

WSR 16-20-004
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Veterinary Board of Governors)
[Filed September 22, 2016, 9:22 a.m.]

The veterinary board of governors (board) is withdrawing the preproposal notice (CR-101) for WAC 246-933-420, which was filed October 2, 2014, and published in WSR 14-21-010.

The board filed this CR-101 to establish criteria for allowing complementary and alternative veterinary medicine (CAVM) continuing education. The board filed a CR-102 on December 9, 2015 (WSR 16-01-043) to allow no more than ten hours of CAVM continuing education every three years. At the public hearing, the board discussed stakeholder feedback from veterinary practitioners who only practice CAVM and proposed increasing the limit of CAVM continuing education to twenty hours. On July 26, 2016, the board filed a supplemental CR-102 (WSR 16-16-040) requiring ten hours of continuing education in conventional veterinary medicine and allowing up to twenty hours of continuing education in CAVM in any three year reporting period.

Within this time period the board also filed amendments to WAC 246-933-460 adding the Registry of Alternative and Integrative Veterinary Medical Education to the list of organizations approved to provide continuing education courses. This change, in addition to feedback from stakeholders, made the board determine that continuing education credits for CAVM do not need to be specified within WAC 246-933-420.

Individuals requiring information on this rule should contact Loralei Walker, program manager, veterinary board of governors, at (360) 236-2901.

Tami M. Thompson
Regulatory Affairs Manager

WSR 16-20-006
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES
[Filed September 22, 2016, 11:01 a.m.]

Subject of Possible Rule Making: Amending WAC 131-48-080, 131-48-100 and 131-48-110, governing the eligibility to test for the high school equivalency certificate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are needed to accommodate our approval to have our state's 1418 open doors program be a general education development (GED) options program. The publisher of the high school equivalency tests does not allow students enrolled in any type of high school program to take the tests, unless it is a GED options program. Our current statute requires any student in a high school program to be release[d] from the high school before testing. The statute needs to reflect the change to allow

students in 1418 open doors programs to test for the high school equivalency credential without having to be released from the school district.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The high school equivalency credential is awarded jointly by the state board for community and technical colleges and the office of the superintendent of public instruction (OSPI). With approval from OSPI, we have requested that open doors be a GED options program for our state, which would allow students to test while enrolled in an open doors program.

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lou Sager, 1300 Quince Street S.E., P.O. Box 42495, Olympia, WA 98504, e-mail lsager@sbctc.edu, phone (360) 704-4321.

September 22, 2016
Beth Gordon
Executive Assistant and
Agency Rules Coordinator

WSR 16-20-019
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION
[Filed September 26, 2016, 11:03 a.m.]

Subject of Possible Rule Making: Washington achievement index (index) developed under RCW 28A.657.110, as revised for compliance with S. 1177, 114th Congress, known as the Every Student Succeeds Act (ESSA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.657.110(1), 28A.657.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules must be updated to reflect changes in federal law (ESSA) such as new minimum graduation thresholds and new school and district improvement goals. ESSA also requires the identification of new indicators for annual meaningful differentiation and a methodology for identifying schools for comprehensive and targeted support.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: RCW 28A.657.110(1) requires the office of superintendent of public instruction (OSPI) to design a comprehensive system of strategies for recognition, provision of differentiated support and targeted assistance and, if necessary, intervention in schools and school systems, which shall be based on the accountability framework established by SBE under that same subsection. SBE will consult closely with OSPI in the preparation of any proposed rules concerning the achievement index. The index will be submitted to the United States Department of Education as part of the state plan required by S. 1117, 114th Congress (ESSA).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Andrew Parr, (360) 725-6063,

andrew.parr@k12.wa.us; or Kaaren Heikes, (360) 725-6029,
kaaren.heikes@k12.wa.us.

September 26, 2016
Ben Rarick
Executive Director

Facility Policy Program Manager, Aging and Long-Term
Support Administration, Residential Care Services, P.O. Box
45600, Olympia, WA 98504-5600, phone (360) 725-2591,
fax (360) 438-7903, e-mail childjck@dshs.wa.gov.

September 27, 2016
Katherine I. Vasquez
Rules Coordinator

WSR 16-20-023

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed September 27, 2016, 10:44 a.m.]

Subject of Possible Rule Making: The department is proposing to add new sections, repeal existing sections, and amend sections in chapter 388-78A WAC, Assisted living facility licensing rules, including WAC 388-78A-2380, 388-78A-2680, 388-78A-2690, 388-78A-2700, 388-78A-2750, WAC 388-78A-2800, 388-78A-2810, 388-78A-2820, 388-78A-2830, 388-78A-2840, 388-78A-2850, 388-78A-2860, 388-78A-2870, 388-78A-2880, 388-78A-2890, 388-78A-2900, 388-78A-2910, 388-78A-2920, 388-78A-2930, 388-78A-2940, 388-78A-2950, 388-78A-2960, 388-78A-2970, 388-78A-2980, 388-78A-2990, 388-78A-3000, 388-78A-3010, 388-78A-3020, 388-78A-3030, 388-78A-3040, 388-78A-3050, 388-78A-3060, 388-78A-3070, 388-78A-3080, 388-78A-3090, 388-78A-3100, 388-78A-3110, 388-78A-3120, 388-78A-3130, 388-78A-3230, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.20, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules have not been updated in seven or more years and are unclear, ambiguous, and inaccurate. The rules need to be coordinated with national building code standards for licensed health care facilities of this type.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health, construction review services and the Washington state patrol, office of the state fire marshal collaborate and coordinate closely with the department of social and health services (DSHS), residential care services to inspect and develop requirements for the physical environment described in chapter 388-78A WAC, Assisted living facility licensing rules. This collaboration may also include identifying coordination opportunities for related WAC chapters as necessary for future rule projects.

