

WSR 16-15-008
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed July 7, 2016, 2:10 p.m.]

The department of licensing, records and public disclosure program requests the withdrawal of the proposed rule making filed as WSR 14-02-066 for WAC 308-93-087 Disclosure of names and addresses of individual vessel owners, 308-93-088 Disclosure violations, penalties, and 308-93-089 Lists of registered and legal owners of vessels—Furnished for certain purposes—Penalty for unauthorized use. The CR-101 was filed December 27, 2013. This document serves as the official notification of our rule withdrawal.

Damon Monroe
 Rules Coordinator

WSR 16-15-009
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 7, 2016, 2:18 p.m.]

Subject of Possible Rule Making: Chapter 246-XXX WAC, Blood establishments, the department of health (department) is adding a new chapter to Title 246 WAC to establish requirements related to a public registry to ensure the transparency of blood establishments pursuant to SHB 2580 (chapter 47, Laws of 2016).

Statutes Authorizing the Agency to Adopt Rules on this Subject: SHB 2580 (chapter 47, Laws of 2016).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 2580 was enacted by the 2016 Washington state legislature requiring the department to: (1) Establish and administer a registration process for blood-collecting or blood-distributing establishments that collect or distribute blood for allogeneic transfusion in Washington state that are licensed by the United States Food and Drug Administration (FDA); (2) create and maintain an online public registry of all registered blood establishments that supply blood products for transfusion in Washington state; and (3) set fees for applying for or renewing a registration. The purpose of the registry is to ensure the safety and transparency of Washington's blood supply.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States FDA, the department will coordinate the rule with FDA as necessary and appropriate.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may participate in the development of draft rules prior to a formal proposal or may receive information on how to participate in rule making by contacting Susan Walker, Lab Quality Assurance Supervisor, 20425 72nd Avenue South, Suite 310, Kent, WA 98032, e-mail susan.walker@doh.wa.gov, phone (253) 395-6745, fax (253) 395-6365.

July 7, 2016

John Wiesman, DrPH, MPH
 Secretary

WSR 16-15-010
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 7, 2016, 2:54 p.m.]

Subject of Possible Rule Making: WAC 246-310-715 General requirements, 246-310-720 Hospital volume standards, 246-310-725 Physician volume standards, and 246-310-745 Need forecasting methodology. The department of health (department) is considering reducing institutional and individual volume standards for safe and effective elective percutaneous coronary intervention (PCI) based on recent research.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.38.115 and 70.38.128

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering the issues identified in two rule-making petitions that would update volume standards for institutions and practitioners performing elective PCI. The department is considering amending rules limited to: Changes in volume standards for institutions and practitioners performing elective PCI; bringing volume standards in alignment with national industry standards and recent research that may increase access to services; and the evaluation of elective PCI CoN applications absent numeric need.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Does not apply.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may participate in the development of draft rules prior to a formal proposal by joining the certificate of need listserv, attending workshops, or providing input on draft materials. Interested parties can receive information on how to participate in rule making by contacting Katherine Hoffman, Policy Analyst, Department of Health, Health Systems Quality Assurance, Certificate of Need, P.O. Box 47852, 111 Israel Road S.E., Olympia, WA 98504-7852 or by e-mail to Katherine.Hoffman@doh.wa.gov, phone (360) 236-2979, or fax (360) 236-2321.

July 7, 2016

John Wiesman DrPH, MPH
 Secretary

WSR 16-15-012
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed July 8, 2016, 9:10 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-444-0075 What are the penalties if I quit a job or reduce my work effort without good cause?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510, 7 C.F.R. 273.7.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to reduce the penalty period for applying for basic food from sixty days to thirty days after voluntarily quitting a job or reducing work effort without good cause.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS incorporates regulations from federal agencies, exercises state options, and implements approved waivers and demonstration projects by adopting administrative rules for the federal supplemental nutrition assistance program (SNAP) administered as the Washington basic food program. DSHS adopts rules for cash assistance conforming to federal regulations under Title 45 C.F.R., Title IV-A of the Social Security Act, Title 74 RCW and the approved temporary assistance for needy families state plan.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Corinna Adams, Community Services Division, P.O. Box 45440, Olympia, WA 98504-5440, phone (360) 725-4640, fax (360) 725-4904, e-mail adams2@dshs.wa.gov.

