Adopt by reference the following federal rules so that NWCAA will be the implementing agency rather than EPA within NWCAA jurisdiction [jurisdiction]: 40 C.F.R. 63 Subpart BBBBBB (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities (area sources)), 40 C.F.R. 63 Subpart HHHHHH (National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources), 40 C.F.R. 63

Subpart JJJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources), 40 C.F.R. 63 Subpart WWWWWW (National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations), and 40 CFR 63 Subpart XXXXXX (National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories). (Amended NWCAA Section 104)

New/Amended Regulation Section Derivations: Amending NWCAA Section 200 - "Greenhouse Gases (GHGs)" definition: New definition based on WAC 173-400-030; NWCAA Section 200 - "Volatile Organic Compound (VOC)" definition: Revised definition based on 40 CFR 51.100; NWCAA Section 133 - Civil Penalty: Subsection numbering changed to match current format; and NWCAA Section 155 - State Environmental Policy Act: Subsection numbering changed to match current format.

Distributions for Section Being Replaced: Deleting former NWCAA Section 145 - Motor Vehicle Owner Responsibility; Amending NWCAA Section 200 - "Best Available Retrofit Technology (BART)" with definition; NWCAA Section 200 - "Mercury Ore" with definition; former NWCAA 300.14; and former NWCAA Section 470 - Fluorides - Forage.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141(1).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: NWCAA, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Mark Asmundson, 1600 South 2nd Street, Mount Vernon, WA, (360) 428-1617.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable under RCW 70.94.141.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable under RCW 70.94.141.

June 17, 2015

Mark Buford

Assistant Director

**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 15-14 issue of the Register.