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 Jeanette K. Childress, Assisted Living

WSR 16-20-025

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Medical Quality Assurance Commission)

[Filed September 27, 2016, 1:59 p.m.]

Subject of Possible Rule Making: WAC 246-919-601(5) Office-based surgical settings, the medical quality assurance commission is considering amending WAC 246-919-601(5) to modernize language, clarify requirements, and possibly amend the list of entities that accredit facilities where surgery is performed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission received a petition to open this rule to possibly amend the list of accrediting entities. Other amendments may be considered as necessary.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may participate in the development of draft rules prior to a formal proposal by joining the commission's rules listserv, attending workshops, and providing input on draft and proposed materials. Interested parties can receive information on how to participate by contacting Daidria Underwood, Program Manager, Medical Quality Assurance Commission, Department of Health, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-2727, fax (360) 236-2795, e-mail daidria.underwood@doh.wa.gov.

September 27, 2016
Melanie de Leon
Executive Director

WSR 16-20-039

**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

(Washington Apple Health)

[Filed September 28, 2016, 10:40 a.m.]

Subject of Possible Rule Making: WAC 182-551-1510 Rates methodology and payment method for hospice agencies and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, Sec. 1814 (i)(5)(A)(i) of the Social Security Act, and 42 U.S.C. Sec. 1395f (i)(5)(A)(i).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending WAC 182-551-1510 to add new language that reflects a two percent payment reduction to hospice providers who did not comply with the medicare quality data reporting program under 42 U.S.C. Sec. 1395f (i)(5)(A)(i). 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.

September 28, 2016
Wendy Barcus
Rules Coordinator

WSR 16-20-042

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed September 28, 2016, 1:34 p.m.]

Subject of Possible Rule Making: Purchase an annuity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 222, Laws of 2016 (SB [SSB] 6264) provides the opportunity for members of the law enforcement officers' and firefighters (LEOFF) plan 1 retirement system to purchase an annuity. This rule-making action will incorporate the new provisions into the existing rule concerning annuity purchases.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jilene Siegel, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Rules@drs.wa.gov, phone (360) 664-7291.

September 28, 2016
Jilene A. Siegel
Rules Coordinator

WSR 16-20-060

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed September 30, 2016, 2:59 p.m.]

Subject of Possible Rule Making: WAC 308-66-180 Record of transactions (motor vehicle dealers and manufacturers).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.70.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2016 Legislature passed SSB 6326 which modified recordkeeping statute to allow vehicle dealers to maintain records in electronic form. These WAC changes will provide guidance for electronic record retention.

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 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 Sirena Walters, Transportation Services, Department of Licensing, Business and Professions Division, P.O. Box 9039, Olympia, WA 98507-9039, phone (360) 664-6466, e-mail swalters@dol.wa.gov.

September 30, 2016
Damon Monroe
Rules Coordinator

WSR 16-20-069

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed October 3, 2016, 1:34 p.m.]

Subject of Possible Rule Making: Chapter 246-XXX WAC, Epinephrine autoinjectors for authorized entities, department of health is considering rule making to implement SSB 6421, authorizing health care providers to prescribe epinephrine autoinjectors in the name of authorized entities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 6421 (chapter 10, Laws of 2016) and RCW 43.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2016 legislature passed SSB 6421 (chapter 10, Laws of 2016). The bill allows prescription and dispensing of epinephrine autoinjectors to authorized entities (e.g., restaurants, camps) and allows certain health care providers to dispense autoinjectors to authorized entities. Rule making may be needed to establish roles and responsibilities for prescribing, dispensing and acquiring epinephrine autoinjectors; to establish criteria for approval of anaphylaxis training programs; to create a form and process for training program completion; and to create a form and

process for authorized entities to report use of autoinjectors to the department.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Stakeholders will be notified of open public workshops and may submit written comments for consideration. Notifications will be sent through the professions listserv mailings and stakeholder meetings. Stakeholders may participate by contacting Brett Lorentson, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4611, e-mail Brett.Lorentson@doh.wa.gov, fax (360) 236-2901.

October 3, 2016
John Wiesman, DrPH, MPH
Secretary

WSR 16-20-082

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed October 4, 2016, 12:01 p.m.]

Subject of Possible Rule Making: WAC 182-502-0110 Conditions of payment—Medicare deductible and coinsurance and other related 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 WAC 182-502-0110 to clarify prior authorization requirements for dual-eligible clients when their medicare benefits are exhausted. 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.