July 7, 2016
Katherine I. Vasquez
Rules Coordinator

WSR 16-15-015
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed July 8, 2016, 1:45 p.m.]

Subject of Possible Rule Making: Chapter 363-116 WAC, Pilotage rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.16 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is undergoing a complete review of chapter 363-116 WAC, Pilotage rules, in order to create or amend language that will be more concise, clear and current.

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

Process for Developing New Rule: The board will be considering amendments to these rules and will be discussing them in regular session board meetings. Stakeholder comments are welcome. Upon further review and consideration of recommended revisions, public hearings will be scheduled to consider the proposed new rules pursuant to formal notice requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peggy Larson, Executive Director, Board of Pilotage Commissioners, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone (206) 515-3904, fax (206) 515-3906, LarsonP@wsdot.wa.gov, www.pilotage.wa.gov.

July 8, 2016
Peggy Larson
Executive Director

WSR 16-15-017
PREPROPOSAL STATEMENT OF INQUIRY
EXECUTIVE ETHICS BOARD

[Filed July 11, 2016, 9:33 a.m.]

Subject of Possible Rule Making: Chapter 292-100 WAC, Procedural rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.52.360.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update the rules and provide clarity of process and procedures of the executive ethics board to state employees and the public.

Process for Developing New Rule: Seek stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kate Reynolds, P.O. Box 40149, Olympia, WA 98504-0149, (360) 664-0871, kater@atg.wa.gov.

July 11, 2016
Ruthann Bryant
Administrative Officer

WSR 16-15-020**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING**

[Filed July 11, 2016, 11:01 a.m.]

Subject of Possible Rule Making: Implementing a single set of licensing standards for child care and the early childhood education and assistance program (ECEAP). Revising Title 170 WAC; repealing chapters 170-295 and 170-296A WAC; creating new chapter 170-300 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.070, 43.215.201, chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature in 2015 passed the Early Start Act (HB 1491, 2015), and it requires the agency to implement a single set of licensing standards for child care and ECEAP. The new WAC chapter will provide minimum health and safety standards for child care and preschool programs, rely on the standards established in the early achievers program to address quality issues in participating early childhood programs, take into account the separate needs of family care providers and child care centers and promote the continued safety of child care settings.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As appropriate, the department of early learning (DEL) will coordinate development of these rules with the state department of social and health services, the state department of health, Washington state patrol, the office of the superintendent of public instruction, state department of education, state fire marshal's office, and the United States Administration for Children and Families.

Process for Developing New Rule: Negotiated rule making; and to the extent practicable, DEL intends to seek stakeholder and public input during the rule drafting and development process. At a later date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), hold a public hearing or hearings, and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at Rules@del.wa.gov, fax (360) 725-4925, or by writing to the DEL Rules Coordinator, Department of Early Learning, P.O. Box 40970, Olympia, WA 98504-0970.

July 11, 2016
Saul Olivarez
Rules Coordinator

WSR 16-15-024**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed July 11, 2016, 2:54 p.m.]

Subject of Possible Rule Making: WAC 308-04-010 Requirements for checks in payment of licenses, certificates, etc.—Penalty.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change will align the rule to the statute (RCW 46.01.230) regarding the cancellation [cancellation] of the license or other transaction due to a dishonored check submitted for payment. The agency will also extend the time period for submitting payment after a dishonored check from fifteen days to sixty days to allow for adequate time due to USPS closures.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stephanie Sams, Policy and Legislative Analyst, P.O. Box 9020, Olympia, WA 98507, (360) 902-0131, ssams@dol.wa.gov.

July 11, 2016
Damon Monroe
Rules Coordinator

WSR 16-15-035**PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD**

[Filed July 13, 2016, 1:06 p.m.]

Subject of Possible Rule Making: The Washington state liquor and cannabis board (WSLCB) is considering rule changes for technical and other housekeeping changes to chapter 314-55 WAC, as well as other rule changes identified as necessary by WSLCB or requested by licensees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342 and 69.50.345.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are needed as the result of recent changes to the marijuana industry and to ensure clarity, accuracy, and functionality of marijuana rules. Rules should be accurate and efficient. Several areas of chapter 314-55 WAC have been identified as needing improvements or adjustments as a result of feedback from staff, other state agencies, members of the public, and marijuana licensees. These rule changes will be aimed at ensuring proper understanding of requirements, simplifying requirements, and enforceability of rules while balancing the needs of the maturing marijuana industry and the businesses within it.

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

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanna Eide, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, rules@lcb.wa.gov, (360) 664-1622, fax (360) 664-9689.

July 13, 2016
Jane Rushford
Chair

WSR 16-15-043
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING

[Filed July 14, 2016, 10:39 a.m.]

Subject of Possible Rule Making: Making revisions to the department of early learning's (DEL) background check rules chapter, in particular, to DEL's director's list and associated processes. Revising Title 170 WAC and chapter 170-06 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.070, chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DEL anticipates making significant revisions to chapter 170-06 WAC to improve its director's list of disqualifying crimes and other associated processes. Revisions may include changes, including additions or deletions, to the director's list, the creation of different types of disqualification time periods and changes to the reconsideration and disqualification rules and their processes. The revisions promote the continued health and safety of children in early learning settings and will ensure compliance with RCW 9.96A.020.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As appropriate, DEL will coordinate development of these rules with the state department of social and health services, the state department of health, Washington state patrol, the office of the superintendent of public instruction, state department of education, state fire marshal's office, and the United States Administration for Children and Families.

Process for Developing New Rule: To the extent practicable, DEL intends to seek public input during the rule drafting and development process. At a later date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), hold a public hearing or hearings, and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing

list by contacting the DEL rules coordinator at Rules@del.wa.gov, fax (360) 725-4925, or by writing to the DEL Rules Coordinator, Department of Early Learning, P.O. Box 40970, Olympia, WA 98504-0970.

July 14, 2016
Saul Olivarez
Rules Coordinator

WSR 16-15-048
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 16-06—Filed July 14, 2016, 2:32 p.m.]

Subject of Possible Rule Making: The department of ecology plans to amend chapter 173-305 WAC, Hazardous waste fee regulation. This rule making will focus on:

- Additional exclusions related to the hazardous waste planning fee calculation found in WAC 173-305-220.
- Other amendments to clarify language needed for the fee's calculation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.95E.030 ... "The department shall adopt a fee schedule by rule after consultation with typical affected businesses and other interested parties ..."

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology is doing this rule making to align the rule with existing fee calculation practices.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other federal or state agencies that regulate the hazardous waste planning fee.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can stay informed about the rule making and public involvement opportunities by:

1. Visiting the agency web page at www.ecy.wa.gov/programs/hwtr/laws_rules/HWFee/1606ov.html.
2. Signing up on our listserv (in development, check web site for more information).
3. Contacting the rule-making lead, John Ridgway, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6713, fax (360) 407-6715, e-mail john.ridgway@ecy.wa.gov.

Ecology will offer government-to-government consultation with tribes during each phase of rule development. In addition, ecology will keep local, state, and tribal governments and other stakeholders updated about these and other possible actions we will undertake as the rule making progresses:

- Conduct at least one public workshop to describe and explain the purpose and related details of this rule making. These workshops will also give ecology an opportunity to hear and discuss stakeholders' comments and provide preliminary draft language.
- Hold at least one public hearing on the rule proposal.
- Conduct a webinar for those unable to attend a workshop.

For interested stakeholders unable to attend these events, ecology staff will be available to consult with stakeholders as needed.

July 14, 2016

John Ridgway, Manager
Information Management and
Communications Section

WSR 16-15-050

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed July 15, 2016, 9:52 a.m.]

Subject of Possible Rule Making: WAC 182-551-1860 Concurrent care for hospice clients twenty years of age and younger and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, Section 2302 of the Patient Protection and Affordable Care Act of 2010, 42 U.S.C. 1396d (o)(1)(c).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending this rule to revise terms using the word "curative." The revised terms include: Life-prolonging treatment, life-prolonging service, and concurrent care benefit. The agency is removing services under subsection (4)(b) that are considered life-prolonging treatment. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail Chantelle.Diaz@hca.wa.gov.

July 15, 2016
Wendy Barcus
Rules Coordinator

WSR 16-15-051

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF EARLY LEARNING

[Filed July 15, 2016, 10:49 a.m.]

Subject of Possible Rule Making: Revising Title 170 WAC; revising chapter 170-297 WAC and possibly other WAC chapters deemed necessary.

Revising rules to comply with the revised definition of "agency."

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.070, chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2016 legislature passed SB 6371 revising the definition of "agency" in RCW 43.215-010. Rule making is required for consistency between the passed legislation and agency rules and will ensure that, within the agency exemption, all rules reflect the modified definition of "schools" and any other necessary changes required by SB 6371.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As appropriate, the department of early learning (DEL) will coordinate development of these rules with the state department of social and health services, the state department of health, Washington state patrol, the office of the superintendent of public instruction, state department of education, state fire marshal's office, and the United States Administration for Children and Families.

Process for Developing New Rule: To the extent practicable, DEL intends to seek public input during the rule drafting and development process. At a later date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), hold a public hearing or hearings, and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at Rules@del.wa.gov, fax (360) 725-4925, or by writing to the DEL Rules Coordinator, Department of Early Learning, P.O. Box 40970, Olympia, WA 98504-0970.

July 15, 2016
Saul Olivarez
Rules Coordinator

WSR 16-15-052

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF EARLY LEARNING

[Filed July 15, 2016, 10:50 a.m.]

Subject of Possible Rule Making: Revising Title 170 WAC; revising chapter 170-06 and 170-290 WAC; creating new WAC chapter for the regulation of the family, friends and neighbors (FFN) program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.060, 43.215.070, chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Child Care and Development Block Grant Act (S.1086) requires changes to the FFN program. Program participants will be required to comply with background check, monitoring, health and safety training and other requirements as determined by the agency. Pertinent sections of chapter 170-290 WAC may be moved to the new WAC chapter, and revisions may be necessary for chapter 170-06 WAC and other chapters for consistency. Those issues will be determined at a later date. This rule making will promote the health and safety of children and keep the agency in compliance with federal requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As appropriate, the department of early learning (DEL) will coordinate development of these rules with the state department of social and health services, the state department of health, Washington state patrol, the office of the superintendent of public instruction, state department of education, state fire marshal's office, and the United States Administration for Children and Families.

Process for Developing New Rule: To the extent practicable, DEL intends to seek stakeholder and public input during the rule drafting and development process. At a later date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), hold a public hearing or hearings, and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at Rules@del.wa.gov, fax (360) 725-4925, or by writing to the DEL Rules Coordinator, Department of Early Learning, P.O. Box 40970, Olympia, WA 98504-0970.

July 15, 2016
Saul Olivarez
Rules Coordinator

WSR 16-15-061

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed July 18, 2016, 10:18 a.m.]

Subject of Possible Rule Making: Chapter 246-803 WAC, East Asian medicine practitioner, amending the chapter to implement SHB 2448 and to update and clarify existing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SHB 2448 (chapter 97, Laws of 2016) and RCW 18.06.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 2448 enacted in 2016, requires the department to adopt rules that define point injection

therapy, list out the substances that can be administered as part of point injection therapy consistent with the practice of East Asian medicine, and specify the education and training necessary to provide point injection therapy.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department will be holding public workshops around the state. The department will e-mail notices of its rule-making activities to those individuals on the acupuncture listserv, to other interested parties via the respective listservs and to affected associations. (To sign-up for this listserv go to <http://listserv.wa.gov/cgi-bin/wa?SUBED1=acupuncture&A=1>.)

The department contact is Vicki Brown, East Asian Medicine Program, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4865, vicki.brown@doh.wa.gov.

July 18, 2016
John Wiesman, DrPH, MPH
Secretary

WSR 16-15-068

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2016-20—Filed July 18, 2016, 3:23 p.m.]

Subject of Possible Rule Making: Privacy of consumer financial information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.505, Gramm-Leach-Bliley Act, Public Law 102-106, sec. 501(b), sec. 505 (b)(2), and Fixing America's Surface Transportation (FAST) Act, Public Law 114-94, sec. 75001.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Gramm-Leach-Bliley Act requires that financial institutions (which includes insurers and carriers) provide an annual notice of the privacy policy of the financial institution to its clients. The FAST Act which was recently enacted by congress amended this requirement to permit financial institutions to not provide the annual notice providing certain exceptions are complied with. Under this rule making the commissioner will consider amending existing rules to comport with this change in federal law.

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

Process for Developing New Rule: Submit written comments by September 1, 2016, to Jim Tompkins, P.O. [Box] 40260, Olympia, WA 98504-0260, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Tompkins, P.O. [Box] 40260, Olympia, WA 98504-0260, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109.

July 18, 2016
Mike Kreidler
Insurance Commissioner

WSR 16-15-069
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING

[Filed July 19, 2016, 8:11 a.m.]

The department of early learning is withdrawing its CR-101 preproposal statement of inquiry filed as WSR 16-15-020 on July 11, 2016. Please contact Saul Olivarez at (360) 725-4670 should you have any additional questions.

Saul Olivarez
Rules Coordinator

WSR 16-15-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 16-04—Filed July 19, 2016, 9:55 a.m.]

Subject of Possible Rule Making: The department of ecology's water quality program (ecology) is proposing to amend chapter 173-98 WAC, Uses and limitations of the water pollution control revolving fund; and chapter 173-95A WAC, Uses and limitations of the centennial clean water program (centennial).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Ecology is authorized to adopt chapter 173-98 WAC by chapter 90.50A RCW, Water pollution control facilities—Federal capitalization grants. Ecology is authorized to adopt chapter 173-95A WAC by chapter 70.146 RCW, Water pollution control facilities financing.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since rule making in 2011, external stakeholders and ecology have identified several issues related to the lack of clarity and lack of flexibility in the rules. In addition, in 2014 the federal Clean Water Act was amended to allow states to offer loan terms of up to thirty years and to provide loans to acquire land for constructing treatment facilities. In 2016, chapter 90.50A RCW was amended to allow ecology to offer loan terms of up to thirty years. The extended loan terms and land acquisition amendments would provide new funding opportunities if the rules are revised. With this rule making, we plan to:

- Address "housekeeping" issues.
- Provide more clarity.
- Provide more flexibility.

- Take advantage of new funding opportunities consistent with state and federal updates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Ecology is solely responsible for implementing the rules in Washington state. The United States Environmental Protection Agency (EPA), through the federal Clean Water Act established baseline rules for the clean water state revolving fund (CWSRF). EPA and ecology have signed an "Operating Agreement" that specifies ecology's requirements for implementing the CWSRF. Thus, it's essential that ecology coordinate with EPA during rule making. There are two EPA representatives on the financial assistance council that will be reviewing and commenting on draft rule language.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can stay informed about the rule making and public involvement opportunities by:

1. Visiting the chapter 173-98 WAC (CWSRF) and chapter 173-95A WAC (Centennial) rule-making web site at <http://www.ecy.wa.gov/programs/wq/ruledev/wac17398/1604ov.html>;
2. Signing up to receive e-mail notices at <http://listserv.wa.gov/cgi-bin/wa?A0=ECY-WQ-GRANTS-LOANS>;
3. Contacting the rule-making lead Daniel Thompson, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6510.

July 19, 2016
Heather R. Bartlett
Water Quality Program Manager

WSR 16-15-077
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 19, 2016, 10:49 a.m.]

Subject of Possible Rule Making: Chapter 296-17A WAC, Classifications for Washington workers' compensation insurance, the department will consider reclassifying fraternities/sororities and tutoring services, as well as more clearly distinguishing between nursing homes and other residential care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by RCW 51.16.035 to establish and maintain a workers' compensation classification plan that classifies according to the degree of hazard and recognized insurance principles as described in WAC 296-17-31029. Department studies found:

- Fraternities and sororities do not share common risks and hazards with assisted living facilities and adult family homes (currently under WAC 296-17A-6509).
- Inconsistency in rating tutoring businesses (currently, no specific risk classification in WAC).
- Lack of clarity for distinguishing skilled nursing facilities from assisted living facilities (currently under WAC 296-17A-6108 and 296-17A-6509).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agency regulates the workers' compensation classification plan in the state of Washington.

Process for Developing New Rule: Agency study; this preproposal follows three classification studies. The studies recommended rule making to maintain the integrity of the classification plan. The department contacted employers who may be impacted by the rule making. The department will send additional notice if the department makes any proposals. Interested parties may participate by commenting before proposals are made, by testifying at the public hearing, or by providing written comment after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Inquiries can be directed to Richard Bredeson, Classification Services, P.O. Box 44148, Olympia, WA 98504-4148, phone (360) 902-4985, fax (360) 902-4988, e-mail Richard.Bredeson@lni.wa.gov.

July 19, 2016
Joel Sacks
Director

WSR 16-15-078
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 19, 2016, 10:50 a.m.]

Subject of Possible Rule Making: Chapter 296-62 WAC, General occupational health standards, eRules Phase 9.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed rule making does not add or change requirements but will reformat rules to provide consistency in format and design and accessibility via mobile electronic devices. When the agency updated its web site template, division of occupational safety and health (DOSH) rules in HTML were broken and DOSH began forwarding rule users to the office of the code reviser web site, which caused more confusion among customers. This preproposal will accomplish the following:

- Consistent format for all DOSH safety and health rules.
- Ability to use the DOSH web site for safety and health rules.
- Easy to access rules for smart phone and tablet users.
- Bookmarks in the rules allow easy navigation in PDF files.

- Bullets and dashes are removed and replaced with numbers and letters for easier referencing.
- Enhances rule update efficiency for customers by allowing for faster updates through electronic postings.

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

Process for Developing New Rule: Parties interested in the proposed reformatting and redesign of these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josefina Magana, Administrative Regulations Analyst, Department of Labor and Industries, DOSH, P.O. Box 44600, Olympia, WA 98504, phone (360) 902-4233, e-mail magk235@lni.wa.gov.

July 19, 2016
Joel Sacks
Director

WSR 16-15-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING

[Filed July 19, 2016, 1:50 p.m.]

Subject of Possible Rule Making: Implementing a single set of weighted licensing standards for child care and the early childhood education and assistance program (ECEAP). Revising chapters in Title 170 WAC as needed for consistency; repealing chapters 170-295 and 170-296A WAC; creating new chapter 170-300 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.070, 43.215.201, chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature in 2015 passed the Early Start Act (HB 1491, 2015), and it requires the agency to implement a single set of licensing standards for child care and ECEAP. The new WAC chapter will provide minimum health and safety standards for child care and preschool programs, use the standards established in the early achievers program to address quality issues in participating early childhood programs, take into account the separate needs of family care providers and child care centers and promote the continued safety of child care settings. Additionally, the new licensing standards will be weighted to improve licensing enforcement and to enhance the health and safety of children in early learning settings.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As appropriate, the department of early learning (DEL) will coordinate development of these rules with the state department of social and health services, the state department

of health, Washington state patrol, the office of the superintendent of public instruction, state department of education, state fire marshal's office, and the United States Administration for Children and Families.

Process for Developing New Rule: Negotiated rule making; and to the extent practicable, DEL intends to seek stakeholder and public input during the rule drafting and development process. At a later date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), hold a public hearing or hearings, and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at Rules@del.wa.gov, fax (360) 725-4925, or by writing to the DEL Rules Coordinator, Department of Early Learning, P.O. Box 40970, Olympia, WA 98504-0970.

July 20 [19], 2016
Saul Olivarez
Rules Coordinator

WSR 16-15-084

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Psychology)
[Filed July 19, 2016, 2:25 p.m.]

Subject of Possible Rule Making: WAC 246-924-255 Continuing education competency for suicide assessment training standards, the examining board of psychology (board) is considering rule language that will align with RCW 43.70.442 regarding continuing education requirements for suicide training standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.83.090 and 43.70.442.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2015, RCW 43.70.442 was amended to require psychologists to take suicide prevention training only from those listed on department of health's model list beginning July 1, 2017. Amending the board's rule on continuing education competency for suicide assessment training standards would align their administrative rules with the changes in statute.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons can participate in the rule process through meetings and by submitting written comments, and are encouraged to join our listserv, which can be accessed at <http://listserv.wa.gov/cgi-bin/wa?A0=PSYCHOLOGIST>.

Please address questions and/or comments to Kim-Boi Shaddock, Program Manager, P.O. Box 47852, Olympia,

WA 98504-7852, phone (360) 236-2912, fax (360) 236-2901, e-mail kimboi.shaddock@doh.wa.gov.

July 19, 2016
Shari Roberts, Chair
Examining Board of Psychology

WSR 16-15-087

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)
[Filed July 20, 2016, 9:23 a.m.]

Subject of Possible Rule Making: WAC 182-530-1050 Definitions, 182-530-3100 How the medicaid agency determines when a drug requires authorization, 182-530-4100 Washington preferred drug list (PDL), 182-530-4125 Generics first for a client's first course of treatment, 182-530-4150 Therapeutic interchange program (TIP), and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these rules to increase the number of drug classes eligible for supplemental rebates. Housekeeping updates will also be made as a result of these changes. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Katie Pounds, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail Katherine.pounds@hca.wa.gov.

July 20, 2016
Wendy Barcus
Rules Coordinator

WSR 16-15-089

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed July 20, 2016, 9:40 a.m.]

The department of health (department) is withdrawing the following preproposal statement of inquiry (CR-101) WSR 13-01-103, filed December 19, 2012, chapter 246-803 WAC defining and clarifying the practice of point injection.

This CR-101 is being withdrawn because the department did not have the authority to specify the education and training that is required in order to perform point injection ther-

apy. The department will be filing a new CR-101 to implement SHB 2448 point injection therapy that passed in the 2016 legislative session.

If you have any questions, please contact Vicki Brown, program manager for the East Asian medicine practitioner program, at (360) 236-4865.

Tami M. Thompson
Regulatory Affairs Manager

WSR 16-15-090

PREPROPOSAL STATEMENT OF INQUIRY NOXIOUS WEED CONTROL BOARD

[Filed July 20, 2016, 10:05 a.m.]

Subject of Possible Rule Making: WAC 16-750-005, 16-750-011, 16-750-015.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.10.070, 17.10.080, 17.10.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state noxious weed control board (NWCBC) is charged with updating the state noxious weed list on an annual basis to ensure it accurately reflects the noxious weed control priorities and noxious weed distribution.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state agency regulates this subject. Federal agencies are subject to federal noxious weed laws that require them to coordinate with state regulations. Federal agencies in Washington are invited to participate in all stages of noxious weed rule making.

Process for Developing New Rule: NWCBC annually solicits proposed changes to the noxious weed list from county weed boards, weed districts, state agencies, federal agencies, interest groups, and the general public. The noxious weed committee of the board (which includes representation from the Washington Native Plant Society, county weed boards, the nursery industry and several scientific advisors) meets at least twice to review and research these suggestions. A public hearing is scheduled, and a press release and information regarding the proposed changes are widely distributed to newspapers, stakeholders, and the general public. The board makes its final decisions after considering comments received at the hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can:

- Submit suggested changes to the noxious weed list and/or other sections of chapter 16-750 WAC between January 1 and April 30 each year.
- Attend noxious weed committee meetings and/or state NWCBC meetings.
- Testify at the public hearing and/or submit written testimony.

Information on participating in the decision-making process can be obtained from Alison Halpern, NWCBC, P.O. Box

42560, Olympia, WA 98504-2560, phone (360) 902-2053, fax (360) 902-2094, e-mail ahalpern@agr.wa.gov.

July 20, 2016
Alison Halpern
Executive Secretary

WSR 16-15-092

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed July 20, 2016, 10:53 a.m.]

Subject of Possible Rule Making: Chapter 16-29 WAC, Animal disease traceability.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.36.040, 16.36.150, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend chapter 16-29 WAC to:

- Clarify the data that slaughter facilities must report to the department;
- Add an alternative to reporting when certain conditions are met; and
- Clarify penalties associated with reporting violations.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, Washington State Department of Agriculture, P.O. Box 42577, Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail jjones@agr.wa.gov.

July 20, 2016
Lynn M. Briscoe
Assistant Director

WSR 16-15-093

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed July 20, 2016, 10:53 a.m.]

Subject of Possible Rule Making: WAC 392-121-106 Definition—Enrolled student.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 392-121-106 requires

updating to align the definition of an enrolled student with WAC 392-172A-02000 that addresses a student's right to a free appropriate public education. This change will address the age discrepancy for students whose birthday is September 1.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Becky McLean, Superintendent of Public Instruction, Enrollment Supervisor, (360) 725-6306, Old Capitol Building, P.O. Box 47200, Olympia, WA.

July 13, 2016
Randy Dorn
Superintendent of
Public Instruction

WSR 16-15-094
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 20, 2016, 10:54 a.m.]

Subject of Possible Rule Making: WAC 392-169-020 Eligible student—Definition.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.600.390.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 392-169-020 requires updating to align the definition of an eligible running start student with WAC 392-172A-02000 that addresses a student's right to a free appropriate public education. This change will address the age discrepancy for students whose birthday is September 1.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WAC 392-169-005 requires joint agreement with office of superintendent of public instruction (OSPI), state board of community and technical colleges, and Washington student achievement council. Both agencies have agreed on the proposed change.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Becky McLean, OSPI Enrollment Supervisor, (360) 725-6306, Old Capitol Building, P.O. Box 47200, Olympia, WA.

July 13, 2016
Randy Dorn
Superintendent of
Public Instruction

WSR 16-15-095
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed July 20, 2016, 10:55 a.m.]

Subject of Possible Rule Making: Chapter 16-54 WAC, Animal importation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.36.040 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending chapter 16-54 WAC to:

- Add timed events to definitions to be consistent with chapter 16-86 WAC;
- Remove the requirement that owners of swine must sign the certificate of veterinary inspection for porcine epidemic diarrhea virus origination or effected premises;
- Modify the exemption to import test requirements for dogs, cats and ferrets to allow traveling into Washington by means other than private conveyance;
- Reference the statutory authority for wild and exotic animals; and
- Modify language to increase clarity and conform with current industry practices.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will discuss the proposed changes with the department of fish and wildlife and department of health who have regulations in place that apply to some of the proposed changes.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, Washington State Department of Agriculture, P.O. Box 42577, Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail jjones@agr.wa.gov.

July 20, 2016
Lynn M. Briscoe
Assistant Director

WSR 16-15-096
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed July 20, 2016, 10:55 a.m.]

Subject of Possible Rule Making: Chapter 16-71 WAC, Equine diseases in Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.36.040 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending chapter 16-71 WAC to reduce the number of

days equine with vesicular stomatitis are held in quarantine after the last documented observation of new lesions.

It has been determined that infected animals shed virus for only a few days after they develop lesions, even in cases when the lesions are slow to heal. Reducing the number of days equine with vesicular stomatitis are held after the last appearance of new lesions on an infected premises is considered a safe quarantine period, after which there would be a high degree of confidence that no virus would be shedding from the quarantined animals.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, Washington State Department of Agriculture, P.O. Box 42577, Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail jjones@agr.wa.gov.

July 20, 2016
Lynn M. Briscoe
Assistant Director

milk dairies. Department staff has been discussing this proposal and FSCSD is in agreement to abolish Q-fever animal testing requirements. Raw milk dairies will still be required to test their animals annually for brucellosis and tuberculosis. FSCSD will still require product testing per chapter 15.36 RCW. Department of health has been part of the conversation and agrees with the proposal to abolish this requirement.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, Washington State Department of Agriculture, P.O. Box 42577, Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail jjones@agr.wa.gov.

July 20, 2016
Lynn M. Briscoe
Assistant Director

WSR 16-15-098

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed July 20, 2016, 10:56 a.m.]

Subject of Possible Rule Making: Chapter 16-86 WAC, Cattle and bison diseases in Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.36.040 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending chapter 16-86 WAC to abolish Q-fever testing requirements for raw milk dairies and modify the language to increase clarity and conform with current industry practices.

Currently, Q-fever testing required by the animal health program detects antibodies to *Coxiella Burnetii*. Antibody tests only determine past exposure to the agent rather than active shedding status. The testing does not determine if the animal is actively infected, and/or if the animal is shedding the organism in the milk. The risk of transmission is much more likely through contact with placental fluids and aborted fetuses than raw milk.

Currently, there are no tests for Q-fever commercially available that give reliable definitive results. No other states require Q-fever testing.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of agriculture's food safety and consumer services division (FSCSD) licenses raw