October 4, 2016
Wendy Barcus
Rules Coordinator

WSR 16-20-083

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed October 4, 2016, 12:06 p.m.]

Subject of Possible Rule Making: New WAC 182-559-100 Supportive housing and supported employment—General, 182-559-200 Supportive housing and supported employment—Eligibility, 182-500-0070 Medical assistance definitions—M, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; 2SSB 6312, section 9 (1)(i), chapter 225, Laws of 2014, 63rd legislature, 2014 regular session; 2ESHB 2376, section 213 (1)(f) and (g), chapter 36, Laws of 2016, 65th legislature, 2016 1st sp. sess.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is adopting these rules to implement a newly funded program that provides benefits for supportive housing and supported employment services. The agency is adding a definition for "Medicaid transformation waiver" to WAC 182-500-0070. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services and the department of social and health services.

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.

October 4, 2016
Wendy Barcus
Rules Coordinator

WSR 16-20-085

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed October 4, 2016, 12:15 p.m.]

Subject of Possible Rule Making: New sections under chapter 182-513 WAC for medicaid alternative care (MAC) and tailored supports for adults (TSOA), WAC 182-527-2730 Definitions, 182-527-2734 Liens during a client's lifetime, 182-527-2742 Estate recovery—Service-related limitations, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; 2ESHB 2376, section

213 (1)(e), chapter 36, Laws of 2016, 65th legislature, 2016 1st sp. sess.; section 1115 of the Social Security Act; 42 C.F.R. Sec. 431.400 through -428.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is adopting these rules to implement newly funded programs, MAC and TSOA, that provide benefits for person-centered long-term services and supports (LTSS) to unpaid family members caring for medicaid-eligible clients. The agency is amending chapter 182-527 WAC to exclude the MAC and TSOA programs from estate recovery. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services and the department of social and health services.

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.

October 4, 2016
Wendy Barcus
Rules Coordinator

WSR 16-20-088

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed October 4, 2016, 1:44 p.m.]

Subject of Possible Rule Making: WAC 392-121-249 and 392-121-280 Finance—General apportionment—Certificated instructional staff.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1) and 28A.415.024.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule revisions expand the definition of "accredited institution of higher education" to include institutions of higher education accredited by all national or regional accrediting associations approved by the Washington student achievement council and the secretary of the United States Department of Education, as codified in the recently revised professional educator standards board WAC 181-78A-010.

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 pub-

lication by contacting Ross Bunda, School Apportionment and Financial Services, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6308.

September 30, 2016
Randy Dorn
State Superintendent
of Public Instruction

WSR 16-20-101

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed October 5, 2016, 8:30 a.m.]

Subject of Possible Rule Making: WAC 182-518-0030 Washington apple health—Notice requirements—Electronic notices and other relevant 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 this rule to update its notification practices. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of social and health services.

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 Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail Melinda.Froud@hca.wa.gov.

October 5, 2016
Wendy Barcus
Rules Coordinator

WSR 16-20-106

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed October 5, 2016, 9:55 a.m.]

Subject of Possible Rule Making: The department is considering changes to recreational clam and oyster harvest season rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must annu-

ally amend recreational clam and oyster season rules on some public tidelands in response to shellfish population changes, shifts in recreational effort, conservation issues, and negotiations with treaty tribes and other state agencies. Such amendments are designed to perpetuate shellfish resources while maximizing recreational harvest opportunity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health (DOH). Washington department of fish and wildlife (WDFW) works closely with DOH to close beaches to recreational clam and oyster harvest if there is a risk to public health.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Bird, WDFW Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2403, fax (360) 902-2155, e-mail Rules.Coordinator@dfw.wa.gov. Contact by November 20, 2016. Expected proposal filing on or after December 1, 2016.

October 3, 2016
Scott Bird
Rules Coordinator

ers. 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 Joel Kangiser, Policy Assistant, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42589, Olympia, WA 98504-2589, phone (360) 902-2013, fax (360) 902-2093, e-mail jkangiser@agr.wa.gov.

October 5, 2016
Brent L. Barnes
Assistant Director

WSR 16-20-108

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed October 5, 2016, 10:35 a.m.]

Subject of Possible Rule Making: Chapter 16-233 WAC, Worker protection standards, the department is proposing to adopt the current federal worker protection standards specified in 40 C.F.R. §170 (Worker Protection Standard).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In November 2015, the United States Environmental Protection Agency updated their Worker Protection Standard (40 C.F.R. §170). This regulation specifies workplace practices designed to reduce or eliminate exposure to pesticides and establishes procedures for responding to exposure-related emergencies. This regulation is intended to reduce the risks of illness or injury to workers and handlers resulting from occupational exposures to pesticides used in the production of agricultural plants on agricultural establishments. Most of the new federal regulation goes into effect January 2017; with a few requirements going into effect January 2018. Revisions to chapter 16-233 WAC are necessary to remain uniform with current federal regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of labor and industries (LNI). The department of agriculture is coordinating the adoption of these rules with LNI.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakehold-