

WSR 16-23-094
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed November 16, 2016, 1:32 p.m., effective December 17, 2016]

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

Purpose: The department is creating WAC 388-97-1090 Direct care hours and amending WAC 388-97-0001 Definitions and 388-97-1080 Nursing services, to comply with, and be consistent with, Washington state statute and to implement the requirements of SSB 5600 (definitions concerning the abuse of vulnerable adults), SHB 1274 (implementing a value-based system for nursing home rates), and SHB 2678 (regulating nursing home facilities).

Citation of Existing Rules Affected by this Order: Amending WAC 388-97-0001 and 388-97-1080.

Statutory Authority for Adoption: Chapters 18.51, 74.42 RCW.

Other Authority: Chapters 74.34, 74.42, 74.46 RCW, SHB 1274, SB [SSB] 5600, SHB 2678.

Adopted under notice filed as WSR 16-18-094 on September 7, 2016.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-97-1090(6), replaced the term "monitor facility" with "periodically review the nursing home's."

WAC 388-97-1090(17), clarified language by adding "provide a written" before the term "survey" and changing the term "facilities" to "nursing homes."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 2, Repealed 0.

Date Adopted: November 16, 2016.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-14-027, filed 6/24/14, effective 7/25/14)

WAC 388-97-0001 Definitions. "Abandonment" means action or inaction by an individual or entity with a duty of care for a vulnerable adult that leaves the vulnerable individual without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or

punishment of a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, ~~((and))~~ personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult which have the following meanings:

(1) **"Mental abuse"** means ~~((any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a resident from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating,))~~ a willful verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.

(2) **"Physical abuse"** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding~~((, or restraints including chemical restraints, unless the restraint is consistent with licensing requirements))~~.

(3) **"Sexual abuse"** means any form of nonconsensual sexual ~~((contact))~~ conduct, including, but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual ~~((contact))~~ conduct may include interactions that do not involve touching, including but not limited to sending a resident sexually explicit messages, or cuing or encouraging a resident to perform sexual acts. Sexual abuse includes any sexual ~~((contact))~~ conduct between a staff person and a resident, whether or not it is consensual.

(4) **"Personal exploitation"** means an act of forcing, compelling, or exerting undue influence over a ~~((resident))~~ vulnerable adult causing the ((resident)) vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the ((resident)) vulnerable adult to perform services for the benefit of another.

(5) **"Improper use of restraint"** means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that:

(a) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW;

(b) Is not medically authorized; or

(c) Otherwise constitutes abuse under this section.

"Administrative hearing" is a formal hearing proceeding before a state administrative law judge that gives:

(1) A licensee an opportunity to be heard in disputes about licensing actions, including the imposition of remedies, taken by the department; or

(2) An individual an opportunity to appeal a finding of abandonment, abuse, neglect, financial exploitation of a resident, or misappropriation of a resident's funds.

"Administrative law judge (ALJ)" means an impartial decision-maker who presides over an administrative hearing. ALJs are employed by the office of administrative hearings (OAH), which is a separate state agency. ALJs are not DSHS employees or DSHS representatives.

"Administrator" means a nursing home administrator, licensed under chapter 18.52 RCW, who must be in active administrative charge of the nursing home, as that term is defined in the board of nursing home administrator's regulations.

"Advanced registered nurse practitioner (ARNP)" means an individual who is licensed to practice as an advanced registered nurse practitioner under chapter 18.79 RCW.

"Applicant" means an individual, partnership, corporation, or other legal entity seeking a license to operate a nursing home.

"ASHRAE" means the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc.

"Attending physician" means the doctor responsible for a particular individual's total medical care.

"Berm" means a bank of earth piled against a wall.

"Chemical restraint" means ~~((a psychopharmacologic drug that is used for discipline or convenience and is not required to treat the resident's medical symptoms))~~ the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

"Civil adjudication proceeding" means judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right to administratively challenge such findings.

"Civil fine" is a civil monetary penalty assessed against a nursing home as authorized by chapters 18.51 and 74.42 RCW. There are two types of civil fines, "per day" and "per instance."

(1) **"Per day fine"** means a fine imposed for each day that a nursing home is out of compliance with a specific requirement. Per day fines are assessed in accordance with WAC 388-97-4580(1); and

(2) **"Per instance fine"** means a fine imposed for the occurrence of a deficiency.

"Condition on a license" means that the department has imposed certain requirements on a license and the licensee cannot operate the nursing home unless the requirements are observed.

"Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

"Commuting distance radius" means the one-way travel time between any two points traveling on the generally

fastest route without any impediments such as traffic, road work, or road closure.

"Deficiency" is a nursing home's failed practice, action or inaction that violates any or all of the following:

(1) Requirements of chapters 18.51 or 74.42 RCW, or the requirements of this chapter; and

(2) In the case of a medicare and medicaid contractor, participation requirements under Title XVIII and XIX of the Social Security Act and federal medicare and medicaid regulations.

"Deficiency citation" or **"cited deficiency"** means written documentation by the department that describes a nursing home's deficiency(ies); the requirement that the deficiency(ies) violates; and the reasons for the determination of noncompliance.

"Deficient facility practice" or **"failed facility practice"** means the nursing home action(s), error(s), or lack of action(s) that provide the basis for the deficiency.

"Dementia care" means a therapeutic modality or modalities designed specifically for the care of persons with dementia.

"Denial of payment for new admissions" is an action imposed on a nursing home (facility) by the department that prohibits payment for new medicaid admissions to the nursing home after a specified date. Nursing homes certified to provide medicare and medicaid services may also be subjected to a denial of payment for new admissions by the federal Centers for Medicare and Medicaid Services.

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

"Department on-site monitoring" means an optional remedy of on-site visits to a nursing home by department staff according to department guidelines for the purpose of monitoring resident care or services or both.

"Dietitian" means a qualified dietitian. A qualified dietitian is one who is registered by the American Dietetic Association or certified by the state of Washington.

"Direct care staff" are those individuals who, through interpersonal contact with residents or resident care management, provide care and services to allow residents to attain or maintain the highest practicable physical, mental, and psychosocial well-being. Direct care staff does not include individuals whose primary duty is to maintain the long-term care facility's physical environment, such as housekeeping.

"Directly supervising" means that the individual responsible for providing oversight to staff is on the premises and quickly and easily available to provide necessary assessments and other direct care of residents.

"Disclosure statement" means a signed statement by an individual in accordance with the requirements under RCW 43.43.834. The statement should include a disclosure of whether or not the individual has been convicted of certain crimes or has been found by any court, state licensing board, disciplinary board, or protection proceeding to have neglected, sexually abused, financially exploited, or physically abused any minor or adult individual.

"Drug" means a substance:

(1) Recognized as a drug in the official *United States Pharmacopoeia*, *Official Homeopathic Pharmacopoeia of*

the United States, Official National Formulary, or any supplement to any of them; or

(2) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease.

"Drug facility" means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

"Emergency closure" is an order by the department to immediately close a nursing home.

"Emergency transfer" means immediate transfer of residents from a nursing home to safe settings.

"Entity" means any type of firm, partnership, corporation, company, association, or joint stock association.

"Essential community provider" means a nursing home, which is the only nursing home within a commuting distance radius of at least forty minutes duration, traveling by automobile.

"Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person or entity's profit or advantage other than the vulnerable adult's profit or advantage. Some examples of financial exploitation are given in RCW 74.34.020 ((6))(7).

"Geriatric behavioral health worker" means a person with a bachelor's or master's degree in social work, who has received specialized training devoted to mental illness and treatment of older adults.

"Habilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to teach an individual previously undeveloped skills.

"Highest practicable physical, mental, and psychosocial well-being" means providing each resident with the necessary individualized care and services to assist the resident to achieve or maintain the highest possible health, functional and independence level in accordance with the resident's comprehensive assessment and plan of care. Care and services provided by the nursing home must be consistent with all requirements in this chapter, chapters 74.42 and 18.51 RCW, and the resident's informed choices. For medicaid and medicare residents, care and services must also be consistent with Title XVIII and XIX of the Social Security Act and federal medicare and medicaid regulations.

"Informal department review" is a dispute resolution process that provides an opportunity for the licensee or administrator to informally present information to a department representative about disputed, cited deficiencies. Refer to WAC 388-97-4420.

"Inspection" or **"survey"** means the process by which department staff evaluates the nursing home licensee's compliance with applicable statutes and regulations.

"Intermediate care facility for individuals with intellectual disabilities (ICF/IID)" means an institution certified under chapter 42 C.F.R., Part 483, Subpart I, and licensed under chapter 18.51 RCW.

"Large nonessential community providers" means nonessential community providers that have more than sixty licensed nursing home beds, even if some of those beds are not set up or are not in use.

"License revocation" is an action taken by the department to cancel a nursing home license in accordance with RCW 18.51.060 and WAC 388-97-4220.

"License suspension" is an action taken by the department to temporarily revoke a nursing home license in accordance with RCW 18.51.060 and this chapter.

"Licensee" means an individual, partnership, corporation, or other legal entity licensed to operate a nursing home.

"Licensed practical nurse" means an individual licensed to practice ((as a licensed)) practical ((nurse)) nursing under chapter 18.79 RCW((s)).

"Mandated reporter" as used in this chapter means any employee of a nursing home, any health care provider subject to chapter 18.130 RCW, the Uniform Disciplinary Act, and any licensee or operator of a nursing home. Under RCW 74.34.020, mandated reporters also include any employee of the department of social and health services, law enforcement officers, social workers, professional school personnel, individual providers, employees and licensees of assisted living ((facility)) facilities, adult family homes, soldiers' homes, residential habilitation centers, or any other facility licensed by the department, employees of social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agencies, county coroners or medical examiners, or Christian Science practitioners.

"Mechanical restraint" means any device attached or adjacent to the vulnerable adult's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are:

(1) Medically authorized, as required; and

(2) Used in a manner that is consistent with federal or state licensing or certification requirements for facilities.

"Misappropriation of resident property" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident's belongings or money.

"NFPA" means National Fire Protection Association, Inc.

"Neglect":

(1) In a nursing home licensed under chapter 18.51 RCW, neglect means:

((a)) (a) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or

(b) An act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

(2) In a skilled nursing facility or nursing facility, neglect also means a failure to provide a resident with the goods and services necessary to avoid physical harm, mental anguish, or mental illness.

"Noncompliance" means a state of being out of compliance with state and/or federal requirements for nursing homes/facilities.

"Nonessential community provider" means a nursing home located within a commuting distance radius of less than forty minutes duration by automobile from another nursing home.

"Nursing assistant" means a nursing assistant as defined under RCW 18.88A.020 or successor laws.

"Nursing facility (NF)" or **"medicaid-certified nursing facility"** means a nursing home, or any portion of a hospital, veterans' home, or residential habilitation center, that is certified to provide nursing services to medicaid recipients under section 1919(a) of the federal Social Security Act. All beds in a nursing facility are certified to provide medicaid services, even though one or more of the beds are also certified to provide medicare skilled nursing facility services.

"Nursing home" means any facility licensed to operate under chapter 18.51 RCW.

"Officer" means an individual serving as an officer of a corporation.

"Owner of five percent or more of the assets of a nursing home" means:

(1) The individual, and if applicable, the individual's spouse, who operates, or is applying to operate, the nursing home as a sole proprietorship;

(2) In the case of a corporation, the owner of at least five percent of the shares or capital stock of the corporation; or

(3) In the case of other types of business entities, the owner of a beneficial interest in at least five percent of the capital assets of an entity.

"Partner" means an individual in a partnership owning or operating a nursing home.

"Permanent restraining order" means a restraining order or order of protection issued either following a hearing, or by stipulation of the parties. A "permanent" order may be in force for a specific time period (for example, one year), after which it expires.

"Person" means any individual, firm, partnership, corporation, company, association or joint stock association.

"Pharmacist" means an individual licensed by the Washington state board of pharmacy under chapter 18.64 RCW.

"Pharmacy" means a place licensed under chapter 18.64 RCW where the practice of pharmacy is conducted.

"Physical restraint" (~~means any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that the resident cannot remove easily, and which restricts freedom of movement or access to the resident's body~~) means the application of physical force without the use of any device for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include briefly holding without undue force a vulnerable adult in order to calm or comfort him or her, or holding a vulnerable adult's hand to safely escort him or her from one area to another.

"Physician's assistant (PA)" means a physician's assistant as defined under chapter 18.57A or 18.71A RCW or successor laws.

"Plan of correction" is a nursing home's written response to cited deficiencies that explains how it will correct the deficiencies and how it will prevent their reoccurrence.

"Reasonable accommodation" and **"reasonably accommodate"** has the meaning given in federal and state antidiscrimination laws and regulations. For the purpose of this chapter:

(1) Reasonable accommodation means that the nursing home must:

(a) Not impose admission criteria that excludes individuals unless the criteria is necessary for the provision of nursing home services;

(b) Make reasonable modification to its policies, practices or procedures if the modifications are necessary to accommodate the needs of the resident;

(c) Provide additional aids and services to the resident.

(2) Reasonable accommodations are not required if:

(a) The resident or individual applying for admission presents a significant risk to the health or safety of others that cannot be eliminated by the reasonable accommodation;

(b) The reasonable accommodations would fundamentally alter the nature of the services provided by the nursing home; or

(c) The reasonable accommodations would cause an undue burden, meaning a significant financial or administrative burden.

"Receivership" is established by a court action and results in the removal of a nursing home's current licensee and the appointment of a substitute licensee to temporarily operate the nursing home.

"Recurring deficiency" means a deficiency that was cited by the department, corrected by the nursing home, and then cited again within fifteen months of the initial deficiency citation.

"Registered nurse" means an individual licensed to practice as a registered nurse under chapter 18.79 RCW.

"Rehabilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to restore an individual to the individual's former functional and environmental status, or alternatively, to maintain or maximize remaining function.

"Resident" generally means an individual residing in a nursing home. Except as specified elsewhere in this chapter, for decision-making purposes, the term "resident" includes the resident's surrogate decision maker acting under state law. The term resident excludes outpatients and individuals receiving adult day or night care, or respite care.

"Resident care unit" means a functionally separate unit including resident rooms, toilets, bathing facilities, and basic service facilities.

"Respiratory isolation" is a technique or techniques instituted to prevent the transmission of pathogenic organisms by means of droplets and droplet nuclei coughed, sneezed, or breathed into the environment.

"Siphon jet clinic service sink" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inches in diameter.

"Skilled nursing facility (SNF)" or **"medicare-certified skilled nursing facility"** means a nursing home, a portion of a nursing home, or a long-term care wing or unit of a hospital that has been certified to provide nursing services to

medicare recipients under section 1819(a) of the federal Social Security Act.

"Small nonessential community providers" means nonessential community providers that have sixty or fewer nursing home licensed beds, even if some of those beds are not set up or are not in use.

"Social/therapeutic leave" means leave which is for the resident's social, emotional, or psychological well-being; it does not include medical leave.

"Staff work station" means a location at which nursing and other staff perform charting and related activities throughout the day.

"Stop placement" or **"stop placement order"** is an action taken by the department prohibiting nursing home admissions, readmissions, and transfers of patients into the nursing home from the outside.

"Substantial compliance" means the nursing home has no deficiencies higher than severity level 1 as described in WAC 388-97-4500, or for medicaid certified facility, no deficiencies higher than a scope and severity "C."

"Surrogate decision maker" means a resident representative or representatives as outlined in WAC 388-97-0240, and as authorized by RCW 7.70.065.

"Survey" means the same as **"inspection"** as defined in this section.

"Temporary manager" means an individual or entity appointed by the department to oversee the operation of the nursing home to ensure the health and safety of its residents, pending correction of deficiencies or closure of the facility.

"Temporary restraining order" means restraining order or order of protection that expired without a hearing, was dismissed following an initial hearing, or was dismissed by stipulation of the parties before an initial hearing.

"Termination" means an action taken by:

(1) The department, or the nursing home, to cancel a nursing home's medicaid certification and contract; or

(2) The department of health and human services Centers for Medicare and Medicaid Services, or the nursing home, to cancel a nursing home's provider agreement to provide services to medicaid or medicare recipients, or both.

"Toilet room" means a room containing at least one toilet fixture.

"Uncorrected deficiency" is a deficiency that has been cited by the department and that is not corrected by the licensee by the time the department does a revisit.

"Violation" means the same as **"deficiency"** as defined in this section.

"Volunteer" means an individual who is a regularly scheduled individual not receiving payment for services and having unsupervised access to a nursing home resident.

"Vulnerable adult" includes a person:

(1) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; ((☞))

(2) Found incapacitated under chapter 11.88 RCW; ((☞))

(3) Who has a developmental disability as defined under RCW 71A.10.020; ((☞))

(4) Admitted to any facility((, including any assisted living facility)); ((☞))

(5) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; ((☞))

(6) Receiving services from an individual provider; or

(7) ~~((With a functional disability who lives in his or her own home, who is directing and supervising a paid personal aide to perform a health care task as authorized by RCW))~~ Who self directs his or her own care and receives services from a personal aide under chapter 74.39((.050)) RCW.

"Whistle blower" means a resident, employee of a nursing home, or any person licensed under Title 18 RCW, who in good faith reports alleged abandonment, abuse, financial exploitation, or neglect to the department, the department of health or to a law enforcement agency.

AMENDATORY SECTION (Amending WSR 08-20-062, filed 9/24/08, effective 11/1/08)

WAC 388-97-1080 Nursing services. (1) The nursing home must ensure that a sufficient number of qualified nursing personnel are available on a twenty-four hour basis seven days per week to provide nursing and related services to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident as determined by resident assessments and individual plans of care.

(2) The nursing home must:

(a) Designate a registered nurse or licensed practical nurse to serve as charge nurse((;)) who is accountable for nursing services on each ~~((tour of duty))~~ shift; and

(b) Have a full time director of nursing service who is a registered nurse.

(3) ~~((The nursing home must have:~~

~~(a) A registered nurse on duty directly supervising resident care a minimum of sixteen hours per day, seven days per week; and~~

~~(b) A registered nurse or licensed practical nurse on duty directly supervising resident care the remaining eight hours per day, seven days per week. "Directly supervising" means the supervising individual is on the premises and is quickly and easily available to provide necessary assessments and other direct care of residents; and oversight of supervised staff.))~~ Large nonessential community providers must have a registered nurse on duty directly supervising resident care twenty-four hours per day, seven days per week.

(4) The department may permit limited exceptions to subsection (3) of this section if the nursing home can a demonstrate good faith effort to hire a registered nurse for the last eight hours of required coverage per day. The department may not grant exceptions for coverage that are less than sixteen hours per day. When considering an exception, the department may consider the following:

(a) Wages and benefits offered by the nursing home; and

(b) The availability of registered nurses in the nursing home's geographical area.

(5) The department may grant a one-year exception that may be renewable for up to three consecutive years.

(6) If a registered nurse is not on-site and readily available to complete full assessments during a shift, the department may limit the admission of new residents based on the resident's medical conditions or complexity during this

period only for the particular shift that a registered nurse is not on-site or readily available.

(7) If the department grants an exception for a nursing home, the department must include this information in its nursing home locator.

(8) Essential community providers and small nonessential community providers must have a registered nurse on duty who directly supervises resident care a minimum of sixteen hours per day, seven days per week, and a registered nurse or a licensed practical nurse on duty who directly supervises resident care the remaining eight hours per day, seven days per week.

(9) The nursing home must ensure that staff respond to ~~((each))~~ resident~~((s))~~ requests for assistance ~~((in a manner which promptly meets the quality of life and quality of care needs of all the residents))~~ in a manner that promptly meets the resident's quality of life and quality of care needs.

~~((5))~~ (10) The director of nursing services is responsible for:

- (a) Coordinating the plan of care for each resident;
- (b) Ensuring that registered nurses and licensed practical nurses comply with chapter 18.79 RCW; and
- (c) Ensuring that the nursing care provided is based on the nursing process in accordance with nationally recognized and accepted standards of professional nursing practice.

NEW SECTION

WAC 388-97-1090 Direct care hours. (1) Each nursing home must provide a minimum of 3.4 hours of direct care per resident day (HRD). Direct care means the staffing domain identified and defined in the Centers for Medicare and Medicaid Services' five star quality rating system and as reported through the Centers for Medicare and Medicaid Services' payroll-based journal. Compliance with the minimum staffing standard must be measured using the Centers for Medicare and Medicaid Services' payroll based journal and nursing home census and payroll data.

(2) On a quarterly basis the department will use the Centers for Medicare and Medicaid Services' payroll based journal to determine compliance with the minimum staffing standard.

(3) Payroll based journal data must be submitted after the end of each calendar quarter and filed electronically.

(4) The department will presume that all hours worked by direct care employees at the nursing home have been spent providing direct care.

(5) The department may use census and payroll data from facilities to perform enforcement audits.

(6) The department must periodically review the nursing home's census information, reported staff hours, and payroll data to determine whether HRD figures are relatively constant throughout a quarter or are being increased at the end of the quarter through unusual spending on direct care.

(7) A nursing home may use the hours of geriatric behavioral health workers as defined under RCW 74.42.010 to meet this section's direct care minimum staffing requirements.

(8) A nursing home that fails to meet the minimum staffing requirement of 3.4 hours and of direct care per resident

day for any quarter is subject to a fine. The department will determine the amount of the fine as follows:

(a) The fine must be based on the total cost the nursing home would have incurred had it complied with the 3.4 HRD requirement;

(b) The department will use a formula that calculates a fine based on the cost of certified nurse aid wages and benefits for the missing staff hours;

(c) If the nursing home believes that the department's application of the standard in subsection (8)(b) of this section is inequitable, it may explain its position to the department and request consideration of an alternative method of calculating the fine; and

(d) The fine will be one and a half times the additional amount it would have cost the nursing home to provide direct care at the 3.4 HRD standard for a nursing home's first violation and two times the additional amount for each subsequent violation by the nursing home. After a nursing home has not violated the 3.4 HRD requirement for three years the department will reset the nursing home's status and treat any subsequent violation as an initial violation.

(9) If a noncompliant nursing home believes that it made a good-faith effort to meet the minimum staffing requirement and asks that the penalty not be imposed, the department may in its sole discretion waive the penalty.

(10) If the department waives a nursing home's fine under subsection (9) of this section, its noncompliance with the 3.4 HRD requirement must not count as a violation for determining whether a future violation is a first violation or a subsequent violation under subsection (8)(d) of this section and must not count as a violation for the purposes of resetting a nursing home's status under section (8)(d).

(11) The amount of money the nursing home would have been required to spend to reach 3.4 HRD must be treated as a direct care cost for the year in which the staffing was deficient for settlement purposes. The portion of the fine representing the additional one-half or one times that amount is a penalty, and will not be added to the actual costs of the nursing home in the settlement process.

(12) The department will monitor compliance with the 3.4 HRD minimum staffing requirement for the quarter beginning July 1, 2016, but will not impose any penalties on nursing homes that do not comply during that quarter. The department instead will notify noncomplying nursing homes what their penalty would otherwise have been, and will require those nursing homes to submit a written plan for correcting the deficiency. The department will begin imposing fines for the quarter beginning October 1, 2016. Noncompliance with the 3.4 HRD requirement during the quarter beginning July 1, 2016 must not count as a first violation for fine calculation purposes under subsection (8)(d) of this section.

(13) The nursing home must pay penalties under WAC 388-97-1090(8) by check. The department will deposit penalty checks into the nursing home quality enhancement account in the custody of the state treasurer. The department's secretary, or the secretary's designee, may authorize expenditures from the nursing home quality enhancement account. Such expenditures may only be for: Technical assistance to nursing homes, specialized training for nursing homes, or an

increase to the quality enhancement component of the daily medicaid rate provided by RCW 74.46.581.

(14) The department may grant a limited exception to the 3.4 HRD staffing requirements for nursing homes demonstrating a good faith effort to hire and retain staff.

(15) To determine initial eligibility for exception consideration, the department must send surveys to facilities anticipated to be below, at, or slightly above the 3.4 HRD requirement.

(16) These surveys report the staffing of a nursing home from October through December 2015, January through March 2016, and April through June 2016. These surveys must measure the HRD in a manner as similar as possible to the Centers for Medicare and Medicaid Services' payroll-based journal.

(17) In the event the Centers for Medicare and Medicaid Services' payroll-based journal is not available, the department may use any data source that is reasonably consistent with data metrics used by the payroll-based journal to measure direct care being provided by a nursing home. To gather data similar to the data gathered by the payroll-based journal, the department may provide a written survey to nursing homes. The metrics will be used to determine whether the nursing home has complied with the 3.4 HRD requirement.

WSR 16-24-003
PERMANENT RULES
OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2016-20—Filed November 23, 2016, 4:38 p.m., effective December 24, 2016]

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

Purpose: The rule removes the requirement for an annual privacy notice if certain conditions are met. The change is necessary to align with changes made to federal law.

Citation of Existing Rules Affected by this Order: Amending WAC 284-04-120 and 284-04-205.

Statutory Authority for Adoption: RCW 48.02.060, 48.43.505, Gramm-Leach-Bliley Act, Public Law 102-106, Section 501(b), Section 505 (b)(2), and Fixing America's Surface Transportation (FAST) Act, Public Law 114-94, Section 75001.

Adopted under notice filed as WSR 16-21-069 on October 17, 2016.

A final cost-benefit analysis is available by contacting Jim Freeburg, P.O. Box 40260, Olympia, WA 98504-0260, phone (360) 725-7170, fax (360) 586-3109, e-mail rules coordinator@oic.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

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

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

Date Adopted: November 23, 2016.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending WSR 02-08-019, filed 3/25/02, effective 4/25/02)

WAC 284-04-120 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Affiliate" means any company that controls, is controlled by or is under common control with another company.

(2) "Clear and conspicuous" means that a notice is reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

Examples.

(a) Reasonably understandable. A licensee makes its notice reasonably understandable if it:

(i) Presents the information in the notice in clear, concise sentences, paragraphs, and sections;

(ii) Uses short explanatory sentences or bullet lists whenever possible;

(iii) Uses definite, concrete, everyday words and active voice whenever possible;

(iv) Avoids multiple negatives;

(v) Avoids legal and highly technical business terminology whenever possible; and

(vi) Avoids explanations that are imprecise and readily subject to different interpretations.

(b) Designed to call attention. A licensee designs its notice to call attention to the nature and significance of the information in it if the licensee:

(i) Uses a plain-language heading to call attention to the notice;

(ii) Uses a typeface and type size that are easy to read;

(iii) Provides wide margins and ample line spacing;

(iv) Uses boldface or italics for key words; and

(v) In a form that combines the licensee's notice with other information, uses distinctive type size, style, and graphic devices, such as shading or sidebars.

(c) Notices on web sites. If a licensee provides a notice on a web page, the licensee designs its notice to call attention to the nature and significance of the information in it if the licensee uses text or visual cues to encourage scrolling down the page if necessary to view the entire notice and ensure that other elements on the web site (such as text, graphics, hyperlinks or sound) do not distract attention from the notice, and the licensee either:

(i) Places the notice on a screen that consumers frequently access, such as a page on which transactions are conducted; or

(ii) Places a link on a screen that consumers frequently access, such as a page on which transactions are conducted, that connects directly to the notice and is labeled appropri-

ately to convey the importance, nature, and relevance of the notice.

(3) "Collect" means to obtain information that the licensee organizes or can retrieve by the name of an individual or by identifying number, symbol or other identifying particular assigned to the individual, irrespective of the source of the underlying information.

(4) "Commissioner" means the insurance commissioner of the state.

(5) "Company" means a corporation, limited liability company, business trust, general or limited partnership, association, sole proprietorship or similar organization.

(6) "Consumer" means an individual who seeks to obtain, obtains or has obtained an insurance product or service from a licensee that is to be used primarily for personal, family or household purposes and about whom the licensee has nonpublic personal information, or that individual's legal representative.

Examples.

(a) An individual who provides nonpublic personal information to a licensee in connection with obtaining or seeking to obtain financial, investment or economic advisory services relating to an insurance product or service is a consumer regardless of whether the licensee establishes an ongoing advisory relationship.

(b) An applicant for insurance prior to the inception of insurance coverage is a licensee's consumer.

(c) An individual who is a consumer of another financial institution is not a licensee's consumer solely because the licensee is acting as agent for, or provides processing or other services to, that financial institution.

(d) An individual is a licensee's consumer if:

(i) The individual is a beneficiary of a life insurance policy underwritten by the licensee;

(ii) The individual is a claimant under an insurance policy issued by the licensee;

(iii) The individual is an insured or an annuitant under an insurance policy or an annuity, respectively, issued by the licensee; or

(iv) The individual is a mortgagor of a mortgage covered under a mortgage insurance policy; and

(v) The licensee discloses nonpublic personal financial information about the individual to a nonaffiliated third party other than as permitted under WAC 284-04-400, 284-04-405, and 284-04-410.

(e) Provided that the licensee provides the initial, annual and revised notices under WAC 284-04-200, 284-04-205, and 284-04-220 to the plan sponsor, group or blanket insurance policy holder or group annuity contract holder, workers' compensation plan participant and further provided that the licensee does not disclose to a nonaffiliated third party nonpublic personal financial information about such an individual other than as permitted under WAC 284-04-400, 284-04-405, and 284-04-410, an individual is not the consumer of such licensee solely because he or she is:

(i) A participant or a beneficiary of an employee benefit plan that the licensee administers or sponsors or for which the licensee acts as a trustee, insurer or fiduciary;

(ii) Covered under a group or blanket insurance policy or annuity contract issued by the licensee; or

(iii) A beneficiary in a workers' compensation plan.

(f) The individuals described in (e)(i) through (iii) of this subsection are consumers of a licensee if the licensee does not meet all the conditions of (e) of this subsection.

(g) In no event shall such individuals, solely by virtue of the status described in (e)(i) through (iii) of this subsection, be deemed to be customers for purposes of this chapter.

(i) An individual is not a licensee's consumer solely because he or she is a beneficiary of a trust for which the licensee is a trustee.

(ii) An individual is not a licensee's consumer solely because he or she has designated the licensee as trustee for a trust.

(7) "Consumer reporting agency" has the same meaning as in section 603(f) of the Federal Fair Credit Reporting Act (15 U.S.C. 1681a(f)).

(8) "Control" means:

(a) Ownership, control or power to vote twenty-five percent or more of the outstanding shares of any class of voting security of the company, directly or indirectly, or acting through one or more other persons;

(b) Control in any manner over the election of a majority of the directors, trustees or general partners (or individuals exercising similar functions) of the company; or

(c) The power to exercise, directly or indirectly, a controlling influence over the management or policies of the company, as the commissioner determines.

(9) "Customer" means a consumer who has a customer relationship with a licensee.

(10) "Customer relationship" means continuing relationship between a consumer and a licensee under which the licensee provides one or more insurance products or services to the consumer that are to be used primarily for personal, family or household purposes.

Examples.

(a) A consumer has a continuing relationship with a licensee if:

(i) The consumer is a current policyholder of an insurance product issued by or through the licensee; or

(ii) The consumer obtains financial, investment or economic advisory services relating to an insurance product or service from the licensee for a fee.

(b) A consumer does not have a continuing relationship with a licensee if:

(i) The consumer applies for insurance but does not purchase the insurance;

(ii) The licensee sells the consumer airline travel insurance in an isolated transaction;

(iii) The individual no longer is a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee;

(iv) The consumer is a beneficiary or claimant under a policy and has submitted a claim under a policy choosing a settlement option involving an ongoing relationship with the licensee;

(v) The consumer is a beneficiary or a claimant under a policy and has submitted a claim under that policy choosing a lump sum settlement option;

(vi) The customer's policy is lapsed, expired, paid up or otherwise inactive or dormant under the licensee's business

practices, and the licensee has not communicated with the customer about the relationship for a period of twelve consecutive months, other than annual privacy notices, material required by law or regulation, communication at the direction of state or federal authority or promotional materials;

(vii) The individual is an insured or an annuitant under an insurance policy or annuity, respectively, but is not the policyholder or owner of the insurance policy or annuity; or

(viii) For the purposes of this chapter, if the individual's last known address according to the licensee's records is deemed invalid. An address of record is deemed invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

(11) "Financial institution" means any institution the business of which is engaging in activities that are financial in nature or incidental to such financial activities as described in section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

~~((a))~~ Financial institution does not include:

~~((i))~~ (a) Any person or entity with respect to any financial activity that is subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

~~((ii))~~ (b) The Federal Agricultural Mortgage Corporation or any entity charged and operating under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); or

~~((iii))~~ (c) Institutions chartered by Congress specifically to engage in securitizations, secondary market sales (including sales of servicing rights) or similar transactions related to a transaction of a consumer, as long as such institutions do not sell or transfer nonpublic personal information to a nonaffiliated third party.

(12) "Financial product or service" means any product or service that a financial holding company could offer by engaging in an activity that is financial in nature or incidental to such a financial activity under section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

Financial service includes a financial institution's evaluation or brokerage of information that the financial institution collects in connection with a request or an application from a consumer for a financial product or service.

(13) "Health care" means: Preventive, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, services, procedures, tests or counseling that:

(a) Relates to the physical, mental or behavioral condition of an individual; or

(b) Affects the structure or function of the human body or any part of the human body, including the banking of blood, sperm, organs or any other tissue; or

(c) Prescribing, dispensing or furnishing to an individual drugs or biologicals, or medical devices or health care equipment and supplies.

(14) "Health care provider" means a physician or other health care practitioner licensed, accredited or certified to perform specified health services consistent with state law or a health care facility.

(15) "Health information" means any information or data, except age or gender, whether oral or recorded in any

form or medium, created by or derived from a health care provider or the consumer that relates to:

(a) The past, present or future physical, mental or behavioral health or condition of an individual;

(b) The provision of health care to an individual; or

(c) Payment for the provision of health care to an individual.

(16) "Insurer" includes health care service contractor, HMO, and fraternal benefit society.

(17) "Insurance product or service" means any product or service that is offered by a licensee pursuant to the insurance laws of this state.

Insurance service includes a licensee's evaluation, brokerage or distribution of information that the licensee collects in connection with a request or an application from a consumer for an insurance product or service.

(18) "Licensee" means all licensed insurers, health care service contractors, HMO's, and fraternal benefit societies, producers and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered pursuant to the insurance law of this state.

(a) A licensee is not subject to the notice and opt out requirements for nonpublic personal financial information set forth in WAC 284-04-100 through 284-04-400 or the notice and policy development and implementation procedures of WAC 284-04-500 if the licensee is an employee, agent or other representative of another licensee ("the principal") and:

(i) The principal otherwise complies with, and provides the notices required by, the provisions of this regulation; and

(ii) The licensee complies with the principal's privacy policies and does not disclose any nonpublic personal information to any person other than the principal or its affiliates in a manner permitted by this regulation.

(b)(i) Subject to (b)(ii) of this subsection, "licensee" shall also include an unauthorized insurer that accepts business placed through a licensed excess lines broker in this state, but only in regard to the excess lines placements placed pursuant to ~~((section [insert section] of this state's laws))~~ chapters 48.15 RCW and 284-15 WAC.

(ii) An excess lines broker or excess lines insurer shall be deemed to be in compliance with the notice and opt out requirements for nonpublic personal financial information set forth in WAC 284-04-100 through 284-04-400 provided:

(A) The broker or insurer does not disclose nonpublic personal information of a consumer or a customer to nonaffiliated third parties for any purpose, including joint servicing or marketing under WAC 284-04-405, except as permitted by WAC 284-04-410 and 284-04-415; and

(B) The broker or insurer delivers a notice to the consumer at the time a customer relationship is established on which the following is printed in 16-point type:

PRIVACY NOTICE

"NEITHER THE U.S. BROKERS THAT HANDLED THIS INSURANCE NOR THE INSURERS THAT HAVE UNDERWRITTEN THIS INSURANCE WILL DISCLOSE NONPUBLIC PERSONAL INFORMATION CONCERNING THE BUYER TO NONAFFILIATES OF THE BROKERS OR INSURERS EXCEPT AS PERMITTED BY LAW"

(19) "Licensee" shall also include an unauthorized insurer that places business through a licensed excess line broker in this state, but only in regard to the excess line placements placed pursuant to of this state's laws.

(20) "Nonaffiliated third party" means any person except:

(a) A licensee's affiliate; or

(b) A person employed jointly by a licensee and any company that is not the licensee's affiliate (but nonaffiliated third party includes the other company that jointly employs the person).

Nonaffiliated third party includes any company that is an affiliate solely by virtue of the direct or indirect ownership or control of the company by the licensee or its affiliate in conducting merchant banking or investment banking activities of the type described in section 4 (k)(4)(H) or insurance company investment activities of the type described in section 4 (k)(4)(I) of the Federal Bank Holding Company Act (12 U.S.C. 1843 (k)(4)(H) and (I).)

(21) "Nonpublic personal information" means nonpublic personal financial information and nonpublic personal health information.

(22)(a) "Nonpublic personal financial information" means:

(i) Personally identifiable financial information; and

(ii) Any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available.

(b) Nonpublic personal financial information does not include:

(i) Health information;

(ii) Publicly available information, except as included on a list described in (a)(i) of this subsection; or

(iii) Any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived without using any personally identifiable financial information that is not publicly available.

Examples of lists.

Nonpublic personal financial information includes any list of individuals' names and street addresses that is derived in whole or in part using personally identifiable financial information that is not publicly available, such as account numbers.

Nonpublic personal financial information does not include any list of individuals' names and addresses that contains only publicly available information, is not derived in whole or in part using personally identifiable financial information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a consumer of a financial institution.

(23) "Nonpublic personal health information" means health information:

(a) That identifies an individual who is the subject of the information; or

(b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual.

(24) "Personally identifiable financial information" means any information:

(a) A consumer provides to a licensee to obtain an insurance product or service from the licensee;

(b) About a consumer resulting from any transaction involving an insurance product or service between a licensee and a consumer; or

(c) The licensee otherwise obtains about a consumer in connection with providing an insurance product or service to that consumer.

Examples.

(i) Information included. Personally identifiable financial information includes:

(A) Information a consumer provides to a licensee on an application to obtain an insurance product or service;

(B) Account balance information and payment history;

(C) The fact that an individual is or has been one of the licensee's customers or has obtained an insurance product or service from the licensee;

(D) Any information about the licensee's consumer if it is disclosed in a manner that indicates that the individual is or has been the licensee's consumer;

(E) Any information that a consumer provides to a licensee or that the licensee or its agent otherwise obtains in connection with collecting on a loan or servicing a loan;

(F) Any information the licensee collects through an internet "cookie" (an information collecting device from a web server); and

(G) Information from a consumer report.

(ii) Information not included. Personally identifiable financial information does not include:

(A) Health information;

(B) A list of names and addresses of customers of an entity that is not a financial institution; and

(C) Information that does not identify a consumer, such as aggregate information or blind data that does not contain personal identifiers such as account numbers, names or addresses.

(25)(a) "Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:

(i) Federal, state or local government records;

(ii) Widely distributed media; or

(iii) Disclosures to the general public that are required to be made by federal, state or local law.

(b) Reasonable basis. A licensee has a reasonable basis to believe that information is lawfully made available to the general public if the licensee has taken steps to determine:

(i) That the information is of the type that is available to the general public; and

(ii) Whether an individual can direct that the information not be made available to the general public and, if so, that the licensee's consumer has not done so.

(c) Examples.

(i) Government records. Publicly available information in government records includes information in government real estate records and security interest filings.

(ii) Widely distributed media. Publicly available information from widely distributed media includes information from a telephone book, a television or radio program, a newspaper or a web site that is available to the general public on an unrestricted basis. A web site is not restricted merely

because an internet service provider or a site operator requires a fee or a password, so long as access is available to the general public.

(iii) Reasonable basis.

(A) A licensee has a reasonable basis to believe that mortgage information is lawfully made available to the general public if the licensee has determined that the information is of the type included on the public record in the jurisdiction where the mortgage would be recorded.

(B) A licensee has a reasonable basis to believe that an individual's telephone number is lawfully made available to the general public if the licensee has located the telephone number in the telephone book or the consumer has informed you that the telephone number is not unlisted.

AMENDATORY SECTION (Amending WSR 01-03-034, filed 1/9/01, effective 2/9/01)

WAC 284-04-205 Annual privacy notice to customers required. (1)(a) General rule. A licensee shall provide a clear and conspicuous notice to customers that accurately reflects its privacy policies and practices not less than annually during the continuation of the customer relationship. Annually means at least once in any period of twelve consecutive months during which that relationship exists. A licensee may define the twelve-consecutive-month period, but the licensee shall apply it to the customer on a consistent basis.

(b) Example. A licensee provides a notice annually if it defines the twelve-consecutive-month period as a calendar year and provides the annual notice to the customer once in each calendar year following the calendar year in which the licensee provided the initial notice. For example, if a customer opens an account on any day of year one, the licensee shall provide an annual notice to that customer by December 31 of year two.

(2) A licensee that provides nonpublic information to nonaffiliated third parties only in accordance with WAC 284-04-400, 284-04-405, or 284-04-410 and has not changed its policies and practices with regard to disclosing nonpublic information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this section or WAC 284-04-200 is not required to provide an annual disclosure under this section until the time the licensee fails to comply with any criteria described in this subsection.

(3)(a) Termination of customer relationship. A licensee is not required to provide an annual notice to a former customer. A former customer is an individual with whom a licensee no longer has a continuing relationship.

(b) Examples.

(i) A licensee no longer has a continuing relationship with an individual if the individual no longer is a current policyholder of an insurance product or obtains insurance services with or through the licensee.

(ii) A licensee no longer has a continuing relationship with an individual if the individual's policy is lapsed, expired, paid up or otherwise inactive or dormant under the licensee's business practices, and the licensee has not communicated with the customer about the relationship for a period of twelve consecutive months, other than to provide annual pri-

vacy notices, material required by law or regulation, or promotional materials.

(iii) For the purposes of this regulation, a licensee no longer has a continuing relationship with an individual if the individual's last known address according to the licensee's records is deemed invalid. An address of record is deemed invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

(iv) A licensee no longer has a continuing relationship with a customer in the case of providing real estate settlement services, at the time the customer completes execution of all documents related to the real estate closing, payment for those services has been received, or the licensee has completed all of its responsibilities with respect to the settlement, including filing documents on the public record, whichever is later.

~~((3))~~ (4) Delivery. When a licensee is required by this section to deliver an annual privacy notice, the licensee shall deliver it according to WAC 284-04-225.

WSR 16-24-009

PERMANENT RULES

DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed November 28, 2016, 2:53 p.m., effective December 29, 2016]

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

Purpose: WAC 246-933-340 Practice management, amends the rule to require an expiration date on all labels for legend drugs dispensed by a veterinarian.

Citation of Existing Rules Affected by this Order: Amending WAC 246-933-340.

Statutory Authority for Adoption: RCW 18.92.030.

Adopted under notice filed as WSR 16-16-045 on July 26, 2016.

A final cost-benefit analysis is available by contacting Lorelei Walker, Washington State Department of Health, Veterinary Board of Governors, [P.O.] Box 47852, Olympia, WA 98504-7852, phone (360) 236-4947, fax (360) 236-2901, e-mail Lorelei.Walker@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: November 28, 2016.

Suzan Seelye, DVM, Chair
Veterinary Board of Governors

AMENDATORY SECTION (Amending WSR 91-24-098, filed 12/4/91, effective 1/4/92)

WAC 246-933-340 Practice management. All veterinary medical facilities shall maintain a sanitary environment to avoid sources and transmission of infection. This includes the proper sterilization or sanitation of all equipment used in diagnosis or treatment and the proper routine disposal of waste materials.

(1) **Surgery:** Surgery shall be performed in a manner compatible with current veterinary practice with regard to anesthesia, asepsis or antisepsis, life support and monitoring procedures, and recovery care. The minimum standards for surgery shall be:

(a) Aseptic or antiseptic surgery shall be performed in a room designated and reserved for surgery and directly related noncontaminating activities.

(b) The surgery room shall be clean, orderly, well lighted and maintained in a sanitary condition, free of offensive odors.

(c) Storage in the surgery room shall be limited only to items and equipment related to surgery and surgical procedures.

(d) Instruments and equipment utilized in the surgery room shall be appropriate for the type of surgical service being provided.

(e) The operating table shall be constructed of a smooth and impervious material.

(f) Chemical disinfection ("cold sterilization") may be used only for field conditions or minor surgical procedures. Sterilizing of all appropriate equipment is required. Provisions for sterilization shall include a steam pressure sterilizer (autoclave) or a gas sterilizer (e.g., ethylene oxide).

(g) Surgical packs include towels, drapes, gloves, sponges and proper instrumentation. They shall be properly prepared for sterilization by heat or gas (sufficient to kill spores) for each sterile surgical procedure.

(h) For any major procedure, such as opening the abdominal or thoracic cavity or exposing bones or joints, a separate sterile surgical pack shall be used for each animal. Surgeons and surgical assistants shall use aseptic technique throughout the entire surgical procedure.

(i) Uncomplicated ovariohysterectomy or castration of normal healthy animals, and minor surgical procedures, such as excising small skin lesions or suturing superficial lacerations, may be performed under clean, antiseptic conditions. Surgeons and surgical assistants shall wear clean attire and sterile gloves, and care shall be taken to avoid introducing bacterial contamination.

(j) All animals shall be properly prepared for surgery as follows:

(i) Clipping and shaving of the surgical area for major procedures requiring aseptic technique as in (h) of this subsection shall be performed in a room other than the surgery room. Loose hair shall be removed from the surgical area((-);

(ii) Scrubbing the surgical area with soap and water((-);

(iii) Disinfecting the surgical area((-);

(iv) Draping the surgical area if appropriate((-);

(k) Anesthetic equipment appropriate for the type of patient and surgery performed shall be available at all times((-);

(l) Compressed oxygen or other adequate means shall be available to be used for resuscitation((-);

(m) Emergency drugs shall be available to the surgery area((-);

(n) Grossly contaminated procedures, such as lancing and draining abscesses, shall not be performed in the room designated for aseptic or antiseptic surgery.

(2) **Library:** A library of appropriate veterinary journals and textbooks shall be available on the premises for ready reference.

(3) **Laboratory:** Veterinary medical facilities shall have the capability for use of either in-house or consultant laboratory service for blood chemistry, bacterial cultures and antibiotic sensitivity examinations, complete blood counts, histopathologic examinations and complete necropsies. The in-house laboratory facility shall meet the following minimum standards:

(a) The laboratory room shall be clean and orderly with provision for ample storage((-);

(b) Ample refrigeration shall be provided((-);

(c) Any tests performed shall be properly conducted by currently recognized methods to assure reasonable accuracy and reliability of results.

(4) **Radiology:** Veterinary medical facilities shall have the capability for use of either in-house or consultant services for obtaining radiographs of diagnostic quality. Radiology equipment and use shall be in compliance with federal and Washington state laws, and shall follow the guidelines approved by the American Veterinary Medical Association.

(5) **Biologicals and drugs:** The minimum standards for drug procedures shall be:

(a) All controlled substances shall be stored, maintained, administered, dispensed and prescribed in compliance with federal and Washington state laws.

(b) Among things otherwise provided by RCW 18.64.246 and 69.41.050, legend drugs dispensed by a veterinarian shall be labeled with the following:

(i) Name of client or identification of animal((-);

(ii) Date dispensed((-);

(iii) Drug expiration date;

(iv) Complete directions for use((-
(+));

(v) Name and strength of the drug((-
(+)); and

(vi) Name of prescribing veterinarian.

(c) A record of all drugs administered or dispensed shall be kept in the client's record. In the case of companion animals this record shall be by individual animal.

(6) **Limited services:** If veterinary medical services are limited to specific aspects of practice((-);

(a) The public shall be informed of the limitation of services provided((-);

(b) All veterinary services provided in the facility shall conform to the requirements for those services listed in WAC 246-933-330 and this section((-);

(c) The general requirements prescribed in WAC 246-933-320 shall apply to all veterinary medical facilities.

(7) Exceptions:

(a) The standards and requirements prescribed in WAC 246-933-330(3) and subsection (1)(a), (c), (j)(i), (n) of this section, shall not apply to equine or food animal veterinary procedures performed in medical facilities.

(b) The standards and requirements prescribed in WAC 246-933-320 (1), (2), (3), (4), (6), (8), 246-933-330 and subsections (1)(a), (b), (c), (e), (h), (j)(i), (l), (n), (2), (3), (4), (6)(b), (c) of this section, shall not apply to equine or food animal veterinary procedures performed on the owner's premises by a veterinarian.

WSR 16-24-011

PERMANENT RULES

DEPARTMENT OF COMMERCE

[Filed November 28, 2016, 4:06 p.m., effective December 29, 2016]

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

Purpose: Update rules establishing requirements for documentation of energy conservation potential and energy conservation targets and allow utilities to use updated methodologies adopted by the regional power planning council.

Citation of Existing Rules Affected by this Order: Amending WAC 194-37-070.

Statutory Authority for Adoption: RCW 19.285.040 (1)(a) (authority for WAC 194-37-045); RCW 19.285.080(2) (authority for WAC 194-37-070).

Adopted under notice filed as WSR 16-20-096 on October 4, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 0.

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

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

Date Adopted: November 28, 2016.

Brian Bonlender
Director

NEW SECTION

WAC 194-37-045 Designation of regional power plan. For the purposes of RCW 19.285.040 (1)(a) and as used in this chapter, "most recently published regional power plan" means the NWPCC's Seventh Northwest Conservation and Electric Power Plan, Council Document 2016-02, dated

February 25, 2016. The document is available on the NWPCC's web site at this address: www.nwcouncil.org/energy/powerplan/7/plan/.

AMENDATORY SECTION (Amending WSR 15-07-002, filed 3/6/15, effective 4/6/15)

WAC 194-37-070 Development of conservation potential and biennial conservation targets. (1) Ten-year potential. By January 1st of each even-numbered year, each utility shall identify its achievable cost-effective conservation potential for the upcoming ten years.

(2) Biennial target. By January 1st of each even-numbered year, each utility shall establish and make public a biennial conservation target. The utility's biennial target shall be no less than its pro rata share of the ten-year potential identified pursuant to subsection (1) of this section.

(3) Each utility must document the methodologies and inputs used in the development of its ten-year potential and biennial target and must document that its ten-year potential and biennial target are consistent with the requirements of RCW 19.285.040(1). Each utility must apply methodologies consistent with the most recently published regional power plan using inputs that reasonably reflect the specific characteristics of the utility and its customers and the general characteristics of the Pacific Northwest power system.

(4) Each utility must establish its ten-year potential and biennial target by action of the utility's governing board, after public notice and opportunity for public comment.

(5) The methodologies used by the NWPCC in its most recently published regional power plan are summarized in ~~((a) through (e) of)~~ this subsection(~~(~~

~~(a) Analyze a broad range of energy efficiency measures considered technically feasible;~~

~~(b))~~.

(a) **Technical potential.** Determine the amount of conservation that is technically feasible, considering measures and the number of these measures that could physically be installed or implemented, without regard to achievability or cost.

(b) **Achievable technical potential.** Determine the amount of the conservation technical potential that is available within the planning period, considering barriers to market penetration and the rate at which savings could be acquired.

(c) **Economic achievable potential.** Establish the economic achievable potential, which is the conservation potential that is cost-effective, reliable, and feasible, by comparing the total resource cost of conservation measures to the cost of other resources available to meet expected demand for electricity and capacity. A utility may use either of the following approaches to identify economic achievable potential:

(i) **Integrated portfolio approach.** A utility may analyze, as a part of its integrated resource plan, the cost-effective potential of conservation resources over a range of potential future outcomes for unknown variables, such as future demand, costs, and resource availability. Economic achievable potential will be based on resource plan that achieves a long-run least-cost and least-risk electric power system con-

sidering all power system costs and quantifiable nonenergy costs and benefits.

(ii) Benefit-cost ratio approach. A utility may establish economic achievable potential as those conservation measures or programs that pass a total resource cost test, in which the ratio of total benefits to total costs is one or greater. The benefit-cost calculation must use inputs that incorporate the cost of risks that would otherwise be reflected in an integrated portfolio approach.

(d) Total resource cost. In determining economic achievable potential as provided in (c) of this subsection, perform a life-cycle cost analysis of measures or programs ~~(including)~~ to determine the net levelized cost, as described in this subsection:

(i) Conduct a total resource cost analysis that assesses all costs and all benefits of conservation measures regardless of who pays the costs or receives the benefits;

(ii) Include the incremental savings and incremental costs of measures and replacement measures where resources or measures have different measure lifetimes;

~~((e) Set))~~ (iii) Calculate the value of the energy saved based on when it is saved. In performing this calculation, use time differentiated avoided costs to conduct the analysis that determines the financial value of energy saved through conservation;

(iv) Include the increase or decrease in annual or periodic operations and maintenance costs due to conservation measures;

(v) Include avoided energy costs equal to a forecast of regional market prices, which represents the cost of the next increment of available and reliable power supply available to the utility for the life of the energy efficiency measures to which it is compared;

~~((d) Calculate the value of the energy saved based on when it is saved. In performing this calculation, use time differentiated avoided costs to conduct the analysis that determines the financial value of energy saved through conservation;~~

~~(e) Conduct a total resource cost analysis that assesses all costs and all benefits of conservation measures regardless of who pays the costs or receives the benefits. The NWPCC identifies conservation measures that pass the total resource cost test as economically achievable;~~

(f) Identify conservation measures that pass the total resource cost test, by having a benefit/cost ratio of one or greater as economically achievable;

~~(g) Include the increase or decrease in annual or periodic operations and maintenance costs due to conservation measures;~~

~~((h))~~ (vi) Include deferred capacity expansion benefits for transmission and distribution systems ~~(in its cost effectiveness analysis;~~

~~(i));~~

(vii) Include deferred generation benefits consistent with the contribution to system peak capacity of the conservation measure;

(viii) Include the social cost of carbon emissions from avoided nonconservation resources;

(ix) Include a risk mitigation credit to reflect the additional value of conservation, not otherwise accounted for in

other inputs, in reducing risk associated with costs of avoided nonconservation resources;

~~(x) Include all ~~(nonpower benefits))~~ nonenergy impacts that a resource or measure may provide that can be quantified and monetized;~~

~~((j))~~ (xi) Include an estimate of program administrative costs;

~~((k))~~ (xii) Include the cost of financing measures using the capital costs of the entity that is expected to pay for the measure;

~~(l) Discount future costs and benefits at a discount rate ~~(based on a weighted, after-tax, cost of capital for utilities and their customers for the measure lifetime;~~~~

~~(m) Include estimates of the achievable conservation penetration rates for conservation measures;~~

~~((n))~~ equal to the discount rate used by the utility in evaluating nonconservation resources; and

(xiv) Include a ten percent bonus for the energy and capacity benefits of conservation measures as defined in 16 U.S.C. § 839a of the Pacific Northwest Electric Power Planning and Conservation Act~~((o)~~

~~(n) Analyze the results of multiple scenarios. This includes testing scenarios that accelerate the rate of conservation acquisition in the earlier years; and~~

~~(o) Analyze the costs of estimated future environmental externalities in the multiple scenarios that estimate costs and risks)).~~

WSR 16-24-013

PERMANENT RULES

DEPARTMENT OF

RETIREMENT SYSTEMS

[Filed November 28, 2016, 4:24 p.m., effective January 1, 2017]

Effective Date of Rule: January 1, 2017.

Purpose: Deferred compensation program (DCP) automatic enrollment: Recent legislation, ESSB 5435, will require state agencies to automatically enroll new full-time employees into the state's DCP unless the employee opts out. This rule-making action revises DCP rules to include administrative details. Local employers will continue to have the option to make DCP available to their employees, and may also elect to provide automatic enrollment. DCP enrollment will remain optional for eligible current employees and new employees who are not covered by the automatic enrollment provisions.

Citation of Existing Rules Affected by this Order: Amending WAC 415-501-110, 415-501-315, 415-501-420, 415-501-450, 415-501-475, and 415-501-480.

Statutory Authority for Adoption: RCW 41.50.050(5).

Adopted under notice filed as WSR 16-21-075 on October 18, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 2, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

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

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

Date Adopted: November 28, 2016.

Tracy Guerin
Director

AMENDATORY SECTION (Amending WSR 16-12-050, filed 5/25/16, effective 6/25/16)

WAC 415-501-110 Definitions. (1) **Accumulated deferrals.** Compensation deferred under the plan, adjusted by income received, increases or decreases in investment value, fees, and any prior distributions made.

(2) **Automatic enrollment.** A process of enrolling newly hired full-time employees as of January 1, 2017. See WAC 415-501-400 for details.

(3) **Beneficiary.** The person or entity entitled to receive benefits under the plan after the death of a participant.

~~((3))~~ (4) **Compensation.** All payments made to a participant by the employer as remuneration for services rendered.

~~((4))~~ (5) **Deferred compensation.** The amount of the participant's compensation that is deferred ~~((under a participation agreement))~~. See WAC 415-501-400, 415-501-410 and 415-501-450.

~~((5))~~ (6) **Deferred compensation ~~((plan))~~ program or plan.** A plan that allows employees of the state of Washington and approved political subdivisions of the state of Washington to defer a portion of their compensation according to the provisions of Section 457(b) of the Internal Revenue Code.

~~((6))~~ (7) **Department.** The department of retirement systems created by RCW 41.50.020 or its designee.

~~((7))~~ (8) **Eligible employee.** Any person who is employed by and receives any type of compensation from a participating employer for whom services are provided, and who is:

(a) A full-time, part-time, or career seasonal employee of Washington state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service;

(b) An elected or appointed official of the executive branch of the government, including a full-time member of a board, commission, or committee;

(c) A justice of the supreme court, or a judge of the court of appeals or of a superior or district court; or

(d) A member of the state legislature or of the legislative authority of a county, city, or town.

~~((8))~~ (9) **Eligible rollover distribution.** A distribution to a participant of any or all funds from an eligible retirement plan unless it is:

(a) One in a series of substantially equal annuity payments;

(b) One in a series of substantially equal installment payments payable over ten years or more;

(c) Required to meet minimum distribution requirements of the plan; or

(d) Distributed for hardship or unforeseeable emergency from a 457 plan.

~~((9))~~ (10) **Employer.**

(a) The state of Washington; and

(b) Approved political subdivisions of the state of Washington.

~~((10))~~ (11) **Normal retirement age.** An age designated by the participant for purposes of the three-year catch-up provision described in WAC 415-501-430(2). The participant may choose a normal retirement age between:

(a) The earliest age at which an eligible participant has the right to receive retirement benefits without actuarial or similar reduction from his/her retirement plan with the same employer; and

(b) Age seventy and one-half.

~~((11))~~ (12) **Participant.** An eligible employee who:

(a) ~~((Who has submitted a participation agreement that is approved by the department; and~~

~~(b) Who either:~~

~~(i))~~ Is currently deferring compensation under the plan;

or

~~((ii))~~ (b) Has previously deferred compensation and has not received a distribution of his/her entire benefit under the plan.

~~((12))~~ (13) **Participation agreement.** The agreement executed by an eligible employee to enroll in the plan through methods established by the department. Includes the participant's authorization to defer compensation through payroll deductions pursuant to WAC 415-501-410 and 415-501-450.

~~((13))~~ (14) **You,** as used in this chapter, means a participant as defined in subsection ~~((11))~~ (12) of this section.

AMENDATORY SECTION (Amending WSR 04-22-053, filed 10/29/04, effective 11/29/04)

WAC 415-501-315 What are my employer's responsibilities? An employer has responsibilities including, but not limited to, determining employees' eligibility to participate, reporting and paying deferrals to the department, and monitoring for deferral limits ~~((and determining employees' eligibility to participate))~~.

The department's administration of the plan does not replace the employer's responsibilities.

AUTOMATIC ENROLLMENT

NEW SECTION

WAC 415-501-400 What is automatic enrollment? Effective January 1, 2017, state agencies and higher education employers must automatically enroll new full-time employees into the deferred compensation program (DCP). Students who work at a college or university and retirees who return to employment are exempt from automatic enrollment. Local employers, including school districts, may use the

automatic enrollment provisions by submitting a resolution to the department.

For state employees and some higher education employees, full-time status is defined in WAC 357-01-174. For employees not covered under WAC 357-01-174, the definition of "full time" is at the employer's discretion.

The default deferral amount is three percent of your taxable compensation, but you may change your deferral amount at any time (see WAC 415-501-450 for details).

The default investment is the Retirement Strategy Fund that assumes retirement at age sixty-five. You may change your investments at any time (see WAC 415-501-475 for details).

If you are automatically enrolled in DCP, you will receive a mailed notification of automatic enrollment. If you want to alter your automatic enrollment, here are some actions you can take:

(1) Opt out: To prevent the three percent deferral from being deducted from your paycheck, opt out within thirty days of the date on the automatic enrollment notification. To do so, change the three percent default deduction to zero through your established online account or by contacting the DCP record keeper.

(2) Suspend enrollment and remove your contributions: Following your automatic enrollment, you may withdraw DCP deferrals that have been taken from your paycheck. To do so, change the three percent default deduction to zero and request a permissible withdrawal request form. The completed withdrawal request must be received by the DCP record keeper within ninety days of your first payroll contribution under this section. You will receive a distribution of your contributions, plus or minus earnings. These distributions are not eligible for rollover. If you do not request a permissible withdrawal within ninety days from your first payroll contribution, your contributions will be subject to the provisions for distributions described in WAC 415-501-485.

(3) Change your contribution: Adjust your contributions to a smaller or larger whole percentage or select a specific whole dollar amount. With DCP, you may change your contribution amount at any time. Changing your contribution within the first ninety days of automatic enrollment verifies your participation in the program, making you no longer eligible for permissible withdrawal.

(4) Change your investment selection: Select another DCP investment option. With DCP, you can change your investment options at any time.

(5) Reenroll: If you opt out, you may reenroll in DCP at any time (see WAC 415-501-410).

AMENDATORY SECTION (Amending WSR 14-10-045, filed 4/30/14, effective 6/1/14)

WAC 415-501-420 What are the ~~((annual))~~ deferral limits? (1) The minimum deferral is ~~((fifteen dollars per semi-monthly payroll period;))~~ thirty dollars ~~((for monthly payroll periods))~~ per month or one percent of monthly compensation.

(2) Except as provided in WAC 415-501-430 (catch-up provisions) and WAC 415-501-435 (uniformed service

make-up contributions), the maximum annual deferral limit is the smaller of:

(a) One hundred percent of your includible compensation as defined in IRC Section 457 (e)(5), and Treasury Regulation 1.457.2(g), and determined without regard to community property laws; or

(b) The annual deferral limit established each year by the Internal Revenue Service. The annual deferral limit is published on the department's deferred compensation program web site.

AMENDATORY SECTION (Amending WSR 14-10-045, filed 4/30/14, effective 6/1/14)

WAC 415-501-450 May I change my deferral amount? You may change the amount of your deferred compensation through the methods established by the department. Changes ~~((may))~~ must be made ~~((only))~~ in a whole dollar increment~~((s))~~ or whole percentage.

A change in the amount will be effective for any calendar month only if you notify the department of the change, through the methods available, prior to the month for which the change is requested and prior to your employer's established "cutoff date" for the payroll in which the change will occur.

AMENDATORY SECTION (Amending WSR 16-12-050, filed 5/25/16, effective 6/25/16)

WAC 415-501-475 ~~((May I choose how I want))~~ How will my deferred compensation be invested? (1) ~~((Yes-))~~ When you enroll, you may select one or more of the investment options offered.

(2) The department will invest one hundred percent of your future contributions in the Retirement Strategy Fund that assumes you will retire at age sixty-five if any of the following occurs during the enrollment process.

(a) An investment option is not selected.

(b) The total ~~((percentage))~~ does not equal one hundred percent when multiple investment options are selected.

(c) You are automatically enrolled into DCP.

(3) In general, you may change the investment of your accumulated deferrals, the investment of your future deferrals, or both, through the methods established by the department. However, if necessary to protect the performance results of the DCP program, the department has the right to:

(a) Limit the number of times you change investment options;

(b) Limit the frequency of the changes;

(c) Limit the manner of making changes; or

(d) Impose other restrictions.

In addition, changes must be consistent with any restrictions on trading imposed by the investment options involved.

(4) Beneficiaries over age eighteen and former spouses may change the investment options through the methods established by the department once a separate account has been established for them. The guardian of a minor beneficiary may change the investment options on the minor's account if authorized by the order of guardianship.

AMENDATORY SECTION (Amending WSR 04-22-053, filed 10/29/04, effective 11/29/04)

WAC 415-501-480 How do I designate my beneficiaries? You have the right to designate a beneficiary or beneficiaries to receive your accumulated deferrals in the event of your death. You may change your beneficiary designation at any time online, or by filing a beneficiary change form with the department. The change will take effect upon the department's receipt of the beneficiary change form.

You may name:

(1) An organization or person, including unborn or later adopted children. However, unborn or later adopted children must be specifically designated as beneficiaries on the form. You must indicate the date of birth for any living person you name as a beneficiary.

(2) Your estate.

(3) An existing trust or a trust that is to be established under your last will. For an existing trust, you must provide a copy of the trust document and the name, address and telephone number of the current trustee.

You may name contingent beneficiaries in addition to primary beneficiaries.

WSR 16-24-014
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed November 29, 2016, 9:24 a.m., effective January 1, 2017]

Effective Date of Rule: January 1, 2017.

Purpose: This rule amends the tables of classification base premium rates, experience rating plan parameters, experience modification factor calculation limitations and retrospective rating plan size groupings for the workers' compensation insurance program for calendar year 2017. Classification base rates were amended for updated loss and payroll experience. The department is adopting a 0.7 percent overall average premium rate increase.

The rule also repeals WAC 296-17-86507 2007 Claim-free experience modification phase-in limitation, which is now obsolete.

This rule making also provides notice that as part of rebuilding the contingency reserves, the director is transferring the amount of the accident and medical-aid funds combined that exceed ten percent of funded liabilities as required by RCW 51.44.023.

The department's decision to increase overall rates is intended to ensure adequate premiums to cover expected losses for 2017 claims and to continue rebuilding the contingency reserves to adequate levels. Washington law provides that rates should be adjusted annually to reflect the hazards of each industry and in accordance with recognized workers' compensation insurance principles.

Citation of Existing Rules Affected by this Order: Amending WAC 296-17-855 Experience modification, 296-17-875 Table I, 296-17-880 Table II, 296-17-885 Table III, 296-17-890 Table IV, 296-17-895 Industrial insurance accident fund base rates, stay at work and medical aid base rates

by class of industry, 296-17-89502 Industrial insurance accident fund, stay at work, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications, 296-17-89507 Horse racing rates, 296-17-920 Assessment for supplemental pension fund, 296-17B-540 Determining loss incurred for each claim and 296-17B-900 Retrospective rating plans standard premium size ranges; and repealing WAC 296-17-86507 2007 Claim-free experience modification phase-in limitation.

Statutory Authority for Adoption: RCW 51.16.035 (base rates), 51.32.073 (supplemental pension), 51.18.010 (retrospective rating), and 51.04.020(1) (general authority).

Adopted under notice filed as WSR 16-19-071 on September 20, 2016.

Changes Other than Editing from Proposed to Adopted Version: Numbers for Classification 5001 Logging N.O.C. in WAC 296-17-885 Table III, expected loss rates and primary ratios were incorrect in the proposed rule and were corrected for the adoption. This correction was not a substantive change.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 11, Repealed 1.

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

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

Date Adopted: November 29, 2016.

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 15-24-103, filed 12/1/15, effective 1/1/16)

WAC 296-17-855 Experience modification. The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the expected losses for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to weigh the extent to which the actual experience is credible, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification factor shall be calculated from the formula:

$$\begin{array}{l} \text{EXPERIENCE} \\ \text{MODIFICATION} \\ \text{FACTOR} \end{array} = \frac{\text{Credible Actual Primary Loss} + \text{Credible Actual Excess Loss}}{\text{Expected Loss}}$$

Where

$$\begin{aligned} \text{Credible Actual Primary Loss} &= \text{Actual Primary Loss} \times \text{Primary Credibility} \\ &+ \text{Expected Primary Loss} \times (100\% - \text{Primary Credibility}) \\ \text{Credible Actual Excess Loss} &= \text{Actual Excess Loss} \times \text{Excess Credibility} \\ &+ \text{Expected Excess Loss} \times (100\% - \text{Excess Credibility}) \end{aligned}$$

The meaning and function of each term in the formula is specified below.

For each claim, the actual primary loss is the first dollar portion of the claim costs, which has been shown in actuarial studies, to have the greater credibility in predicting future experience. These amounts are summed over all claims. For each claim in excess of \$20,112 the actual primary loss shall be determined from the formula:

$$\text{ACTUAL PRIMARY LOSS} = \frac{50,280}{(\text{Total loss} + 30,168)} \times \text{total loss}$$

For each claim, less than \$20,112 the full value of the claim shall be considered a primary loss.

For each claim, the excess actual loss is the remaining portion of the claim costs, which have been shown in actuarial studies to have less credibility in predicting future experience. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss. These amounts are summed over all claims.

For any claim without disability benefits (time loss, partial permanent disability, total permanent disability or death) either actually paid or estimated to be paid, the total actual losses for calculating the primary loss and excess loss shall first be reduced by the lesser of \$((2,760)) 2,820 or the total cost of the claim. Here are some examples for these claims:

Total Loss	Type of Claim	Total Loss (after deduction)	Primary Loss	Excess Loss
300	Medical Only	0	0	0
3,000	Medical Only	((240)) 180	((240)) 180	0
3,000	Time Loss	3,000	3,000	0
30,000	Medical Only	((27,240)) 27,180	((23,858)) 23,830	((3,382)) 3,350
30,000	Time Loss	30,000	25,070	4,930
130,000	PPD	130,000	40,810	89,190
500,000	TPD Pension	((283,507)) 275,499	((45,444)) 45,318	((238,063)) 230,181
2,000,000	TPD Pension	((283,507)) 275,499	((45,444)) 45,318	((238,063)) 230,181

Note: The deduction, \$((2,760)) 2,820, is twice the average case incurred cost of these types of claims occurring during the three-year period used for experience rating. On average this results in reducing the average actual loss about seventy percent for these types of claims adjusted. This is done to help make the transition between the two different experience rating methods better by helping make the change in experience factor reasonable for small changes to the actual losses. ((The \$2,000,000 loss is limited by the Maximum Claim Value before the reduction of \$2,760 is applied.))

For each employer, the primary credibility and the excess credibility determines the percentage weight given to the corresponding actual primary losses and the actual excess losses, included in the calculation of the experience modification, based on the volume of expected losses. Primary credibility and excess credibility values are set forth in Table II.

An employer's expected losses shall be determined by summing the expected loss for each of the three years of the experience period, which are calculated by multiplying the reported exposure in each classification during the year by the corresponding classification expected loss rate and rounding the result to the nearest cent. Classification expected loss rates by year are set forth in Table III.

Expected losses in each classification shall be multiplied by the classification "Primary-Ratio" to obtain "expected primary losses" which shall be rounded to the nearest cent. Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses rounded to the nearest cent. Primary-Ratios are also set forth in Table III.

AMENDATORY SECTION (Amending WSR 15-24-103, filed 12/1/15, effective 1/1/16)

WAC 296-17-875 Table I.

Primary Losses for Selected Claim Values Effective January 1, ((2016)) 2017

TOTAL LOSS AFTER DEDUCTION	PRIMARY LOSS
5,000	5,000
10,000	10,000
15,000	15,000
20,112	20,112
29,834	25,000
44,627	30,000
69,102	35,000
100,000	38,627
117,385	40,000
200,000	43,690
((283,507) **	45,444))
<u>275,499</u> **	<u>45,318</u>

** Maximum claim value

Expected Losses		Primary Credibility	Excess Credibility	Expected Losses		Primary Credibility	Excess Credibility
633,761	- 657,740	71%	26%	1,445,809	- 1,473,478	91%	48%
657,741	- 674,363	71%	27%	1,473,479	- 1,486,409	91%	49%
674,364	- 692,291	72%	27%	1,486,410	- 1,513,540	92%	49%
692,292	- 714,964	72%	28%	1,513,541	- 1,527,013	92%	50%
714,965	- 727,064	73%	28%	1,527,014	- 1,553,885	93%	50%
727,065	- 755,567	73%	29%	1,553,886	- 1,567,614	93%	51%
755,568	- 762,065	74%	29%	1,567,615	- 1,594,514	94%	51%
762,066	- 796,169	74%	30%	1,594,515	- 1,608,216	94%	52%
796,170	- 797,299	75%	30%	1,608,217	- 1,635,430	95%	52%
797,300	- 832,762	75%	31%	1,635,431	- 1,648,818	95%	53%
832,763	- 836,772	75%	32%	1,648,819	- 1,676,635	96%	53%
836,773	- 868,461	76%	32%	1,676,636	- 1,689,421	96%	54%
868,462	- 877,374	76%	33%	1,689,422	- 1,718,135	97%	54%
877,375	- 904,394	77%	33%	1,718,136	- 1,730,023	97%	55%
904,395	- 917,977	77%	34%	1,730,024	- 1,759,929	98%	55%
917,978	- 940,569	78%	34%	1,759,930	- 1,770,626	98%	56%
940,570	- 958,579	78%	35%	1,770,627	- 1,802,026	99%	56%
958,580	- 976,983	79%	35%	1,802,027	- 1,811,227	99%	57%
976,984	- 999,181	79%	36%	1,811,228	- 1,844,425	100%	57%
999,182	- 1,013,641	80%	36%	1,844,426	- 1,887,131	100%	58%
1,013,642	- 1,039,782	80%	37%	1,887,132	- 1,930,145	100%	59%
1,039,783	- 1,050,545	81%	37%	1,930,146	- 1,973,473	100%	60%
1,050,546	- 1,080,386	81%	38%	1,973,474	- 2,017,117	100%	61%
1,080,387	- 1,087,698	82%	38%	2,017,118	- 2,061,081	100%	62%
1,087,699	- 1,120,989	82%	39%	2,061,082	- 2,105,369	100%	63%
1,120,990	- 1,125,104	83%	39%	2,105,370	- 2,149,983	100%	64%
1,125,105	- 1,161,591	83%	40%	2,149,984	- 2,194,928	100%	65%
1,161,592	- 1,162,762	84%	40%	2,194,929	- 2,240,208	100%	66%
1,162,763	- 1,200,675	84%	41%	2,240,209	- 2,285,826	100%	67%
1,200,676	- 1,202,190	84%	42%	2,285,827	- 2,331,786	100%	68%
1,202,191	- 1,238,847	85%	42%	2,331,787	- 2,378,092	100%	69%
1,238,848	- 1,242,795	85%	43%	2,378,093	- 2,424,747	100%	70%
1,242,796	- 1,277,284	86%	43%	2,424,748	- 2,471,757	100%	71%
1,277,285	- 1,283,399	86%	44%	2,471,758	- 2,519,125	100%	72%
1,283,400	- 1,315,982	87%	44%	2,519,126	- 2,566,853	100%	73%
1,315,983	- 1,324,000	87%	45%	2,566,854	- 2,614,948	100%	74%
1,324,001	- 1,354,949	88%	45%	2,614,949	- 2,663,410	100%	75%
1,354,950	- 1,364,603	88%	46%	2,663,411	- 2,712,251	100%	76%
1,364,604	- 1,394,184	89%	46%	2,712,252	- 2,761,467	100%	77%
1,394,185	- 1,405,204	89%	47%	2,761,468	- 2,811,069	100%	78%
1,405,205	- 1,433,695	90%	47%	2,811,070	- 2,861,058	100%	79%
1,433,696	- 1,445,808	90%	48%	2,861,059	- 2,911,440	100%	80%

Expected Losses	Primary Credibility	Excess Credibility	Expected Losses	Primary Credibility	Excess Credibility
2,911,441 - 2,962,220	100%	81%	29,021 - 30,046	48%	7%
2,962,221 - 3,013,399	100%	82%	30,047 - 31,134	49%	7%
3,013,400 - 3,064,986	100%	83%	31,135 - 32,293	50%	7%
3,064,987 - 3,116,982	100%	84%	32,294 - 33,545	51%	7%
3,116,983 - 3,169,398	100%	85%	33,546 - 34,917	52%	7%
3,169,399 and higher		86%))	34,918 - 36,445	53%	7%
1 - 6,899	12%	7%	36,446 - 36,601	54%	7%
6,900 - 7,365	13%	7%	36,602 - 38,207	54%	8%
7,366 - 7,836	14%	7%	38,208 - 40,359	55%	8%
7,837 - 8,312	15%	7%	40,360 - 61,081	56%	8%
8,313 - 8,794	16%	7%	61,082 - 67,323	57%	8%
8,795 - 9,282	17%	7%	67,324 - 96,161	57%	9%
9,283 - 9,776	18%	7%	96,162 - 99,044	57%	10%
9,777 - 10,277	19%	7%	99,045 - 125,177	58%	10%
10,278 - 10,783	20%	7%	125,178 - 137,005	58%	11%
10,784 - 11,298	21%	7%	137,006 - 154,374	59%	11%
11,299 - 11,819	22%	7%	154,375 - 174,970	59%	12%
11,820 - 12,348	23%	7%	174,971 - 183,746	60%	12%
12,349 - 12,885	24%	7%	183,747 - 212,934	60%	13%
12,886 - 13,431	25%	7%	212,935 - 213,306	61%	13%
13,432 - 13,987	26%	7%	213,307 - 243,049	61%	14%
13,988 - 14,548	27%	7%	243,050 - 250,896	61%	15%
14,549 - 15,122	28%	7%	250,897 - 272,979	62%	15%
15,123 - 15,703	29%	7%	272,980 - 288,860	62%	16%
15,704 - 16,297	30%	7%	288,861 - 303,094	63%	16%
16,298 - 16,904	31%	7%	303,095 - 326,824	63%	17%
16,905 - 17,518	32%	7%	326,825 - 333,400	64%	17%
17,519 - 18,148	33%	7%	333,401 - 363,897	64%	18%
18,149 - 18,791	34%	7%	363,898 - 364,785	64%	19%
18,792 - 19,448	35%	7%	364,786 - 394,590	65%	19%
19,449 - 20,121	36%	7%	394,591 - 402,749	65%	20%
20,122 - 20,809	37%	7%	402,750 - 425,474	66%	20%
20,810 - 21,519	38%	7%	425,475 - 440,713	66%	21%
21,520 - 22,243	39%	7%	440,714 - 456,556	67%	21%
22,244 - 22,992	40%	7%	456,557 - 478,676	67%	22%
22,993 - 23,761	41%	7%	478,677 - 487,838	68%	22%
23,762 - 24,557	42%	7%	487,839 - 516,637	68%	23%
24,558 - 25,380	43%	7%	516,638 - 519,319	69%	23%
25,381 - 26,233	44%	7%	519,320 - 551,003	69%	24%
26,234 - 27,121	45%	7%	551,004 - 554,600	69%	25%
27,122 - 28,049	46%	7%	554,601 - 582,891	70%	25%
28,050 - 29,020	47%	7%	582,892 - 592,566	70%	26%

Expected Losses		Primary Credibility	Excess Credibility	Expected Losses		Primary Credibility	Excess Credibility		
<u>592,567</u>	=	<u>614,987</u>	<u>71%</u>	<u>26%</u>	<u>1,351,831</u>	=	<u>1,377,702</u>	<u>91%</u>	<u>48%</u>
<u>614,988</u>	=	<u>630,529</u>	<u>71%</u>	<u>27%</u>	<u>1,377,703</u>	=	<u>1,389,792</u>	<u>91%</u>	<u>49%</u>
<u>630,530</u>	=	<u>647,292</u>	<u>72%</u>	<u>27%</u>	<u>1,389,793</u>	=	<u>1,415,160</u>	<u>92%</u>	<u>49%</u>
<u>647,293</u>	=	<u>668,491</u>	<u>72%</u>	<u>28%</u>	<u>1,415,161</u>	=	<u>1,427,757</u>	<u>92%</u>	<u>50%</u>
<u>668,492</u>	=	<u>679,805</u>	<u>73%</u>	<u>28%</u>	<u>1,427,758</u>	=	<u>1,452,882</u>	<u>93%</u>	<u>50%</u>
<u>679,806</u>	=	<u>706,455</u>	<u>73%</u>	<u>29%</u>	<u>1,452,883</u>	=	<u>1,465,719</u>	<u>93%</u>	<u>51%</u>
<u>706,456</u>	=	<u>712,531</u>	<u>74%</u>	<u>29%</u>	<u>1,465,720</u>	=	<u>1,490,871</u>	<u>94%</u>	<u>51%</u>
<u>712,532</u>	=	<u>744,418</u>	<u>74%</u>	<u>30%</u>	<u>1,490,872</u>	=	<u>1,503,682</u>	<u>94%</u>	<u>52%</u>
<u>744,419</u>	=	<u>745,475</u>	<u>75%</u>	<u>30%</u>	<u>1,503,683</u>	=	<u>1,529,127</u>	<u>95%</u>	<u>52%</u>
<u>745,476</u>	=	<u>778,632</u>	<u>75%</u>	<u>31%</u>	<u>1,529,128</u>	=	<u>1,541,645</u>	<u>95%</u>	<u>53%</u>
<u>778,633</u>	=	<u>782,382</u>	<u>75%</u>	<u>32%</u>	<u>1,541,646</u>	=	<u>1,567,654</u>	<u>96%</u>	<u>53%</u>
<u>782,383</u>	=	<u>812,011</u>	<u>76%</u>	<u>32%</u>	<u>1,567,655</u>	=	<u>1,579,609</u>	<u>96%</u>	<u>54%</u>
<u>812,012</u>	=	<u>820,345</u>	<u>76%</u>	<u>33%</u>	<u>1,579,610</u>	=	<u>1,606,456</u>	<u>97%</u>	<u>54%</u>
<u>820,346</u>	=	<u>845,608</u>	<u>77%</u>	<u>33%</u>	<u>1,606,457</u>	=	<u>1,617,571</u>	<u>97%</u>	<u>55%</u>
<u>845,609</u>	=	<u>858,308</u>	<u>77%</u>	<u>34%</u>	<u>1,617,572</u>	=	<u>1,645,534</u>	<u>98%</u>	<u>55%</u>
<u>858,309</u>	=	<u>879,432</u>	<u>78%</u>	<u>34%</u>	<u>1,645,535</u>	=	<u>1,655,535</u>	<u>98%</u>	<u>56%</u>
<u>879,433</u>	=	<u>896,271</u>	<u>78%</u>	<u>35%</u>	<u>1,655,536</u>	=	<u>1,684,894</u>	<u>99%</u>	<u>56%</u>
<u>896,272</u>	=	<u>913,479</u>	<u>79%</u>	<u>35%</u>	<u>1,684,895</u>	=	<u>1,693,497</u>	<u>99%</u>	<u>57%</u>
<u>913,480</u>	=	<u>934,234</u>	<u>79%</u>	<u>36%</u>	<u>1,693,498</u>	=	<u>1,724,537</u>	<u>100%</u>	<u>57%</u>
<u>934,235</u>	=	<u>947,754</u>	<u>80%</u>	<u>36%</u>	<u>1,724,538</u>	=	<u>1,764,467</u>	<u>100%</u>	<u>58%</u>
<u>947,755</u>	=	<u>972,196</u>	<u>80%</u>	<u>37%</u>	<u>1,764,468</u>	=	<u>1,804,686</u>	<u>100%</u>	<u>59%</u>
<u>972,197</u>	=	<u>982,260</u>	<u>81%</u>	<u>37%</u>	<u>1,804,687</u>	=	<u>1,845,197</u>	<u>100%</u>	<u>60%</u>
<u>982,261</u>	=	<u>1,010,161</u>	<u>81%</u>	<u>38%</u>	<u>1,845,198</u>	=	<u>1,886,004</u>	<u>100%</u>	<u>61%</u>
<u>1,010,162</u>	=	<u>1,016,998</u>	<u>82%</u>	<u>38%</u>	<u>1,886,005</u>	=	<u>1,927,111</u>	<u>100%</u>	<u>62%</u>
<u>1,016,999</u>	=	<u>1,048,125</u>	<u>82%</u>	<u>39%</u>	<u>1,927,112</u>	=	<u>1,968,520</u>	<u>100%</u>	<u>63%</u>
<u>1,048,126</u>	=	<u>1,051,972</u>	<u>83%</u>	<u>39%</u>	<u>1,968,521</u>	=	<u>2,010,234</u>	<u>100%</u>	<u>64%</u>
<u>1,051,973</u>	=	<u>1,086,088</u>	<u>83%</u>	<u>40%</u>	<u>2,010,235</u>	=	<u>2,052,258</u>	<u>100%</u>	<u>65%</u>
<u>1,086,089</u>	=	<u>1,087,182</u>	<u>84%</u>	<u>40%</u>	<u>2,052,259</u>	=	<u>2,094,594</u>	<u>100%</u>	<u>66%</u>
<u>1,087,183</u>	=	<u>1,122,631</u>	<u>84%</u>	<u>41%</u>	<u>2,094,595</u>	=	<u>2,137,247</u>	<u>100%</u>	<u>67%</u>
<u>1,122,632</u>	=	<u>1,124,048</u>	<u>84%</u>	<u>42%</u>	<u>2,137,248</u>	=	<u>2,180,220</u>	<u>100%</u>	<u>68%</u>
<u>1,124,049</u>	=	<u>1,158,322</u>	<u>85%</u>	<u>42%</u>	<u>2,180,221</u>	=	<u>2,223,516</u>	<u>100%</u>	<u>69%</u>
<u>1,158,323</u>	=	<u>1,162,013</u>	<u>85%</u>	<u>43%</u>	<u>2,223,517</u>	=	<u>2,267,138</u>	<u>100%</u>	<u>70%</u>
<u>1,162,014</u>	=	<u>1,194,260</u>	<u>86%</u>	<u>43%</u>	<u>2,267,139</u>	=	<u>2,311,093</u>	<u>100%</u>	<u>71%</u>
<u>1,194,261</u>	=	<u>1,199,978</u>	<u>86%</u>	<u>44%</u>	<u>2,311,094</u>	=	<u>2,355,382</u>	<u>100%</u>	<u>72%</u>
<u>1,199,979</u>	=	<u>1,230,443</u>	<u>87%</u>	<u>44%</u>	<u>2,355,383</u>	=	<u>2,400,007</u>	<u>100%</u>	<u>73%</u>
<u>1,230,444</u>	=	<u>1,237,940</u>	<u>87%</u>	<u>45%</u>	<u>2,400,008</u>	=	<u>2,444,976</u>	<u>100%</u>	<u>74%</u>
<u>1,237,941</u>	=	<u>1,266,877</u>	<u>88%</u>	<u>45%</u>	<u>2,444,977</u>	=	<u>2,490,288</u>	<u>100%</u>	<u>75%</u>
<u>1,266,878</u>	=	<u>1,275,904</u>	<u>88%</u>	<u>46%</u>	<u>2,490,289</u>	=	<u>2,535,955</u>	<u>100%</u>	<u>76%</u>
<u>1,275,905</u>	=	<u>1,303,562</u>	<u>89%</u>	<u>46%</u>	<u>2,535,956</u>	=	<u>2,581,972</u>	<u>100%</u>	<u>77%</u>
<u>1,303,563</u>	=	<u>1,313,866</u>	<u>89%</u>	<u>47%</u>	<u>2,581,973</u>	=	<u>2,628,349</u>	<u>100%</u>	<u>78%</u>
<u>1,313,867</u>	=	<u>1,340,505</u>	<u>90%</u>	<u>47%</u>	<u>2,628,350</u>	=	<u>2,675,089</u>	<u>100%</u>	<u>79%</u>
<u>1,340,506</u>	=	<u>1,351,830</u>	<u>90%</u>	<u>48%</u>	<u>2,675,090</u>	=	<u>2,722,196</u>	<u>100%</u>	<u>80%</u>

Expected Losses	Primary Credibility	Excess Credibility	((Class	2012	2013	2014	Primary-Ratio
<u>2,722,197</u> = <u>2,769,676</u>	<u>100%</u>	<u>81%</u>	0510	2.2461	1.9784	1.6506	0.439
<u>2,769,677</u> = <u>2,817,528</u>	<u>100%</u>	<u>82%</u>	0511	1.5935	1.3924	1.1443	0.467
<u>2,817,529</u> = <u>2,865,762</u>	<u>100%</u>	<u>83%</u>	0512	1.2157	1.0682	0.8866	0.457
<u>2,865,763</u> = <u>2,914,378</u>	<u>100%</u>	<u>84%</u>	0513	0.9009	0.7886	0.6509	0.451
<u>2,914,379</u> = <u>2,963,387</u>	<u>100%</u>	<u>85%</u>	0514	1.6433	1.4369	1.1773	0.496
<u>2,963,388</u> and higher		<u>86%</u>	0516	1.4403	1.2630	1.0476	0.433
			0517	2.1880	1.9315	1.6249	0.397
			0518	1.2791	1.1180	0.9262	0.407
			0519	1.6137	1.4114	1.1600	0.479
			0521	0.5222	0.4593	0.3811	0.472
			0601	0.5162	0.4520	0.3719	0.477
			0602	0.6825	0.5937	0.4874	0.426
			0603	0.6977	0.6104	0.5051	0.426
			0604	1.1138	0.9852	0.8251	0.461
			0606	0.6164	0.5403	0.4410	0.551
			0607	0.7681	0.6750	0.5590	0.476
			0608	0.3281	0.2876	0.2367	0.484
			0701	1.5507	1.3384	1.0874	0.408
			0803	0.5580	0.4881	0.3977	0.543
			0901	1.2791	1.1180	0.9262	0.407
			1002	0.8938	0.7854	0.6498	0.483
			1003	0.7470	0.6554	0.5401	0.488
			1004	0.4798	0.4177	0.3389	0.496
			1005	8.2912	7.2351	5.9463	0.435
			1006	0.1401	0.1226	0.0997	0.569
			1007	0.2968	0.2589	0.2121	0.470
			1101	0.8378	0.7335	0.6016	0.506
			1102	1.4425	1.2596	1.0352	0.457
			1103	1.1773	1.0319	0.8522	0.467
			1104	0.6864	0.6038	0.4968	0.532
			1105	0.8136	0.7152	0.5935	0.462
			1106	0.2998	0.2663	0.2231	0.500
			1108	0.5592	0.4928	0.4084	0.499
			1109	1.4827	1.3039	1.0761	0.507
			1301	0.5504	0.4774	0.3836	0.548
			1303	0.2599	0.2270	0.1838	0.569
			1304	0.0272	0.0238	0.0196	0.514
			1305	0.4823	0.4237	0.3494	0.504
			1401	0.2550	0.2272	0.1920	0.457
			1404	0.8331	0.7339	0.6065	0.528
			1405	0.8611	0.7533	0.6129	0.557
			1407	0.5772	0.5083	0.4193	0.534

AMENDATORY SECTION (Amending WSR 15-24-103, filed 12/1/15, effective 1/1/16)

WAC 296-17-885 Table III.

Expected Loss Rates and Primary Ratios
by Risk Classification and Fiscal Year

Expected Loss Rates in Dollars Per Worker Hour
Effective January 1, ((2016)) 2017

((Class	2012	2013	2014	Primary-Ratio
0101	1.2076	1.0574	0.8790	0.402
0103	1.5737	1.3849	1.1574	0.416
0104	1.0254	0.8982	0.7442	0.427
0105	1.3729	1.2027	0.9833	0.527
0106	1.8483	1.6195	1.3317	0.494
0107	0.9557	0.8382	0.6958	0.429
0108	1.0254	0.8982	0.7442	0.427
0112	0.8008	0.7026	0.5823	0.442
0201	1.5154	1.3204	1.0857	0.420
0202	3.0439	2.6681	2.2172	0.402
0210	0.9575	0.8381	0.6949	0.407
0212	1.3122	1.1508	0.9568	0.420
0214	1.3573	1.1857	0.9761	0.453
0217	1.3836	1.2131	1.0058	0.437
0219	0.9607	0.8405	0.6956	0.426
0301	0.8549	0.7545	0.6264	0.504
0302	2.2548	1.9679	1.6290	0.399
0303	1.8221	1.5983	1.3325	0.401
0306	0.9433	0.8231	0.6759	0.452
0307	0.9168	0.8021	0.6608	0.457
0308	0.6313	0.5593	0.4662	0.516
0403	1.7586	1.5424	1.2757	0.458
0502	1.3185	1.1521	0.9502	0.437
0504	1.8701	1.6531	1.3902	0.415
0507	3.2914	2.9137	2.4518	0.425
0508	1.5506	1.3516	1.1165	0.397
0509	1.0804	0.9442	0.7817	0.413

((Class	2012	2013	2014	Primary- Ratio	((Class	2012	2013	2014	Primary- Ratio
1501	0.6712	0.5873	0.4801	0.525	3406	0.2889	0.2546	0.2090	0.581
1507	0.6144	0.5402	0.4455	0.510	3407	0.7142	0.6240	0.5117	0.484
1701	0.7548	0.6579	0.5352	0.507	3408	0.2391	0.2090	0.1683	0.616
1702	1.5331	1.3399	1.1167	0.360	3409	0.1647	0.1451	0.1188	0.603
1703	0.9073	0.7881	0.6468	0.409	3410	0.1999	0.1767	0.1459	0.576
1704	0.7548	0.6579	0.5352	0.507	3411	0.4868	0.4269	0.3515	0.496
1801	0.4379	0.3856	0.3210	0.454	3412	0.6006	0.5253	0.4323	0.465
1802	0.7352	0.6439	0.5272	0.498	3414	0.7436	0.6551	0.5443	0.472
2002	0.8560	0.7536	0.6253	0.478	3415	0.7906	0.6970	0.5838	0.416
2004	0.6586	0.5798	0.4776	0.527	3501	1.0681	0.9378	0.7724	0.500
2007	0.7167	0.6348	0.5311	0.483	3503	0.3248	0.2882	0.2395	0.540
2008	0.3746	0.3307	0.2750	0.494	3506	0.8600	0.7488	0.6072	0.529
2009	0.3447	0.3045	0.2513	0.561	3509	0.4242	0.3737	0.3067	0.584
2101	0.6861	0.6089	0.5106	0.488	3510	0.3493	0.3081	0.2539	0.551
2102	0.6985	0.6131	0.5030	0.535	3511	0.6756	0.5944	0.4895	0.519
2104	0.3362	0.3002	0.2509	0.582	3512	0.3793	0.3345	0.2754	0.547
2105	0.6670	0.5864	0.4827	0.523	3513	0.6193	0.5487	0.4572	0.513
2106	0.4604	0.4079	0.3405	0.493	3602	0.0971	0.0857	0.0709	0.528
2201	0.2756	0.2436	0.2020	0.541	3603	0.5320	0.4701	0.3895	0.528
2202	0.7481	0.6566	0.5404	0.509	3604	0.7011	0.6243	0.5262	0.470
2203	0.5075	0.4485	0.3710	0.543	3605	0.5446	0.4770	0.3905	0.519
2204	0.2756	0.2436	0.2020	0.541	3701	0.2710	0.2384	0.1970	0.493
2401	0.4089	0.3569	0.2910	0.512	3702	0.4754	0.4179	0.3429	0.545
2903	0.7261	0.6420	0.5336	0.511	3708	0.6941	0.6094	0.5004	0.530
2904	0.6977	0.6121	0.5035	0.511	3802	0.2346	0.2073	0.1716	0.544
2905	0.5905	0.5208	0.4312	0.515	3808	0.4125	0.3618	0.2986	0.476
2906	0.3900	0.3459	0.2887	0.509	3901	0.1505	0.1338	0.1110	0.602
2907	0.5077	0.4466	0.3668	0.547	3902	0.4578	0.4049	0.3349	0.554
2908	1.1170	0.9883	0.8232	0.491	3903	1.1607	1.0316	0.8650	0.507
2909	0.4170	0.3679	0.3036	0.535	3905	0.1461	0.1300	0.1079	0.583
3101	0.7628	0.6700	0.5512	0.518	3906	0.4946	0.4379	0.3636	0.536
3102	0.2710	0.2384	0.1970	0.493	3909	0.3340	0.2962	0.2465	0.539
3103	0.4880	0.4298	0.3571	0.467	4101	0.3285	0.2886	0.2375	0.513
3104	0.6754	0.5928	0.4885	0.501	4103	0.5629	0.4953	0.4074	0.540
3105	0.7597	0.6693	0.5518	0.532	4107	0.1851	0.1631	0.1346	0.527
3303	0.4159	0.3657	0.3012	0.517	4108	0.1837	0.1620	0.1339	0.548
3304	0.5804	0.5150	0.4295	0.539	4109	0.2055	0.1813	0.1502	0.521
3309	0.4246	0.3746	0.3113	0.497	4201	0.6709	0.5838	0.4748	0.508
3402	0.4714	0.4145	0.3422	0.500	4301	0.7700	0.6792	0.5593	0.561
3403	0.1912	0.1684	0.1396	0.496	4302	0.8798	0.7749	0.6381	0.549
3404	0.4850	0.4273	0.3522	0.533	4304	0.9764	0.8672	0.7252	0.512
3405	0.2944	0.2588	0.2126	0.537	4305	1.2296	1.0691	0.8660	0.522

((Class	2012	2013	2014	Primary- Ratio	((Class	2012	2013	2014	Primary- Ratio
4401	0.4396	0.3900	0.3264	0.490	5109	0.6158	0.5369	0.4381	0.492
4402	0.7739	0.6783	0.5525	0.578	5201	0.3517	0.3072	0.2492	0.554
4404	0.4923	0.4352	0.3622	0.488	5204	1.0078	0.8847	0.7340	0.450
4501	0.1856	0.1635	0.1338	0.589	5206	0.4070	0.3573	0.2956	0.472
4502	0.0530	0.0467	0.0385	0.534	5207	0.1656	0.1471	0.1224	0.556
4504	0.1137	0.1006	0.0830	0.578	5208	0.7485	0.6587	0.5437	0.503
4802	0.3406	0.3020	0.2513	0.533	5209	0.6582	0.5799	0.4822	0.466
4803	0.3538	0.3153	0.2632	0.584	5300	0.1102	0.0967	0.0786	0.602
4804	0.5402	0.4795	0.3991	0.564	5301	0.0351	0.0309	0.0254	0.542
4805	0.3881	0.3434	0.2848	0.550	5302	0.0115	0.0100	0.0082	0.541
4806	0.0871	0.0776	0.0648	0.583	5305	0.0548	0.0485	0.0401	0.576
4808	0.4650	0.4105	0.3406	0.504	5306	0.0465	0.0410	0.0335	0.584
4809	0.3526	0.3130	0.2604	0.550	5307	0.7382	0.6448	0.5267	0.514
4810	0.1979	0.1760	0.1462	0.597	5308	0.1003	0.0882	0.0722	0.577
4811	0.3901	0.3475	0.2904	0.549	6103	0.0978	0.0868	0.0716	0.602
4812	0.4065	0.3599	0.2983	0.546	6104	0.4909	0.4314	0.3548	0.529
4813	0.1995	0.1774	0.1478	0.561	6105	0.3921	0.3442	0.2834	0.514
4814	0.1422	0.1277	0.1080	0.571	6107	0.1340	0.1195	0.0992	0.590
4815	0.2893	0.2607	0.2213	0.584	6108	0.4019	0.3559	0.2941	0.569
4816	0.4080	0.3668	0.3121	0.523	6109	0.1077	0.0944	0.0773	0.541
4900	0.1689	0.1479	0.1229	0.421	6110	0.6097	0.5373	0.4437	0.527
4901	0.0473	0.0414	0.0338	0.491	6120	0.3235	0.2829	0.2305	0.540
4902	0.1229	0.1080	0.0885	0.553	6121	0.3557	0.3131	0.2598	0.485
4903	0.1797	0.1577	0.1286	0.586	6201	0.3045	0.2685	0.2235	0.473
4904	0.0217	0.0191	0.0158	0.557	6202	0.7149	0.6285	0.5178	0.509
4905	0.4504	0.4014	0.3355	0.573	6203	0.1222	0.1090	0.0906	0.620
4906	0.1127	0.0987	0.0804	0.559	6204	0.1391	0.1232	0.1021	0.564
4907	0.0646	0.0573	0.0476	0.568	6205	0.2191	0.1942	0.1613	0.538
4908	0.1023	0.0904	0.0736	0.585	6206	0.2156	0.1907	0.1575	0.562
4909	0.0401	0.0358	0.0296	0.508	6207	1.3887	1.2323	1.0309	0.504
4910	0.4537	0.3993	0.3294	0.519	6208	0.2676	0.2374	0.1965	0.573
4911	0.0684	0.0601	0.0496	0.494	6209	0.3085	0.2739	0.2284	0.529
5001	7.7450	6.7925	5.6705	0.378	6301	0.1267	0.1108	0.0909	0.490
5002	0.6235	0.5456	0.4451	0.539	6303	0.0700	0.0615	0.0505	0.530
5003	1.9792	1.7249	1.4189	0.428	6304	0.3074	0.2727	0.2258	0.571
5004	0.8018	0.7109	0.5981	0.450	6305	0.1112	0.0984	0.0809	0.606
5005	0.7739	0.6804	0.5664	0.427	6306	0.3423	0.3012	0.2482	0.529
5006	1.3549	1.1879	0.9922	0.374	6308	0.0652	0.0573	0.0472	0.519
5101	0.9594	0.8407	0.6946	0.447	6309	0.2035	0.1797	0.1485	0.542
5103	0.7903	0.6997	0.5806	0.532	6402	0.2931	0.2587	0.2127	0.582
5106	0.7903	0.6997	0.5806	0.532	6403	0.1859	0.1645	0.1355	0.587
5108	0.8067	0.7126	0.5914	0.520	6404	0.2982	0.2645	0.2194	0.572

((Class	2012	2013	2014	Primary- Ratio	((Class	2012	2013	2014	Primary- Ratio
6405	0.5123	0.4498	0.3698	0.521	6908	0.3931	0.3461	0.2856	0.529
6406	0.1263	0.1118	0.0923	0.589	6909	0.1214	0.1071	0.0883	0.532
6407	0.2599	0.2299	0.1902	0.562	7100	0.0333	0.0296	0.0249	0.466
6408	0.5226	0.4618	0.3846	0.491	7101	0.0254	0.0222	0.0184	0.457
6409	0.6650	0.5839	0.4820	0.487	7103	0.8062	0.7024	0.5694	0.537
6410	0.3226	0.2829	0.2314	0.542	7104	0.0322	0.0284	0.0234	0.570
6501	0.1375	0.1207	0.0984	0.589	7105	0.0211	0.0186	0.0153	0.533
6502	0.0326	0.0289	0.0239	0.536	7106	0.2808	0.2481	0.2041	0.610
6503	0.0721	0.0631	0.0514	0.535	7107	0.2786	0.2483	0.2073	0.569
6504	0.3556	0.3157	0.2612	0.593	7108	0.1928	0.1709	0.1418	0.563
6505	0.1523	0.1351	0.1108	0.648	7109	0.1398	0.1235	0.1019	0.574
6506	0.1272	0.1124	0.0927	0.566	7110	0.3316	0.2919	0.2433	0.442
6509	0.3258	0.2892	0.2395	0.574	7111	0.4520	0.3944	0.3237	0.459
6510	0.4495	0.3945	0.3274	0.440	7112	0.8147	0.7193	0.5923	0.573
6511	0.4010	0.3542	0.2924	0.559	7113	0.4354	0.3855	0.3194	0.565
6512	0.1137	0.1001	0.0828	0.493	7114	0.7858	0.6959	0.5741	0.599
6601	0.2187	0.1930	0.1600	0.518	7115	0.5206	0.4615	0.3832	0.561
6602	0.6023	0.5348	0.4470	0.526	7116	0.6161	0.5439	0.4515	0.506
6603	0.2957	0.2598	0.2138	0.519	7117	1.1903	1.0487	0.8605	0.565
6604	0.0913	0.0806	0.0661	0.582	7118	1.7771	1.5701	1.3036	0.518
6605	0.2983	0.2615	0.2128	0.559	7119	1.5853	1.3855	1.1226	0.579
6607	0.1451	0.1283	0.1066	0.519	7120	6.2901	5.5445	4.5972	0.499
6608	0.5937	0.5175	0.4272	0.405	7121	5.8042	5.1131	4.2298	0.504
6620	3.2769	2.8476	2.2823	0.586	7122	0.3885	0.3428	0.2832	0.535
6704	0.1252	0.1102	0.0900	0.583	7200	1.8289	1.5928	1.2955	0.511
6705	0.8465	0.7525	0.6241	0.609	7201	1.8108	1.5815	1.2926	0.508
6706	0.3014	0.2682	0.2249	0.525	7202	0.0301	0.0264	0.0217	0.532
6707	7.1875	6.3348	5.1392	0.682	7203	0.1242	0.1111	0.0921	0.614
6708	9.1145	8.2345	7.0836	0.452	7204	0.0000	0.0000	0.0000	0.500
6709	0.2764	0.2447	0.2030	0.539	7205	0.0000	0.0000	0.0000	0.500
6801	0.7999	0.6949	0.5604	0.545	7301	0.4855	0.4301	0.3580	0.516
6802	0.6842	0.6032	0.4962	0.570	7302	0.9636	0.8535	0.7140	0.481
6803	0.6323	0.5531	0.4621	0.348	7307	0.4682	0.4145	0.3442	0.533
6804	0.3069	0.2716	0.2247	0.543	7308	0.3337	0.2964	0.2464	0.548
6809	5.8524	5.1801	4.2393	0.600	7309	0.2901	0.2570	0.2121	0.595
6901	0.0212	0.0202	0.0171	0.775	7400	2.1033	1.8317	1.4897	0.511))
6902	0.8889	0.7786	0.6462	0.420					
6903	6.5538	5.7938	4.9227	0.339					
6904	0.8407	0.7295	0.5886	0.524	Class	2013	2014	2015	Primary Ratio
6905	0.5968	0.5189	0.4175	0.569	0101	<u>1.0963</u>	<u>0.9687</u>	<u>0.8136</u>	<u>0.419</u>
6906	0.2332	0.2193	0.1962	0.660	0103	<u>1.5062</u>	<u>1.3414</u>	<u>1.1348</u>	<u>0.426</u>
6907	1.1709	1.0305	0.8490	0.533	0104	<u>1.0132</u>	<u>0.8950</u>	<u>0.7482</u>	<u>0.435</u>
					0105	<u>1.1522</u>	<u>1.0064</u>	<u>0.8127</u>	<u>0.525</u>

Class	2013	2014	2015	Primary Ratio	Class	2013	2014	2015	Primary Ratio
0106	<u>1.8362</u>	<u>1.6120</u>	<u>1.3214</u>	<u>0.489</u>	0901	<u>1.0969</u>	<u>0.9700</u>	<u>0.8148</u>	<u>0.427</u>
0107	<u>0.9217</u>	<u>0.8138</u>	<u>0.6816</u>	<u>0.434</u>	1002	<u>0.8472</u>	<u>0.7433</u>	<u>0.6101</u>	<u>0.487</u>
0108	<u>1.0132</u>	<u>0.8950</u>	<u>0.7482</u>	<u>0.435</u>	1003	<u>0.6808</u>	<u>0.5972</u>	<u>0.4888</u>	<u>0.492</u>
0112	<u>0.7410</u>	<u>0.6557</u>	<u>0.5482</u>	<u>0.444</u>	1004	<u>0.4347</u>	<u>0.3773</u>	<u>0.3035</u>	<u>0.499</u>
0201	<u>1.4002</u>	<u>1.2321</u>	<u>1.0269</u>	<u>0.431</u>	1005	<u>7.6938</u>	<u>6.7629</u>	<u>5.5848</u>	<u>0.443</u>
0202	<u>2.4473</u>	<u>2.1772</u>	<u>1.8464</u>	<u>0.400</u>	1006	<u>0.1675</u>	<u>0.1433</u>	<u>0.1110</u>	<u>0.591</u>
0210	<u>0.8307</u>	<u>0.7363</u>	<u>0.6213</u>	<u>0.412</u>	1007	<u>0.2805</u>	<u>0.2453</u>	<u>0.2008</u>	<u>0.475</u>
0212	<u>1.2315</u>	<u>1.0878</u>	<u>0.9106</u>	<u>0.430</u>	1101	<u>0.8483</u>	<u>0.7393</u>	<u>0.5978</u>	<u>0.511</u>
0214	<u>1.2513</u>	<u>1.0988</u>	<u>0.9100</u>	<u>0.451</u>	1102	<u>1.3973</u>	<u>1.2259</u>	<u>1.0097</u>	<u>0.458</u>
0217	<u>1.3272</u>	<u>1.1709</u>	<u>0.9748</u>	<u>0.448</u>	1103	<u>1.0300</u>	<u>0.9051</u>	<u>0.7461</u>	<u>0.472</u>
0219	<u>0.8568</u>	<u>0.7580</u>	<u>0.6380</u>	<u>0.418</u>	1104	<u>0.6514</u>	<u>0.5698</u>	<u>0.4605</u>	<u>0.535</u>
0301	<u>0.7788</u>	<u>0.6885</u>	<u>0.5688</u>	<u>0.498</u>	1105	<u>0.7696</u>	<u>0.6789</u>	<u>0.5636</u>	<u>0.467</u>
0302	<u>2.1576</u>	<u>1.8975</u>	<u>1.5866</u>	<u>0.415</u>	1106	<u>0.2856</u>	<u>0.2538</u>	<u>0.2109</u>	<u>0.509</u>
0303	<u>1.8107</u>	<u>1.6063</u>	<u>1.3586</u>	<u>0.410</u>	1108	<u>0.5020</u>	<u>0.4410</u>	<u>0.3611</u>	<u>0.507</u>
0306	<u>0.8524</u>	<u>0.7453</u>	<u>0.6125</u>	<u>0.465</u>	1109	<u>1.3433</u>	<u>1.1723</u>	<u>0.9460</u>	<u>0.525</u>
0307	<u>0.8484</u>	<u>0.7442</u>	<u>0.6122</u>	<u>0.472</u>	1301	<u>0.5236</u>	<u>0.4485</u>	<u>0.3515</u>	<u>0.545</u>
0308	<u>0.6078</u>	<u>0.5352</u>	<u>0.4368</u>	<u>0.529</u>	1303	<u>0.2707</u>	<u>0.2319</u>	<u>0.1802</u>	<u>0.579</u>
0403	<u>1.7801</u>	<u>1.5603</u>	<u>1.2786</u>	<u>0.485</u>	1304	<u>0.0239</u>	<u>0.0209</u>	<u>0.0171</u>	<u>0.505</u>
0502	<u>1.2001</u>	<u>1.0526</u>	<u>0.8683</u>	<u>0.458</u>	1305	<u>0.4579</u>	<u>0.3989</u>	<u>0.3221</u>	<u>0.520</u>
0504	<u>1.9317</u>	<u>1.7266</u>	<u>1.4689</u>	<u>0.418</u>	1401	<u>0.2463</u>	<u>0.2221</u>	<u>0.1882</u>	<u>0.467</u>
0507	<u>2.9910</u>	<u>2.6698</u>	<u>2.2539</u>	<u>0.443</u>	1404	<u>0.7448</u>	<u>0.6530</u>	<u>0.5314</u>	<u>0.518</u>
0508	<u>1.3142</u>	<u>1.1630</u>	<u>0.9805</u>	<u>0.401</u>	1405	<u>0.8124</u>	<u>0.7019</u>	<u>0.5554</u>	<u>0.556</u>
0509	<u>0.9226</u>	<u>0.8150</u>	<u>0.6869</u>	<u>0.409</u>	1407	<u>0.5589</u>	<u>0.4858</u>	<u>0.3880</u>	<u>0.561</u>
0510	<u>2.1793</u>	<u>1.9416</u>	<u>1.6373</u>	<u>0.441</u>	1501	<u>0.6504</u>	<u>0.5641</u>	<u>0.4520</u>	<u>0.525</u>
0511	<u>1.4695</u>	<u>1.2864</u>	<u>1.0568</u>	<u>0.475</u>	1507	<u>0.5893</u>	<u>0.5146</u>	<u>0.4159</u>	<u>0.526</u>
0512	<u>1.2032</u>	<u>1.0571</u>	<u>0.8716</u>	<u>0.476</u>	1701	<u>0.6789</u>	<u>0.5893</u>	<u>0.4732</u>	<u>0.507</u>
0513	<u>0.8368</u>	<u>0.7345</u>	<u>0.6040</u>	<u>0.471</u>	1702	<u>1.3986</u>	<u>1.2449</u>	<u>1.0678</u>	<u>0.365</u>
0514	<u>1.4923</u>	<u>1.2995</u>	<u>1.0501</u>	<u>0.511</u>	1703	<u>0.8377</u>	<u>0.7353</u>	<u>0.6132</u>	<u>0.414</u>
0516	<u>1.3816</u>	<u>1.2218</u>	<u>1.0210</u>	<u>0.445</u>	1704	<u>0.6789</u>	<u>0.5893</u>	<u>0.4732</u>	<u>0.507</u>
0517	<u>1.9405</u>	<u>1.7384</u>	<u>1.4860</u>	<u>0.406</u>	1801	<u>0.4138</u>	<u>0.3658</u>	<u>0.3052</u>	<u>0.459</u>
0518	<u>1.0969</u>	<u>0.9700</u>	<u>0.8148</u>	<u>0.427</u>	1802	<u>0.6856</u>	<u>0.5997</u>	<u>0.4869</u>	<u>0.503</u>
0519	<u>1.3979</u>	<u>1.2205</u>	<u>0.9947</u>	<u>0.490</u>	2002	<u>0.8307</u>	<u>0.7290</u>	<u>0.5971</u>	<u>0.495</u>
0521	<u>0.4637</u>	<u>0.4077</u>	<u>0.3344</u>	<u>0.503</u>	2004	<u>0.5971</u>	<u>0.5219</u>	<u>0.4214</u>	<u>0.542</u>
0601	<u>0.4668</u>	<u>0.4082</u>	<u>0.3329</u>	<u>0.494</u>	2007	<u>0.7038</u>	<u>0.6258</u>	<u>0.5219</u>	<u>0.484</u>
0602	<u>0.6278</u>	<u>0.5498</u>	<u>0.4566</u>	<u>0.425</u>	2008	<u>0.3493</u>	<u>0.3079</u>	<u>0.2537</u>	<u>0.500</u>
0603	<u>0.6331</u>	<u>0.5578</u>	<u>0.4653</u>	<u>0.434</u>	2009	<u>0.3330</u>	<u>0.2902</u>	<u>0.2319</u>	<u>0.572</u>
0604	<u>1.0383</u>	<u>0.9245</u>	<u>0.7774</u>	<u>0.460</u>	2101	<u>0.6085</u>	<u>0.5412</u>	<u>0.4509</u>	<u>0.493</u>
0606	<u>0.5808</u>	<u>0.5025</u>	<u>0.3979</u>	<u>0.563</u>	2102	<u>0.6516</u>	<u>0.5670</u>	<u>0.4552</u>	<u>0.538</u>
0607	<u>0.7216</u>	<u>0.6358</u>	<u>0.5265</u>	<u>0.468</u>	2104	<u>0.3196</u>	<u>0.2813</u>	<u>0.2265</u>	<u>0.597</u>
0608	<u>0.3335</u>	<u>0.2900</u>	<u>0.2341</u>	<u>0.509</u>	2105	<u>0.6577</u>	<u>0.5711</u>	<u>0.4566</u>	<u>0.545</u>
0701	<u>1.4527</u>	<u>1.2647</u>	<u>1.0476</u>	<u>0.409</u>	2106	<u>0.4210</u>	<u>0.3738</u>	<u>0.3110</u>	<u>0.495</u>
0803	<u>0.5205</u>	<u>0.4490</u>	<u>0.3546</u>	<u>0.558</u>	2201	<u>0.2612</u>	<u>0.2283</u>	<u>0.1841</u>	<u>0.547</u>

<u>Class</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>Primary Ratio</u>	<u>Class</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>Primary Ratio</u>
<u>2202</u>	<u>0.6671</u>	<u>0.5841</u>	<u>0.4765</u>	<u>0.501</u>	<u>3604</u>	<u>0.6519</u>	<u>0.5829</u>	<u>0.4910</u>	<u>0.477</u>
<u>2203</u>	<u>0.4820</u>	<u>0.4227</u>	<u>0.3422</u>	<u>0.545</u>	<u>3605</u>	<u>0.5115</u>	<u>0.4449</u>	<u>0.3572</u>	<u>0.527</u>
<u>2204</u>	<u>0.2612</u>	<u>0.2283</u>	<u>0.1841</u>	<u>0.547</u>	<u>3701</u>	<u>0.2770</u>	<u>0.2437</u>	<u>0.2008</u>	<u>0.488</u>
<u>2401</u>	<u>0.3638</u>	<u>0.3182</u>	<u>0.2594</u>	<u>0.491</u>	<u>3702</u>	<u>0.4232</u>	<u>0.3698</u>	<u>0.2985</u>	<u>0.537</u>
<u>2903</u>	<u>0.7099</u>	<u>0.6284</u>	<u>0.5186</u>	<u>0.507</u>	<u>3708</u>	<u>0.6600</u>	<u>0.5744</u>	<u>0.4619</u>	<u>0.536</u>
<u>2904</u>	<u>0.6589</u>	<u>0.5734</u>	<u>0.4620</u>	<u>0.519</u>	<u>3802</u>	<u>0.2119</u>	<u>0.1854</u>	<u>0.1498</u>	<u>0.554</u>
<u>2905</u>	<u>0.5266</u>	<u>0.4622</u>	<u>0.3765</u>	<u>0.520</u>	<u>3808</u>	<u>0.3977</u>	<u>0.3482</u>	<u>0.2845</u>	<u>0.494</u>
<u>2906</u>	<u>0.3861</u>	<u>0.3417</u>	<u>0.2814</u>	<u>0.522</u>	<u>3901</u>	<u>0.1370</u>	<u>0.1196</u>	<u>0.0951</u>	<u>0.608</u>
<u>2907</u>	<u>0.4667</u>	<u>0.4066</u>	<u>0.3261</u>	<u>0.548</u>	<u>3902</u>	<u>0.4413</u>	<u>0.3858</u>	<u>0.3104</u>	<u>0.560</u>
<u>2908</u>	<u>0.9905</u>	<u>0.8805</u>	<u>0.7330</u>	<u>0.494</u>	<u>3903</u>	<u>1.0878</u>	<u>0.9645</u>	<u>0.7977</u>	<u>0.514</u>
<u>2909</u>	<u>0.3925</u>	<u>0.3448</u>	<u>0.2802</u>	<u>0.534</u>	<u>3905</u>	<u>0.1336</u>	<u>0.1171</u>	<u>0.0940</u>	<u>0.588</u>
<u>3101</u>	<u>0.7258</u>	<u>0.6315</u>	<u>0.5083</u>	<u>0.529</u>	<u>3906</u>	<u>0.4663</u>	<u>0.4111</u>	<u>0.3362</u>	<u>0.530</u>
<u>3102</u>	<u>0.2770</u>	<u>0.2437</u>	<u>0.2008</u>	<u>0.488</u>	<u>3909</u>	<u>0.2918</u>	<u>0.2576</u>	<u>0.2106</u>	<u>0.544</u>
<u>3103</u>	<u>0.4374</u>	<u>0.3871</u>	<u>0.3214</u>	<u>0.470</u>	<u>4101</u>	<u>0.2792</u>	<u>0.2449</u>	<u>0.2002</u>	<u>0.506</u>
<u>3104</u>	<u>0.6334</u>	<u>0.5544</u>	<u>0.4517</u>	<u>0.508</u>	<u>4103</u>	<u>0.5302</u>	<u>0.4616</u>	<u>0.3701</u>	<u>0.552</u>
<u>3105</u>	<u>0.7116</u>	<u>0.6232</u>	<u>0.5044</u>	<u>0.541</u>	<u>4107</u>	<u>0.1791</u>	<u>0.1560</u>	<u>0.1252</u>	<u>0.547</u>
<u>3303</u>	<u>0.3826</u>	<u>0.3347</u>	<u>0.2712</u>	<u>0.521</u>	<u>4108</u>	<u>0.1656</u>	<u>0.1444</u>	<u>0.1162</u>	<u>0.551</u>
<u>3304</u>	<u>0.5557</u>	<u>0.4891</u>	<u>0.3982</u>	<u>0.548</u>	<u>4109</u>	<u>0.1938</u>	<u>0.1706</u>	<u>0.1394</u>	<u>0.523</u>
<u>3309</u>	<u>0.4093</u>	<u>0.3599</u>	<u>0.2952</u>	<u>0.516</u>	<u>4201</u>	<u>0.6568</u>	<u>0.5664</u>	<u>0.4517</u>	<u>0.514</u>
<u>3402</u>	<u>0.4558</u>	<u>0.3999</u>	<u>0.3268</u>	<u>0.507</u>	<u>4301</u>	<u>0.7420</u>	<u>0.6475</u>	<u>0.5189</u>	<u>0.565</u>
<u>3403</u>	<u>0.1727</u>	<u>0.1518</u>	<u>0.1248</u>	<u>0.499</u>	<u>4302</u>	<u>0.8783</u>	<u>0.7623</u>	<u>0.6066</u>	<u>0.567</u>
<u>3404</u>	<u>0.4644</u>	<u>0.4053</u>	<u>0.3262</u>	<u>0.545</u>	<u>4304</u>	<u>0.9325</u>	<u>0.8292</u>	<u>0.6880</u>	<u>0.511</u>
<u>3405</u>	<u>0.2835</u>	<u>0.2485</u>	<u>0.2019</u>	<u>0.528</u>	<u>4305</u>	<u>1.1777</u>	<u>1.0156</u>	<u>0.8074</u>	<u>0.524</u>
<u>3406</u>	<u>0.2691</u>	<u>0.2331</u>	<u>0.1841</u>	<u>0.589</u>	<u>4401</u>	<u>0.4160</u>	<u>0.3698</u>	<u>0.3074</u>	<u>0.498</u>
<u>3407</u>	<u>0.7103</u>	<u>0.6195</u>	<u>0.5034</u>	<u>0.492</u>	<u>4402</u>	<u>0.7345</u>	<u>0.6312</u>	<u>0.4929</u>	<u>0.588</u>
<u>3408</u>	<u>0.2225</u>	<u>0.1894</u>	<u>0.1444</u>	<u>0.620</u>	<u>4404</u>	<u>0.4584</u>	<u>0.4039</u>	<u>0.3310</u>	<u>0.510</u>
<u>3409</u>	<u>0.1565</u>	<u>0.1347</u>	<u>0.1054</u>	<u>0.609</u>	<u>4501</u>	<u>0.1742</u>	<u>0.1508</u>	<u>0.1189</u>	<u>0.594</u>
<u>3410</u>	<u>0.1789</u>	<u>0.1556</u>	<u>0.1237</u>	<u>0.584</u>	<u>4502</u>	<u>0.0533</u>	<u>0.0463</u>	<u>0.0370</u>	<u>0.549</u>
<u>3411</u>	<u>0.4678</u>	<u>0.4088</u>	<u>0.3324</u>	<u>0.502</u>	<u>4504</u>	<u>0.1077</u>	<u>0.0938</u>	<u>0.0745</u>	<u>0.592</u>
<u>3412</u>	<u>0.5730</u>	<u>0.5020</u>	<u>0.4120</u>	<u>0.473</u>	<u>4802</u>	<u>0.3383</u>	<u>0.2976</u>	<u>0.2417</u>	<u>0.548</u>
<u>3414</u>	<u>0.6942</u>	<u>0.6139</u>	<u>0.5095</u>	<u>0.474</u>	<u>4803</u>	<u>0.3400</u>	<u>0.2981</u>	<u>0.2394</u>	<u>0.597</u>
<u>3415</u>	<u>0.7329</u>	<u>0.6534</u>	<u>0.5535</u>	<u>0.425</u>	<u>4804</u>	<u>0.5612</u>	<u>0.4907</u>	<u>0.3945</u>	<u>0.577</u>
<u>3501</u>	<u>1.0009</u>	<u>0.8765</u>	<u>0.7126</u>	<u>0.507</u>	<u>4805</u>	<u>0.3877</u>	<u>0.3394</u>	<u>0.2737</u>	<u>0.556</u>
<u>3503</u>	<u>0.3193</u>	<u>0.2804</u>	<u>0.2268</u>	<u>0.551</u>	<u>4806</u>	<u>0.0910</u>	<u>0.0797</u>	<u>0.0639</u>	<u>0.602</u>
<u>3506</u>	<u>0.7805</u>	<u>0.6773</u>	<u>0.5449</u>	<u>0.520</u>	<u>4808</u>	<u>0.4307</u>	<u>0.3800</u>	<u>0.3122</u>	<u>0.509</u>
<u>3509</u>	<u>0.3987</u>	<u>0.3450</u>	<u>0.2723</u>	<u>0.589</u>	<u>4809</u>	<u>0.3561</u>	<u>0.3140</u>	<u>0.2559</u>	<u>0.552</u>
<u>3510</u>	<u>0.3329</u>	<u>0.2907</u>	<u>0.2333</u>	<u>0.561</u>	<u>4810</u>	<u>0.1902</u>	<u>0.1665</u>	<u>0.1335</u>	<u>0.592</u>
<u>3511</u>	<u>0.6754</u>	<u>0.5874</u>	<u>0.4703</u>	<u>0.540</u>	<u>4811</u>	<u>0.3831</u>	<u>0.3398</u>	<u>0.2787</u>	<u>0.551</u>
<u>3512</u>	<u>0.3788</u>	<u>0.3293</u>	<u>0.2621</u>	<u>0.569</u>	<u>4812</u>	<u>0.3969</u>	<u>0.3482</u>	<u>0.2824</u>	<u>0.552</u>
<u>3513</u>	<u>0.5613</u>	<u>0.4963</u>	<u>0.4077</u>	<u>0.518</u>	<u>4813</u>	<u>0.1959</u>	<u>0.1730</u>	<u>0.1409</u>	<u>0.569</u>
<u>3602</u>	<u>0.0869</u>	<u>0.0761</u>	<u>0.0617</u>	<u>0.538</u>	<u>4814</u>	<u>0.1345</u>	<u>0.1195</u>	<u>0.0981</u>	<u>0.577</u>
<u>3603</u>	<u>0.4989</u>	<u>0.4396</u>	<u>0.3594</u>	<u>0.522</u>	<u>4815</u>	<u>0.2744</u>	<u>0.2439</u>	<u>0.1997</u>	<u>0.591</u>

<u>Class</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>Primary Ratio</u>	<u>Class</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>Primary Ratio</u>
<u>4816</u>	<u>0.3829</u>	<u>0.3436</u>	<u>0.2875</u>	<u>0.530</u>	<u>6109</u>	<u>0.1077</u>	<u>0.0932</u>	<u>0.0741</u>	<u>0.547</u>
<u>4900</u>	<u>0.1526</u>	<u>0.1345</u>	<u>0.1125</u>	<u>0.438</u>	<u>6110</u>	<u>0.5625</u>	<u>0.4914</u>	<u>0.3969</u>	<u>0.531</u>
<u>4901</u>	<u>0.0427</u>	<u>0.0373</u>	<u>0.0302</u>	<u>0.505</u>	<u>6120</u>	<u>0.3007</u>	<u>0.2602</u>	<u>0.2073</u>	<u>0.549</u>
<u>4902</u>	<u>0.1169</u>	<u>0.1012</u>	<u>0.0804</u>	<u>0.561</u>	<u>6121</u>	<u>0.3277</u>	<u>0.2883</u>	<u>0.2379</u>	<u>0.485</u>
<u>4903</u>	<u>0.1708</u>	<u>0.1470</u>	<u>0.1149</u>	<u>0.595</u>	<u>6201</u>	<u>0.2992</u>	<u>0.2638</u>	<u>0.2184</u>	<u>0.482</u>
<u>4904</u>	<u>0.0195</u>	<u>0.0171</u>	<u>0.0138</u>	<u>0.555</u>	<u>6202</u>	<u>0.6809</u>	<u>0.5957</u>	<u>0.4830</u>	<u>0.520</u>
<u>4905</u>	<u>0.4262</u>	<u>0.3752</u>	<u>0.3039</u>	<u>0.580</u>	<u>6203</u>	<u>0.1226</u>	<u>0.1069</u>	<u>0.0847</u>	<u>0.632</u>
<u>4906</u>	<u>0.1055</u>	<u>0.0908</u>	<u>0.0713</u>	<u>0.576</u>	<u>6204</u>	<u>0.1325</u>	<u>0.1155</u>	<u>0.0924</u>	<u>0.576</u>
<u>4907</u>	<u>0.0645</u>	<u>0.0562</u>	<u>0.0450</u>	<u>0.584</u>	<u>6205</u>	<u>0.1967</u>	<u>0.1732</u>	<u>0.1412</u>	<u>0.543</u>
<u>4908</u>	<u>0.0960</u>	<u>0.0840</u>	<u>0.0667</u>	<u>0.586</u>	<u>6206</u>	<u>0.1955</u>	<u>0.1703</u>	<u>0.1364</u>	<u>0.573</u>
<u>4909</u>	<u>0.0368</u>	<u>0.0334</u>	<u>0.0280</u>	<u>0.504</u>	<u>6207</u>	<u>1.2606</u>	<u>1.1167</u>	<u>0.9211</u>	<u>0.506</u>
<u>4910</u>	<u>0.4483</u>	<u>0.3928</u>	<u>0.3196</u>	<u>0.516</u>	<u>6208</u>	<u>0.2497</u>	<u>0.2191</u>	<u>0.1762</u>	<u>0.586</u>
<u>4911</u>	<u>0.0646</u>	<u>0.0568</u>	<u>0.0464</u>	<u>0.506</u>	<u>6209</u>	<u>0.2892</u>	<u>0.2556</u>	<u>0.2089</u>	<u>0.534</u>
<u>5001</u>	<u>6.9247</u>	<u>6.2339</u>	<u>5.3989</u>	<u>0.360</u>	<u>6301</u>	<u>0.1194</u>	<u>0.1035</u>	<u>0.0832</u>	<u>0.513</u>
<u>5002</u>	<u>0.5873</u>	<u>0.5085</u>	<u>0.4042</u>	<u>0.547</u>	<u>6303</u>	<u>0.0619</u>	<u>0.0540</u>	<u>0.0438</u>	<u>0.522</u>
<u>5003</u>	<u>1.8503</u>	<u>1.6239</u>	<u>1.3466</u>	<u>0.433</u>	<u>6304</u>	<u>0.2754</u>	<u>0.2417</u>	<u>0.1948</u>	<u>0.578</u>
<u>5004</u>	<u>0.7598</u>	<u>0.6781</u>	<u>0.5710</u>	<u>0.466</u>	<u>6305</u>	<u>0.1032</u>	<u>0.0894</u>	<u>0.0703</u>	<u>0.607</u>
<u>5005</u>	<u>0.7039</u>	<u>0.6262</u>	<u>0.5273</u>	<u>0.430</u>	<u>6306</u>	<u>0.3272</u>	<u>0.2849</u>	<u>0.2286</u>	<u>0.545</u>
<u>5006</u>	<u>1.2383</u>	<u>1.1041</u>	<u>0.9430</u>	<u>0.381</u>	<u>6308</u>	<u>0.0600</u>	<u>0.0524</u>	<u>0.0424</u>	<u>0.524</u>
<u>5101</u>	<u>0.8841</u>	<u>0.7805</u>	<u>0.6501</u>	<u>0.446</u>	<u>6309</u>	<u>0.1852</u>	<u>0.1620</u>	<u>0.1304</u>	<u>0.554</u>
<u>5103</u>	<u>0.7425</u>	<u>0.6542</u>	<u>0.5333</u>	<u>0.538</u>	<u>6402</u>	<u>0.2694</u>	<u>0.2336</u>	<u>0.1847</u>	<u>0.596</u>
<u>5106</u>	<u>0.7425</u>	<u>0.6542</u>	<u>0.5333</u>	<u>0.538</u>	<u>6403</u>	<u>0.1702</u>	<u>0.1479</u>	<u>0.1170</u>	<u>0.595</u>
<u>5108</u>	<u>0.7612</u>	<u>0.6660</u>	<u>0.5398</u>	<u>0.530</u>	<u>6404</u>	<u>0.3001</u>	<u>0.2622</u>	<u>0.2100</u>	<u>0.582</u>
<u>5109</u>	<u>0.5723</u>	<u>0.4992</u>	<u>0.4064</u>	<u>0.484</u>	<u>6405</u>	<u>0.4857</u>	<u>0.4235</u>	<u>0.3419</u>	<u>0.526</u>
<u>5201</u>	<u>0.3066</u>	<u>0.2655</u>	<u>0.2111</u>	<u>0.548</u>	<u>6406</u>	<u>0.1162</u>	<u>0.1009</u>	<u>0.0797</u>	<u>0.605</u>
<u>5204</u>	<u>0.9279</u>	<u>0.8148</u>	<u>0.6719</u>	<u>0.465</u>	<u>6407</u>	<u>0.2563</u>	<u>0.2230</u>	<u>0.1780</u>	<u>0.575</u>
<u>5206</u>	<u>0.3947</u>	<u>0.3464</u>	<u>0.2846</u>	<u>0.487</u>	<u>6408</u>	<u>0.4972</u>	<u>0.4389</u>	<u>0.3623</u>	<u>0.499</u>
<u>5207</u>	<u>0.1606</u>	<u>0.1409</u>	<u>0.1138</u>	<u>0.565</u>	<u>6409</u>	<u>0.6210</u>	<u>0.5465</u>	<u>0.4507</u>	<u>0.482</u>
<u>5208</u>	<u>0.6932</u>	<u>0.6085</u>	<u>0.4966</u>	<u>0.510</u>	<u>6410</u>	<u>0.3163</u>	<u>0.2735</u>	<u>0.2169</u>	<u>0.557</u>
<u>5209</u>	<u>0.6216</u>	<u>0.5479</u>	<u>0.4535</u>	<u>0.477</u>	<u>6501</u>	<u>0.1194</u>	<u>0.1025</u>	<u>0.0797</u>	<u>0.600</u>
<u>5300</u>	<u>0.1009</u>	<u>0.0867</u>	<u>0.0675</u>	<u>0.601</u>	<u>6502</u>	<u>0.0291</u>	<u>0.0255</u>	<u>0.0207</u>	<u>0.541</u>
<u>5301</u>	<u>0.0320</u>	<u>0.0280</u>	<u>0.0226</u>	<u>0.545</u>	<u>6503</u>	<u>0.0707</u>	<u>0.0611</u>	<u>0.0485</u>	<u>0.553</u>
<u>5302</u>	<u>0.0100</u>	<u>0.0087</u>	<u>0.0069</u>	<u>0.545</u>	<u>6504</u>	<u>0.3393</u>	<u>0.2964</u>	<u>0.2362</u>	<u>0.600</u>
<u>5305</u>	<u>0.0517</u>	<u>0.0449</u>	<u>0.0357</u>	<u>0.583</u>	<u>6505</u>	<u>0.1497</u>	<u>0.1293</u>	<u>0.1003</u>	<u>0.655</u>
<u>5306</u>	<u>0.0436</u>	<u>0.0380</u>	<u>0.0303</u>	<u>0.575</u>	<u>6506</u>	<u>0.1214</u>	<u>0.1060</u>	<u>0.0848</u>	<u>0.570</u>
<u>5307</u>	<u>0.6644</u>	<u>0.5762</u>	<u>0.4623</u>	<u>0.520</u>	<u>6509</u>	<u>0.2975</u>	<u>0.2602</u>	<u>0.2086</u>	<u>0.583</u>
<u>5308</u>	<u>0.0871</u>	<u>0.0757</u>	<u>0.0604</u>	<u>0.576</u>	<u>6510</u>	<u>0.4143</u>	<u>0.3685</u>	<u>0.3107</u>	<u>0.427</u>
<u>6103</u>	<u>0.0940</u>	<u>0.0816</u>	<u>0.0644</u>	<u>0.612</u>	<u>6511</u>	<u>0.3490</u>	<u>0.3052</u>	<u>0.2456</u>	<u>0.557</u>
<u>6104</u>	<u>0.4799</u>	<u>0.4178</u>	<u>0.3353</u>	<u>0.543</u>	<u>6512</u>	<u>0.0979</u>	<u>0.0857</u>	<u>0.0696</u>	<u>0.516</u>
<u>6105</u>	<u>0.3571</u>	<u>0.3122</u>	<u>0.2538</u>	<u>0.518</u>	<u>6601</u>	<u>0.2068</u>	<u>0.1810</u>	<u>0.1465</u>	<u>0.534</u>
<u>6107</u>	<u>0.1282</u>	<u>0.1130</u>	<u>0.0912</u>	<u>0.598</u>	<u>6602</u>	<u>0.6018</u>	<u>0.5304</u>	<u>0.4334</u>	<u>0.537</u>
<u>6108</u>	<u>0.3545</u>	<u>0.3094</u>	<u>0.2475</u>	<u>0.581</u>	<u>6603</u>	<u>0.2762</u>	<u>0.2411</u>	<u>0.1947</u>	<u>0.527</u>

<u>Class</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>Primary Ratio</u>
<u>6604</u>	<u>0.0895</u>	<u>0.0773</u>	<u>0.0608</u>	<u>0.593</u>
<u>6605</u>	<u>0.2625</u>	<u>0.2282</u>	<u>0.1817</u>	<u>0.555</u>
<u>6607</u>	<u>0.1289</u>	<u>0.1139</u>	<u>0.0936</u>	<u>0.517</u>
<u>6608</u>	<u>0.5518</u>	<u>0.4853</u>	<u>0.4062</u>	<u>0.415</u>
<u>6620</u>	<u>3.0947</u>	<u>2.6370</u>	<u>2.0289</u>	<u>0.594</u>
<u>6704</u>	<u>0.1201</u>	<u>0.1035</u>	<u>0.0811</u>	<u>0.595</u>
<u>6705</u>	<u>0.7804</u>	<u>0.6781</u>	<u>0.5359</u>	<u>0.616</u>
<u>6706</u>	<u>0.2772</u>	<u>0.2458</u>	<u>0.2031</u>	<u>0.528</u>
<u>6707</u>	<u>7.9235</u>	<u>6.7235</u>	<u>5.0532</u>	<u>0.693</u>
<u>6708</u>	<u>8.5628</u>	<u>7.8422</u>	<u>6.7940</u>	<u>0.462</u>
<u>6709</u>	<u>0.2404</u>	<u>0.2117</u>	<u>0.1725</u>	<u>0.545</u>
<u>6801</u>	<u>0.7285</u>	<u>0.6211</u>	<u>0.4821</u>	<u>0.555</u>
<u>6802</u>	<u>0.7011</u>	<u>0.6053</u>	<u>0.4768</u>	<u>0.580</u>
<u>6803</u>	<u>0.5878</u>	<u>0.5243</u>	<u>0.4529</u>	<u>0.346</u>
<u>6804</u>	<u>0.2753</u>	<u>0.2406</u>	<u>0.1933</u>	<u>0.564</u>
<u>6809</u>	<u>5.4627</u>	<u>4.7757</u>	<u>3.7898</u>	<u>0.606</u>
<u>6901</u>	<u>0.0197</u>	<u>0.0189</u>	<u>0.0160</u>	<u>0.747</u>
<u>6902</u>	<u>0.8235</u>	<u>0.7272</u>	<u>0.6072</u>	<u>0.434</u>
<u>6903</u>	<u>6.1024</u>	<u>5.5069</u>	<u>4.8073</u>	<u>0.358</u>
<u>6904</u>	<u>0.8613</u>	<u>0.7434</u>	<u>0.5921</u>	<u>0.519</u>
<u>6905</u>	<u>0.5881</u>	<u>0.5031</u>	<u>0.3920</u>	<u>0.572</u>
<u>6906</u>	<u>0.2354</u>	<u>0.2163</u>	<u>0.1841</u>	<u>0.661</u>
<u>6907</u>	<u>1.0475</u>	<u>0.9131</u>	<u>0.7337</u>	<u>0.543</u>
<u>6908</u>	<u>0.3716</u>	<u>0.3245</u>	<u>0.2625</u>	<u>0.532</u>
<u>6909</u>	<u>0.1213</u>	<u>0.1058</u>	<u>0.0849</u>	<u>0.553</u>
<u>7100</u>	<u>0.0311</u>	<u>0.0277</u>	<u>0.0234</u>	<u>0.472</u>
<u>7101</u>	<u>0.0240</u>	<u>0.0213</u>	<u>0.0176</u>	<u>0.464</u>
<u>7103</u>	<u>0.7770</u>	<u>0.6684</u>	<u>0.5261</u>	<u>0.548</u>
<u>7104</u>	<u>0.0284</u>	<u>0.0248</u>	<u>0.0198</u>	<u>0.564</u>
<u>7105</u>	<u>0.0198</u>	<u>0.0173</u>	<u>0.0139</u>	<u>0.549</u>
<u>7106</u>	<u>0.2632</u>	<u>0.2277</u>	<u>0.1788</u>	<u>0.614</u>
<u>7107</u>	<u>0.2678</u>	<u>0.2366</u>	<u>0.1924</u>	<u>0.574</u>
<u>7108</u>	<u>0.1857</u>	<u>0.1621</u>	<u>0.1298</u>	<u>0.576</u>
<u>7109</u>	<u>0.1304</u>	<u>0.1135</u>	<u>0.0902</u>	<u>0.580</u>
<u>7110</u>	<u>0.3267</u>	<u>0.2910</u>	<u>0.2448</u>	<u>0.442</u>
<u>7111</u>	<u>0.4181</u>	<u>0.3644</u>	<u>0.2971</u>	<u>0.476</u>
<u>7112</u>	<u>0.8630</u>	<u>0.7460</u>	<u>0.5867</u>	<u>0.594</u>
<u>7113</u>	<u>0.4472</u>	<u>0.3888</u>	<u>0.3092</u>	<u>0.585</u>
<u>7114</u>	<u>0.7397</u>	<u>0.6430</u>	<u>0.5090</u>	<u>0.601</u>
<u>7115</u>	<u>0.5201</u>	<u>0.4530</u>	<u>0.3612</u>	<u>0.579</u>
<u>7116</u>	<u>0.5556</u>	<u>0.4884</u>	<u>0.3990</u>	<u>0.509</u>
<u>7117</u>	<u>1.1711</u>	<u>1.0187</u>	<u>0.8121</u>	<u>0.572</u>

<u>Class</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>Primary Ratio</u>
<u>7118</u>	<u>1.6462</u>	<u>1.4453</u>	<u>1.1787</u>	<u>0.523</u>
<u>7119</u>	<u>1.4680</u>	<u>1.2626</u>	<u>0.9861</u>	<u>0.581</u>
<u>7120</u>	<u>5.8966</u>	<u>5.1836</u>	<u>4.2448</u>	<u>0.507</u>
<u>7121</u>	<u>5.4181</u>	<u>4.7601</u>	<u>3.8909</u>	<u>0.510</u>
<u>7122</u>	<u>0.3892</u>	<u>0.3391</u>	<u>0.2714</u>	<u>0.554</u>
<u>7200</u>	<u>1.6771</u>	<u>1.4504</u>	<u>1.1604</u>	<u>0.511</u>
<u>7201</u>	<u>1.6543</u>	<u>1.4293</u>	<u>1.1384</u>	<u>0.527</u>
<u>7202</u>	<u>0.0287</u>	<u>0.0249</u>	<u>0.0201</u>	<u>0.537</u>
<u>7203</u>	<u>0.1163</u>	<u>0.1029</u>	<u>0.0830</u>	<u>0.611</u>
<u>7204</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.500</u>
<u>7205</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.500</u>
<u>7301</u>	<u>0.4832</u>	<u>0.4258</u>	<u>0.3479</u>	<u>0.532</u>
<u>7302</u>	<u>0.9068</u>	<u>0.8071</u>	<u>0.6748</u>	<u>0.479</u>
<u>7307</u>	<u>0.4386</u>	<u>0.3859</u>	<u>0.3141</u>	<u>0.537</u>
<u>7308</u>	<u>0.2946</u>	<u>0.2600</u>	<u>0.2119</u>	<u>0.554</u>
<u>7309</u>	<u>0.2847</u>	<u>0.2469</u>	<u>0.1946</u>	<u>0.607</u>
<u>7400</u>	<u>1.9286</u>	<u>1.6679</u>	<u>1.3345</u>	<u>0.511</u>

Expected Loss Rates in Dollars Per Sq. Ft. of Wallboard Installed

<u>Class</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>Primary Ratio</u>
0540	<u>0.0270</u>	<u>0.0237</u>	<u>0.0196</u>	<u>0.419</u>
0541	<u>0.0123</u>	<u>0.0108</u>	<u>0.0090</u>	<u>0.420</u>
0550	<u>0.0302</u>	<u>0.0265</u>	<u>0.0221</u>	<u>0.417</u>
0551	<u>0.0143</u>	<u>0.0126</u>	<u>0.0105</u>	<u>0.404</u>

<u>Class</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>Primary Ratio</u>
<u>540</u>	<u>0.0229</u>	<u>0.0204</u>	<u>0.0173</u>	<u>0.419</u>
<u>541</u>	<u>0.0107</u>	<u>0.0096</u>	<u>0.0080</u>	<u>0.430</u>
<u>550</u>	<u>0.0308</u>	<u>0.0272</u>	<u>0.0229</u>	<u>0.422</u>
<u>551</u>	<u>0.0140</u>	<u>0.0125</u>	<u>0.0106</u>	<u>0.401</u>

AMENDATORY SECTION (Amending WSR 15-24-103, filed 12/1/15, effective 1/1/16)

WAC 296-17-890 Table IV.

Maximum experience modifications for firms with no compensable accidents: Effective January 1, (~~2016~~) 2017

<u>Expected Loss Range</u>	<u>Maximum Experience Modification</u>
(+ - 6,682	0.90
6,683 - 8,159	0.89
8,160 - 9,039	0.88

Expected Loss Range	Maximum Experience Modification	Expected Loss Range	Maximum Experience Modification
9,040 - 9,852	0.87	17,519 - 18,497	0.76
9,853 - 10,711	0.86	18,498 - 19,506	0.75
10,712 - 11,610	0.85	19,507 - 20,551	0.74
11,611 - 12,402	0.84	20,552 - 21,628	0.73
12,403 - 13,205	0.83	21,629 - 22,743	0.72
13,206 - 14,040	0.82	22,744 - 23,889	0.71
14,041 - 14,910	0.81	23,890 - 25,072	0.70
14,911 - 15,815	0.80	25,073 - 26,290	0.69
15,816 - 16,754	0.79	26,291 - 27,542	0.68
16,755 - 17,730	0.78	27,543 - 28,832	0.67
17,731 - 18,736	0.77	28,833 - 30,153	0.66
18,737 - 19,783	0.76	30,154 - 31,513	0.65
19,784 - 20,862	0.75	31,514 - 33,631	0.64
20,863 - 21,980	0.74	33,632 - 36,513	0.63
21,981 - 23,132	0.73	36,514 - 39,842	0.62
23,133 - 24,324	0.72	39,843 - 46,318	0.61
24,325 - 25,550	0.71	46,319 and higher	0.60
25,551 - 26,815	0.70		
26,816 - 28,118	0.69		
28,119 - 29,457	0.68		
29,458 - 30,836	0.67		
30,837 - 32,249	0.66		
32,250 - 33,704	0.65		
33,705 - 35,969	0.64		
35,970 - 39,051	0.63		
39,052 - 42,612	0.62		
42,613 - 49,538	0.61		
49,539 and higher	0.60))		
1 = 6,248	0.90		
6,249 = 7,629	0.89		
7,630 = 8,451	0.88		
8,452 = 9,212	0.87		
9,213 = 10,015	0.86		
10,016 = 10,855	0.85		
10,856 = 11,596	0.84		
11,597 = 12,347	0.83		
12,348 = 13,127	0.82		
13,128 = 13,941	0.81		
13,942 = 14,787	0.80		
14,788 = 15,665	0.79		
15,666 = 16,577	0.78		
16,578 = 17,518	0.77		

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-17-86507 2007 Claim-free experience modification phase-in limitation.

AMENDATORY SECTION (Amending WSR 15-24-103, filed 12/1/15, effective 1/1/16)

WAC 296-17-895 Industrial insurance accident fund base rates, stay at work and medical aid base rates by class of industry. Industrial insurance accident fund, stay at work and medical aid fund base rates by class of industry shall be as set forth below.

**Base Rates Effective
January 1, ((2016)) 2017**

Class	Accident Fund	Stay at Work	Medical Aid Fund
((0101	2.0953	0.0313	0.7848
0103	2.5091	0.0372	1.1715
0104	1.7058	0.0254	0.7182
0105	1.9607	0.0288	1.1243
0106	2.7316	0.0404	1.3963
0107	1.6056	0.0239	0.6786
0108	1.7058	0.0254	0.7182
0112	1.2755	0.0189	0.5841
0201	2.6694	0.0400	0.9426

Base Rates Effective January 1, ((2016)) 2017				Base Rates Effective January 1, ((2016)) 2017			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
0202	5.1011	0.0760	2.1295	1004	0.7864	0.0117	0.3478
0210	1.6461	0.0246	0.6387	1005	13.5684	0.2023	5.5618
0212	2.1651	0.0323	0.9047	1006	0.1945	0.0029	0.1186
0214	2.2491	0.0336	0.9031	1007	0.4946	0.0074	0.1988
0217	2.2437	0.0334	0.9816	1101	1.2577	0.0186	0.6337
0219	1.6196	0.0242	0.6435	1102	2.3381	0.0348	0.9722
0301	1.1760	0.0172	0.7435	1103	1.8321	0.0272	0.8601
0302	4.0562	0.0609	1.3367	1104	0.9360	0.0137	0.6012
0303	3.0860	0.0461	1.2166	1105	1.2527	0.0185	0.6279
0306	1.6051	0.0240	0.6195	1106	0.3896	0.0056	0.2978
0307	1.5019	0.0224	0.6486	1108	0.8053	0.0118	0.4764
0308	0.8026	0.0116	0.5934	1109	2.0578	0.0302	1.2149
0403	2.7376	0.0406	1.3012	1301	0.8617	0.0128	0.3728
0502	2.2162	0.0331	0.8699	1303	0.3693	0.0054	0.2084
0504	2.7990	0.0413	1.5130	1304	0.0397	0.0006	0.0214
0507	4.7291	0.0695	2.7815	1305	0.7025	0.0104	0.3824
0508	2.7944	0.0419	0.9108	1401	0.3124	0.0045	0.2583
0509	1.9037	0.0285	0.6854	1404	1.1051	0.0162	0.7059
0510	3.4088	0.0504	1.7479	1405	1.2095	0.0178	0.7006
0511	2.6316	0.0392	1.1009	1407	0.7721	0.0113	0.4994
0512	1.9045	0.0282	0.9236	1501	0.9933	0.0147	0.5112
0513	1.4585	0.0217	0.6383	1507	0.8761	0.0129	0.5109
0514	2.5593	0.0380	1.2124	1701	1.1621	0.0173	0.5365
0516	2.3594	0.0351	1.0193	1702	2.8421	0.0427	0.8830
0517	3.3980	0.0503	1.6781	1703	1.6898	0.0254	0.4850
0518	2.2738	0.0340	0.8114	1704	1.1621	0.0173	0.5365
0519	2.5438	0.0378	1.1504	1801	0.6859	0.0101	0.3588
0521	0.7784	0.0115	0.4142	1802	1.1261	0.0166	0.6063
0601	0.8239	0.0122	0.3840	2002	1.2579	0.0185	0.6931
0602	1.2313	0.0185	0.3969	2004	0.9284	0.0136	0.5935
0603	1.1868	0.0177	0.4674	2007	0.9561	0.0140	0.6427
0604	1.5799	0.0232	0.9516	2008	0.5275	0.0077	0.3242
0606	0.8550	0.0125	0.5151	2009	0.4400	0.0064	0.3286
0607	1.1467	0.0169	0.5962	2101	0.8950	0.0130	0.6469
0608	0.5122	0.0076	0.2528	2102	0.9786	0.0144	0.5758
0701	3.1705	0.0480	0.7342	2104	0.3564	0.0050	0.3895
0803	0.8089	0.0119	0.4380	2105	0.9420	0.0138	0.5638
0901	2.2738	0.0340	0.8114	2106	0.6301	0.0092	0.4334
1002	1.3452	0.0199	0.6940	2201	0.3517	0.0051	0.2471
1003	1.1189	0.0165	0.5846	2202	1.0962	0.0162	0.5981

Base Rates Effective January 1, ((2016)) 2017				Base Rates Effective January 1, ((2016)) 2017			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
2203	0.6481	0.0094	0.4811	3603	0.6969	0.0101	0.5006
2204	0.3517	0.0051	0.2471	3604	0.9507	0.0138	0.7051
2401	0.6261	0.0093	0.3022	3605	0.8017	0.0118	0.4305
2903	0.9674	0.0141	0.6688	3701	0.4036	0.0059	0.2254
2904	1.0196	0.0150	0.5486	3702	0.6520	0.0095	0.4143
2905	0.8026	0.0117	0.5217	3708	0.9935	0.0146	0.5715
2906	0.5260	0.0076	0.3879	3802	0.3038	0.0044	0.2170
2907	0.6905	0.0101	0.4432	3808	0.6381	0.0094	0.3180
2908	1.5534	0.0227	1.0506	3901	0.1681	0.0024	0.1624
2909	0.5593	0.0081	0.3896	3902	0.5792	0.0084	0.4424
3101	1.1105	0.0163	0.6270	3903	1.4429	0.0209	1.1278
3102	0.4036	0.0059	0.2254	3905	0.1656	0.0024	0.1574
3103	0.7077	0.0104	0.3985	3906	0.6193	0.0090	0.4719
3104	1.0061	0.0149	0.5322	3909	0.4212	0.0061	0.3310
3105	1.0508	0.0154	0.6807	4101	0.4753	0.0070	0.2703
3303	0.5848	0.0086	0.3522	4103	0.7712	0.0113	0.4903
3304	0.7064	0.0102	0.5671	4107	0.2558	0.0037	0.1638
3309	0.6034	0.0089	0.3610	4108	0.2385	0.0035	0.1626
3402	0.6977	0.0103	0.3938	4109	0.2814	0.0041	0.1861
3403	0.2854	0.0042	0.1579	4201	1.0902	0.0163	0.4413
3404	0.6644	0.0097	0.4327	4301	0.9707	0.0141	0.7096
3405	0.4127	0.0060	0.2602	4302	1.1607	0.0169	0.7700
3406	0.3667	0.0053	0.2692	4304	1.2214	0.0176	0.9657
3407	1.1291	0.0168	0.5071	4305	1.9366	0.0288	0.8278
3408	0.3120	0.0046	0.2029	4401	0.5786	0.0084	0.4264
3409	0.2023	0.0029	0.1483	4402	1.0447	0.0153	0.6459
3410	0.2399	0.0035	0.1897	4404	0.6870	0.0100	0.4524
3411	0.7320	0.0108	0.3794	4501	0.2368	0.0034	0.1771
3412	0.9619	0.0143	0.4285	4502	0.0718	0.0010	0.0482
3414	1.0814	0.0159	0.6117	4504	0.1420	0.0020	0.1194
3415	1.2304	0.0182	0.6147	4802	0.4256	0.0061	0.3364
3501	1.5252	0.0225	0.8591	4803	0.3786	0.0054	0.3855
3503	0.3986	0.0057	0.3339	4804	0.6443	0.0093	0.5351
3506	1.3645	0.0203	0.6099	4805	0.4837	0.0070	0.3697
3509	0.5338	0.0078	0.3830	4806	0.0980	0.0014	0.0965
3510	0.4558	0.0066	0.3286	4808	0.6372	0.0093	0.4162
3511	0.9481	0.0139	0.5815	4809	0.4239	0.0061	0.3599
3512	0.5083	0.0074	0.3612	4810	0.2165	0.0031	0.2106
3513	0.7906	0.0115	0.5914	4811	0.4485	0.0064	0.4212
3602	0.1330	0.0019	0.0903	4812	0.5259	0.0076	0.3982

Base Rates Effective January 1, ((2016)) 2017				Base Rates Effective January 1, ((2016)) 2017			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
4813	0.2317	0.0033	0.2085	6103	0.1122	0.0016	0.1042
4814	0.1394	0.0019	0.1705	6104	0.6899	0.0101	0.4125
4815	0.2586	0.0036	0.3547	6105	0.5769	0.0085	0.3154
4816	0.4163	0.0058	0.4743	6107	0.1573	0.0022	0.1646
4900	0.2883	0.0043	0.1145	6108	0.5007	0.0072	0.4077
4901	0.0751	0.0011	0.0363	6109	0.1546	0.0023	0.0905
4902	0.1686	0.0025	0.1057	6110	0.8297	0.0121	0.5324
4903	0.2406	0.0035	0.1566	6120	0.4743	0.0070	0.2540
4904	0.0281	0.0004	0.0212	6121	0.5252	0.0077	0.2827
4905	0.4850	0.0069	0.4809	6201	0.4551	0.0067	0.2565
4906	0.1581	0.0023	0.0932	6202	1.0257	0.0151	0.6093
4907	0.0788	0.0011	0.0645	6203	0.1297	0.0018	0.1456
4908	0.1292	0.0018	0.1180	6204	0.1719	0.0025	0.1380
4909	0.0519	0.0007	0.0594	6205	0.2757	0.0040	0.2157
4910	0.6322	0.0093	0.3869	6206	0.2743	0.0040	0.2067
4911	0.1013	0.0015	0.0566	6207	1.7120	0.0248	1.3212
5001	13.1762	0.1715	5.1261	6208	0.3102	0.0044	0.2801
5002	0.9029	0.0133	0.4978	6209	0.3796	0.0055	0.3175
5003	3.4011	0.0509	1.2099	6301	0.2005	0.0030	0.0911
5004	1.1077	0.0162	0.7035	6303	0.1002	0.0015	0.0591
5005	1.1768	0.0174	0.5883	6304	0.3680	0.0053	0.3211
5006	2.3251	0.0348	0.8760	6305	0.1302	0.0019	0.1124
5101	1.5376	0.0228	0.7039	6306	0.4757	0.0070	0.2957
5103	1.0261	0.0149	0.7813	6308	0.0939	0.0014	0.0547
5106	1.0261	0.0149	0.7813	6309	0.2666	0.0039	0.1891
5108	1.0931	0.0160	0.7252	6402	0.3658	0.0053	0.2839
5109	0.9929	0.0148	0.4324	6403	0.2208	0.0032	0.1851
5201	0.5246	0.0077	0.2903	6404	0.3489	0.0050	0.2956
5204	1.5790	0.0234	0.7280	6405	0.7437	0.0110	0.4179
5206	0.6273	0.0093	0.3160	6406	0.1498	0.0022	0.1295
5207	0.1970	0.0028	0.1706	6407	0.3302	0.0048	0.2531
5208	1.0786	0.0158	0.6465	6408	0.7330	0.0107	0.4634
5209	0.9984	0.0147	0.5407	6409	1.0069	0.0149	0.5251
5300	0.1443	0.0021	0.0970	6410	0.4597	0.0068	0.2641
5301	0.0481	0.0007	0.0315	6501	0.1773	0.0026	0.1192
5302	0.0168	0.0002	0.0097	6502	0.0424	0.0006	0.0313
5305	0.0694	0.0010	0.0524	6503	0.1112	0.0016	0.0587
5306	0.0601	0.0009	0.0446	6504	0.4104	0.0059	0.3823
5307	1.1204	0.0166	0.5344	6505	0.1656	0.0023	0.1734
5308	0.1321	0.0019	0.0922	6506	0.1612	0.0023	0.1230

Base Rates Effective January 1, ((2016)) 2017				Base Rates Effective January 1, ((2016)) 2017			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
6509	0.3893	0.0056	0.3443	7109	0.1747	0.0025	0.1357
6510	0.7005	0.0104	0.3306	7110	0.5087	0.0075	0.2532
6511	0.4974	0.0072	0.3732	7111	0.7520	0.0112	0.3008
6512	0.1623	0.0024	0.0915	7112	1.0311	0.0149	0.7750
6601	0.2900	0.0042	0.1958	7113	0.5300	0.0077	0.4211
6602	0.7300	0.0105	0.5855	7114	0.8922	0.0128	0.7940
6603	0.4235	0.0062	0.2491	7115	0.6259	0.0090	0.5072
6604	0.1141	0.0017	0.0863	7116	0.8205	0.0120	0.5399
6605	0.4171	0.0061	0.2713	7117	1.5763	0.0229	1.1192
6607	0.1878	0.0027	0.1359	7118	2.3664	0.0345	1.5911
6608	1.0871	0.0163	0.3495	7119	2.1305	0.0313	1.2741
6620	4.8971	0.0724	2.4879	7120	8.8198	0.1294	5.3400
6704	0.1649	0.0024	0.1145	7121	8.2248	0.1206	5.0221
6705	0.9212	0.0131	0.8952	7122	0.5097	0.0074	0.3575
6706	0.3764	0.0054	0.3086	7200	2.8311	0.0421	1.2377
6707	7.7372	0.1105	7.1401	7201	2.7347	0.0406	1.2863
6708	9.8205	0.1374	11.4189	7202	0.0442	0.0007	0.0246
6709	0.3508	0.0051	0.2707	7203	0.1393	0.0019	0.1765
6801	1.2517	0.0186	0.5423	7204	0.0000	0.0000	0.0000
6802	0.8867	0.0129	0.6189	7205	0.0000	0.0000	0.0000
6803	1.1875	0.0179	0.3649	7301	0.6403	0.0093	0.4662
6804	0.4082	0.0059	0.3066	7302	1.2874	0.0188	0.8796
6809	7.1619	0.1021	6.7781	7307	0.5846	0.0085	0.4478
6901	0.0000	0.0000	0.0724	7308	0.4049	0.0058	0.3519
6902	1.4694	0.0219	0.5913	7309	0.3367	0.0048	0.2965
6903	11.0791	0.1650	4.6682	7400	3.2558	0.0484	1.4233))
6904	1.3383	0.0199	0.5571	<u>0101</u>	<u>2.0580</u>	<u>0.0256</u>	<u>0.7658</u>
6905	0.9098	0.0135	0.4361	<u>0103</u>	<u>2.5692</u>	<u>0.0316</u>	<u>1.2290</u>
6906	0.0000	0.0000	0.4361	<u>0104</u>	<u>1.8295</u>	<u>0.0227</u>	<u>0.7578</u>
6907	1.5819	0.0232	1.0062	<u>0105</u>	<u>1.7703</u>	<u>0.0216</u>	<u>1.0355</u>
6908	0.5471	0.0080	0.3404	<u>0106</u>	<u>2.9443</u>	<u>0.0362</u>	<u>1.5174</u>
6909	0.1667	0.0024	0.1136	<u>0107</u>	<u>1.7006</u>	<u>0.0211</u>	<u>0.6772</u>
7100	0.0461	0.0007	0.0306	<u>0108</u>	<u>1.8295</u>	<u>0.0227</u>	<u>0.7578</u>
7101	0.0392	0.0006	0.0207	<u>0112</u>	<u>1.2815</u>	<u>0.0158</u>	<u>0.5869</u>
7103	1.2067	0.0179	0.5774	<u>0201</u>	<u>2.6509</u>	<u>0.0330</u>	<u>0.9603</u>
7104	0.0415	0.0006	0.0294	<u>0202</u>	<u>4.5318</u>	<u>0.0562</u>	<u>1.8083</u>
7105	0.0286	0.0004	0.0194	<u>0210</u>	<u>1.5559</u>	<u>0.0193</u>	<u>0.6048</u>
7106	0.3237	0.0047	0.2684	<u>0212</u>	<u>2.2337</u>	<u>0.0277</u>	<u>0.8897</u>
7107	0.3161	0.0045	0.3116	<u>0214</u>	<u>2.2797</u>	<u>0.0283</u>	<u>0.8903</u>
7108	0.2288	0.0033	0.1917	<u>0217</u>	<u>2.3252</u>	<u>0.0287</u>	<u>1.0175</u>

**Base Rates Effective
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Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
<u>0219</u>	<u>1.6025</u>	<u>0.0199</u>	<u>0.6085</u>	<u>1102</u>	<u>2.4542</u>	<u>0.0304</u>	<u>1.0118</u>
<u>0301</u>	<u>1.1526</u>	<u>0.0140</u>	<u>0.7395</u>	<u>1103</u>	<u>1.7373</u>	<u>0.0214</u>	<u>0.8103</u>
<u>0302</u>	<u>4.2424</u>	<u>0.0530</u>	<u>1.3361</u>	<u>1104</u>	<u>0.9512</u>	<u>0.0116</u>	<u>0.6129</u>
<u>0303</u>	<u>3.3597</u>	<u>0.0417</u>	<u>1.2889</u>	<u>1105</u>	<u>1.2824</u>	<u>0.0158</u>	<u>0.6345</u>
<u>0306</u>	<u>1.5630</u>	<u>0.0194</u>	<u>0.6044</u>	<u>1106</u>	<u>0.3966</u>	<u>0.0048</u>	<u>0.3060</u>
<u>0307</u>	<u>1.4771</u>	<u>0.0182</u>	<u>0.6587</u>	<u>1108</u>	<u>0.7854</u>	<u>0.0096</u>	<u>0.4577</u>
<u>0308</u>	<u>0.8341</u>	<u>0.0101</u>	<u>0.6035</u>	<u>1109</u>	<u>2.0093</u>	<u>0.0246</u>	<u>1.1530</u>
<u>0403</u>	<u>2.9460</u>	<u>0.0363</u>	<u>1.4074</u>	<u>1301</u>	<u>0.8954</u>	<u>0.0111</u>	<u>0.3681</u>
<u>0502</u>	<u>2.1526</u>	<u>0.0267</u>	<u>0.8678</u>	<u>1303</u>	<u>0.4184</u>	<u>0.0051</u>	<u>0.2188</u>
<u>0504</u>	<u>3.2428</u>	<u>0.0399</u>	<u>1.6134</u>	<u>1304</u>	<u>0.0383</u>	<u>0.0005</u>	<u>0.0197</u>
<u>0507</u>	<u>4.6968</u>	<u>0.0574</u>	<u>2.6924</u>	<u>1305</u>	<u>0.7221</u>	<u>0.0089</u>	<u>0.3774</u>
<u>0508</u>	<u>2.5332</u>	<u>0.0315</u>	<u>0.8716</u>	<u>1401</u>	<u>0.3181</u>	<u>0.0038</u>	<u>0.2750</u>
<u>0509</u>	<u>1.7971</u>	<u>0.0224</u>	<u>0.6111</u>	<u>1404</u>	<u>1.0871</u>	<u>0.0132</u>	<u>0.6630</u>
<u>0510</u>	<u>3.5215</u>	<u>0.0432</u>	<u>1.8904</u>	<u>1405</u>	<u>1.2451</u>	<u>0.0152</u>	<u>0.6870</u>
<u>0511</u>	<u>2.6000</u>	<u>0.0322</u>	<u>1.1059</u>	<u>1407</u>	<u>0.7834</u>	<u>0.0095</u>	<u>0.5130</u>
<u>0512</u>	<u>2.0333</u>	<u>0.0251</u>	<u>0.9585</u>	<u>1501</u>	<u>1.0585</u>	<u>0.0130</u>	<u>0.5079</u>
<u>0513</u>	<u>1.4317</u>	<u>0.0177</u>	<u>0.6531</u>	<u>1507</u>	<u>0.8995</u>	<u>0.0110</u>	<u>0.5165</u>
<u>0514</u>	<u>2.4678</u>	<u>0.0304</u>	<u>1.1964</u>	<u>1701</u>	<u>1.1392</u>	<u>0.0141</u>	<u>0.5089</u>
<u>0516</u>	<u>2.3940</u>	<u>0.0295</u>	<u>1.0934</u>	<u>1702</u>	<u>2.8357</u>	<u>0.0354</u>	<u>0.8684</u>
<u>0517</u>	<u>3.2987</u>	<u>0.0406</u>	<u>1.6066</u>	<u>1703</u>	<u>1.6782</u>	<u>0.0210</u>	<u>0.4978</u>
<u>0518</u>	<u>2.0352</u>	<u>0.0252</u>	<u>0.8089</u>	<u>1704</u>	<u>1.1392</u>	<u>0.0141</u>	<u>0.5089</u>
<u>0519</u>	<u>2.3835</u>	<u>0.0294</u>	<u>1.0616</u>	<u>1801</u>	<u>0.7086</u>	<u>0.0087</u>	<u>0.3479</u>
<u>0521</u>	<u>0.7144</u>	<u>0.0087</u>	<u>0.4142</u>	<u>1802</u>	<u>1.1395</u>	<u>0.0140</u>	<u>0.6004</u>
<u>0601</u>	<u>0.7969</u>	<u>0.0098</u>	<u>0.3761</u>	<u>2002</u>	<u>1.3263</u>	<u>0.0163</u>	<u>0.6972</u>
<u>0602</u>	<u>1.2512</u>	<u>0.0156</u>	<u>0.3781</u>	<u>2004</u>	<u>0.8956</u>	<u>0.0109</u>	<u>0.5803</u>
<u>0603</u>	<u>1.1781</u>	<u>0.0146</u>	<u>0.4489</u>	<u>2007</u>	<u>1.0127</u>	<u>0.0123</u>	<u>0.6870</u>
<u>0604</u>	<u>1.6168</u>	<u>0.0197</u>	<u>0.9501</u>	<u>2008</u>	<u>0.5324</u>	<u>0.0065</u>	<u>0.3216</u>
<u>0606</u>	<u>0.8590</u>	<u>0.0105</u>	<u>0.5159</u>	<u>2009</u>	<u>0.4571</u>	<u>0.0055</u>	<u>0.3371</u>
<u>0607</u>	<u>1.1992</u>	<u>0.0148</u>	<u>0.5792</u>	<u>2101</u>	<u>0.8593</u>	<u>0.0104</u>	<u>0.6174</u>
<u>0608</u>	<u>0.5663</u>	<u>0.0070</u>	<u>0.2613</u>	<u>2102</u>	<u>0.9908</u>	<u>0.0121</u>	<u>0.5677</u>
<u>0701</u>	<u>3.2217</u>	<u>0.0405</u>	<u>0.7242</u>	<u>2104</u>	<u>0.3632</u>	<u>0.0042</u>	<u>0.3946</u>
<u>0803</u>	<u>0.8093</u>	<u>0.0099</u>	<u>0.4283</u>	<u>2105</u>	<u>1.0010</u>	<u>0.0122</u>	<u>0.5764</u>
<u>0901</u>	<u>2.0352</u>	<u>0.0252</u>	<u>0.8089</u>	<u>2106</u>	<u>0.6200</u>	<u>0.0075</u>	<u>0.4265</u>
<u>1002</u>	<u>1.3935</u>	<u>0.0171</u>	<u>0.6864</u>	<u>2201</u>	<u>0.3616</u>	<u>0.0044</u>	<u>0.2470</u>
<u>1003</u>	<u>1.1075</u>	<u>0.0136</u>	<u>0.5685</u>	<u>2202</u>	<u>1.0820</u>	<u>0.0133</u>	<u>0.5606</u>
<u>1004</u>	<u>0.7763</u>	<u>0.0096</u>	<u>0.3278</u>	<u>2203</u>	<u>0.6663</u>	<u>0.0080</u>	<u>0.4829</u>
<u>1005</u>	<u>13.7685</u>	<u>0.1707</u>	<u>5.5453</u>	<u>2204</u>	<u>0.3616</u>	<u>0.0044</u>	<u>0.2470</u>
<u>1006</u>	<u>0.2513</u>	<u>0.0031</u>	<u>0.1414</u>	<u>2401</u>	<u>0.6072</u>	<u>0.0075</u>	<u>0.2902</u>
<u>1007</u>	<u>0.4917</u>	<u>0.0061</u>	<u>0.2087</u>	<u>2903</u>	<u>1.0102</u>	<u>0.0122</u>	<u>0.7130</u>
<u>1101</u>	<u>1.3664</u>	<u>0.0168</u>	<u>0.6804</u>	<u>2904</u>	<u>1.0556</u>	<u>0.0130</u>	<u>0.5360</u>

Base Rates Effective January 1, (2016) 2017				Base Rates Effective January 1, (2016) 2017			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
<u>2905</u>	<u>0.7793</u>	<u>0.0095</u>	<u>0.4917</u>	<u>3708</u>	<u>1.0181</u>	<u>0.0124</u>	<u>0.5763</u>
<u>2906</u>	<u>0.5638</u>	<u>0.0068</u>	<u>0.4209</u>	<u>3802</u>	<u>0.2922</u>	<u>0.0035</u>	<u>0.2111</u>
<u>2907</u>	<u>0.6885</u>	<u>0.0084</u>	<u>0.4351</u>	<u>3808</u>	<u>0.6612</u>	<u>0.0081</u>	<u>0.3245</u>
<u>2908</u>	<u>1.4720</u>	<u>0.0178</u>	<u>1.0336</u>	<u>3901</u>	<u>0.1628</u>	<u>0.0019</u>	<u>0.1555</u>
<u>2909</u>	<u>0.5631</u>	<u>0.0068</u>	<u>0.3959</u>	<u>3902</u>	<u>0.6080</u>	<u>0.0073</u>	<u>0.4462</u>
<u>3101</u>	<u>1.1516</u>	<u>0.0141</u>	<u>0.6173</u>	<u>3903</u>	<u>1.4628</u>	<u>0.0176</u>	<u>1.1234</u>
<u>3102</u>	<u>0.4552</u>	<u>0.0056</u>	<u>0.2386</u>	<u>3905</u>	<u>0.1631</u>	<u>0.0019</u>	<u>0.1528</u>
<u>3103</u>	<u>0.6917</u>	<u>0.0085</u>	<u>0.3851</u>	<u>3906</u>	<u>0.6338</u>	<u>0.0076</u>	<u>0.4740</u>
<u>3104</u>	<u>1.0116</u>	<u>0.0124</u>	<u>0.5387</u>	<u>3909</u>	<u>0.3898</u>	<u>0.0047</u>	<u>0.3160</u>
<u>3105</u>	<u>1.0447</u>	<u>0.0127</u>	<u>0.7018</u>	<u>4101</u>	<u>0.4416</u>	<u>0.0054</u>	<u>0.2469</u>
<u>3303</u>	<u>0.5822</u>	<u>0.0071</u>	<u>0.3426</u>	<u>4103</u>	<u>0.7736</u>	<u>0.0094</u>	<u>0.4890</u>
<u>3304</u>	<u>0.7218</u>	<u>0.0087</u>	<u>0.5808</u>	<u>4107</u>	<u>0.2647</u>	<u>0.0032</u>	<u>0.1656</u>
<u>3309</u>	<u>0.6092</u>	<u>0.0074</u>	<u>0.3781</u>	<u>4108</u>	<u>0.2334</u>	<u>0.0028</u>	<u>0.1544</u>
<u>3402</u>	<u>0.7221</u>	<u>0.0088</u>	<u>0.4072</u>	<u>4109</u>	<u>0.2845</u>	<u>0.0034</u>	<u>0.1901</u>
<u>3403</u>	<u>0.2787</u>	<u>0.0034</u>	<u>0.1516</u>	<u>4201</u>	<u>1.1618</u>	<u>0.0144</u>	<u>0.4463</u>
<u>3404</u>	<u>0.6831</u>	<u>0.0083</u>	<u>0.4385</u>	<u>4301</u>	<u>0.9881</u>	<u>0.0119</u>	<u>0.7326</u>
<u>3405</u>	<u>0.4263</u>	<u>0.0052</u>	<u>0.2692</u>	<u>4302</u>	<u>1.2291</u>	<u>0.0149</u>	<u>0.8075</u>
<u>3406</u>	<u>0.3632</u>	<u>0.0044</u>	<u>0.2640</u>	<u>4304</u>	<u>1.2406</u>	<u>0.0149</u>	<u>0.9977</u>
<u>3407</u>	<u>1.2103</u>	<u>0.0150</u>	<u>0.5370</u>	<u>4305</u>	<u>2.0018</u>	<u>0.0248</u>	<u>0.8313</u>
<u>3408</u>	<u>0.3161</u>	<u>0.0039</u>	<u>0.1936</u>	<u>4401</u>	<u>0.5904</u>	<u>0.0071</u>	<u>0.4312</u>
<u>3409</u>	<u>0.2048</u>	<u>0.0025</u>	<u>0.1485</u>	<u>4402</u>	<u>1.0659</u>	<u>0.0130</u>	<u>0.6362</u>
<u>3410</u>	<u>0.2291</u>	<u>0.0028</u>	<u>0.1784</u>	<u>4404</u>	<u>0.6938</u>	<u>0.0084</u>	<u>0.4417</u>
<u>3411</u>	<u>0.7626</u>	<u>0.0094</u>	<u>0.3826</u>	<u>4501</u>	<u>0.2369</u>	<u>0.0029</u>	<u>0.1735</u>
<u>3412</u>	<u>0.9976</u>	<u>0.0123</u>	<u>0.4325</u>	<u>4502</u>	<u>0.0788</u>	<u>0.0010</u>	<u>0.0501</u>
<u>3414</u>	<u>1.1035</u>	<u>0.0135</u>	<u>0.6097</u>	<u>4504</u>	<u>0.1443</u>	<u>0.0017</u>	<u>0.1178</u>
<u>3415</u>	<u>1.2440</u>	<u>0.0153</u>	<u>0.6093</u>	<u>4802</u>	<u>0.4485</u>	<u>0.0054</u>	<u>0.3560</u>
<u>3501</u>	<u>1.5518</u>	<u>0.0190</u>	<u>0.8589</u>	<u>4803</u>	<u>0.3872</u>	<u>0.0046</u>	<u>0.3944</u>
<u>3503</u>	<u>0.4337</u>	<u>0.0052</u>	<u>0.3374</u>	<u>4804</u>	<u>0.7098</u>	<u>0.0085</u>	<u>0.5863</u>
<u>3506</u>	<u>1.3183</u>	<u>0.0163</u>	<u>0.6128</u>	<u>4805</u>	<u>0.5201</u>	<u>0.0063</u>	<u>0.3874</u>
<u>3509</u>	<u>0.5363</u>	<u>0.0065</u>	<u>0.3797</u>	<u>4806</u>	<u>0.1065</u>	<u>0.0013</u>	<u>0.1071</u>
<u>3510</u>	<u>0.4603</u>	<u>0.0056</u>	<u>0.3368</u>	<u>4808</u>	<u>0.6289</u>	<u>0.0076</u>	<u>0.4189</u>
<u>3511</u>	<u>1.0217</u>	<u>0.0125</u>	<u>0.5933</u>	<u>4809</u>	<u>0.4551</u>	<u>0.0054</u>	<u>0.3884</u>
<u>3512</u>	<u>0.5477</u>	<u>0.0066</u>	<u>0.3773</u>	<u>4810</u>	<u>0.2237</u>	<u>0.0026</u>	<u>0.2115</u>
<u>3513</u>	<u>0.7840</u>	<u>0.0094</u>	<u>0.5803</u>	<u>4811</u>	<u>0.4645</u>	<u>0.0055</u>	<u>0.4535</u>
<u>3602</u>	<u>0.1281</u>	<u>0.0016</u>	<u>0.0859</u>	<u>4812</u>	<u>0.5497</u>	<u>0.0066</u>	<u>0.4121</u>
<u>3603</u>	<u>0.7101</u>	<u>0.0086</u>	<u>0.4967</u>	<u>4813</u>	<u>0.2326</u>	<u>0.0027</u>	<u>0.2282</u>
<u>3604</u>	<u>0.9650</u>	<u>0.0117</u>	<u>0.6867</u>	<u>4814</u>	<u>0.1413</u>	<u>0.0016</u>	<u>0.1701</u>
<u>3605</u>	<u>0.8130</u>	<u>0.0100</u>	<u>0.4289</u>	<u>4815</u>	<u>0.2622</u>	<u>0.0030</u>	<u>0.3537</u>
<u>3701</u>	<u>0.4552</u>	<u>0.0056</u>	<u>0.2386</u>	<u>4816</u>	<u>0.4222</u>	<u>0.0049</u>	<u>0.4729</u>
<u>3702</u>	<u>0.6297</u>	<u>0.0077</u>	<u>0.3979</u>	<u>4900</u>	<u>0.2820</u>	<u>0.0035</u>	<u>0.1096</u>

Base Rates Effective January 1, (2016) 2017				Base Rates Effective January 1, (2016) 2017			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
4901	0.0730	0.0009	0.0349	6109	0.1708	0.0021	0.0912
4902	0.1737	0.0021	0.1042	6110	0.8412	0.0103	0.5082
4903	0.2437	0.0030	0.1564	6120	0.4694	0.0058	0.2521
4904	0.0275	0.0003	0.0203	6121	0.5305	0.0065	0.2732
4905	0.4841	0.0057	0.4861	6201	0.4875	0.0060	0.2614
4906	0.1586	0.0019	0.0912	6202	1.0555	0.0129	0.6137
4907	0.0836	0.0010	0.0676	6203	0.1399	0.0016	0.1530
4908	0.1308	0.0016	0.1164	6204	0.1779	0.0021	0.1353
4909	0.0526	0.0006	0.0587	6205	0.2660	0.0032	0.2093
4910	0.6853	0.0084	0.3991	6206	0.2651	0.0032	0.1974
4911	0.1017	0.0012	0.0577	6207	1.7231	0.0208	1.2551
5001	12.6777	0.1337	5.2693	6208	0.2972	0.0035	0.2848
5002	0.9160	0.0112	0.4961	6209	0.3867	0.0046	0.3154
5003	3.4823	0.0434	1.2011	6301	0.2033	0.0025	0.0894
5004	1.1206	0.0136	0.7262	6303	0.0970	0.0012	0.0549
5005	1.1748	0.0145	0.5771	6304	0.3446	0.0041	0.3107
5006	2.3393	0.0291	0.8589	6305	0.1320	0.0016	0.1074
5101	1.5608	0.0193	0.6893	6306	0.4913	0.0060	0.2951
5103	1.0373	0.0125	0.7925	6308	0.0933	0.0011	0.0537
5106	1.0373	0.0125	0.7925	6309	0.2580	0.0031	0.1841
5108	1.1307	0.0138	0.6976	6402	0.3562	0.0043	0.2788
5109	1.0142	0.0126	0.4276	6403	0.2204	0.0026	0.1777
5201	0.4970	0.0061	0.2690	6404	0.3697	0.0044	0.3143
5204	1.5917	0.0197	0.6931	6405	0.7595	0.0093	0.4209
5206	0.6559	0.0081	0.3235	6406	0.1472	0.0018	0.1243
5207	0.2067	0.0025	0.1738	6407	0.3541	0.0043	0.2533
5208	1.0826	0.0132	0.6373	6408	0.7618	0.0093	0.4677
5209	1.0319	0.0127	0.5300	6409	1.0204	0.0125	0.5240
5300	0.1430	0.0017	0.0923	6410	0.4828	0.0059	0.2697
5301	0.0475	0.0006	0.0303	6501	0.1654	0.0020	0.1060
5302	0.0160	0.0002	0.0089	6502	0.0413	0.0005	0.0288
5305	0.0705	0.0009	0.0512	6503	0.1162	0.0014	0.0616
5306	0.0600	0.0007	0.0447	6504	0.4125	0.0049	0.3872
5307	1.0905	0.0134	0.5053	6505	0.1707	0.0020	0.1783
5308	0.1211	0.0015	0.0886	6506	0.1668	0.0020	0.1236
6103	0.1173	0.0014	0.1035	6509	0.3854	0.0046	0.3315
6104	0.7200	0.0088	0.4293	6510	0.7040	0.0087	0.3334
6105	0.5658	0.0069	0.3116	6511	0.4672	0.0056	0.3445
6107	0.1592	0.0019	0.1710	6512	0.1486	0.0018	0.0845
6108	0.4763	0.0057	0.3824	6601	0.2967	0.0036	0.1942

**Base Rates Effective
January 1, ((2016)) 2017**

Class	Accident Fund	Stay at Work	Medical Aid Fund
6602	0.7864	0.0094	0.6139
6603	0.4286	0.0052	0.2483
6604	0.1231	0.0015	0.0865
6605	0.3979	0.0048	0.2524
6607	0.1807	0.0022	0.1310
6608	1.1024	0.0138	0.3469
6620	4.9336	0.0606	2.5142
6704	0.1687	0.0020	0.1130
6705	0.9138	0.0108	0.8519
6706	0.3738	0.0045	0.2996
6707	8.7474	0.1037	8.1717
6708	10.0931	0.1175	11.5318
6709	0.3256	0.0039	0.2582
6801	1.2566	0.0156	0.4938
6802	1.0030	0.0122	0.6336
6803	1.2324	0.0154	0.3474
6804	0.3920	0.0047	0.2888
6809	7.0603	0.0834	6.8958
6901	0.0000	0.0000	0.0708
6902	1.4555	0.0180	0.6015
6903	11.2424	0.1392	4.6570
6904	1.4786	0.0183	0.6115
6905	0.9627	0.0119	0.4552
6906	0.0000	0.0000	0.4553
6907	1.5335	0.0187	0.9519
6908	0.5617	0.0069	0.3365
6909	0.1795	0.0022	0.1192
7100	0.0467	0.0006	0.0303
7101	0.0409	0.0005	0.0208
7103	1.2471	0.0154	0.5832
7104	0.0397	0.0005	0.0275
7105	0.0293	0.0004	0.0186
7106	0.3201	0.0038	0.2665
7107	0.3217	0.0038	0.3259
7108	0.2385	0.0029	0.1918
7109	0.1766	0.0021	0.1322
7110	0.5264	0.0065	0.2828
7111	0.7514	0.0093	0.2919
7112	1.1744	0.0142	0.8422
7113	0.5787	0.0070	0.4452

**Base Rates Effective
January 1, ((2016)) 2017**

Class	Accident Fund	Stay at Work	Medical Aid Fund
7114	0.9044	0.0108	0.7814
7115	0.6771	0.0081	0.5260
7116	0.8150	0.0099	0.5054
7117	1.6565	0.0200	1.1670
7118	2.4174	0.0294	1.5363
7119	2.1109	0.0258	1.2557
7120	8.9451	0.1091	5.3213
7121	8.3095	0.1013	4.9825
7122	0.5505	0.0067	0.3669
7200	2.8620	0.0355	1.1668
7201	2.7034	0.0334	1.2130
7202	0.0447	0.0005	0.0252
7203	0.1397	0.0016	0.1727
7204	0.0000	0.0000	0.0000
7205	0.0000	0.0000	0.0000
7301	0.6831	0.0082	0.5020
7302	1.3284	0.0161	0.8846
7307	0.5904	0.0071	0.4428
7308	0.3816	0.0045	0.3352
7309	0.3554	0.0042	0.3003
7400	3.2913	0.0408	1.3419

AMENDATORY SECTION (Amending WSR 15-24-103, filed 12/1/15, effective 1/1/16)

WAC 296-17-89502 Industrial insurance accident fund, stay at work, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications. The base rates as set forth below are for classifications whose premium rates are based on units other than hours worked.

Class	Base Rates Effective January 1, ((2016)) 2017			
	Accident Fund	Stay at Work	Medical Aid Fund	Supplemental Pension Fund
((0540	0.0444	0.0007	0.0188	0.0008
0541	0.0199	0.0003	0.0087	0.0008
0550	0.0497	0.0007	0.0205	0.0008
0551	0.0241	0.0004	0.0093	0.0008))
0540	0.0408	0.0005	0.0178	0.0008
0541	0.0185	0.0002	0.0087	0.0008
0550	0.0547	0.0007	0.0225	0.0008
0551	0.0254	0.0003	0.0102	0.0008

AMENDATORY SECTION (Amending WSR 15-24-103, filed 12/1/15, effective 1/1/16)

WAC 296-17-89507 Horse racing rates. Horse racing industry industrial insurance accident fund, stay at work fund, medical aid fund, supplemental pension fund and composite rate by class.

Base Rates Effective January 1, ~~((2016))~~ 2017

Class	Accident Fund	Stay at Work Fund	Medical Aid Fund	Supplemental Pension Fund	Composite Rate
((6618	80.00*	2.00*	67.00*	1.00*	150.00*
6625	77.40**	1.29**	71.36**	9.52**	159.57**
6626	0.7005***	0.0122***	0.7821***	0.0952***	1.59***
6627	9.7021****	0.1617****	8.9822****	0.7140****	19.56****)
<u>6618</u>	<u>80.00*</u>	<u>2.00*</u>	<u>67.00*</u>	<u>1.00*</u>	<u>150.00*</u>
<u>6625</u>	<u>76.10**</u>	<u>1.05**</u>	<u>70.83**</u>	<u>9.60**</u>	<u>157.58**</u>
<u>6626</u>	<u>0.6998***</u>	<u>0.0091***</u>	<u>0.7351***</u>	<u>0.0960***</u>	<u>1.5400***</u>
<u>6627</u>	<u>9.7975****</u>	<u>0.1347****</u>	<u>8.7478****</u>	<u>0.7200****</u>	<u>19.4000****</u>

*This rate is calculated on a percentage of ownership in a horse or horses.

**This rate is calculated per month.

***This rate is calculated per horse per day.

****This rate is calculated per day.

Note: These rates are not subject to experience rating or retrospective rating.

AMENDATORY SECTION (Amending WSR 15-24-103, filed 12/1/15, effective 1/1/16)

WAC 296-17-920 Assessment for supplemental pension fund. The amount of ~~((47.6 mils (\$0.0476)))~~ 48.0 mils (\$0.0480) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July, and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-229. All such moneys shall be deposited in the supplemental pension fund.

~~((For the purpose of partially funding the Logger Safety initiative, the 47.6 mils (\$0.0476) will be increased by 1.9 mils (\$0.0019) to 49.5 mils (\$0.0495) per hour for each employer and worker for work reported in the forest products risk classifications: 1002, 1003, 1004, 1005, 2401, 2903, 2904, 2905, 2907, 2909, 5001, 5002, 5003, 5004, 5005, 5006, and 6902. Each of these risk classifications are defined under chapter 296-17A WAC and incorporated here by this reference. (See section 217(6), chapter 4, Laws of 2013 2nd sp. sess.))~~

AMENDATORY SECTION (Amending WSR 15-24-103, filed 12/1/15, effective 1/1/16)

WAC 296-17B-540 Determining loss incurred for each claim. (1) Calculating the initial loss incurred:

For each of your claims, we will multiply the case incurred loss by the appropriate discounted loss development factors to determine the initial loss incurred.

If you have a fatality, we will use three hundred ~~((seven thousand))~~ sixteen thousand seven hundred dollars as the claim's initial incurred loss for the claim, with two hundred ~~((seventy-six thousand six))~~ eighty-three thousand three hundred dollars for accident fund incurred loss and ~~((thirty))~~ thirty-three thousand four hundred dollars for the medical aid incurred loss, regardless of the case incurred loss, and before recovery factors if applicable.

(2) Applying the single loss occurrence limit:

The initial loss incurred for a claim will be the amount we use as the loss incurred unless the single loss occurrence limit applies.

The single loss occurrence limit applies when the sum of all initial losses incurred for your claims arising out of a single event is greater than your selected single loss occurrence limit. In that case, each claim's initial loss incurred will be its proportionate share of your single loss occurrence limit.

(3) Applying the expected loss ratio factors:

The preliminary loss incurred for a claim will be the amount of the initial loss incurred, after application of the single loss limit, multiplied by the appropriate expected loss ratio factor. The accident fund and medical aid fund portions of each claim will have separate expected loss ratio factors applied.

AMENDATORY SECTION (Amending WSR 15-24-103, filed 12/1/15, effective 1/1/16)

WAC 296-17B-900 Retrospective rating plans standard premium size ranges.

RETROSPECTIVE RATING STANDARD PREMIUM SIZE RANGES		Size Group Number	Standard Premium Range	
Effective January 1, ((2016)) 2017			From:	To:
Size Group Number	Standard Premium Range			
		41	159,500 -	171,099
		42	171,100 -	183,599
		43	183,600 -	196,999
		44	197,000 -	211,799
		45	211,800 -	227,599
		46	227,600 -	244,799
		47	244,800 -	263,399
		48	263,400 -	283,999
		49	284,000 -	306,399
		50	306,400 -	330,999
		51	331,000 -	358,099
		52	358,100 -	388,399
		53	388,400 -	422,099
		54	422,100 -	459,699
		55	459,700 -	501,999
		56	502,000 -	550,099
		57	550,100 -	604,499
		58	604,500 -	667,199
		59	667,200 -	739,399
		60	739,400 -	823,799
		61	823,800 -	922,999
		62	923,000 -	1,040,999
		63	1,041,000 -	1,184,999
		64	1,185,000 -	1,359,999
		65	1,360,000 -	1,579,999
		66	1,580,000 -	1,864,999
		67	1,865,000 -	2,239,999
		68	2,240,000 -	2,763,999
		69	2,764,000 -	3,535,999
		70	3,536,000 -	4,809,999
		71	4,810,000 -	7,207,999
		72	7,208,000 -	13,189,999
		73	13,190,000 -	33,749,999
		74	33,750,000 -	and over))
		<u>1</u>	<u>6,120</u> =	<u>7,149</u>
		<u>2</u>	<u>7,150</u> =	<u>8,089</u>
		<u>3</u>	<u>8,090</u> =	<u>9,099</u>
		<u>4</u>	<u>9,100</u> =	<u>10,199</u>
		<u>5</u>	<u>10,200</u> =	<u>11,369</u>
		<u>6</u>	<u>11,370</u> =	<u>12,619</u>
		<u>7</u>	<u>12,620</u> =	<u>13,949</u>
		<u>8</u>	<u>13,950</u> =	<u>15,369</u>
1	6,070 -			7,089
2	7,090 -			8,029
3	8,030 -			9,029
4	9,030 -			10,119
5	10,120 -			11,279
6	11,280 -			12,519
7	12,520 -			13,839
8	13,840 -			15,249
9	15,250 -			16,739
10	16,740 -			18,309
11	18,310 -			19,979
12	19,980 -			21,769
13	21,770 -			23,659
14	23,660 -			25,659
15	25,660 -			27,769
16	27,770 -			30,019
17	30,020 -			32,389
18	32,390 -			34,909
19	34,910 -			37,559
20	37,560 -			40,379
21	40,380 -			43,379
22	43,380 -			46,559
23	46,560 -			49,929
24	49,930 -			53,519
25	53,520 -			57,329
26	57,330 -			61,389
27	61,390 -			65,699
28	65,700 -			70,299
29	70,300 -			75,189
30	75,190 -			80,419
31	80,420 -			86,009
32	86,010 -			91,999
33	92,000 -			98,429
34	98,430 -			105,299
35	105,300 -			112,699
36	112,700 -			120,699
37	120,700 -			129,399
38	129,400 -			138,599
39	138,600 -			148,699
40	148,700 -			159,499

Size Group Number	Standard Premium Range		Size Group Number	Standard Premium Range	
	From:	To:		From:	To:
<u>9</u>	<u>15,370</u>	<u>16,869</u>	<u>51</u>	<u>333,600</u>	<u>360,999</u>
<u>10</u>	<u>16,870</u>	<u>18,459</u>	<u>52</u>	<u>361,000</u>	<u>391,499</u>
<u>11</u>	<u>18,460</u>	<u>20,139</u>	<u>53</u>	<u>391,500</u>	<u>425,499</u>
<u>12</u>	<u>20,140</u>	<u>21,939</u>	<u>54</u>	<u>425,500</u>	<u>463,399</u>
<u>13</u>	<u>21,940</u>	<u>23,849</u>	<u>55</u>	<u>463,400</u>	<u>505,999</u>
<u>14</u>	<u>23,850</u>	<u>25,869</u>	<u>56</u>	<u>506,000</u>	<u>554,499</u>
<u>15</u>	<u>25,870</u>	<u>27,989</u>	<u>57</u>	<u>554,500</u>	<u>609,299</u>
<u>16</u>	<u>27,990</u>	<u>30,259</u>	<u>58</u>	<u>609,300</u>	<u>672,499</u>
<u>17</u>	<u>30,260</u>	<u>32,649</u>	<u>59</u>	<u>672,500</u>	<u>745,299</u>
<u>18</u>	<u>32,650</u>	<u>35,189</u>	<u>60</u>	<u>745,300</u>	<u>830,399</u>
<u>19</u>	<u>35,190</u>	<u>37,859</u>	<u>61</u>	<u>830,400</u>	<u>930,399</u>
<u>20</u>	<u>37,860</u>	<u>40,699</u>	<u>62</u>	<u>930,400</u>	<u>1,048,999</u>
<u>21</u>	<u>40,700</u>	<u>43,729</u>	<u>63</u>	<u>1,049,000</u>	<u>1,193,999</u>
<u>22</u>	<u>43,730</u>	<u>46,929</u>	<u>64</u>	<u>1,194,000</u>	<u>1,370,999</u>
<u>23</u>	<u>46,930</u>	<u>50,329</u>	<u>65</u>	<u>1,371,000</u>	<u>1,592,999</u>
<u>24</u>	<u>50,330</u>	<u>53,949</u>	<u>66</u>	<u>1,593,000</u>	<u>1,879,999</u>
<u>25</u>	<u>53,950</u>	<u>57,789</u>	<u>67</u>	<u>1,880,000</u>	<u>2,257,999</u>
<u>26</u>	<u>57,790</u>	<u>61,879</u>	<u>68</u>	<u>2,258,000</u>	<u>2,785,999</u>
<u>27</u>	<u>61,880</u>	<u>66,229</u>	<u>69</u>	<u>2,786,000</u>	<u>3,563,999</u>
<u>28</u>	<u>66,230</u>	<u>70,859</u>	<u>70</u>	<u>3,564,000</u>	<u>4,847,999</u>
<u>29</u>	<u>70,860</u>	<u>75,789</u>	<u>71</u>	<u>4,848,000</u>	<u>7,265,999</u>
<u>30</u>	<u>75,790</u>	<u>81,059</u>	<u>72</u>	<u>7,266,000</u>	<u>13,299,999</u>
<u>31</u>	<u>81,060</u>	<u>86,699</u>	<u>73</u>	<u>13,300,000</u>	<u>34,019,999</u>
<u>32</u>	<u>86,700</u>	<u>92,739</u>	<u>74</u>	<u>34,020,000</u>	<u>and over</u>
<u>33</u>	<u>92,740</u>	<u>99,219</u>			
<u>34</u>	<u>99,220</u>	<u>106,099</u>			
<u>35</u>	<u>106,100</u>	<u>113,599</u>			
<u>36</u>	<u>113,600</u>	<u>121,699</u>			
<u>37</u>	<u>121,700</u>	<u>130,399</u>			
<u>38</u>	<u>130,400</u>	<u>139,699</u>			
<u>39</u>	<u>139,700</u>	<u>149,899</u>			
<u>40</u>	<u>149,900</u>	<u>160,799</u>			
<u>41</u>	<u>160,800</u>	<u>172,499</u>			
<u>42</u>	<u>172,500</u>	<u>185,099</u>			
<u>43</u>	<u>185,100</u>	<u>198,599</u>			
<u>44</u>	<u>198,600</u>	<u>213,499</u>			
<u>45</u>	<u>213,500</u>	<u>229,399</u>			
<u>46</u>	<u>229,400</u>	<u>246,799</u>			
<u>47</u>	<u>246,800</u>	<u>265,499</u>			
<u>48</u>	<u>265,500</u>	<u>286,299</u>			
<u>49</u>	<u>286,300</u>	<u>308,899</u>			
<u>50</u>	<u>308,900</u>	<u>333,599</u>			

WSR 16-24-019
PERMANENT RULES
PARKS AND RECREATION
COMMISSION

[Filed November 29, 2016, 11:38 a.m., effective December 30, 2016]

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

Purpose: State parks' staff has reviewed the commission rules in consideration of changes to current business practices. The agency has proposed changes to selected sections of chapters 352-48 and 352-56 WAC to consider changes pertaining to the snowmobile and nonmotorized winter recreation programs funding applications process and due dates. These changes will provide a more definitive process for submitting funding requests to the winter recreation program by changing the due date from received by June 1 each year, to postmarked by June 1, giving the requester assurance of meeting the submission requirements. WAC 352-48-050 and 352-56-050, application process.

Citation of Existing Rules Affected by this Order:
 Amending WAC 352-48-050 and 352-56-050.

Statutory Authority for Adoption: Chapter 79A.05 RCW.

Adopted under notice filed as WSR 16-19-065 on September 19, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

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

Date Adopted: November 17, 2016.

Valeria Evans
Management Analyst

AMENDATORY SECTION (Amending WSR 83-13-087, filed 6/17/83)

WAC 352-48-050 Application process. In order to be considered by the commission for the receipt of snowmobile funds, a public or private agency or person must:

(1) Complete an application on a form prescribed by the commission and file the application with the commission postmarked by June 1st prior to the beginning of the first snow season for which funds are requested.

(2) Obtain permission to conduct a program from all owners of the land on which a program is to occur and file documentation of such permission with the commission at the time of application for funds.

(3) Agree to:

(a) File with the commission an annual report on a program for which funds are received by May 15th after the end of each snow season for which funds are received;

(b) Return, or replace in kind, to the commission any losses to a program for which funds are received, if due to the action of a recipient of funds, a program is not completed in a timely manner or (~~cancelled~~) canceled; and

(c) Execute a contract with the commission on a program for which funds are received and fulfill all obligations of the contract.

(4) Certify to the commission that any facility for which funds are received will be open to the general public.

(5) Comply with all applicable local, state, and federal laws.

AMENDATORY SECTION (Amending WSR 83-13-033, filed 6/17/83)

WAC 352-56-050 Application process. In order to be considered by the commission for the receipt of winter recre-

ational program funds, a public or private agency or person must:

(1) Complete an application on a form prescribed by the commission and file the application with the commission postmarked by June 1st prior to the beginning of the first snow season for which funds are requested.

(2) Obtain permission to conduct a program from all owners of the land on which a program is to occur and file documentation of such permission with the commission at the time of application for funds.

(3) Agree to:

(a) File with the commission an annual report on a program for which funds are received by May 15th after the end of each snow season for which funds are received;

(b) Return, or replace in kind, to the commission any losses to a program for which funds are received, if due to the action of a recipient of funds, a program is not completed in a timely manner or (~~cancelled~~) canceled; and

(c) Execute a contract with the commission on a program for which funds are received and fulfill all obligations of the contract.

(4) Certify to the commission that any facility for which funds are received will be open to the general public.

(5) Comply with all applicable local, state, and federal laws.

WSR 16-24-024

PERMANENT RULES PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed November 29, 2016, 1:50 p.m., effective December 30, 2016]

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

Purpose: Amends WAC 181-85-033, to increase clock hours for teacher supervisors.

Citation of Existing Rules Affected by this Order: Amending WAC 181-85-033.

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

Adopted under notice filed as WSR 16-18-009 on August 25, 2016.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 400, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 8, 2016.

David Brenna
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 12-17-039, filed 8/7/12, effective 9/7/12)

WAC 181-85-033 Continuing education credit hour—Definition—Professional growth team consultation and collaboration—School accreditation site visit team participation—National Board for Professional Teaching Standards assessment—Supervisors—First peoples' language, culture and oral tribal traditions. (1) Notwithstanding any provisions of this chapter to the contrary, for consultation and collaboration as a member of an approved professional growth team, as defined by WAC 181-78A-010 and 181-79A-030, members of a professional growth team, excluding the candidate, shall receive the equivalent of three continuing education credit hours. The team member may not receive more than the equivalent of six continuing education credit hours, as defined by this section, during a calendar year period.

(2) A person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of ten continuing education credit hours for serving on a school accreditation site visit team. The person may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period.

(3)(a) Notwithstanding any provisions of this chapter to the contrary, individuals officially designated as a supervisor by a college/university, school district, educational service district, an approved private school, a state agency providing educational services to students or the superintendent of public instruction, a person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of ~~((ten))~~ thirty continuing education credit hours for service as a supervisor. The person may not receive more than the equivalent of ~~((twenty))~~ thirty continuing education credit hours during a ~~((calendar))~~ school year period.

(b) The term "supervisor" shall mean individuals officially designated as a supervisor by a college/university, school district, educational service district, an approved private school, a state agency providing educational services to students, or the office of superintendent of public instruction for supervising the training of teacher interns, administrative interns, educational staff associate interns, and paraprofessionals.

(4) A person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of forty-five continuing education credit hours for completion of an assessment process as part of the National Board for Professional Teaching Standards certificate application. Upon achieving National Board certification, the individual shall receive the equivalent of an additional forty-five continuing education credit hours for a total of ninety continuing education credit hours per National Board certificate.

(5) Notwithstanding any provisions of this chapter to the contrary, teachers who achieve the professional certification through the external assessment per WAC 181-79A-206 will receive the equivalent of one hundred fifty continuing education credit hours.

(6) Notwithstanding any provision of this chapter to the contrary, individuals who receive in-service training or continuing education according to RCW 28A.415.020(6) in first peoples' language, culture and oral tribal traditions provided by a sovereign tribal government participating in the Washington state first peoples' language, culture and oral tribal traditions teacher certification program authorized under RCW 28A.410.045 shall be considered approved in-service training or approved continuing education under this section.

(7) Notwithstanding any provision of this chapter to the contrary, individuals who serve as scorers for the Washington teacher performance assessment shall receive the equivalent of ten continuing education credit hours for each four assessments scored, provided that an individual may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period. Additionally, individuals who receive initial training as scorers for the Washington teacher performance assessment shall receive the equivalent of ten continuing education credit hours.

(8) Notwithstanding any provision of this chapter to the contrary, individuals who serve as scorers for the Washington ProTeach Portfolio assessment shall receive the equivalent of ten continuing education credit hours for completing one full scoring session during a calendar year, provided that an individual may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period. Individuals who receive initial training as scorers for the Washington ProTeach Portfolio assessment shall receive the equivalent of ten additional continuing education credit hours.

WSR 16-24-027

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed November 30, 2016, 6:57 a.m., effective January 1, 2017]

Effective Date of Rule: January 1, 2017.

Purpose: This rule-making order amends chapter 16-470 WAC, Quarantine—Agricultural pests. The agency is amending the apple maggot quarantine by adding the south-east portion of Lincoln County to the area under quarantine.

Citation of Existing Rules Affected by this Order: Amended WAC 16-470-105.

Statutory Authority for Adoption: RCW 17.24.011 and 17.24.041.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 16-20-062 on September 30, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: November 30, 2016.

Derek I. Sandison
Director

AMENDATORY SECTION (Amending WSR 12-13-053, filed 6/15/12, effective 7/16/12)

WAC 16-470-105 Area under order for apple maggot—Pest free area—Quarantine areas. (1) A pest free area for apple maggot is declared for the following portions of Washington state:

(a) Counties of Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, (~~Lincoln~~) Okanogan, Pend Oreille, Stevens, Walla Walla, and Whitman.

(b) The portion of Kittitas County designated as follows: Beginning at the point where Interstate Highway No. 90 crosses longitude 120°31' W; thence southerly to the Kittitas-Yakima County line; thence easterly along the county line to the Columbia River; thence northerly along the Columbia River to Interstate Highway No. 90; thence westerly along Interstate Highway No. 90 to the point of beginning.

(c) Yakima County, except for the area designated in subsection (2)(c) of this section.

(d) Chelan County, except for the area designated in subsection (2)(d) of this section.

(e) Lincoln County, except for the area designated in subsection (2)(e) of this section.

(2) A quarantine for apple maggot is declared for the following portions of Washington state:

(a) Counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, Snohomish, Spokane, Skagit, Skamania, Thurston, Wahkiakum, and Whatcom.

(b) Kittitas County, except for the area designated in subsection (1)(b) of this section.

(c) The portion of Yakima County designated as follows: Beginning at the northeastern corner of Yakima County on the west bank of the Columbia River; thence southerly along the Columbia River to the Yakima-Benton County line; thence southerly along the county line to latitude N46°30'; thence west to longitude W120°20'; thence north to latitude N46°30.48'; thence west to longitude W120°25'; thence north to latitude N46°31.47'; thence west to longitude W120°28'; thence north to latitude N46°32'; thence west to longitude W120°36'; thence south to latitude N46°30'; thence west to longitude W120°48'; thence southerly to the Klickitat-Yakima County line; thence westerly along the county line to the Yakima-Skamania County line; thence northerly along the county line to the Lewis-Yakima County line; thence

easterly and northerly along the county line to the Pierce-Yakima County line; thence northerly and easterly along the county line to the Kittitas-Yakima County line; thence easterly and southerly along the county line to the west bank of the Columbia River and the point of beginning.

(d) The portion of Chelan County designated as follows: Beginning at the point where the northern boundary of the county crosses longitude W120°43.02' following the longitudinal line due south to the fork of Highway 207 and Chiwawa Loop Road; thence south following the eastern edge of Highway 207 which becomes Beaver Valley Road and then Chumstick Highway; thence southeast along the eastern edge of Highway 2 to the point where the northern ridgeline of Boundary Butte drops to meet Highway 2; thence southerly, following the ridgeline of Boundary Butte gaining in elevation into the Stuart Range to the highest point of McClellan Peak; thence due south from McClellan Peak to the southern boundary of the county; thence following the county line west, then north, and then east to the beginning point.

(e) The portion of Lincoln County designated as follows: Beginning at longitude W118°20'0" on the Lincoln-Adams County line; thence northerly to State Highway Route 28 (SR 28); thence northerly and easterly along SR 28 to latitude N47°37'38.6"; thence easterly to the Lincoln-Spokane County line; thence south to the Lincoln-Whitman County line; thence west along the Lincoln County line to longitude W118°20'0" and the point of beginning.

(3) A quarantine for apple maggot is declared for all states or foreign countries where apple maggot is established. The area under quarantine includes, but is not limited to, the states of Idaho, Oregon, Utah, and California, and, in the eastern United States, all states and districts east of and including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where apple maggot is established.

WSR 16-24-028

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed November 30, 2016, 7:02 a.m., effective January 1, 2017]

Effective Date of Rule: January 1, 2017.

Purpose: This rule-making order amends chapter 16-470 WAC, Quarantine—Agricultural pests. The agency is amending the apple maggot quarantine by:

(1) Adding municipal solid waste, yard debris, organic feedstocks, organic materials, and agricultural wastes to the list of commodities regulated under the apple maggot quarantine;

(2) Establishing a special permit to allow transportation and disposition of municipal solid waste from the area under quarantine for disposal at a solid waste landfill or disposal facility in the apple maggot and plum curculio pest-free area; and

(3) Establishing a special permit to allow transportation and disposition of yard debris, organic feedstocks, organic materials, and agricultural wastes from the area under quarantine for disposal at a solid waste landfill or treatment at a

composting facility in the apple maggot and plum curculio pest-free area.

Citation of Existing Rules Affected by this Order: Amending WAC 16-470-101, 16-470-108, 16-470-111, 16-470-113, 16-470-115, 16-470-118, 16-470-122, 16-470-127, and 16-470-130.

Statutory Authority for Adoption: RCW 17.24.011 and 17.24.041.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 16-20-063 on September 30, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 9, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 9, Repealed 0.

Date Adopted: November 30, 2016.

Derek I. Sandison
Director

AMENDATORY SECTION (Amending WSR 06-14-004, filed 6/22/06, effective 8/1/06)

WAC 16-470-101 Establishing quarantines for apple maggot and plum curculio. Apple maggot (*Rhagoletis pomonella*) and plum curculio (*Conotrachelus nenuphar*) are insects with a larval (worm) stage that develops within fruit. These insects are capable of attacking many fruit crops grown in Washington. Apple maggot is not established in significant portions of the major fruit production areas east of the Cascade Mountains, and plum curculio is not established anywhere in the state. An increased range for either insect would cause decreased environmental quality and economic loss to the agricultural industries of the state by increasing production inputs and jeopardizing foreign and domestic markets.

(1) The director (~~(of agriculture)~~), pursuant to chapter 17.24 RCW, has determined that the regulation and/or exclusion of fresh fruits grown or originating from areas infested with apple maggot or plum curculio is necessary to protect the ~~((environmental quality))~~ environment and agricultural crops of the state.

(2) The director, pursuant to chapter 17.24 RCW, has determined that municipal solid waste originating from areas infested with apple maggot is a host medium for apple maggot and is a "regulated commodity" as provided in WAC 16-470-111. The exclusion of such municipal solid waste from the pest free area is necessary to protect the environment and agricultural crops of the state. The transport into and disposition of such municipal solid waste in the pest free area may be

allowed by a special permit as provided in WAC 16-470-124(1).

(3) The director, pursuant to chapter 17.24 RCW, has determined that yard debris, organic feedstocks, organic materials, and agricultural wastes as defined in WAC 173-350-100 originating from areas infested with apple maggot is a host medium for apple maggot and is a "regulated commodity" as provided in WAC 16-470-111. The exclusion of such waste from the pest free area is necessary to protect the environment and agricultural crops of the state. The transport into and disposition of yard debris, organic feedstocks, organic materials, and agricultural wastes in the pest free area may be allowed by a special permit as provided in WAC 16-470-124(2).

AMENDATORY SECTION (Amending WSR 01-14-075, filed 7/3/01, effective 8/3/01)

WAC 16-470-108 Distribution of infested or damaged fruit is prohibited. Regulated commodities (~~(described)~~) specified in WAC 16-470-111(1) and 16-470-125(2) that are known or found to be infested or damaged by apple maggot or plum curculio may not be distributed, sold, held for sale, or offered for sale, unless the fruit has undergone cold storage treatment, in compliance with WAC 16-470-113 (1)(a) and (b) or 16-470-127 (1)(a) and (b), and the necessary certificate has been issued by the appropriate plant protection organization.

AMENDATORY SECTION (Amending WSR 06-14-004, filed 6/22/06, effective 8/1/06)

WAC 16-470-111 ((What)) Commodities ((are)) regulated for apple maggot((?)). (1) All fresh fruit of apple (including crab apple), cherry (except cherries that are commercial fruit), hawthorn (haw), pear (except pears that are commercial fruit from California, Idaho, Oregon, Utah, and Washington), plum, prune, and quince are regulated under quarantine for apple maggot.

(2) Municipal solid waste as defined in WAC 173-350-100 is regulated under quarantine for apple maggot. Municipal solid waste from the quarantine area is a host medium for apple maggot containing or likely to contain those fruits listed under subsection (1) of this section.

(3) Yard debris, organic feedstocks, organic materials, and agricultural wastes as defined in WAC 173-350-100 are regulated under quarantine for apple maggot. Yard debris, organic feedstocks, organic materials, and agricultural wastes from quarantine areas are host mediums for apple maggot containing or likely to contain those fruits listed under subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 01-14-075, filed 7/3/01, effective 8/3/01)

WAC 16-470-113 ((What do you need)) Requirements to ship commodities regulated for apple maggot from a state under quarantine into the pest free area for apple maggot((?)). Shipment of ~~((regulated commodities))~~ fresh fruit, as ~~((described))~~ specified in WAC 16-470-111(1), from an area under quarantine, as ~~((described))~~ specified in

WAC 16-470-105(3), into the pest free area for apple maggot, as ~~((described))~~ specified in WAC 16-470-105(1), is prohibited, unless at least one of the following conditions is met:

(1) The shipment is accompanied by an official certificate issued by the plant protection organization of the state of origin evidencing at least one of the following:

(a) The shipment is composed of apples, which ~~((have))~~ has undergone cold treatment for a continuous period of at least ninety days. During this ninety days, the temperature within the storage room must be maintained at thirty-seven and nine-tenths ~~((37.9))~~ degrees Fahrenheit or less.

(b) The shipment is composed of ~~((regulated commodities))~~ fresh fruit specified in WAC 16-470-111(1) other than apples, which ~~((have))~~ has undergone cold treatment for a continuous period of forty days or more. During this forty days, the temperature within the storage room must be maintained at thirty-two ~~((32))~~ degrees Fahrenheit or less.

(c) The shipment is composed of ~~((regulated commodities))~~ fresh fruit specified in WAC 16-470-111(1) from Oregon, Idaho, or Utah, ((certified by the state of origin in compliance with)) meeting the requirements under WAC 16-470-122.

(d) Each lot or shipment consists of repacked fruit, which was grown outside the area under quarantine and has been ~~((identity))~~ identified and maintained ((while)) separately from any fruit specified in WAC 16-470-111(1) grown within the area under quarantine. For repacked fruit, the certificate must show the following information:

- (i) The state in which the fruit was grown;
- (ii) The point of repacking and reshipment;
- (iii) The amount and kind of commodities comprising the lot or shipment; and
- (iv) The names and addresses of the shipper and consignee.

(2) The fruit originated outside the area under quarantine for apple maggot and is a reshipment in original, unopened containers. The containers must each bear labels or other identifying marks evidencing origin outside the area under quarantine.

(3) The fruit is frozen solid.

AMENDATORY SECTION (Amending WSR 06-14-004, filed 6/22/06, effective 8/1/06)

WAC 16-470-115 ((Within Washington state, what is required to ship fruit)) Requirements for shipment of regulated commodities from the quarantine area for apple maggot into the pest free area ((for apple maggot from quarantined areas?)) within Washington state. Shipment of regulated commodities, as ~~((described))~~ specified in WAC 16-470-111, from an area under quarantine, as ~~((described))~~ specified in WAC 16-470-105(2), into the pest free area for apple maggot, as ~~((described))~~ specified in WAC 16-470-105(1), is prohibited, unless one of the following applicable conditions is met:

(1) The shipment of fresh fruit is accompanied by a permit for movement of fruit issued by the department verifying one of the following:

(a) The fresh fruit came from orchards and production sites that are not threatened with infestation; or

(b) The fresh fruit has completed treatment as specified in WAC 16-470-118(3). If records of treatment verifying compliance with conditions specified in WAC 16-470-118(3) are made available to the department, no reinspection is required by the department.

(2) The shipment of fresh fruit is ~~((accompanied by a permit issued by the department in fulfillment of))~~ in compliance with the applicable conditions under WAC 16-470-118 (2) and (3)((, which specifies conditions for shipment from orchards and production sites that are infested or threatened with infestation)).

(3) The shipment of municipal solid waste from the quarantine area to the pest free area for purposes of disposal in a municipal solid waste landfill or appropriate disposal or treatment facility is accompanied by a special permit issued by the department as provided in WAC 16-470-124(1).

(4) The shipment of yard debris, organic feedstocks, organic materials, or agricultural wastes from the quarantine area to the pest free area for purposes of disposal in a municipal solid waste landfill or appropriate treatment or composting facility is accompanied by a special permit issued by the department as provided in WAC 16-470-124(2).

AMENDATORY SECTION (Amending WSR 06-14-004, filed 6/22/06, effective 8/1/06)

WAC 16-470-118 Requirements within Washington state((, what is required)) to ship fresh fruit into, within, or through the pest free area for apple maggot from an orchard or production site that is infested or threatened with infestation((?)). All ~~((regulated commodities))~~ fresh fruit, as ~~((described))~~ specified in WAC 16-470-111(1), from an orchard or production site that is infested or threatened with infestation by apple maggot must be inspected ~~((except graded culls—See subsection (4) of this section))~~ by the department following accepted agency standards.

(1) If ~~((regulated commodities are))~~ the fresh fruit is inspected and found free of apple maggot, the shipment must be accompanied by a permit for movement of fruit issued by the department.

(2) If ~~((regulated commodities are))~~ the fresh fruit is found to be infested with apple maggot, a permit from the department, which specifies conditions for handling and shipment, is required to transport the fruit within or through the pest free area. No permit may be issued under this subsection for transportation of ~~((regulated commodities))~~ fresh fruit found to be infested with apple maggot into the pest free area for apple maggot.

(3) If ~~((regulated commodities are))~~ the fresh fruit is found to be infested with apple maggot, one or more of the following treatments must be performed and verified by the department as specified in WAC 16-470-115 (1)(b) before the ~~((commodity))~~ fruit is moved from area(s) designated or quarantined by the department:

(a) Apples (including crab apples) must be cold treated as specified in WAC 16-470-113 (1)(a).

(b) ~~((Regulated commodities))~~ Fruit other than apples must be cold treated ~~((as))~~ under the conditions specified in WAC 16-470-113 (1)(b).

(c) Other methods as prescribed in writing by the department.

(4) If the shipment contains graded culls, it must comply with the conditions specified in WAC 16-470-113 (1)(a) ~~((and))~~ or (b), dependent on the category of fruit.

AMENDATORY SECTION (Amending WSR 01-14-075, filed 7/3/01, effective 8/3/01)

WAC 16-470-122 ~~((What are the)) Requirements to ship regulated articles from Oregon, Idaho, or Utah into the pest free area for apple maggot((?)).~~ Commercially grown fresh fruit from Oregon, Idaho, or Utah may be shipped into the pest free area for apple maggot if both of the ~~((subsections of this section are complied with))~~ following conditions are met:

(1) A permit has been agreed to by the plant protection organization of the state of origin and the department. The permits must specify that the plant protection organization of the state of origin has conducted an adequate apple maggot detection program, which includes immediate written notification to the department of detections in counties where apple maggot has not previously been detected.

(2) The plant protection organization of the state of origin certifies that the fruit originated in areas in which apple maggot is not established, was grown in a commercial orchard, and has not been placed under quarantine.

NEW SECTION

WAC 16-470-124 Special permits for solid waste and organic waste transport and disposition. (1) The director may issue special permits admitting or allowing transportation and distribution of municipal solid waste for disposal at a solid waste landfill or appropriate disposal facility in the pest free area from the areas under quarantine established in WAC 16-470-105, subject to conditions and provisions which the director may prescribe to prevent introduction, escape, or spread of the quarantined pests. For purposes of this section "solid waste" and "solid waste landfill" or "disposal facility" refer to solid waste and solid waste facilities regulated under chapters 70.95 RCW and 173-351 WAC by the Washington state department of ecology.

(2) The director may issue special permits admitting or allowing transportation and distribution of yard debris, organic feedstocks, organic materials, or agricultural wastes for treatment at a composting facility in the pest free area from the area under quarantine established in WAC 16-470-105, subject to conditions and provisions which the director may prescribe to prevent introduction, escape, or spread of the quarantined pests. For purposes of this section "yard debris," "organic feedstocks," "organic materials," and "agricultural wastes" or "composting facility" refer to waste and composting facilities regulated under chapters 70.95 RCW and 173-350 WAC by the Washington state department of ecology. Conditions for issuing a special permit under this subsection include the following:

(a) Processing conditions. Organic waste (as defined under WAC 16-470-111(3)) from the quarantine area is mechanically ground or shredded in the quarantine area to a

particle size small enough to aid heat exposure but large enough to produce a feedstock suitable for composting.

(b) Heat treatments. In the quarantine area, following processing as required under (a) of this subsection, the entire quantity of organic waste is exposed to one of the following heat treatment options:

(i) Temperature of at least 55°C (131°F) for a continuous period of two weeks;

(ii) Temperature of at least 65°C (149°F) over a continuous period of one week;

(iii) In the case of enclosed composting facilities, temperature of at least 60°C (140°F) for one week.

(iv) For (b)(i) through (iii) of this subsection, a minimum number of turnings may be required to ensure that the whole mass is exposed to the required temperature. Moisture content of the organic waste is required to be a minimum of forty percent.

(v) Temperature of at least 74°C (165°F) for four hours; or 80°C (176°F) for two hours; or 90°C (194°F) for one hour, with wet heat used for each temperature treatment option under this subsection.

(c) Sanitation. Any trailer that has been used to transport untreated organic waste must be thoroughly cleaned within the quarantine area prior to transporting organic waste into or through the pest free area.

(3) When the owner of the waste identified in subsections (1) and (2) of this section transfers ownership of the waste to a different person receiving the waste for disposal or treatment in the pest free area, both owners must apply for and receive special permits under this section. A special permit to transport will not be issued to the transporting owner unless a special permit is concurrently issued to the receiving facility owner under conditions specified by the director.

(4) The specific conditions listed in this section are not intended to be exclusive or to preclude other conditions that the director may prescribe when issuing a special permit to accomplish the purposes identified in this section and under RCW 17.24.003.

AMENDATORY SECTION (Amending WSR 01-14-075, filed 7/3/01, effective 8/3/01)

WAC 16-470-127 ~~((What do you need)) Requirements to ship commodities regulated for plum curculio into Washington((?)).~~ Shipment into the state of Washington of regulated commodities described in WAC 16-470-125 from states under quarantine for plum curculio is prohibited, unless one of the following conditions is met:

(1) The shipment is accompanied by an official certificate issued by the plant protection organization of the state of origin evidencing at least one of the following:

(a) The shipment consists of apples, which have undergone cold treatment for a continuous period of at least ninety days. During this ninety days, the temperature within the storage room must be maintained at thirty-seven and nine-tenths ~~((37.9))~~ degrees Fahrenheit or less.

(b) The shipment consists of regulated commodities, which have undergone cold treatment for a continuous period of forty days or more. During this forty days, the temperature

within the storage room must be maintained at thirty-two ((32)) degrees Fahrenheit or less.

(c) Each lot or shipment consists of repacked fruit, which was grown outside the area under quarantine and has been identity maintained while within the area under quarantine. For repacked fruit, the certificate must show the following information:

- (i) State in which the fruit was grown;
- (ii) Point of repacking and reshipment;
- (iii) Amount and kind of commodities comprising the lot or shipment; and

(iv) Names and addresses of the shipper and consignee.

(2) The fruit originated outside the area under quarantine for plum curculio and is a reshipment in original, unopened containers. The containers must each bear labels or other identifying marks evidencing origin outside the area under quarantine.

(3) The shipment consists of fresh fruit from Utah counties where plum curculio is established and is made in compliance with terms of a permit agreed upon by both the Utah and Washington plant protection organizations.

(4) The shipment consists of fresh fruit from Utah counties where plum curculio is not established, and all of the following conditions are complied with:

(a) The Utah plant protection organization has conducted an adequate plum curculio detection program, which includes immediate written notification to the department of detections in counties where plum curculio has not previously been detected; and

(b) The Utah plant protection organization certifies that the fruit originated in areas in which plum curculio is not established, was grown in a commercial orchard, and has not been placed under quarantine.

AMENDATORY SECTION (Amending WSR 01-14-075, filed 7/3/01, effective 8/3/01)

WAC 16-470-130 Special permits for fresh fruit transport and distribution. The director may issue special permits admitting, or allowing transportation and distribution of, regulated commodities described in WAC 16-470-111(1) and 16-470-125(2), which would not otherwise be eligible for entry from the area under quarantine, or for transportation or distribution, subject to conditions and provisions which the director may prescribe to prevent introduction, escape or spread of the quarantined pests.

WSR 16-24-029
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed November 30, 2016, 10:29 a.m., effective December 31, 2016]

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

Purpose: Amends WAC 181-79A-251, clarifies renewal dates for teacher certification.

Citation of Existing Rules Affected by this Order: Amending WAC 181-79A-251.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 16-18-007 on August 25, 2016.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 252, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 3, 2016.

David Brenna
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 16-07-103, filed 3/18/16, effective 4/18/16)

WAC 181-79A-251 Teacher residency and professional certification—Renewal and reinstatement. (1) Residency certificates shall be renewed under one of the following options:

(a) Individuals who hold, or have held, residency certificates have the following options for renewal past the first three-year certificate:

(i) Individuals who have attempted and failed the professional certificate assessment are eligible for a two-year renewal;

(ii) Individuals who have not been employed or employed less than full-time as a teacher during the dated, three-year residency certificate may receive a two-year renewal by submitting an affidavit to the certification office confirming that they will register and submit a uniform assessment portfolio or they will complete assessment for National Board for Professional Teaching Standards. Individuals not employed as a teacher may permit their certificate to lapse until such time they register for the professional certificate assessment, or the National Board Certification;

(iii) Individuals whose three-year residency certificate has lapsed may receive a two-year renewal by submitting an affidavit to the certification office confirming that they will register and submit a uniform assessment portfolio for the professional certificate assessment or assessment for National Board for Professional Teaching Standards: Provided, That teachers holding certificates expiring in 2014, 2015, or 2016 who have completed the available sections for the National Board Teacher Certificate may receive an additional two-year renewal in 2016 or 2017 to complete the assessment.

(b) A residency certificate expires after the first renewal if the candidate has not registered for and submitted a portfolio assessment prior to June 30th of the expiration year, to achieve the professional certificate, Provided: When the first two-year renewal on residency certificates expires, teachers have three renewal options:

(i) Individuals who were employed but failed the professional certification assessment, may receive a second two-year renewal;

(ii) Individuals who were unemployed or employed less than full-time as a teacher during the first two-year renewal may permit their certificate to lapse. Upon contracting to return to a teacher role, individuals may apply for a final, second two-year renewal by submitting an affidavit to the certification office confirming that they will register and submit a uniform assessment portfolio for the professional certification assessment((-));

(iii) An individual who completes a National Board Certification assessment but does not earn National Board Certification, may use that completed assessment to apply for a final, second two-year renewal by submitting an affidavit to the certification office confirming that they will complete and submit their scores from the assessment for National Board for Professional Teaching Standards or register and submit the Washington uniform assessment portfolio as per this section, WAC 181-79A-251.

(c) Individuals who hold expired residency certificates may be reinstated by having a district request, under WAC 181-79A-231, a transitional certification not less than one year following the final residency expiration: Provided, That the teacher registers and passes the Washington uniform assessment portfolio as per this section, WAC 181-79A-206 or assessment for National Board for Professional Teaching Standards within two years of issuance of the transitional certificate.

(d) Individuals who hold a dated residency certificate prior to September 2011 that have expiration dates past September 2011 are subject to the same renewal options as described in (a)(ii) and (iii) of this subsection.

(2) Teacher professional certificate.

(a) A valid professional teacher certificate issued prior to September 1, 2014, may be renewed for additional five-year periods by the completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC or by completing four professional growth plans as defined in WAC 181-79A-030.

(b) Beginning September 1, 2014, four professional growth plans developed annually during the period in which the certificate is valid in collaboration with the professional growth team as defined in WAC 181-79A-030 are required for renewal.

(c) Renewal of the professional certificate.

(i) Individuals may apply their focused evaluation professional growth activities of the evaluation system toward the professional growth plan for certificate renewal.

(ii) Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours.

(iii) The professional growth plans must document formalized learning opportunities and professional development activities that relate to the standards and "career level" benchmarks defined in WAC 181-79A-207.

(iv) Beginning September 1, 2014, continuing education or professional growth plans for teachers at the elementary and secondary levels in STEM-related subjects must include a specific focus on the integration of science, technology, engineering, and mathematics instruction as per RCW 28A.410.2212. This renewal requirement applies to the following endorsement areas: Elementary education; early childhood education; middle level mathematics and science; secondary mathematics and science; the designated secondary sciences; technology; and career and technical education endorsements. ~~((Certificates with a renewal date of June 30, 2019))~~ Applications for certificate renewal dated September 1, 2019, and beyond must demonstrate completion of at least fifteen continuing education credit hours, or at least one goal from an annual professional growth plan, with an emphasis on the integration of science, technology, engineering and mathematics. This requirement is for all professional teacher certificate holders regardless of date of issuance of the first professional certificate.

(v) Provided, That a professional certificate may be renewed based on the possession of a valid teaching certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(vi) Provided, any educator holding a professional certificate which requires completion of four PGP's in five years, may renew the professional certificate for one time only by completing one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC, or with completion of fifteen quarter credit hours related to job responsibilities, in lieu of completion of four professional growth plans as required by this section. Individuals with valid certificates must show completion of the hours as described in this section since the professional certificate was issued. Individuals with an expired professional certificate must complete the hours as described in this section within the five years prior to the date of the renewal application. Provided, That this section is no longer in effect after June 30, 2020.

(vii) For educators holding multiple certificates in WAC 181-79A-251, 181-79A-2510, 181-79A-2511, or 181-79A-2512, or in chapter 181-85 WAC, a professional growth plan for teacher, administrator, or education staff associate shall meet the requirement for all certificates held by an individual which is affected by this section.

(viii) The one-time renewal option of using clock hours or credits in lieu of professional growth plans as required applies to any/all professional certificates an educator may hold, and is only available to the individual one time. This section is no longer in effect after June 30, 2020.

(ix) Provided, as per RCW 28A.410.278(2) beginning September 1, 2016, in-service training, continuing education, or professional growth plans shall incorporate professional development on the revised teacher and principal evaluation systems under RCW 28A.405.100 as a requirement for

renewal of continuing or professional level certificates. ((Certificates with a renewal date of June 30, 2019)) Applications for certificate renewal dated September 1, 2019, and beyond for all teachers must document completion of at least fifteen clock hours, or at least one goal from an annual professional growth plan, related to knowledge and competency of the teacher and principal evaluation criteria or system.

(d) An expired professional certificate issued under rules in effect prior to September 1, 2014, may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour requirement within the five years prior to the date of the renewal application. All continuing education credit hours shall relate to one of the three standards: Effective instruction, professional contributions or professional development.

(e) Individuals not in the role of a teacher in a public school or approved private school holding a professional teaching certificate may have their professional certificate renewed for a five-year period by the completion of:

(i) Fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based standards as defined in WAC 181-79A-207; or

(ii) One hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-79A-207; or

(iii) Beginning September 1, 2014, four professional growth plans developed annually during the period in which the certificate is valid in collaboration with the professional growth team as defined in WAC 181-79A-030 are required for renewal.

**WSR 16-24-031
PERMANENT RULES
NOXIOUS WEED
CONTROL BOARD**

[Filed November 30, 2016, 11:27 a.m., effective January 1, 2017]

Effective Date of Rule: January 1, 2017.

Purpose: The Washington state noxious weed list provides the basis for noxious weed control efforts for county and district weed control boards as well as other entities. This rule-making order amends chapter 16-750 WAC by:

Reclassify Ravenna grass, *Saccharum ravennae*, from a Class A to a Class B noxious weed to be designated for control in Cowlitz County of region 3; region 4, except Chelan County; region 5, except Grant and Yakima counties; region 6, except Benton County.

Designate meadow hawkweeds, *Hieracium*, subgenus *pilosella*, in Pierce County.

Designate meadow knapweed, *Centaurea x moncktonii*, in Pierce County.

Undesignate myrtle spurge, *Euphorbia myrsinites*, in Pierce County.

Citation of Existing Rules Affected by this Order: Amending WAC 16-750-005 and 16-750-011.

Statutory Authority for Adoption: Chapter 17.10 RCW.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 16-19-089 on September 20, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: November 30, 2016.

Anthony J. Stadelman
Chairman

AMENDATORY SECTION (Amending WSR 14-24-103, filed 12/2/14, effective 1/2/15)

WAC 16-750-005 State noxious weed list—Class A noxious weeds.

Common Name	Scientific Name
broom, French	<i>Genista monspessulana</i>
broom, Spanish	<i>Spartium junceum</i>
common crupina	<i>Crupina vulgaris</i>
cordgrass, common	<i>Spartina anglica</i>
cordgrass, dense-flowered	<i>Spartina densiflora</i>
cordgrass, salt meadow	<i>Spartina patens</i>
cordgrass, smooth	<i>Spartina alterniflora</i>
dyer's woad	<i>Isatis tinctoria</i>
eggleaf spurge	<i>Euphorbia oblongata</i>
false brome	<i>Brachypodium sylvaticum</i>
floating primrose-willow	<i>Ludwigia peploides</i>
flowering rush	<i>Butomus umbellatus</i>
garlic mustard	<i>Alliaria petiolata</i>
giant hogweed	<i>Heracleum mantegazzianum</i>
goatsrue	<i>Galega officinalis</i>
hydrilla	<i>Hydrilla verticillata</i>
Johnsongrass	<i>Sorghum halepense</i>
knapweed, bighead	<i>Centaurea macrocephala</i>
knapweed, Vochin	<i>Centaurea nigrescens</i>
kudzu	<i>Pueraria montana</i> var. <i>lobata</i>

Common Name	Scientific Name	Common Name	Scientific Name
meadow clary	<i>Salvia pratensis</i>	spurge flax	<i>Thymelaea passerina</i>
oriental clematis	<i>Clematis orientalis</i>	Syrian bean-caper	<i>Zygophyllum fabago</i>
purple starthistle	<i>Centaurea calcitrapa</i>	Texas blueweed	<i>Helianthus ciliaris</i>
((Ravenna grass	<i>Saccharum ravennae</i> <td>thistle, Italian</td> <td><i>Carduus pycnocephalus</i></td> 	thistle, Italian	<i>Carduus pycnocephalus</i>
reed sweetgrass	<i>Glyceria maxima</i>	thistle, milk	<i>Silybum marianum</i>
ricefield bulrush	<i>Schoenoplectus mucronatus</i>	thistle, slenderflower	<i>Carduus tenuiflorus</i>
sage, clary	<i>Salvia sclarea</i>	variable-leaf milfoil	<i>Myriophyllum heterophyllum</i>
sage, Mediterranean	<i>Salvia aethiopsis</i>	wild four o'clock	<i>Mirabilis nyctaginea</i>
silverleaf nightshade	<i>Solanum elaeagnifolium</i>		

AMENDATORY SECTION (Amending WSR 15-24-078, filed 11/30/15, effective 12/31/15)

WAC 16-750-011 State noxious weed list—Class B noxious weeds.

Name		Will be a "Class B designate" in all lands lying within:	
(1)	blueweed, <i>Echium vulgare</i>	(a)	regions 1, 2, 3, 4, 6
		(b)	region 5, except Spokane County
(2)	Brazilian elodea, <i>Egeria densa</i>	(a)	region 1, except Grays Harbor and Pacific counties
		(b)	region 2, except Kitsap and Snohomish counties
		(c)	King County of region 2, except lakes Dolloff, Fenwick, Union, Washington, and Sammamish, and the Sammamish River
		(d)	region 3, except Wahkiakum County
		(e)	regions 4, 5, and 6
(3)	bugloss, annual, <i>Anchusa arvensis</i>	(a)	regions 1, 2, 3, 4, and 6
		(b)	region 5, except Spokane County
(4)	bugloss, common, <i>Anchusa officinalis</i>	(a)	regions 1, 2, 3, and 6
		(b)	All of region 4 except those areas lying within the Entiat River Valley between the Columbia River confluence and Stormy Creek in Chelan County
		(c)	region 5, except Spokane County
(5)	butterfly bush, <i>Buddleja davidii</i>	(a)	The portion of Thurston County lying below the ordinary high-water mark of the Nisqually River in region 2
		(b)	Cowlitz County of region 3
(6)	camelthorn, <i>Alhagi maurorum</i>	(a)	regions 1, 2, 3, 4, and 5
		(b)	region 6, except Walla Walla County
(7)	common fennel, <i>Foeniculum vulgare</i> (except bulbing fennel, <i>F. vulgare</i> var. <i>azoricum</i>)	(a)	region 1, except Jefferson County
		(b)	region 2, except King and Skagit counties
		(c)	region 3, except Clark County
		(d)	regions 4, 5, and 6
(8)	common reed, <i>Phragmites australis</i> (nonnative genotypes only)	(a)	regions 1, 2, 3, and 4
		(b)	region 5, except Grant County
		(c)	Asotin, Columbia, and Garfield counties of region 6

Name		Will be a "Class B designate" in all lands lying within:	
(9)	Dalmatian toadflax, <i>Linaria dal- matica</i> ssp. <i>dalmatica</i>	(a)	regions 1 and 2
		(b)	region 3, except Cowlitz County
		(c)	Adams and Lincoln counties of region 5
		(d)	Benton and Walla Walla counties of region 6
(10)	Eurasian watermilfoil, <i>Myriophyl- lum spicatum</i>	(a)	region 1, except Pacific and Mason counties
		(b)	Island and San Juan counties of region 2
		(c)	Clark and Cowlitz counties of region 3
		(d)	Chelan and Okanogan counties, and all lakes with public boat launches except Fan Lake in Pend Oreille County of region 4
		(e)	Adams and Lincoln counties of region 5
		(f)	Asotin, Columbia, and Garfield counties of region 6
(11)	fanwort, <i>Cabomba caroliniana</i>	(a)	regions 2, 4, 5, and 6
		(b)	region 1, except Grays Harbor
		(c)	region 3, except Cowlitz County
(12)	gorse, <i>Ulex europaeus</i>	(a)	region 1, except Grays Harbor and Pacific counties
		(b)	regions 2, 3, 4, 5, 6
(13)	grass-leaved arrowhead, <i>Sagit- taria graminea</i>	(a)	region 1, except Mason County
		(b)	region 2, except Snohomish County
		(c)	regions 3, 4, 5, and 6
(14)	hairy willow-herb, <i>Epilobium hir- sutum</i>	(a)	regions 1, 3, and 4
		(b)	region 2, except Thurston and Whatcom counties
		(c)	region 5, except Klickitat County
		(d)	Asotin, Columbia, and Garfield counties of region 6
(15)	hawkweed oxtongue, <i>Picris hiera- cioides</i>	(a)	regions 1, 2, 4, 5, and 6
		(b)	region 3, except Skamania County
(16)	hawkweed, orange, <i>Hieracium aurantiacum</i>	(a)	regions 1, 3, and 6
		(b)	region 2, except Whatcom County
		(c)	region 4, except Pend Oreille and Stevens counties
		(d)	region 5, except Kittitas and Spokane counties
(17)	hawkweeds: All nonnative species and hybrids of the Meadow subgenus (<i>Pilosella</i>), including, but not limited to, mouseear (<i>Hieraci-umpilosella</i>), pale (<i>H. lactucella</i>), queen-devil (<i>H. glomeratum</i>), tall (<i>H. piloselloides</i>), whiplash (<i>H. flagellare</i>), yellow (<i>H. caespitosum</i>), and yellow-devil (<i>H. x floribundum</i>)	(a)	region 1
		(b)	region 2, except ((Pierce and)) Thurston ((counties)) <u>County</u>
		(c)	region 3, except Cowlitz County
		(d)	Chelan, Douglas, and Okanogan counties of region 4
		(e)	region 5, except Klickitat and Spokane counties
		(f)	region 6

Name		Will be a "Class B designate" in all lands lying within:	
(18)	hawkweeds: All nonnative species and hybrids of the Wall subgenus (<i>Hieracium</i>), including, but not limited to, common (<i>Hieracium lachenalii</i>), European (<i>H. sabaudum</i>), polar (<i>H. atratum</i>), smooth (<i>H. laevigatum</i>), spotted (<i>H. maculatum</i>), and wall (<i>H. murorum</i>)	(a)	regions 1, 3, 5, and 6
		(b)	region 2, except King, Skagit and Whatcom counties
		(c)	region 4, except Stevens County
(19)	herb-Robert, <i>Geranium robertianum</i>	(a)	regions 4, 5, and 6
(20)	hoary alyssum, <i>Berteroa incana</i>	(a)	regions 1, 2, 3, and 6
		(b)	region 4, except Pend Oreille County and those areas lying north of highway 20 in Ferry County
		(c)	region 5, except Klickitat County
(21)	houndstongue, <i>Cynoglossum officinale</i>	(a)	regions 1, 2, and 3
		(b)	Chelan County of region 4
		(c)	Yakima, Grant and Adams counties of region 5
		(d)	Benton County of region 6
(22)	indigobush, <i>Amorpha fruticosa</i>	(a)	regions 1, 2, and 4
		(b)	Lewis and Skamania counties of region 3
		(c)	region 5, except Klickitat County
(23)	knapweed, black, <i>Centaurea nigra</i>	(a)	regions 1, 2, 3, 4, 5, and 6
(24)	knapweed, brown, <i>Centaurea jacea</i>	(a)	regions 1, 2, 3, 4, 5, and 6
(25)	knapweed, diffuse, <i>Centaurea diffusa</i>	(a)	region 1, except Mason County
		(b)	region 2
		(c)	region 3, except Cowlitz County
		(d)	Adams County of region 5
(26)	knapweed, meadow, <i>Centaurea x moncktonii</i>	(a)	regions 1 and 4
		(b)	region 2, except ((Pierce and)) Whatcom ((counties)) <u>County</u>
		(c)	Thurston County of region 2, except below the ordinary high water mark of the Nisqually River
		(d)	region 3, except Cowlitz County
		(e)	region 5, except Kittitas and Klickitat counties
		(f)	region 6, except Franklin and Walla Walla counties
(27)	knapweed, Russian, <i>Acroptilon repens</i>	(a)	regions 1, 2, and 3
		(b)	Ferry and Pend Oreille counties of region 4
		(c)	Lincoln, Spokane, and Whitman counties of region 5
		(d)	Adams County of region 5, except for the area west of Highway 17 and north of Highway 26
		(e)	Asotin and Garfield counties of region 6
(28)	knapweed, spotted, <i>Centaurea stoebe</i>	(a)	region 1, except Grays Harbor
		(b)	region 2, except Whatcom County
		(c)	region 3, except Cowlitz County

Name		Will be a "Class B designate" in all lands lying within:
(29)	knotweed, Bohemian, <i>Polygonum x bohemicum</i>	(d) Ferry County of region 4
		(e) Adams, Grant and Yakima counties of region 5
		(f) region 6, except Columbia and Walla Walla counties
		(a) Island County of region 2
		(b) Skamania County of region 3
		(c) region 4, except Stevens County
(30)	knotweed, giant, <i>Polygonum sachalinense</i>	(d) region 5, except Whitman and Yakima counties
		(e) region 6
		(a) region 2, except King, Pierce, and Snohomish counties
		(b) region 3, except Cowlitz and Lewis counties
		(c) regions 4, 5, and 6
(31)	knotweed, Himalayan, <i>Polygonum polystachyum</i>	(a) region 1, except Pacific County
		(b) region 2, except King and Pierce counties
		(c) Cowlitz, Lewis and Skamania counties of region 3
		(d) region 4, except Stevens County
		(e) regions 5 and 6
(32)	knotweed, Japanese, <i>Polygonum cuspidatum</i>	(a) Island, San Juan, and Whatcom counties of region 2
		(b) Skamania County of region 3
		(c) region 4, except Okanogan and Stevens counties
		(d) region 5, except Spokane County
		(e) region 6
(33)	kochia, <i>Kochia scoparia</i>	(a) regions 1, 2, and 3
		(b) Stevens and Pend Oreille counties of region 4
		(c) Adams County of region 5
(34)	lesser celandine, <i>Ficaria verna</i>	(a) Snohomish County of region 2
		(b) Skamania County of region 3
		(c) Pend Oreille and Stevens counties of region 4
(35)	loosestrife, garden, <i>Lysimachia vulgaris</i>	(a) regions 1, 2, 3, 4, 5, 6
(36)	loosestrife, purple, <i>Lythrum salicaria</i>	(a) Clallam and Jefferson counties of region 1
		(b) region 2, except Kitsap, Pierce, Skagit, and Snohomish counties
		(c) Clark, Lewis, and Skamania counties of region 3
		(d) region 4, except Douglas County
		(e) region 5, except Grant and Spokane counties
		(f) Columbia, Garfield, and Walla Walla counties of region 6
(37)	loosestrife, wand, <i>Lythrum virgatum</i>	(a) Clallam and Jefferson counties of region 1
		(b) region 2, except Kitsap, Pierce, Skagit, and Snohomish counties
		(c) Clark, Lewis, and Skamania counties of region 3
		(d) region 4, except Douglas County
		(e) region 5, except Grant and Spokane counties
		(f) Columbia, Garfield, and Walla Walla counties of region 6

Name		Will be a "Class B designate" in all lands lying within:	
(38)	parrotfeather, <i>Myriophyllum aquaticum</i>	(a)	region 1, except Pacific County
		(b)	regions 2, 4, 5, and 6
		(c)	Clark and Skamania counties of region 3
(39)	perennial pepperweed, <i>Lepidium latifolium</i>	(a)	regions 1, 2, and 4
		(b)	region 3, except Clark and Cowlitz counties
		(c)	Kittitas, Lincoln and Spokane counties of region 5
		(d)	Columbia and Garfield counties of region 6
(40)	poison hemlock, <i>Conium maculatum</i>	(a)	Clallam, Mason, and Pacific counties of region 1
		(b)	region 2, except King, Skagit, and Whatcom counties
		(c)	Clark and Skamania counties of region 3
		(d)	Chelan and Pend Oreille counties of region 4
		(e)	Grant, Kittitas and Lincoln counties of region 5
(41)	policeman's helmet, <i>Impatiens glandulifera</i>	(a)	region 1, except Pacific County
		(b)	region 2, except Pierce, Thurston, and Whatcom counties
		(c)	region 3, except Clark County
		(d)	regions 4, 5, and 6
(42)	puncturevine, <i>Tribulus terrestris</i>	(a)	regions 1, 2, and 3
		(b)	Ferry, Pend Oreille, and Stevens counties of region 4
		(c)	region 5, except Grant, Klickitat, and Yakima counties
(43)	<u>Ravenna grass, <i>Saccharum ravennae</i></u>	(a)	<u>Cowlitz County of region 3</u>
		(b)	<u>region 4, except Chelan County</u>
		(c)	<u>region 5, except Grant and Yakima counties</u>
		(d)	<u>region 6, except Benton County</u>
(44)	rush skeletonweed, <i>Chondrilla juncea</i>	(a)	regions 1 and 3
		(b)	region 2, except Kitsap County
		(c)	region 4, except all areas of Stevens County south of Township 29
		(d)	Kittitas and Yakima counties of region 5, and Adams County, except those areas lying east of Sage Road, the western border of Range 36
		(e)	Asotin County of region 6
((44))	saltcedar, <i>Tamarix ramosissima</i>	(a)	regions 1, 3, 4, and 5
(45)	(unless intentionally planted prior to 2004)	(b)	region 2, except King and Thurston counties
		(c)	region 6, except Benton and Franklin counties
((45))	Scotch broom, <i>Cytisus scoparius</i>	(a)	regions 4 and 6
(46)		(b)	region 5, except Klickitat County
((46))	shiny geranium, <i>Geranium lucidum</i>	(a)	regions 1, 2, 4, 5, and 6
(47)		(b)	region 3, except Clark County
((47))	spurge laurel, <i>Daphne laureola</i>	(a)	region 1, except Clallam and Jefferson counties
(48)		(b)	region 2, except King, Kitsap, and Pierce counties
		(c)	region 3, except Skamania County
		(d)	regions 4, 5, and 6

Name	Will be a "Class B designate" in all lands lying within:
((48)) (49) spurge, leafy, <i>Euphorbia esula</i>	(a) regions 1, 2, 3, and 4 (b) region 5, except Spokane and Whitman counties (c) region 6, except Columbia and Garfield counties
((49)) (50) spurge, myrtle, <i>Euphorbia myrsinites</i>	(a) region 1, except Clallam and Jefferson counties (b) region 2, except King, Kitsap, <u>Pierce</u> , and Whatcom counties (c) regions 3, 5, and 6 (d) region 4, except Okanogan and Stevens counties
((50)) (51) sulfur cinquefoil, <i>Potentilla recta</i>	(a) region 1 (b) region 2, except Pierce and Thurston counties (c) region 3, except Lewis and Skamania counties (d) Adams, Grant, Lincoln, and Whitman counties of region 5 (e) region 6, except Asotin County
((51)) (52) tansy ragwort, <i>Senecio jacobaea</i>	(a) Island and San Juan counties of region 2 (b) Clark and Wahkiakum counties of region 3 (c) regions 4 and 6 (d) region 5, except Klickitat County
((52)) (53) thistle, musk, <i>Carduus nutans</i>	(a) regions 1, 2, 3, and 6 (b) region 4, except Douglas and Ferry counties (c) region 5, except Kittitas County
((53)) (54) thistle, plumeless, <i>Carduus acanthoides</i>	(a) regions 1, 2, 3, 5, 6 (b) region 4, except those areas north of State Highway 20 in Stevens County
((54)) (55) thistle, Scotch, <i>Onopordum acanthium</i>	(a) regions 1, 2, and 3 (b) region 4, except Douglas County (c) region 5, except Spokane and Whitman counties
((55)) (56) velvetleaf, <i>Abutilon theophrasti</i>	(a) regions 1, 2, 3, and 4 (b) region 5, except Yakima County (c) region 6, except Franklin County
((56)) (57) water primrose, <i>Ludwigia hexapetala</i>	(a) regions 1, 2, 4, 5, and 6 (b) region 3, except Cowlitz County
((57)) (58) white bryony, <i>Bryonia alba</i>	(a) regions 1, 2, 3, and 4 (b) region 5, except Whitman County (c) Benton County of region 6
((58)) (59) wild chervil, <i>Anthriscus sylvestris</i>	(a) regions 1, 4, and 6 (b) region 2, except Island and Whatcom counties (c) Wahkiakum and Lewis counties of region 3 (d) region 5, except Whitman County
((59)) (60) yellow archangel, <i>Lamiaeum galeobdolon</i>	(a) Clallam County of region 1 (b) Island, San Juan, Skagit, and Whatcom counties of region 2 (c) Skamania and Wahkiakum counties of region 3 (d) regions 4, 5, and 6

Name		Will be a "Class B designate" in all lands lying within:	
((60)) (61)	yellow floating heart, <i>Nymphoides peltata</i>	(a)	regions 1, 2, and 6
		(b)	region 3, except Cowlitz County
		(c)	region 4, except Stevens County
		(d)	region 5, except Spokane County
((61)) (62)	yellow nutsedge, <i>Cyperus esculentus</i>	(a)	regions 1, 3, and 4
		(b)	region 2, except Skagit and Thurston counties
		(c)	region 5, except Klickitat and Yakima Counties
		(d)	region 6, except Franklin and Walla Walla counties
((62)) (63)	yellow starthistle, <i>Centaurea solstitialis</i>	(a)	regions 1, 2, and 3
		(b)	region 4, except T36 R38 in the area contained within Hwy 395/Hwy 20, Pingston Creek Road, and Highland Loop Road in Stevens County
		(c)	region 5, except Klickitat, and Whitman counties

WSR 16-24-034
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed November 30, 2016, 2:53 p.m., effective December 31, 2016]

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

Purpose: The department is amending WAC 388-492-0040 Can I choose whether I get WASHCAP food benefits or basic food benefits? and 388-492-0070 How are my WASHCAP food benefits calculated?, to update the Washington combined application project (WASHCAP) standards for federal fiscal year 2017 to implement annual adjustments to standards for WASHCAP. These changes are necessary to ensure that the project remains cost neutral with supplemental nutrition assistance program benefits provided under the Washington basic food program and in compliance with the 2014 farm bill.

Citation of Existing Rules Affected by this Order: Amending WAC 388-492-0040 and 388-492-0070.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, and 7 C.F.R. 282.1.

Other Authority: 7 C.F.R. 273.1(a).

Adopted under notice filed as WSR 16-21-087 on October 18, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

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

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Date Adopted: November 30, 2016.

Katherine I. Vasquez
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-12-025, filed 5/29/07, effective 6/29/07)

WAC 388-492-0040 ~~((Can))~~ **May I choose whether I get WASHCAP food benefits or basic food benefits?** You ~~((can))~~ may choose to have basic food benefits instead of ~~((WASHCAP))~~ Washington state combined application project (WASHCAP) food benefits when one or more of the following apply:

(1) Your allowable out-of-pocket medical expenses are more than thirty-five dollars a month;

(2) You chose to have basic food benefits instead of WASHCAP benefits prior to April 25, 2005 and have remained WASHCAP eligible continuously since April 25, 2005; ~~((or))~~

(3) Your food benefits under basic food would be at least forty dollars more ~~((due to excess shelter costs under WAC 388-450-0190 (1)(a) through (c) or legally obligated child support payments))~~ than what you receive from WASHCAP.

AMENDATORY SECTION (Amending WSR 14-04-050, filed 1/27/14, effective 2/27/14)

WAC 388-492-0070 **How are my WASHCAP food benefits calculated?** We calculate your Washington state

combined application project (WASHCAP) food benefits as follows:

- (1) We begin with your gross income.
- (2) We subtract the current standard deduction for one person under WAC 388-450-0185 from your gross income to get your countable income.
- (3) We figure your shelter cost based on information we receive from the Social Security Administration (SSA)(~~(s)~~) unless you report a change as described under WAC 388-492-0080. (~~(If you pay:)~~)
 - (a) If you pay three hundred twenty dollars or more a month for shelter, we use four hundred dollars as your shelter cost(~~(s-or)~~).
 - (b) If you pay less than three hundred twenty dollars a month for shelter, we use two hundred and (~~(ten)~~) thirty-five dollars as your shelter cost(~~(s-and)~~).
 - (c) We add the current standard utility allowance under WAC 388-450-0195 to the shelter cost we use under either subsection (3)(a) or (b) of this section to determine your total shelter cost.
- (4) We figure your shelter deduction by subtracting one half of your countable income from your total shelter cost under subsection (3)(c) of this section.
- (5) We figure your net income by subtracting your shelter deduction from your countable income and rounding the resulting figure up from fifty cents and down from forty-nine cents to the nearest whole dollar.
- (6) We figure your WASHCAP food benefits (allotment) by:
 - (a) Multiplying your net income by thirty percent and rounding up to the next whole dollar; and
 - (b) Subtracting the result from the maximum allotment under WAC 388-478-0060.
- (~~(e)~~) (7) If you are eligible for WASHCAP, you will get at least the minimum monthly benefit for basic food under WAC 388-412-0015.

WSR 16-24-037
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed November 30, 2016, 3:36 p.m., effective January 1, 2017]

Effective Date of Rule: January 1, 2017.

Purpose: The department is amending WAC 388-454-0006 The department makes background checks on adults who are acting in place of a parent without court-ordered custody, the rule is being amended to update WAC references made within WAC 388-454-0006 and align them with the current children [children's] administration (CA) rules on criminal background checks. No policy changes are made by this amendment.

Citation of Existing Rules Affected by this Order: Amending WAC 388-454-0006.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

Adopted under notice filed as WSR 16-19-067 on September 19, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: November 30, 2016.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 02-01-011, filed 12/7/01, effective 1/7/02)

WAC 388-454-0006 The department makes background checks on adults who are acting in place of a parent without court-ordered custody. (1) We check your background when you ask for temporary assistance for needy families (TANF) or state family assistance (SFA) benefits for a child who:

- (a) Is not related to you; and
 - (b) Lives with you but you do not have a court order that gives you legal custody of the child.
- (2) A child who is not related to you cannot receive TANF/SFA benefits while living with you until we have completed a background check and the results of the background check meet the criteria in subsection (3) through (5) of this section.

(3) A child who is not related to you cannot receive benefits while living with you if:

- (a) You have been convicted of a crime listed in WAC 388-06A-0170; or
- (b) You have been convicted of a crime listed in WAC 388-06A-0180 within the last five years.

(4) We review your background when you have been convicted of a crime listed in WAC 388-06A-0180 more than five years ago to determine your character, suitability, and competence to receive benefits for a child not related to you. We consider the following factors:

- (a) The amount of time that has passed since you were convicted;
- (b) The seriousness of the crime that led to the conviction;
- (c) The number and types of convictions in your background; and
- (d) Your age at the time of the conviction.

(5) When you have a conviction for a crime other than those listed in WAC 388-06A-0170 or 388-06A-0180 we

review your background as described in subsection (4) ~~((above)) of this section.~~

(6) Expunged or sealed conviction records do not count against you.

WSR 16-24-047
PERMANENT RULES
STATE INVESTMENT BOARD

[Filed December 1, 2016, 3:32 p.m., effective January 1, 2017]

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

Purpose: Provide rules for the Washington state investment board (WSIB) to implement the provisions of chapter 42.56 RCW, the Public Records Act (PRA) and to ensure WSIB's compliance with PRA.

Citation of Existing Rules Affected by this Order: Amending chapter 287-02 WAC.

Statutory Authority for Adoption: RCW 42.56.040.

Adopted under notice filed as WSR 16-19-006 on September 7, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 9, Amended 8, Repealed 6.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, Amended 8, Repealed 6.

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

Date Adopted: December 1, 2016.

Tish Day
Rules Coordinator

AMENDATORY SECTION (Amending WSR 81-23-012, filed 11/10/81)

WAC 287-02-010 Purpose. ~~The purpose of this chapter ((shall be to ensure compliance by the state investment board with the provisions of chapter 42.17 RCW dealing with public records)) is to provide rules for the Washington state investment board to implement the provisions of chapter 42.56 RCW relating to public records and to ensure compliance with that chapter.~~

AMENDATORY SECTION (Amending WSR 81-23-012, filed 11/10/81)

WAC 287-02-020 Definitions. ~~((The following definitions shall apply to this chapter:~~

~~(1) "Public record" includes any writing containing information relating to the conduct of government or the per-~~

~~formance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.~~

~~(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.~~

~~(3) "State investment board" means the board established by chapter 3, Laws of 1981. The state investment board shall hereinafter be referred to as the "board." Where appropriate, the term state investment board also refers to the staff and employees of the board.) The definitions set forth in RCW 42.56.010 apply throughout this chapter. In addition, the definitions in this section apply throughout this chapter unless the context clearly requires otherwise.~~

"Day" unless otherwise stated, means any day of the week on which banks and the NYSE are open for business for the conduct of all regular business.

"Executive director" means the executive director of the Washington state investment board.

"Page" means one impression on a single side of a sheet of paper. It also applies to one electronic image of one side of a sheet of paper.

"Public records manager" means the public records manager or designee for the Washington state investment board appointed by the executive director.

"WSIB" or "board" means the Washington state investment board established in chapter 3, Laws of 1981. Where appropriate, WSIB or agency also refers to the staff and employees of the Washington state investment board.

AMENDATORY SECTION (Amending WSR 04-03-114, filed 1/21/04, effective 2/21/04)

WAC 287-02-030 Description of ~~((central and field organization of))~~ the Washington state investment board. ~~((The state investment board is a state agency empowered to perform all duties prescribed by law with respect to the investment of trust and public funds. The administrative offices of the state investment board and its staff are located at 2100 Evergreen Park Drive S.W., Olympia, Washington.)) The Washington state investment board, created in chapter 3, Laws of 1981, is an independent board of trustees whose fiduciary responsibility is to manage retirement and public fund investments with the highest standard of professional conduct. The board's primary investment objective is to maximize returns at a prudent level of risk for the exclusive benefit of fund participants and beneficiaries.~~

Individual board members are appointed by the chair to serve on any of the board's four different committees which act as extensions of the board. The committees' function is to efficiently analyze investment and governance issues with greater scrutiny than would be practicable for the full board. Committee recommendations are brought to the board for consideration and a vote. The four committees are:

Administrative committee

The administrative committee oversees organizational, personnel, budget, legal, and legislative issues, as well as strategic asset allocation.

Audit committee

The audit committee assists the board in financial oversight of the WSIB including risk management, compliance monitoring, internal and external audits, corporate governance and proxy voting.

Private markets committee

The private markets committee develops policy and structure for private market and real estate opportunities and reviews those investments for recommendations to the board.

Public markets committee

The public markets committee develops policy and structure for public market investments (fixed income, domestic equity, international equity) and reviews individual equity managers to recommend to the board.

NEW SECTION

WAC 287-02-033 Public records manager. (1) The public records manager is appointed by the executive director and is located in the operations division of the WSIB.

(2) The public records manager is in charge of the WSIB's public records program. The public records manager is responsible for the implementation of the WSIB's rules regarding the release of public records for inspection and copying, coordinating the WSIB staff in this regard, and overseeing compliance with the Public Records Act requirements in chapter 42.56 RCW.

(3) The public records manager may choose a designee to act in his or her place to carry out the responsibilities in this chapter, including processing and responding to public records requests. The WSIB's public records manager will provide the fullest assistance to requestors.

AMENDATORY SECTION (Amending WSR 81-23-012, filed 11/10/81)

WAC 287-02-040 Organizations, operations and procedures. The state investment board is charged with the duty to invest certain trust and public funds, as set forth in RCW 43.84.150, and chapter 3, Laws of 1981. The board ((shall)) meets at least quarterly, at times and locations determined by the board, in order to perform its duties. All such meetings ((will)) comply with the Open Public Meetings Act.

Operative structure

The WSIB is a small agency with staff working in three divisions - Investments, operations, and institutional relations. The WSIB's executive director is appointed by the board to oversee the staff, develop and recommend agency and investment policies for board adoption, and ensure adherence to state policies and laws.

The WSIB framework is similar to most investment management organizations, with a board and executive management providing firm-wide leadership with major operating units for investment management, operations, research, risk control, financial management and administration, and public affairs or client services.

Investment professionals comprise the investment division which manages investments in major asset classes including public equity, private equity, real estate, tangible assets, and fixed income. The investment division is also aided by a senior investment officer whose role is the WSIB's primary portfolio risk analyst and the development of asset allocation strategies. The division employs both internal and external investment management strategies.

The operations division provides a number of services in support of the investment function, including trade settlement, cash management, private market funding, cash and stock distributions, foreign and domestic tax matters, and investment compliance monitoring. It provides agency-wide risk management, information systems management, human resources, and administrative services.

The institutional relations division oversees essential areas of strategic communications and related duties typically found in a client services division of an investment management entity. These duties include performance reporting, annual report preparation, proxy voting, corporate governance and managing interactions and relationships with external entities to ensure transparency and dissemination of accurate and timely information.

The administrative office of the investment board and its staff are located at 2100 Evergreen Park Drive S.W., Olympia, Washington 98502.

NEW SECTION

WAC 287-02-045 Processing of public records requests—Request. (1) Any person wishing to inspect or copy public records of WSIB may submit the request in writing using the WSIB's request form, or by letter, fax, or e-mail addressed to the public records manager. The request should include the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any e-mail address;
- Identification of the public records adequate for the public records manager to locate the records; and
- The date and time of day of the request.

(2) If the requestor wishes to have copies of the records made instead of inspecting them, he or she should so indicate. Costs will be assessed in compliance with WAC 287-02-075.

(3) A request form is available for use by requestors at the office of the public records manager and online at <http://www.sib.wa.gov>.

(4) The public records manager may accept public records requests by telephone or in person; however, the requesting party may be asked to reduce the request to writing. In the alternative, the public records manager may confirm receipt of the request and restate the substance of the request in writing.

NEW SECTION

WAC 287-02-047 Processing of public records requests—Response. (1) Within five business days of receipt of the request, the public records manager will do one or more of the following:

- (a) Make the records available for inspection or copying;
- (b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- (c) Provide a reasonable estimate of when records will be available; or
- (d) If the request is unclear or does not sufficiently identify the requested records, obtain clarification from the requestor. Such clarification may be obtained and provided by telephone. The public records manager may then revise the estimate of when records will be available; or
- (e) Deny the request.

(2) In the event that the requested records contain information implicating a third party's privacy or financial interest and any exemption from disclosure of that information arguably applies, the public records manager will, prior to releasing the records to the requestor, give notice to such third parties whose rights may be affected by the disclosure. Such notice is provided so as to make it possible for those third parties to seek an order from a court to prevent or limit the disclosure pursuant to RCW 42.56.540.

The notice shall inform the third party that a request has been made for a record that pertains to the third party and that the WSIB plans to disclose the record in a specified amount of time unless the third party obtains an injunction pursuant to RCW 42.56.540 blocking disclosure. The WSIB shall inform the record requestor that it is providing third-party notice.

(3) Some records are exempt from disclosure, in whole or in part. If WSIB believes that an entire record is exempt from disclosure and should be withheld, the public records manager will identify the record, state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, the public records manager will redact the exempt portions, provide the nonexempt portions, state the specific exemption and provide a brief explanation of why the portions of the record are exempt from disclosure.

(4) When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records manager will close the request and indicate to the requestor that WSIB has closed the request.

AMENDATORY SECTION (Amending WSR 81-23-012, filed 11/10/81)

WAC 287-02-050 ((Public)) Availability of records ((available)). ~~((All public records of the state investment board as defined in WAC 287-02-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.370.))~~ Public records are available for inspection and the preparation of requested copying during the WSIB's normal business hours. For the purposes of this chapter, normal business hours of WSIB are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. Records must be inspected at the main office of the WSIB or other agency location as applicable.

NEW SECTION

WAC 287-02-055 Inspection of public records. (1) Consistent with other demands, WSIB will provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document.

(2) After inspection is complete, the requestor shall identify which documents he or she wishes the agency to copy. Consistent with other demands and the volume of documents requested, WSIB may copy the document at that time or provide the copies to the requestor at a later date.

(3) Within thirty days of the WSIB's notification that the records are available for inspection or copying, the requestor must claim or review the assembled records. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the WSIB may close the request and refile the assembled records. If the requestor makes a request for the same records, it will be processed as a new request.

(4) When the inspection of the requested records is complete and all requested copies are provided, the public records manager will indicate that WSIB has completed its search for the requested records and made any nonexempt records available for inspection.

NEW SECTION

WAC 287-02-057 Protection of public records. (1) The WSIB will maintain its records in a reasonably organized manner. The WSIB will take reasonable actions to protect records from damage and disorganization. A requestor shall not take WSIB records from WSIB offices without the permission of the public records manager. A variety of records is available on the WSIB web site at (www.sib.wa.gov). Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(2) Records will be made available to the requestor subject to the following restrictions:

- (a) The records may not be removed from the area designated;
- (b) The quantity of records may be limited in accordance with the requested use;
- (c) All possible care will be taken by the requestor to prevent damage to the records;
- (d) Records may not be marked, altered, cut or mutilated in any way;
- (e) Use of liquids and fountain pens and eating, drinking, and smoking while utilizing the records is prohibited;
- (f) Records shall not be defaced in any way including writing on, folding or folding anew if in folded form, tracing or fastening with clips or other fasteners except those that may already exist in the file;
- (g) Records must be kept in the order in which received;
- (h) All copying of records will be done by WSIB personnel; and
- (i) Records will be returned to the public records manager by the requestor when no longer required and no later

than the end of the customary office hours as set forth in WAC 287-02-035.

NEW SECTION

WAC 287-02-065 Response to public records request—Installments. (1) When a response to a public records request is complex or involves a large number of records, the public records manager may provide access for inspection and copying in installments pursuant to RCW 42.56.080.

(2) The requestor will be notified when an installment is ready for inspection. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records manager may close the request.

(3) When the request is for copies of public records, the public records manager may require payment for each installment either prior to providing the installment or prior to providing subsequent installments. In addition, the requestor may be required to provide a deposit up to ten percent of the estimated cost of copying all records selected by the requestor. If the requestor fails to pay the required cost within thirty days, the public records manager may close the request.

NEW SECTION

WAC 287-02-067 Processing public records requests—Electronic records. (1) The process for requesting electronic public records is the same as for requesting paper public records.

(2) When a requestor requests records in an electronic format, the public records manager will provide available nonexempt electronic public records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record, or as otherwise agreed to between the requestor and the public disclosure manager.

(3) Whenever possible, WSIB will provide records in electronic format. If the WSIB has only a paper copy of the record, the WSIB, when feasible, may scan the paper record and provide the resulting electronic copy to the requestor. If the WSIB maintains the record in electronic format, the record will be provided in the maintained electronic format unless the requestor specifically asks to receive the record in paper copies or it is otherwise not feasible to provide the record in electronic format.

(4) If a record exists on a web page, WSIB will respond to a request for the record by providing the link to the record on the web page.

(5) WSIB is not required to create a record that does not otherwise exist.

(6) Costs for providing electronic records as provided in this section are governed by WAC 287-02-075.

AMENDATORY SECTION (Amending WSR 81-23-012, filed 11/10/81)

WAC 287-02-070 ((Office hours.)) Exemptions. ~~((Public records shall be available for inspection and copying during the customary office hours of the state investment board. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday excluding legal holidays.))~~ (1) WSIB reserves the right to determine that a public record requested is exempt, in whole or in part, under the provisions of chapter 42.56 RCW or other applicable provision of law.

(2) Financial and commercial information supplied to the WSIB related to the investment of public trust or retirement funds the disclosure of which would result in loss to the trust funds or private loss to the providers of the information is exempt under RCW 42.56.270(6).

(3) In addition, there are exemptions outside the Public Records Act that restrict the availability of some documents held by WSIB for inspection and copying: to include, but not limited to, chapter 19.108 RCW (Uniform Trade Secrets Act) and RCW 5.60.060 (attorney-client privilege).

(4) In addition, WSIB reserves the right to delete identifying details when it makes available any public record in cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.56 RCW.

(5) The WSIB is prohibited by statute from disclosing lists of individuals for commercial purposes pursuant to RCW 42.56.070(9).

NEW SECTION

WAC 287-02-075 Costs of providing public records.

(1) There is no fee for inspecting public records. WSIB may impose a charge for providing public records. WSIB will maintain a fee schedule on its web site.

(2) The charge for providing public records may be the actual cost incident to providing the records.

(a) The charge may include the actual cost of the postage or delivery, including the cost of the shipping container, cost of duplicating tape recordings, videotapes, photographs, slides, disks or similar media.

(b) There will be no charge for e-mailing electronic records to a requestor, unless another cost applies.

(3) If determining the actual cost is too burdensome or if the cost cannot be determined, WSIB may charge fifteen cents for each page, however produced.

(4) Before beginning to copy public records, the public records manager may require:

(a) A deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor;

(b) The payment of the remainder of the copying costs before providing all the records; or

(c) The payment of the costs of copying an installment before providing that installment. The WSIB will not charge sales tax when it makes copies of public records.

(5) Payment may be made by cash in the exact amount charged, check, or money order to the Washington state investment board.

AMENDATORY SECTION (Amending WSR 81-23-012, filed 11/10/81)

WAC 287-02-080 Review of denials of requests for public records. ~~((In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:~~

~~(1) A request shall be made in writing upon a form prescribed by the state investment board which shall be available at its administrative office. The form shall be presented to the public records officer, or to any member of the board's staff, if the public records officer is not available at the administrative office of the board during customary office hours. The request shall include the following information:~~

- ~~(a) The name of the person requesting the record;~~
- ~~(b) The time of day and calendar date on which the request was made;~~
- ~~(c) The nature of the request;~~
- ~~(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;~~
- ~~(e) If the requested matter is not identifiable by reference to the board's current index, and appropriate description of the record requested.~~

~~(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.)~~ (1)(a) Any person who has been denied an opportunity to inspect or copy a public record by the WSIB or who believes that the WSIB has not made a reasonable estimate of the time required to respond to a public record request may petition the WSIB for prompt review of its decision.

(b) The petition shall be in writing and shall include a copy of, or reasonably identify, the written statement by the public records manager denying the request or providing the estimate.

(c) The petition shall be sent to the public records manager who shall promptly provide the petition and any other relevant information to the agency official designated by the agency to conduct the review.

(2) The designated WSIB official will immediately consider the petition and either affirm or reverse the denial or the estimate. This review will be complete within two business days following WSIB's receipt of the petition, or within such times as mutually agreed by WSIB and the requestor.

(3) Administrative remedies shall not be considered exhausted until the WSIB has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

(4) Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

NEW SECTION

WAC 287-02-085 Records index. (1) The state general records retention schedule and the WSIB's unique records retention schedule, as established and approved by the state records committee, serve as the index for the identification and location of the WSIB's records, including those described in RCW 42.56.070(5).

(2) The current index, as described in subsection (1) of this section, is available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. The index can be found on the WSIB web site at <http://www.sib.wa.gov>.

AMENDATORY SECTION (Amending WSR 81-23-012, filed 11/10/81)

WAC 287-02-090 ~~((Copying))~~ Communications with the agency. ~~((No fee shall be charged for the inspection of public records. The board shall charge a fee for copying public records not to exceed 50 cents per page. This charge is the amount necessary to reimburse the board for its actual costs incident to such copying.))~~ All communications with WSIB to access public records of the WSIB or seek assistance in making such a request, or for the purpose of obtaining information, making submittals or requests, or making inquiries concerning the agency's rules for compliance with chapter 42.56 RCW shall be addressed as follows:

Washington State Investment Board
Public Records Manager
2100 Evergreen Park Drive S.W.
P.O. Box 40916
Olympia, WA 98504-0916

The telephone number of the public records manager is 360-956-4748, or you can e-mail your request to PublicRecordsRequest@sib.wa.gov.

Information is also available at the WSIB web site at <http://www.SIB.wa.gov>.

NEW SECTION

The following sections of the Washington Administrative Code are decodified and recodified as follows:

Old WAC Number	New WAC Number
287-02-020	287-02-015
287-02-030	287-02-023
287-02-040	287-02-025
287-02-050	287-02-035

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 287-02-060 Public records officer.
- WAC 287-02-100 Exemptions.

- WAC 287-02-110 Review of denials of public record requests.
- WAC 287-02-120 Records index.
- WAC 287-02-130 State investment board address.
- WAC 287-02-140 Adoption of form.

WSR 16-24-050
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed December 1, 2016, 5:00 p.m., effective January 1, 2017]

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

Purpose: The department is amending WAC 388-400-0047 Am I eligible for the heat and eat program?, to add the Washington combined application project (WASHCAP) population to the heat and eat program. This change is needed in order to be consistent with federal requirements for the low income energy assistance program under the WASHCAP project renewal.

Citation of Existing Rules Affected by this Order: Amending WAC 388-400-0047.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.515, 74.08.090, 74.04.500, 74.08A.010, 74.08A.903, Food and Nutrition Act of 2008 (P.L. 110-246, 7 U.S.C.) as amended by P.L. 113-79.

Other Authority: 7 C.F.R. 273.

Adopted under notice filed as WSR 16-21-086 on October 18, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 1, 2016.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-22-076, filed 11/3/14, effective 1/1/15)

WAC 388-400-0047 (~~(Am I eligible for)~~) **What is the heat and eat program and are you eligible?** (1) What is the heat and eat program?

(a) The heat and eat program is a special energy assistance program for certain assistance units (~~(receiving)~~) that receive basic food, Washington combined application project (WASHCAP), or the food assistance program for legal immigrants (FAP).

(b) An assistance unit (AU) in heat and eat program receives up to (~~(\$20.01)~~) twenty dollars and one cent in federal low income home energy assistance program (LIHEAP) benefits. This LIHEAP benefit makes the AU eligible for the standard utility allowance under WAC 388-450-0195 for twelve months.

(2) If you receive WASHCAP, you will get LIHEAP and your AU is eligible for the standard utility allowance under WAC 388-450-0195 for twelve months.

(3) Is (~~(my)~~) you assistance unit eligible for heat and eat?

Your AU is eligible for heat and eat if you meet all of the following:

(a) You receive at least (~~(\$1)~~) one dollar in basic food or FAP benefits(~~(s)~~) prior to any recoupments;

(b) (~~(You do not receive WASHCAP;~~

~~(e))~~) You do not receive transitional food assistance (TFA);

(~~((c))~~) (c) You are not eligible for the standard utility allowance (SUA) under WAC 388-450-0195 based on having out of pocket costs for heating or cooling;

(~~((e))~~) (d) You have not received a regular LIHEAP benefit amount of more than twenty dollars in the past twelve months; and

(~~((f))~~) (e) You **do not** receive the maximum allotment for your AU size under WAC 388-478-0060 without using the SUA.

(~~((3))~~) (4) How do (~~(f)~~) you receive heat and eat?

(a) If you are eligible for heat and eat, we deposit the benefit on your EBT card.

(b) The heat and eat benefit is good for twelve months.

(c) After twelve months, we look at your circumstances to see if you are still eligible for heat and eat.

(~~((4))~~) (5) How do (~~(f)~~) you apply for heat and eat?

(a) You do not apply for heat and eat.

(b) We will determine if your AU is eligible to receive heat and eat and automatically provide the benefit to you (~~(the benefit)~~).

WSR 16-24-051
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed December 1, 2016, 5:07 p.m., effective January 1, 2017]

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

Purpose: The department is amending WAC 388-450-0185 What income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits?, 388-450-0190 How does the department figure my shelter cost income deduction for basic food?, 388-450-0195 Does the department use my util-

ity costs when calculating my basic food or WASHCAP benefits? and 388-478-0060 What are the income limits and maximum benefit amounts for basic food?, to implement annual adjustments to standards for the Washington basic food program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0185, 388-450-0190, 388-450-0195, and 388-478-0060.

Statutory Authority for Adoption: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120.

Other Authority: The proposed amendments adopt basic food standards for federal fiscal year (FY) 2017 in order to comply with requirements of the United States Department of Agriculture, Food and Nutrition Service (FNS), per Supplemental Nutrition Assistance Program (SNAP) Administrative Notice 16-38: SNAP - FY 2017 cost-of-living adjustments dated August 12, 2016. The amendments update basic food standards for FY 2017 to comply with requirements of the United States Department of Agriculture, FNS (FNS7 C.F.R. § 273.9 (d)(iii)(B)[I]), and update the basic food standard utility allowance, limited utility allowance and telephone utility allowance used to comply with SNAP 10-6-WA-SUA dated August 15, 2016.

Adopted under notice filed as WSR 16-21-085 on October 18, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Date Adopted: December 1, 2016.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-24-075, filed 11/25/15, effective 12/26/15)

WAC 388-450-0185 What income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits?

(1) We determine if your assistance unit (AU) is eligible for basic food and calculate your monthly benefits according to requirements of the Food and Nutrition Act of 2008 and federal regulations related to the supplemental nutrition assistance program (SNAP).

(2) Under these federal laws (~~allow us to~~), we subtract (~~only~~) the following amounts from your AU's total monthly

income to determine your countable monthly income under WAC 388-450-0162:

~~((+))~~ (a) A standard deduction based on the number of eligible people in your AU under WAC 388-408-0035:

Eligible AU members	Standard deduction
1	(\$155) \$157
2	(\$155) \$157
3	(\$155) \$157
4	\$ 168
5	\$ 197
6 or more	\$ 226

~~((=))~~ (b) Twenty percent of your AU's gross earned income (earned income deduction);

~~((=))~~ (c) Your AU's expected monthly dependent care expense needed for an AU member to:

~~((+))~~ (i) Keep work, look for work, or accept work;

~~((+))~~ (ii) Attend training or education to prepare for employment; or

~~((+))~~ (iii) Meet employment and training requirements under chapter 388-444 WAC(-);

~~((+))~~ (d) Medical expenses over thirty-five dollars a month owed or anticipated by an elderly or disabled person in your AU as allowed under WAC 388-450-0200(-); and

~~((=))~~ (e) A portion of your shelter costs as described in WAC 388-450-0190.

AMENDATORY SECTION (Amending WSR 15-24-075, filed 11/25/15, effective 12/26/15)

WAC 388-450-0190 How does the department figure my shelter cost income deduction for basic food? The department calculates your shelter cost income deduction for basic food as follows:

(1) First, we add up the amounts your assistance unit (AU) must pay each month for shelter. We do not count any overdue amounts, late fees, penalties, or mortgage payments you make ahead of time as ~~((+))~~ allowable ~~((+))~~ shelter costs. We count the following expenses as an allowable shelter cost in the month the expense is due:

(a) Monthly rent, lease, and mortgage payments;

(b) Property taxes;

(c) Homeowner's association or condo fees;

(d) Homeowner's insurance for the building only;

(e) Utility allowance your AU is eligible for under WAC 388-450-0195;

(f) Out-of-pocket repairs for the home if it was substantially damaged or destroyed due to a natural disaster such as a fire or flood;

(g) Expense of a temporarily unoccupied home because of employment, training away from the home, illness, or abandonment caused by a natural disaster or casualty loss if your:

(i) AU intends to return to the home;

(ii) AU has current occupants who are not claiming the shelter costs for basic food purposes; and

(iii) AU's home is not being leased or rented during your AU's absence.

(2) Second, we subtract all deductions your AU is eligible for under WAC 388-450-0185 ~~((4))~~ (2)(a) through ~~((4))~~ (2)(d) from your AU's gross income. The result is your AU's countable income.

(3) Finally, we subtract one-half of your AU's countable income from your AU's total shelter costs. The result is your excess shelter costs. Your AU's shelter cost deduction is the excess shelter costs:

(a) Up to a maximum of five hundred ~~((four))~~ seventeen dollars if no one in your AU is elderly or disabled; or

(b) The entire amount if an eligible person in your AU is elderly or disabled, even if the amount is over five hundred ~~((four))~~ seventeen dollars.

AMENDATORY SECTION (Amending WSR 15-24-075, filed 11/25/15, effective 12/26/15)

WAC 388-450-0195 Does the department use my utility costs when calculating my basic food or WASH-CAP benefits? (1) The department uses utility allowances instead of the actual utility costs your assistance unit (AU) pays when we determine your:

(a) Monthly benefits under WAC 388-492-0070 if you receive ~~((WASHCAP))~~ Washington state combined application project (WASHCAP); or

(b) Shelter cost income deduction under WAC 388-450-0190 for basic food.

(2) ~~((For basic food, "utilities" include the following:~~

~~(a) Heating or cooling fuel;~~

~~(b) Electricity or gas;~~

~~(c) Water;~~

~~(d) Sewer;~~

~~(e) Well installation/maintenance;~~

~~(f) Septic tank installation/maintenance;~~

~~(g) Garbage/trash collection; and~~

~~(h) Telephone service.~~

~~(3))~~ We use the amounts ~~((below))~~ in this subsection if you have utility costs separate from your rent or mortgage payment:

(a) If your AU has heating or cooling costs **or** receives more than twenty dollars in low income home energy assistance ~~((Act (LIHEEA)))~~ program (LIHEAP) benefits each year, you get a standard utility allowance (SUA) of four hundred ~~((twenty))~~ eleven dollars.

(b) If your AU does not qualify for the SUA and you have any two utility costs listed in subsection ~~((2))~~ (3) of this section, you get a limited utility allowance (LUA) of three hundred ~~((forty))~~ nineteen dollars.

(c) If your AU has only telephone costs and no other utility costs, you get a telephone utility allowance (TUA) of ~~((sixty-five))~~ fifty-seven dollars.

(3) "Utility costs" include the following:

(a) Heating or cooling fuel;

(b) Electricity or gas;

(c) Water;

(d) Sewer;

(e) Well installation/maintenance;

(f) Septic tank installation/maintenance;

(g) Garbage/trash collection; and

(h) Telephone service.

(4) If you do not have a utility cost separate from your rent or mortgage payment and do not receive low income energy assistance program (LIHEAP), you do not receive a utility allowance.

AMENDATORY SECTION (Amending WSR 15-24-075, filed 11/25/15, effective 12/26/15)

WAC 388-478-0060 What are the income limits and maximum benefit amounts for basic food? (1) If your assistance unit (AU) meets all other eligibility requirements for basic food, your AU must have income at or below the limits in column B and C of this subsection to get basic food, unless you meet one of the exceptions listed below in subsection (2) of this section. The maximum monthly food assistance benefit your AU could receive is listed in column D of this subsection.

EFFECTIVE ~~((10/1/2015))~~ 10/1/2016

Column A Number of Eligible AU Members	Column B Maximum Gross Monthly Income	Column C Maximum Net Monthly Income	Column D Maximum Allotment	Column E 165% of Poverty Level
1	\$ ((1,276)) <u>1,287</u>	\$ ((984)) <u>990</u>	\$ 194	\$ ((1,649)) <u>1,634</u>
2	((1,726)) <u>1,736</u>	((1,328)) <u>1,335</u>	357	((2,194)) <u>2,203</u>
3	((2,177)) <u>2,184</u>	((1,675)) <u>1,680</u>	511	((2,763)) <u>2,772</u>
4	((2,628)) <u>2,633</u>	((2,024)) <u>2,025</u>	649	((3,335)) <u>3,342</u>
5	((3,078)) <u>3,081</u>	((2,368)) <u>2,370</u>	771	((3,907)) <u>3,911</u>
6	((3,529)) <u>3,530</u>	2,715	925	((4,479)) <u>4,480</u>
7	3,980	3,061	1,022	5,051

EFFECTIVE (~~(10/1/2015)~~) 10/1/2016

Column A Number of Eligible AU Members	Column B Maximum Gross Monthly Income	Column C Maximum Net Monthly Income	Column D Maximum Allotment	Column E 165% of Poverty Level
8	4,430	3,408	1,169	5,623
9	4,881	3,755	1,315	6,195
10	5,332	4,102	1,461	6,767
Each Additional Member	+451	+347	+146	+572

(2) Exceptions:

~~((1))~~ (a) If your AU is categorically eligible as under WAC 388-414-0001, your AU does not have to meet the gross or net income standards in columns B and C of subsection (1) of this section. We (~~((1))~~) budget your AU's income to decide the amount of basic food your AU will receive.

~~((2))~~ (b) If your AU includes a member who is sixty years of age or older or has a disability, your AU's income must be at or below the limit in column C (~~((1))~~) of subsection (1) of this section.

~~((3))~~ (c) If you are sixty years of age or older and cannot buy and cook your own meals because of a permanent disability, we will use column E of subsection (1) of this section to decide if you can be a separate AU.

~~((4))~~ (d) If your AU has zero income, your benefits are the maximum allotment in column D of subsection (1) of this section, based on the number of eligible members in your AU.

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: December 1, 2016.

Derek I. Sandison
Director

WSR 16-24-052

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed December 2, 2016, 8:47 a.m., effective January 2, 2017]

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

Purpose: This rule-making order amends chapter 16-228 WAC, General pesticide rules, by:

1. Establishing a new licensing classification that can address various areas of specialty;
2. Moving some of the existing specialized licensing classifications that have few licensees into the new specialty classification;
3. Deleting the classification of "soil fumigation" since it is obsolete and has been replaced by "soil fumigation RMM"; and
4. Revising the language to increase clarity and readability and to conform with current industry practices.

Citation of Existing Rules Affected by this Order: Amending WAC 16-228-1545, 16-228-1546, and 16-228-2050.

Statutory Authority for Adoption: RCW 15.58.040 and 17.21.030.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 16-20-070 on October 3, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

AMENDATORY SECTION (Amending WSR 13-02-024, filed 12/20/12, effective 1/20/13)

WAC 16-228-1545 What are the pesticide licensing requirements?

(1) All individuals licensed or required to be licensed as commercial pesticide applicators, commercial pesticide operators, private-commercial applicators, demonstration and research applicators, public operators, structural pest inspectors, pest control consultants and public pest control consultants must be certified, through examination, in all pest control classifications defined in subsection (3)(a) (~~((through (y)))~~) and (b) of this section in which they operate, inspect or consult. Additionally, commercial pesticide applicators must be licensed in all classifications that the business operates. Licensed applicators may directly supervise unlicensed applicators only in those classifications in which they have a valid certification.

(2) To qualify for any pesticide license listed in subsection (1) of this section, applicants, except the structural pest inspector, must pass a "laws and safety" examination or equivalent, that includes, but is not limited to, the following: The state and federal laws governing pesticide use and the regulating agencies; general pesticide uses and application techniques; safe use of pesticides; general pesticide labeling comprehension; environmental fate of pesticides, and appropriate storage and disposal of pesticides and their containers. Individuals holding valid, passing scores on the private applicator or dealer manager exam are exempt from this examination requirement. Structural pest inspectors conducting complete wood destroying organism inspections must pass a "structural pest inspector laws and standards" examination or equivalent that includes, but is not limited to, the legal

requirements governing structural pest inspectors and the standards for conducting complete wood destroying organism inspections.

(3) License classifications.

~~((a) Agricultural weed: The control of weeds, except with soil fumigants, in all agricultural crops including forest environments, and in former agricultural lands now in a non-erop status.~~

~~(b) Rights of way weed: The control of weeds, including cut stumps, on, but not limited to, terrestrial rights of way locations such as roads and/or highways, railroads, power lines and irrigation ditches and to industrial sites, including, but not limited to, airports, industrial parks, and large parking areas.~~

~~(c) Turf and ornamental weed: The control of weeds (and moss), including cut stumps, in ornamental and turf situations, which includes, but is not limited to, golf courses, parks, schools, lawns, yards, gardens, hospitals, vacant lots and open nonerop waste areas.~~

~~(d) Structural and turf demossing: The control of moss on structures and turf.~~

~~(e) Stump treatment: The use of herbicides on cut stumps to control resprouting.~~

~~(f) Soil fumigation: The use of soil-applied fumigants on agricultural crops and nonerop land to control pests including weeds, insects and diseases.~~

~~(g) Soil fumigation RMM: The use of soil fumigants to control pests including weeds, insects, and diseases. This category addresses risk mitigation measures on soil fumigant labels as a result of EPA's Reregistration Eligibility Decision process.~~

~~(h) Sewer root: Control of roots in sewer lines.~~

~~(i) Agricultural insect and disease: The control of insects and diseases, except with soil fumigants, in agricultural crops including forest environments.~~

~~(j) Ornamental insect and disease: The control of insects and diseases in ornamental, turf and rights of way situations including, but not limited to, golf courses, parks, schools, lawns, yards, gardens, greenhouses, hospitals and rest homes. This includes, but is not limited to, the use of insecticides, miticides, fungicides, bacteriocides, molluscides and nematocides.~~

~~(k) Interior plantseaping: The control of insects and diseases in interior plantseapes.~~

~~(l) PCO general: The control of insects, spiders, birds, rodents and animal pests in and around, but not limited to, the following situations: Residences, public buildings and grounds, commercial buildings and grounds, disposal sites, animal feed lots and farmsteads, including buildings and transportation equipment.~~

~~(m) PCO structural: The control of structurally destructive pests including, but not limited to, fungus, termites, carpenter ants, carpenter bees and wood boring beetles. This classification allows a licensee to perform specific wood destroying organism inspections.~~

~~(n) Structural pest inspector: Allows for the commercial inspection of buildings for structurally destructive pests, their damage and conditions conducive to their development. This classification is required to perform complete wood destroying organism inspections.~~

~~(o) Stored grain: The use of pesticides (including fumigants and rodenticides) in grain storing facilities and railcars.~~

~~(p) Fumigant: The use of fumigants only (such as methyl bromide and aluminum phosphide) on stored commodities.~~

~~(q) Seed treatment: The application of pesticides to seeds to control destructive insects and diseases.~~

~~(r) Sprout inhibitor: Use of a pesticide to control sprouting in stored potatoes.~~

~~(s) Livestock pest: The control of external and internal pests of animals, with the exception of viruses including, but not limited to, beef cattle, dairy cattle, swine, sheep, horses, goats and poultry, and also treatment of livestock premises.~~

~~(t) Pest animal: The control of pest animals in agricultural situations.~~

~~(u) Aquatic: The control of aquatic pests in water areas including, but not limited to, canals, rivers, streams, lakes, ponds, marshes and pipe lines.~~

~~(v) Aquatic irrigation: Limited to the control of aquatic pests in irrigation district water delivery systems where the pesticide is applied directly into the water or enters the water due to the application of the pesticide. Pests include, but are not limited to, moss, algae, cattails, pond weeds and other emersed and submersed aquatic weeds.~~

~~(w) Public health: Application of pesticides by governmental employees and certain others in public health programs such as, but not limited to, mosquito control, rodent control and insect control in situations having medical and public health importance.~~

~~(x) Aquatic antifouling: Use of antifouling paints to control fouling organisms on marine vessels.~~

~~(y) Wood treatment: Use of wood preservatives for the control of wood damaging pests.) (a)(i) Aquatic: The control of aquatic pests in water areas including, but not limited to, canals, rivers, streams, lakes, ponds, marshes and pipe lines.~~

~~(ii) Aquatic irrigation: Limited to the control of aquatic pests in irrigation district water delivery systems where the pesticide is applied directly into the water or enters the water due to the application of the pesticide. Pests include, but are not limited to, moss, algae, cattails, pond weeds and other emersed and submersed aquatic weeds.~~

~~(iii) Insect and disease - Agricultural: The control of insects and diseases, except with soil fumigants, in agricultural crops including forest environments.~~

~~(iv) Insect and disease - Ornamental: The control of insects and diseases in ornamental, turf and rights of way situations including, but not limited to, golf courses, parks, schools, lawns, yards, gardens, greenhouses, hospitals and rest homes. This includes, but is not limited to, the use of insecticides, miticides, fungicides, bacteriocides, molluscides and nematocides.~~

~~(v) Pest animal: The control of pest animals in agricultural situations.~~

~~(vi) Pest control operator (PCO) - General: The control of in-sects, spiders, birds, rodents and animal pests in and around, but not limited to, the following situations: Residences, public buildings and grounds, commercial buildings and grounds, disposal sites, animal feed lots and farmsteads, including buildings and transportation equipment.~~

~~(vii) Pest control operator (PCO) - Structural: The control of structurally destructive pests including, but not limited~~

to, fungus, termites, carpenter ants, carpenter bees and wood-boring beetles. This classification allows a licensee to perform specific wood destroying organism inspections.

(viii) Public health: Application of pesticides by governmental employees and certain others in public health programs such as, but not limited to, mosquito control, rodent control and insect control in situations having medical and public health importance.

(ix) Seed treatment: The application of pesticides to seeds to control destructive insects and diseases.

(x) Soil fumigation - Risk mitigation measures (RMM): The use of soil fumigants to control pests including weeds, insects, and diseases. This category addresses risk mitigation measures on soil fumigant labels as a result of EPA's reregistration eligibility decision process.

(xi) Stored grain: The use of pesticides (including fumigants and rodenticides) in grain storing facilities and railcars.

(xii) Structural pest inspector: Allows for the commercial inspection of buildings for structurally destructive pests, their damage and conditions conducive to their development. This classification is required to perform complete wood destroying organism inspections.

(xiii) Stump treatment: The use of herbicides on cut stumps to control resprouting.

(xiv) Weeds - Agricultural: The control of weeds, except with soil fumigants, in all agricultural crops including forest environments, and in former agricultural lands now in a non-crop status.

(xv) Weeds - Rights of way: The control of weeds, including cut stumps on, but not limited to, terrestrial rights of way locations such as roads and/or highways, railroads, power lines and irrigation ditches and to industrial sites including, but not limited to, airports, industrial parks, and large parking areas.

(xvi) Weeds - Turf and ornamental: The control of weeds (and moss), including cut stumps, in ornamental and turf situations, which includes, but is not limited to, golf courses, parks, schools, lawns, yards, gardens, hospitals, vacant lots and open noncrop waste areas.

(b) Limited-specialty: Pest control classification made available by the department for certain pest control activities not included in one of the defined license classifications specified in (a) of this subsection. The department may maintain a list of currently available limited-specialty subclassifications on the department web site. The department at its discretion may, by rule, recategorize a limited-specialty subclassification under (b) of this subsection as a license classification under (a) of this subsection.

(4) All examinations required under this section shall be written and taken without the aid of any materials that contain information relevant to the exam content. Reading of exams by an individual other than the applicant is not permitted.

(5) A passing score of seventy percent is established for all the examinations required under this section. The department may establish separate passing scores for the examinations if a validated process is used. Passing scores are valid for obtaining a license in the calendar year in which the examination is taken plus the following calendar year.

(6) The department may waive any of the examination requirements contained in this section for any person holding

a valid certification with similar classifications from an EPA or Canadian approved federal, state or provincial certification program with comparable examination and recertification standards.

AMENDATORY SECTION (Amending WSR 14-24-031, filed 11/21/14, effective 12/22/14)

WAC 16-228-1546 What are the requirements for a private applicator license? (1) To qualify for a private applicator license, an individual must pass a private applicator examination. The examination shall be written and taken without the aid of any materials that contain information relevant to the exam content. Reading of exams by an individual other than the applicant is not permitted. Individuals holding valid, passing scores on the laws and safety examination, or equivalent, or the dealer manager exam, and one of the classifications in WAC 16-228-1545 (3)(a) ~~((or (i)))~~ ~~(iii)~~ or (xiv) or the now retired statewide classification, are exempt from this examination requirement.

(2) Private applicators making aquatic applications to water that moves off their own or their employer's agricultural land must obtain the aquatic classification described in WAC 16-228-1545 (3) ~~((or (i)))~~ (a)(i). Private applicators applying soil fumigants may obtain the soil fumigation classification described in WAC 16-228-1545 (3) ~~((or (i)))~~ (a)(x) as an option to meet label required active ingredient training.

(3) A passing score of seventy percent is established for the examinations required under this section. The department may establish separate passing scores for the examinations if a validated process is used. Passing scores are valid for obtaining a license in the calendar year in which the examination is taken plus the following calendar year.

(4) The department may waive the examination requirements contained in this section for any person holding a valid certification with similar classifications from an EPA or Canadian approved federal, state or provincial certification program with comparable examination and recertification standards.

AMENDATORY SECTION (Amending WSR 02-24-025, filed 11/27/02, effective 12/28/02)

WAC 16-228-2050 Specific wood destroying organism inspections. (1) Specific WDO inspections must only be conducted by individuals licensed in the ~~((category E-))~~ classification of pest control operator structural ~~((or PI-))~~ specified in WAC 16-228-1545 (3)(a)(vii) or structural pest inspector ~~((or))~~ specified in WAC 16-228-1545 (3)(a)(xiii). Such inspections will be conducted in accordance with the rules established by this section.

(2) A specific WDO inspection must be conducted in conjunction with any proposal or estimate for prevention or control of WDOs.

(3) When no evidence of infestation is observed and any proposed treatment is for preventative purposes only, a statement explaining such a situation must stand out by having larger print than the main body of the report, be highlighted, underlined, or be in bold print and be signed by the property owner or their designated representative.

WSR 16-24-054
PERMANENT RULES
BOARD OF INDUSTRIAL
INSURANCE APPEALS

[Filed December 2, 2016, 9:15 a.m., effective January 2, 2017]

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

Purpose: To revise the board's rules of practice and procedure by amending WAC 263-12-01501, 263-12-020, 263-12-059, 263-12-095, 263-12-116, 263-12-117, 263-12-118, and 263-12-145. Rules are being modified to meet current business needs including changes necessary for the board of industrial insurance appeals (BIIA) to transition to electronic filing and a paperless file, to provide specific guidance on nonattorney representation of parties, and to clarify current practice and procedure for conferences, hearings, perpetuation deposition and motion or petition filing before BIIA. Other amendments are made to correct typographical errors.

Citation of Existing Rules Affected by this Order: Amending WAC 263-12-01501, 263-12-020, 263-12-059, 263-12-095, 263-12-116, 263-12-117, 263-12-118, and 263-12-145.

Statutory Authority for Adoption: RCW 51.52.020.

Adopted under notice filed as WSR 16-21-082 on October 18, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 8, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 8, Repealed 0.

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

Date Adopted: December 2, 2016.

Brian O. Watkins
Executive Secretary

AMENDATORY SECTION (Amending WSR 14-24-105, filed 12/2/14, effective 1/2/15)

WAC 263-12-01501 Communications and filing with the board. (1) **Where to file communications with the board.** Except as provided elsewhere in this section all written communications shall be filed with the board at its headquarters in Olympia, Washington. With written permission of the industrial appeals judge assigned to an appeal, depositions, witness confirmations, motions (other than motions for stay filed pursuant to RCW 51.52.050), briefs, stipulations, agreements, and general correspondence may be filed in the appropriate regional board facilities located in Tacoma, Spokane, or Seattle.

(2) **Methods of filing.** Unless otherwise provided by statute or these rules any written communication may be filed with the board personally, by mail, by telephone facsimile, or by electronic filing. Failure of a party to comply with the filing methods set forth in these rules or statute for filing written communications may prevent consideration of a document.

(a) **Filing personally.** The filing of a written communication with the board personally is accomplished by delivering the written communication to an employee of the board at the board's headquarters in Olympia during customary office hours.

(b) **Filing by mail.** The filing of a written communication with the board is accomplished by mail when the written communication is deposited in the United States mail, properly addressed to the board's headquarters in Olympia and with postage prepaid. Where a statute or rule imposes a time limitation for filing the written communication, the party filing the same should include a certification demonstrating the date filing was perfected as provided under this subsection. Unless evidence is presented to the contrary, the date of the United States postal service postmark shall be presumed to be the date the written communication was mailed to the board.

(c) **Filing by telephone facsimile.**

(i) The filing of a written communication with the board by telephone facsimile is accomplished when a legible copy of the written communication is reproduced on the board's telephone facsimile equipment during the board's customary office hours. All facsimile communications must be filed with the board via fax numbers listed on the board's web site.

(ii) The hours of staffing of the board's telephone facsimile equipment are the board's customary office hours. Documents sent by facsimile communication comments outside of the board's customary office hours will be deemed filed on the board's next business day.

(iii) Any written communication filed with the board by telephone facsimile should be preceded by a cover page identifying the party making the transmission, listing the address, telephone and telephone facsimile number of such party, referencing the appeal to which the written communication relates, and indicating the date of, and the total number of pages included in, such transmission. A separate transmission must be used for each appeal. Transmissions containing more than one docket number will be rejected and filing will not be accomplished, unless the multiple docket numbers have been previously consolidated by the board.

(iv) ~~((Written communication should not exceed fifteen pages in length, exclusive of the cover page required by this rule.~~

~~((v)))~~ The party attempting to file a written communication by telephone facsimile bears the risk that the written communication will not be received or legibly printed on the board's telephone facsimile equipment due to error in the operation or failure of the equipment being utilized by either the party or the board.

~~((vi)))~~ (v) The board may require a party to file an original of any document previously filed by telephone facsimile.

(d) **Electronic filing.** Electronic filing is accomplished by using the electronic filing link on the board's web site. Communication sent by e-mail will not constitute or accomplish filing. Communication filed using the board's web site

outside of the board's customary office hours will be deemed filed on the board's next business day. A separate transmission must be used for each appeal. Transmissions containing more than one docket number will be rejected and filing will not be accomplished, unless the multiple docket numbers have been previously consolidated by the board.

(3) **Electronic filing of a notice of appeal.** A notice of appeal may be filed electronically when using the appropriate form for electronic filing of appeals as provided on the board's web site. An electronic notice of appeal is filed when it is received by the board's designated computer during the board's customary office hours pursuant to WAC 263-12-015. Appeals received via the board's web site outside of the board's customary office hours will be deemed filed on the board's next business day. The board will issue confirmation to the filing party that an electronic notice of appeal has been received. The board may reject a notice of appeal that fails to comply with the board's filing requirements. The board will notify the filing party of the rejection.

(4) **Electronic filing of application for approval of claim resolution structured settlement agreement.** An application for approval of claim resolution structured settlement agreement must be filed electronically using the form for electronic filing of applications for approval of claim resolution structured settlement agreement as provided on the board's web site. An electronic application for approval of claim resolution structured settlement agreement is filed when received by the board's designated computer during the board's customary office hours pursuant to WAC 263-12-015. Applications received by the board via the board's web site outside of the board's customary office hours will be deemed filed on the board's next business day. The board will issue confirmation to the filing party that an electronic application for approval of claim resolution structured settlement agreement has been received. An electronic copy of the signed agreement for claim resolution structured settlement agreement must be submitted as an attachment to the application for approval. The board will reject an application for approval of claim resolution structured settlement agreement that fails to comply with the board's filing requirements. The board will notify the filing party of the rejection.

(5) **Sending written communication.** All correspondence or written communication filed with the board pertaining to a particular case, before the entry of a proposed decision and order, should be sent to the attention of the industrial appeals judge assigned to the case. Interlocutory appeals should be sent to the attention of the chief industrial appeals judge. In all other instances, written communications shall be directed to the executive secretary of the board.

(6) **Form requirements.** Any written communications with the board concerning an appeal should reference the docket number assigned by the board to the appeal, if known. Copies of any written communications filed with the board shall be furnished to all other parties or their representatives of record, and the original shall demonstrate compliance with this requirement. All written communications with the board shall be on paper 8 1/2" x 11" in size.

AMENDATORY SECTION (Amending WSR 14-24-105, filed 12/2/14, effective 1/2/15)

WAC 263-12-020 Appearances of parties before the board. (1) **Who may appear?** Any party to any appeal may appear before the board at any conference or hearing held in such appeal, either on the party's own behalf or by a representative as described in subsections (3) and (4) of this section.

(2) **Who must obtain approval prior to representing a party?** A person who is disbarred, resigns in lieu of discipline, or is presently suspended from the practice of law (~~(for disciplinary reasons)~~) in any jurisdiction, or has previously been denied admission to the bar in any jurisdiction for reasons other than failure to pass a bar examination, shall not represent a party without the prior approval of the board. A written petition for approval shall be filed sixty calendar days prior to any event for which the person seeks to appear as a representative. The board may deny any petition that fails to demonstrate competence, moral character, or fitness.

(3) **Who may represent a party?**

(a) A worker or beneficiary may be represented by:

(i) An attorney at law with membership in good standing in the Washington state bar association or a paralegal supervised by an attorney at law with membership in good standing in the Washington state bar association.

(ii) An attorney at law with membership in good standing in the highest court of any other state or the District of Columbia.

(iii) A lay representative so long as the person does not charge a fee (~~and~~), is not otherwise compensated for the representation except as provided in (a)(iv) of this subsection, and files a declaration or affidavit with the board certifying compliance with this rule. The industrial appeals judge may alternatively permit this certification to be made under oath and reflected in a transcript or report of proceeding.

(iv) A (~~person~~) lay representative employed by the worker's labor union whose duties include handling industrial insurance matters for the union, provided the person files a declaration or affidavit with the board certifying this status. The industrial appeals judge may alternatively permit this certification to be made under oath and reflected in a transcript or report of proceeding.

(v) Any lay representative seeking to represent a worker or beneficiary who has not provided the certification required under (a)(iii) and (iv) of this subsection will be excluded from serving as a worker's or beneficiary's representative.

(b) An employer or retrospective rating group may be represented by:

(i) An attorney at law with membership in good standing in the Washington state bar association or a paralegal supervised by an attorney at law with membership in good standing in the Washington state bar association.

(ii) An attorney at law with membership in good standing in the highest court of any other state or the District of Columbia.

(iii) A lay representative who is an employee of the employer or retrospective rating group.

(iv) A firm that contracts with the employer or retrospective rating group to handle matters pertaining to industrial insurance.

(c) The department of labor and industries may be represented by:

(i) An attorney employed as assistant attorney general or appointed as a special assistant attorney general.

(ii) A paralegal supervised by an assistant attorney general or special assistant attorney general.

(iii) An employee of the department of labor and industries designated by the director, or his or her designee, in a claim resolution structured settlement agreement under RCW 51.04.063.

(d) A licensed legal intern may represent any party consistent with Washington state admission to practice rule 9(c).

(4) Appeals under the Washington Industrial Safety and Health Act.

(a) In an appeal by an employee or employee representative under the Washington Industrial Safety and Health Act, the cited employer may enter an appearance as prescribed in subsection (7) of this section and will be deemed a party to the appeal.

(b) In an appeal by an employer, under the Washington Industrial Safety and Health Act, an employee or employee representative may enter an appearance as prescribed in subsection (7) of this section and will be deemed a party to the appeal.

(c) A lay representative appearing on behalf of an employee or an employee representative in an appeal under the Washington Industrial Safety and Health Act is not subject to the compensation restrictions of subsection (3) of this section.

(5) May a self-represented party be accompanied by another person? Where the party appears representing himself or herself, he or she may be accompanied, both at conference and at hearing, by a lay person of his or her choosing who shall be permitted to accompany the party into the conference or hearing room and with whom he or she can confer during such procedures. If the lay person is also a witness to the proceeding, the industrial appeals judge may exclude the lay person from the proceeding as provided by Evidence Rule 615.

(6) Assistance by the industrial appeals judge. Although the industrial appeals judge may not advocate for either party, all parties who appear either at conferences or hearings are entitled to the assistance of the industrial appeals judge presiding over the proceeding. Such assistance shall be given in a fair and impartial manner consistent with the industrial appeals judge's responsibilities to the end that all parties are informed of the procedure to be followed and the issues involved in the proceedings. Any party who appears representing himself or herself shall be advised by the industrial appeals judge of the burden of proof required to establish a right to the relief being sought.

(7) How to make an appearance.

(a) Appearance by employer representative. Within fourteen days of receipt of an order granting appeal, any representative of an employer or retrospective rating group must file a written notice of appearance that includes the name, address, and telephone number of the individual who will appear.

(b) Appearances by a worker or beneficiary representative shall be made either by:

(i) Filing a written notice of appearance with the board containing the name of the party to be represented, and the name and address of the representative; or by

(ii) Appearing at the time and place of a conference or hearing on the appeal, and notifying the industrial appeals judge of the party to be represented, and the name and address of the representative.

(8) Notice to other parties.

(a) The appearing party shall furnish copies of every written notice of appearance to all other parties or their representatives of record at the time the original notice is filed with the board.

(b) The board will serve all of its notices and orders on each representative and each party represented. Service upon the representative shall constitute service upon the party. Where more than one individual associated with a firm, or organization, including the office of the attorney general, has made an appearance, service under this subsection shall be satisfied by serving the individual who filed the notice of appeal, or who last filed a written notice of appearance or, if no notice of appeal or written notice of appearance has been filed on behalf of the party, the individual who last appeared at any proceeding concerning the appeal.

(9) Withdrawal or substitution of representatives. An attorney or other representative withdrawing from a case shall immediately notify the board and all parties of record in writing. The notice of withdrawal shall comply with the rules applicable to notices of withdrawal filed with the superior court in civil cases. Withdrawal is subject to approval by the industrial appeals judge or the executive secretary. Any substitution of an attorney or representative shall be accomplished by written notification to the board and to all parties of record together with the written consent of the prior attorney or representative. If such consent cannot be obtained, a written statement of the reason therefor shall be supplied.

(10) Conduct. All persons appearing as counsel or representatives in proceedings before the board or before its industrial appeals judges shall conform to the standards of ethical conduct required of attorneys before the courts of the state of Washington.

(a) Industrial appeals judge. If any such person does not conform to such standard, the industrial appeals judge presiding over the appeal, at his or her discretion and depending on all the circumstances, may take any of the following actions:

(i) Admonish or reprimand such person.

(ii) Exclude such person from further participation or adjourn the proceeding.

(iii) Certify the facts to the appropriate superior court for contempt proceedings as provided in RCW 51.52.100.

(iv) Report the matter to the board.

(b) The board. In its discretion, either upon referral by an industrial appeals judge as stated above or on its own motion, after information comes to light that establishes to the board a question regarding a person's ethical conduct and fitness to practice before the board, and after notice and hearing, the board may take appropriate disciplinary action including, but not limited to:

(i) A letter of reprimand.

(ii) Refusal to permit such person to appear in a representative capacity in any proceeding before the board or its industrial appeals judges.

(iii) Certification of the record to the superior court for contempt proceedings as provided in RCW 51.52.100. If the circumstances require, the board may take action as described above prior to notice and hearing if the conduct or fitness of the person appearing before the board requires immediate action in order to preserve the orderly disposition of the appeal(s).

(c) Proceedings. If any person in proceedings before the board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any pertinent book, paper or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having the oath refuses to be examined according to law, the industrial appeals judge may, at his or her discretion and depending on all the circumstances:

(i) Admonish or reprimand such person.

(ii) Exclude such person from further participation or adjourn the proceeding.

(iii) Certify the facts to the appropriate superior court for contempt proceedings as provided in RCW 51.52.100.

(iv) Report the matter to the board for action consistent with (b) of this subsection.

AMENDATORY SECTION (Amending WSR 14-24-105, filed 12/2/14, effective 1/2/15)

WAC 263-12-059 Appeals arising under the Washington Industrial Safety and Health Act; contents of notice of appeal; notice to affected employees; request for stay of abatement pending appeal. (1) **Contents of notice of appeal in WISHA appeals.** In all appeals arising under the Washington Industrial Safety and Health Act, the notice of appeal should contain where applicable:

(a) The name and address of the appealing party and of the party's representative, if any.

(b) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from. This requirement may be satisfied by attaching a copy of the citation, penalty assessment, or notice of abatement date.

(c) The name and address of the representative of any labor union representing any employee who was or who may be affected by the alleged safety violation(s). If the employer has no affected employees who are members of a union, the employer shall affirmatively certify that no union employees are affected by the appeal.

(d) The reason why the appealing party considers such order or decision, to be unjust or unlawful.

(e) A statement of facts in full detail in support of each stated reason.

(f) The specific nature and extent of the relief sought.

(g) The place, most convenient to the appealing party and that party's witnesses, where board proceedings are requested to be held.

(h) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge the contents are true.

(i) The signature of the appealing party or the party's representative.

In all appeals where a stay of abatement of alleged violation(s) pending appeal is requested, the notice of appeal must comply with additional requirements set forth in subsection (3) of this section.

(2) Employer duty to notify affected employees.

(a) In the case of any appeal by an employer concerning an alleged violation of the Washington Industrial Safety and Health Act, the employer shall give notice of such appeal to its employees by either:

(i) Providing copies of the appeal to each employee member of the employer's safety committee; or

(ii) By posting a copy of the appeal in a conspicuous place at the work site at which the alleged violation occurred. Any posting shall remain during the pendency of the appeal.

(b) The employer shall also provide notice advising interested employees that an appeal has been filed with the board and that any employee or group of employees who wish to participate in the appeal may do so by contacting the board. Such notice shall include the address of the board.

(c) The employer shall file with the board a certificate of proof of compliance with this section within fourteen days of issuance of the board's notice of filing of appeal. A certification form is provided on the board's web site.

(d) If notice as required by this subsection is not possible or has not been satisfied, the employer shall notify the board in writing of the reasons for noncompliance or impossibility. If the board, or its designee, determines that it is not possible for the employer to provide the required notice to employees, it will prescribe the terms and conditions of a substitute procedure reasonably calculated to give notice to affected employees, or may waive the affected-employee-notice requirement. If the employer requests a stay of abatement pending appeal, and desires to assert the claim of impossibility of notice to employees, the employer must include its claim of impossibility, together with facts showing impossibility, in its notice of appeal.

(3) Request for a stay of abatement in WISHA appeals.

(a) **How made.** Any request for stay of abatement pending appeal must be included in the notice of appeal. An employer may request a stay of abatement pending appeal by placing "STAY OF ABATEMENT REQUESTED" prominently on the first page of the notice of appeal in bold print. The board will issue a final decision on such requests within forty-five working days of the board's notice of filing of appeal.

(b) Union information.

(i) **Appeals from corrective notice of redetermination.** In appeals where the employer has requested a stay of abatement of the violation(s) alleged in the corrective notice of redetermination, the employer shall include in the notice of appeal the names and addresses of any unions representing workers for the employer as required by subsection (1) of this section. If the employer has no affected employees who are members of a union, the employer shall affirmatively inform the board that no union employees are affected by the appeal.

(ii) **Appeals from citation and notice.** Where an employer files an appeal from a citation and notice and the department of labor and industries chooses to forward the appeal to the board to be treated as an appeal to the board, the employer shall provide the board with the names and addresses of any unions representing workers for the employer as required by subsection (1) of this section. If the employer has no affected employees who are members of a union, the employer shall inform the board that no union employees are affected by the appeal. The employer shall provide this information to the board within fourteen days of the date of the board's notice of filing of appeal.

(c) **Supporting and opposing documents.**

(i) **Supporting documents.** In appeals where the employer has requested a stay of abatement pursuant to RCW 49.17.140, the employer shall, within fourteen calendar days of the date of the board's notice of filing of appeal, file with the board supporting declarations, affidavits, and documents it wishes the board to consider in deciding the request. The employer must also simultaneously provide supporting documents to the department and any affected employees' safety committee or union representative. Supporting affidavits or declarations shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Copies of individual relevant supporting documents shall be specifically referred to in the affidavit and shall be attached to the affidavit. Such supporting documents shall not be excluded from consideration based on a hearsay objection. All such affidavits and supporting documents shall be limited to evidence addressing:

(A) Whether there is good cause to stay the abatement of the violation(s) set forth in the citation and notice or corrective notice of redetermination; and

(B) Whether it is more likely than not that a stay of the abatement of the violation(s) would result in death or serious physical harm to a worker.

(ii) **Opposing documents.** Within twenty-eight calendar days of the date of the board's notice of filing of appeal, the department of labor and industries and any affected employees shall file with the board any declarations, affidavits, and documents they wish the board to consider in deciding the request. The department must also simultaneously serve these opposing documents on the employer and any affected employees' safety committee or representative. The employees must also simultaneously serve the opposing documents on the employer and the department. Supporting and opposing affidavits and declarations shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Copies of individual relevant supporting documents shall be specifically referred to in the affidavit and shall be attached to the affidavit. Such supporting documents shall not be excluded from consideration based on a hearsay objection. All such affidavits and supporting documents shall be limited to evidence addressing:

(A) Whether there is good cause to stay the abatement of the violation(s) set forth in the citation and notice or corrective notice of redetermination; and

(B) Whether it is more likely than not that a stay of the abatement of the violation(s) would result in death or serious physical harm to a worker.

(4) **Denial of request to stay abatement.** If any of the following procedural or substantive grounds are present, the board will deny the request for a stay of abatement pending appeal:

(a) The request for stay of abatement is not contained in the employer's notice of appeal as required by RCW 49.17.140 (4)(a).

(b) The employer fails to include union information as required in subsection (3)(b) of this section.

(c) The employer fails to timely file a certification that its employees have been notified about the appeal and the request for stay of abatement as required in subsection (2) of this section.

~~((e))~~ (d) The employer fails to file supporting documents within fourteen calendar days of the issuance of the board's notice of filing of appeal as required in subsection (3)(c)(i) of this section.

~~((f))~~ (e) The request is moot.

~~((g))~~ (f) The only violation alleged by the department of labor and industries is a general violation.

~~((h))~~ (g) The employer fails to show good cause for a stay of abatement in its supporting documents.

~~((i))~~ (h) The preliminary evidence shows it is more likely than not that a stay would result in death or serious physical harm to a worker.

(5) **Expedited nature of requests to stay abatement/requests to enlarge time.** Requests to stay abatement pending appeal must be decided in accordance with a strict statutory timeline. Oral argument will not be permitted. The board will grant requests to enlarge time to file documents or certifications only after receipt of a written motion with supporting affidavit filed with the board and all other parties before the filing deadline and only upon a showing of good cause.

AMENDATORY SECTION (Amending WSR 00-23-021, filed 11/7/00, effective 12/8/00)

WAC 263-12-095 Conference procedures. (1) **Scheduling information.** If no agreement is reached by the parties as to the final disposition of an appeal, the industrial appeals judge presiding at a settlement conference may direct that the appeal be assigned to an industrial appeals judge for the purpose of scheduling and conducting a hearing in the appeal. Any industrial appeals judge assigned to conduct proceedings in an appeal, or his or her designee may elicit from the parties such information as is necessary and helpful to the orderly scheduling of hearing proceedings and as may aid in expediting the final disposition of the appeal.

(2) **Prehearing matters.** At any proceeding a stipulation of facts may be obtained to show the board's jurisdiction in the matter. In addition, agreement as to the issues of law and fact presented and the simplification or limitation thereof may be obtained. The industrial appeals judge may also determine: (a) The necessity of amendments to the notice of appeal or other pleadings; (b) the possibility of obtaining admissions of facts and authenticity of documents which will

avoid unnecessary proof; (c) the admissibility of exhibits; (d) a stipulation as to all or part of the facts in the case; (e) obtain information as to the number of expert and lay witnesses expected to be called by the parties and their names when possible, the place or places where hearings will be required, the approximate time necessary for the presentation of the evidence of the respective parties, and all other information which may aid in the prompt disposition of the appeal; (f) the limitation of the number of witnesses; (g) the need for interpretive services; (h) exchange of medical and vocational reports and other relevant documents; (i) receive and rule on motions pertaining to ~~((pre-hearing))~~ prehearing discovery. These include motions by a party for a vocational evaluation of a claimant which may be granted upon a showing of surprise which ordinary prudence could not have guarded against or upon an equivalent showing of circumstances constituting good cause and upon notice to all parties of the time, place, manner, conditions, and scope of the evaluation and the person or persons by whom it is to be made, provided that the industrial appeals judge shall impose all conditions necessary to avoid delay and prejudice in the timely completion of the appeal.

(3) **Record of results of conferences.** The results of any conferences shall be stated on the record. The record may be a transcript of the proceeding, a judge's report of proceedings, and/or written interlocutory order. The record shall include, where applicable, agreements concerning issues, admissions, stipulations, witnesses, time and location of hearings, the issues remaining to be determined, and other matters that may expedite the hearing proceedings. The statement of agreement and issues, and rulings of the industrial appeals judge, shall control the subsequent course of the proceedings, subject to modification by the industrial appeals judge or by interlocutory review pursuant to WAC 263-12-115(6).

(4) **Failure to supply information.** If any party fails to supply the information reasonably necessary to schedule the hearing in a case, the board or the industrial appeals judge may suspend setting a hearing pending receipt of the required information, ~~((or may))~~ impose ~~((such))~~ conditions upon the presentation of evidence by the defaulting party as may be deemed appropriate, or take other appropriate action as authorized by these rules and the law.

(5) **Admissibility of matters disclosed at conference.** If no agreement of the parties is reached resolving all issues presented, no offers of settlement, admissions, or statements made by any party shall be admissible at any subsequent proceeding unless they are independently admissible therein.

AMENDATORY SECTION (Amending WSR 14-24-105, filed 12/2/14, effective 1/2/15)

WAC 263-12-116 Exhibits. (1) Whenever possible, exhibits should be submitted on paper 8 1/2" x 11" in size. A larger version may be shown to the judge or witness for purpose of demonstration and a smaller version marked and offered as the exhibit.

(2) Exhibits containing audio, video, or other electronic material may be submitted on a CD, DVD, flash drive, or similar device, subject to the following conditions:

((*) (a) The party seeking to present the audio/video/electronic material at a hearing must provide the appropriate equipment for hearing/viewing the material.

((*) (b) If the party submitting the material for presentation at a hearing does not provide the equipment needed, the material will not be heard or viewed during the hearing, but the exhibit may be marked into evidence and ruling reserved.

(c) A media exhibit must be in MP4 (MPEG-4 Part 14) format or other industry format specified on the BIIA web site.

(3) The board will not accept any hazardous exhibit. A hazardous exhibit is an exhibit that:

(a) Threatens the health and safety of persons handling the exhibit, including exhibits having potentially toxic, explosive, or disease-carrying characteristics.

(b) Threatens the security of the board's electronic equipment or network. Nonexclusive examples of hazardous exhibits include:

- Biohazards (bodily fluid samples, bloody clothing).
- Used medical implements or devices (surgical screws, cables, plates, pins, prosthetic devices).
- Corrosive or toxic substances.
- Controlled substances (prescription drugs).
- Potential airborne contaminants (asbestos, silica).
- Flammable, explosive, or reactive materials.
- Live ammunition, firearms, knives, and other weapons.

(4) Photographs, videotapes, or other facsimile representations may be used to demonstrate the existence, quantity, and physical characteristics of hazardous evidence consistent with this rule.

(5) If a party is uncertain whether a proposed exhibit conforms to this rule or is not able to bring the necessary equipment to the hearing, that party must request a conference with the judge at least fourteen days before submitting the exhibit, asking the judge to make a determination of conformity or to provide assistance in making the exhibit accessible at the proceeding.

(6) If an exhibit submitted in an appeal under the Washington Industrial Safety and Health Act (chapter 49.17 RCW) implicates a trade secret as set forth in chapter 19.108 RCW, the employer must bring it to the attention of an industrial appeals judge at the time of submission or within a reasonable time thereafter to permit a ruling on the confidentiality of the information and application of RCW 49.17.200 and WAC 263-12-115(5).

AMENDATORY SECTION (Amending WSR 14-24-105, filed 12/2/14, effective 1/2/15)

WAC 263-12-117 Perpetuation depositions. (1) **Evidence by deposition.** The industrial appeals judge may permit or require the perpetuation of testimony by deposition, subject to the applicable provisions of WAC 263-12-115. Such ruling may only be given after the industrial appeals judge gives due consideration to:

- (a) The complexity of the issues raised by the appeal;
- (b) The desirability of having the witness's testimony presented at a hearing;
- (c) The costs incurred by the parties in complying with the ruling; and

(d) The fairness to the parties in complying with the ruling.

(2) **Telephone depositions:** When testimony is taken by perpetuation deposition, it may be taken by telephone if all parties agree. For good cause the industrial appeals judge may permit the parties to take the testimony of a witness by telephone deposition over the objection of a party after weighing the following nonexclusive factors:

- The need of a party to observe a witness's demeanor.
- Difficulty in handling documents and exhibits.
- The number of parties participating in the deposition.
- Whether any of the testimony will need to be translated.
- Ability of the witness to travel.
- Availability of quality telecommunications equipment and service.

If a perpetuation deposition is taken by telephone, the court reporter transcribing the deposition is authorized to swear in the deponent, regardless of the deponent's location within or outside the state of Washington.

(3) The industrial appeals judge may require that depositions be taken and published within prescribed time limits. The time limits may be extended by the industrial appeals judge for good cause. Each party shall bear its own costs except when the industrial appeals judge allocates costs to parties or their representatives.

(4) The party filing a deposition must submit the steno-graphically reported and transcribed deposition, certification, and exhibits in both a written format ~~((as well as))~~ and an electronic format in accordance with procedures established by the board. The following requirements apply to the submission of depositions:

(a) Video depositions will not be considered as part of the record on appeal;

(b) The electronic deposition must be submitted in searchable PDF format;

(c) Exhibits to the deposition ~~((do not have to be filed electronically but))~~ must be filed electronically as a single attachment separate from the deposition transcript and certification;

(d) A legible ~~((hard))~~ paper copy of all exhibits must accompany the paper ~~((transcription of the))~~ deposition ~~((:))~~ transcript;

(e) Any media exhibit (audio or video) must meet the requirements set forth in WAC 263-12-116; and

(f) If the deposition is not transcribed in a reproducible format or properly submitted it may be excluded from the record.

(5) **Procedure at deposition.** Unless the parties stipulate or the industrial appeals judge determines otherwise all depositions permitted to be taken for the perpetuation of testimony shall be taken subject to the following conditions:

(a) That all motions and objections, whether to form or otherwise, shall be raised at the time of the deposition and if not raised at such time shall be deemed waived.

(b) That all exhibits shall be marked and identified at the time of the deposition and, if offered into evidence, appended to the deposition.

(c) That the deposition be published without necessity of further conference or hearing at the time it is received by the industrial appeals judge.

(d) That all motions, including offers to admit exhibits and objections raised at the time of the deposition, shall be ruled upon by the industrial appeals judge in the proposed decision and order.

(e) That the deposition may be appended to the record as part of the transcript, and not as an exhibit, without the necessity of being retyped into the record.

AMENDATORY SECTION (Amending WSR 14-24-105, filed 12/2/14, effective 1/2/15)

WAC 263-12-118 Motions. (1) **Definition.** A party's written or oral request for the board to take action on a pending appeal is a "motion." Motions must be in writing unless made during a hearing before an industrial appeals judge. The board recognizes that there are two basic categories of motions:

(a) **Nondispositive motions.** Nondispositive motions include procedural motions, such as motions for a continuance, an extension of time, or to reopen the record; and discovery motions, such as motions *in limine* or motions to compel or request sanctions.

(b) **Dispositive motions.** Dispositive motions ask for a decision on one or more of the issues in an appeal or to dismiss the appeal. Examples of dispositive motions are motions to dismiss or motions for summary judgment. See WAC 263-12-11801.

(2) **Motions made to the executive secretary.** The procedural rules in subsections (3) through (6) of this section do not apply to motions made to the executive secretary for consideration by the three-member board:

(a) Motions for stay of the order on appeal under RCW 51.52.050 (2)(b). (See WAC 263-12-11802.)

(b) Motions to reconsider or vacate final board orders. (See WAC 263-12-156.)

(c) Motions to set reasonable attorneys' fees under RCW 51.52.120. (See WAC 263-12-165.)

(d) Requests for a stay of abatement pending appeal under RCW 49.17.140 (4)(a) in appeals filed under the Washington Industrial Safety and Health Act. (See WAC 263-12-059.)

~~(3) **Written motions ~~((must be filed separately))~~.** ~~((Parties must file motions separately from any pleading or other communication with the board. If a motion is contained in another pleading, the first page must clearly indicate in bold print that a motion is contained therein.))~~ A written motion must identify the action requested on the first page in bold print. See WAC 263-12-01501 ~~((+)(a))~~ for other information about ~~((motions that must be filed with the board at its headquarters in Olympia))~~ communication and filing.~~

(4) **Oral motions.** Any party may bring an oral motion during a hearing, unless prohibited from doing so at the industrial appeals judge's discretion. The industrial appeals judge may provide an opportunity for other parties to respond to any oral motion. The industrial appeals judge may require that an oral motion also be submitted in writing and may provide an opportunity for written response.

(5) **Responses to nondispositive motions.** Any party who opposes a written nondispositive motion may file a written response within five business days after the motion is

served, or may make an oral or written response at such other time as the industrial appeals judge may set.

(6) Argument.

(a) Nondispositive motions. All nondispositive motions will be ruled on without oral argument, unless ~~((oral argument))~~ it is requested by the parties and approved by the industrial appeals judge, or at the discretion of the industrial appeals judge. Any party may request oral argument by placing "ORAL ARGUMENT REQUESTED" prominently on the first page of the motion or responsive pleading. The time and date for ~~((hearing on the motion))~~ oral argument shall be scheduled in advance by contacting the judicial assistant for the assigned industrial appeals judge. Written notice shall be mailed not less than seven calendar days prior to the date set for oral argument, unless waived by the parties.

(b) Dispositive motions. See WAC 263-12-11801.

AMENDATORY SECTION (Amending WSR 00-23-021, filed 11/7/00, effective 12/8/00)

WAC 263-12-145 Petition for review. (1) **Time for filing.** Within twenty days from the date of communication of the proposed decision and order to the parties or their representatives of record, any aggrieved party may file with the board a written petition for review. When a petition for review is filed, the failure of any party not aggrieved by the proposed decision and order to file a petition for review shall not be deemed a waiver by such party of any objections or irregularities disclosed by the record.

(2) **A petition for review must be filed separately.** A petition for review must be filed separately from any other pleading or communication with the board and must note "PETITION FOR REVIEW" prominently on the first page of the submission.

(3) **Extensions of time.** The board may extend the time for filing a petition for review upon written request of a party filed within twenty days from the date of communication of the proposed decision and order to the parties or their representatives of record. Such extension of time, if granted, will apply to all parties to the appeal. Further extensions of time beyond any initial extension may be allowed only if (a) an application for further extension is filed within twenty days from the date of communication of the proposed decision and order to the parties or their representatives of record or (b) the board, on its own motion or at the request of a party, acts to further extend the time for filing a petition for review before the prior extended time for filing a petition for review has expired.

~~((3))~~ (4) **Contents.** A petition for review shall set forth in detail the grounds for review. A party filing a petition for review waives all objections or irregularities not specifically set forth therein. A general objection to findings of fact on the ground that the weight of evidence is to the contrary shall not be considered sufficient compliance, unless the objection shall refer to the evidence relied upon in support thereof. A general objection to all evidentiary rulings adverse to the party shall be considered adequate compliance with this rule. If legal issues are involved, the petition for review shall set forth the legal theory relied upon and citation of authority and/or argument in support thereof. The board shall, at the

request of any party, provide a copy of the transcript of testimony and other proceedings at the hearing. The requesting party shall sign an ~~((acknowledgement))~~ acknowledgment that receipt of the transcript of proceedings shall constitute compliance by the board with any statute requiring service on the party of a certified copy of the testimony.

~~((4))~~ (5) **Action by board on petition for review.** (a) After receipt of a petition for review, the board shall enter an order within twenty days either: (i) Denying the petition for review, in which case the proposed decision and order shall become the final order of the board, or (ii) granting the petition for review, in which case the board shall within one hundred and eighty days from the date the petition for review was filed issue a final decision and order based upon its review of the record. (b) After twenty days of receipt. If a petition for review is not acted upon by the board it shall be deemed to have been granted. (c) Remands for further hearing.

After review of the record, the board may set aside the proposed decision and order and remand the appeal to the hearing process, with instructions to the industrial appeals judge to whom the appeal is assigned on remand, to dispose of the matter in any manner consistent with chapter 263-12 WAC.

~~((5))~~ (6) **Reply to petition for review.** Any party may, within ten days of receipt of the board's order granting review, submit a reply to the petition for review, a written brief, or a statement of position regarding the matters to which objections were made, or the board may, on its own motion, require the parties to submit written briefs or statements of position or to appear and present oral argument regarding the matters to which objections were made, within such time and on such terms as may be prescribed.

**WSR 16-24-059
PERMANENT RULES
DEPARTMENT OF
EARLY LEARNING**

[Filed December 2, 2016, 3:44 p.m., effective January 2, 2017]

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

Purpose: Early support for infants and toddlers (ESIT) is the state of Washington's response to Part C of the federal Individuals with Disabilities Education Act (IDEA). The department of early learning administers the ESIT program and has adopted these rules to clarify for funding sources, administrators, providers and families the allowable allocations and expenditures for transition into Part B of IDEA. The adopted rules also support quality service provision under Part C of IDEA.

Statutory Authority for Adoption: RCW 34.215.020 (2)(f).

Adopted under notice filed as WSR 16-21-100 on October 19, 2016.

Changes Other than Editing from Proposed to Adopted Version: Based on comments received during the public comment period, the department of early learning revised WAC 170-400-0140 to clarify that only public moneys are subject to the allocation threshold.

Number of Sections Adopted in Order to Comply with Federal Statute: New 12, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 12, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: December 2, 2016.

Ross Hunter
Director

Chapter 170-400 WAC

EARLY SUPPORT FOR INFANTS AND TODDLERS PROGRAM

FOR CONTRACTS STARTING ON OR AFTER THE EFFECTIVE DATE OF THESE RULES, CHAPTER 170-400 WAC APPLIES

NEW SECTION

WAC 170-400-0001 Authority. RCW 43.215.020 establishes the department of early learning as the state lead agency, for Part C of the federal Individuals with Disabilities Education Act, with the responsibility and authority to set and enforce rules for the provision of early intervention services in Washington state. Federal authority for this chapter is 20 U.S.C. Sec. 1431-1444 and the Part C regulations in 34 C.F.R. Part 303, which includes receipt of federal funds for early intervention services.

NEW SECTION

WAC 170-400-0010 Purpose. This chapter, in conjunction with state and federal law and federally approved policies and procedures, establishes the requirements of the statewide early support for infants and toddlers program. This chapter describes the process for administering state and federal early intervention funds, reflects the department's commitment to quality early learning opportunities for infants and toddlers with disabilities and their families, and ensures the implementation of 20 U.S.C. Sec. 1431-1444 and 34 C.F.R. Part 303.

NEW SECTION

WAC 170-400-0020 Applicability. (1) This chapter applies to all early intervention providers, including school districts, involved in early intervention service provision for children receiving services from the early support for infants

and toddlers program, whether or not the entity or individual receives state or federal funds.

(2) This chapter does not apply to any child with a disability receiving a free appropriate public education under chapter 392-172A WAC or 34 C.F.R. Part 300, Part B.

NEW SECTION

WAC 170-400-0030 Definitions. "**Administrative indirect**" means indirect costs such as, general management compensation, joint facility costs, contract administration, fiscal services, and general office supplies that are not allocated to direct services for infants, toddlers and their families.

"**Department**" means the department of early learning, the Washington state lead agency designated by the governor to receive state and federal funds to administer the early support for infants and toddlers (ESIT) program. These responsibilities include, but are not limited to, coordination of all funding and oversight of state and federal funding allocated to implement early intervention services.

"**Department-approved clarification memos**" means the ESIT program published guides and policy memos signed by the ESIT administrator and posted on the agency web site.

"**Early intervention services (EIS)**" means developmental services that include:

- (a) Assistive technology devices and services;
- (b) Audiology services;
- (c) Family training, counseling and home visits;
- (d) Health services;
- (e) Medical services;
- (f) Nursing services;
- (g) Nutrition services;
- (h) Occupational therapy;
- (i) Physical therapy;
- (j) Psychological services;
- (k) Service coordination;
- (l) Signed language and cued language;
- (m) Social work services;
- (n) Special instruction;
- (o) Speech-language pathology;
- (p) Transportation and related costs; and
- (q) Vision services.

"**Early support for infants and toddlers (ESIT) program**" means the statewide program within the department of early learning that administers all components of the birth to three early intervention system for eligible infants, toddlers and their families.

"**EIS provider**" means any ESIT-approved organization, public, private, tribal or nonprofit entity, school district, or an individual that provides EIS, whether or not the entity or individual receives funding from the ESIT program.

"**Local agreement**" means any written agreement required to implement ESIT services.

"**Natural environments**" means settings that are natural or typical for a same-aged infant or toddler without a disability, including the home or community settings.

"**Office of superintendent of public instruction**" means the state educational agency responsible for the supervision of public elementary schools and secondary schools, including the implementation of Part B.

"Part B" means special education of children with disabilities under the Individuals with Disabilities Education Act (IDEA), Part B, as amended, 20 U.S.C. Sec. 1431-1444.

"Part C" means the Individuals with Disabilities Education Act (IDEA), Part C, as amended, 20 U.S.C. Sec. 1431-1444 and 34 C.F.R. Part 303.

"Policies and procedures" means ESIT's federally approved policies and procedures for implementing EIS.

"Potential eligibility" means, based on existing assessment, evaluation, and the team's clinical understanding of the child's developmental status, the child is determined to be potentially eligible for services under Part B prior to the Part B required eligibility evaluation.

"School district" means a local educational agency administering elementary and secondary schools.

"System of payments and fees" means the federally required ESIT policy on families' financial contribution to their child's services.

NEW SECTION

WAC 170-400-0050 Early intervention services (EIS) providers. EIS providers must:

(1) Provide and implement EIS according to state and federal law.

(2) Deliver services at a consistent level of frequency and intensity for a continuous twelve-month period based on child and family need, and not on the availability of providers.

(3) Provide or otherwise arrange for all EIS included in the individualized family service plan. Wait lists and capping of services are prohibited.

(4) Enhance the capacity of the family in facilitating their child's development through natural learning opportunities at home or in community settings where typically developing children live, learn, or play.

NEW SECTION

WAC 170-400-0070 Child find and referral. (1) Early intervention service providers must meet the requirements of state and federal law.

(2) The department and local lead agencies will lead child find efforts and referral activities for the early support for infants and toddlers program. They may consult with state and local partners.

NEW SECTION

WAC 170-400-0100 Natural environments. (1) Early intervention service (EIS) providers must meet the requirements set forth in state and federal law.

(2) EIS must be provided in natural environments to the maximum extent appropriate based on the needs of the child.

(3) EIS may only occur in a setting other than a natural environment if one or more of a child's individualized family services plan (IFSP) outcomes cannot be met by providing EIS in a natural setting, as determined by the parent and the IFSP team.

NEW SECTION

WAC 170-400-0130 System of payments and fees. Early intervention service (EIS) providers must follow the system of payments and fees set forth in state and federal law, policies and procedures and department-approved clarification memos.

NEW SECTION

WAC 170-400-0140 Use of funds. (1) Early intervention service (EIS) providers must follow the use of funds guidance set forth in state and federal law.

(2) State and federal funds for the early support for infants and toddlers (ESIT) program may only be expended for ESIT required activities as outlined in state and federal law.

(3) Administrative indirect expenses are limited to no more than ten percent of the total public moneys received by an entity providing Part C required components or direct services.

(4) Administrative indirect expenses are limited to no more than five percent of the total public moneys received by an entity acting as a pass through for state or federal funding.

(5) Under the department's authority, local ESIT budgets will be monitored and subject to audit for allowable expenditures.

(6) EIS providers must bill all applicable funding sources including public and private insurance and families, prior to using state and federal funds for early intervention services.

(7) Public funds for the ESIT program may not be used for transition activities required under Part B of the Individuals with Disabilities Education Act.

(8) Under Part C, these allowable transition activities may be paid for with early intervention funds. EIS provider participation in:

(a) The decision of potential eligibility for Part B prior to referral to Part B;

(b) Transition planning and activities in the IFSP, including:

(i) Discussions with, and training of parents, as appropriate, regarding future placements and other matters related to the child's transition;

(ii) Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting.

(c) Facilitation and participation in the transition conference;

(d) Sharing of information, with parental consent; and

(e) Attending the eligibility and IEP meeting, upon parent's request.

NEW SECTION

WAC 170-400-0150 Contracting and local agreements. Early intervention services providers must comply with contractual provisions from the department, and contracts and local agreements approved by early support for infants and toddler's (ESIT) local lead agencies, in providing ESIT services.

NEW SECTION**WAC 170-400-0160 Data collection and reporting.**

Early intervention service providers must enter required data elements in the early support for infants and toddlers (ESIT) data management system and report on ESIT activities as required by contract or local agreement.

NEW SECTION

WAC 170-400-0170 General supervision, monitoring, and enforcement. All early intervention service providers are subject to general supervision, monitoring and enforcement actions through the early support for infants and toddlers program (ESIT) and/or ESIT's local lead agencies set forth in state and federal law, contracts, and local agreements.

WSR 16-24-070**PERMANENT RULES****BUILDING CODE COUNCIL**

[Filed December 6, 2016, 11:30 a.m., effective May 1, 2017]

Effective Date of Rule: May 1, 2017.

Purpose: Makes changes to the commercial energy portion of the Washington State Energy Code for clarity, along with some editorial changes. Includes Sections C103.6.2, (Operating and Maintenance) Manuals; C104.2.4, Mechanical inspections; the definitions for *Certified Commissioning Professional, Doors and Luminaire-Level Lighting Control*; C401.2.1, Application to existing buildings; C402.1, General (envelope); C402.1.1.1, Semi-heated buildings; Table C402.1.3, R-value requirements; C402.1.4.4, Steel stud walls; Table C402.1.4, U-factor requirements; C402.1.5, UA method compliance; C402.2, Specific insulation requirements; C402.4.2, Minimum skylight area; C402.4.4, Doors; C403.2.4.1, Thermostatic controls; C405.11, Electrical systems commissioning; C406.5, On-site renewable energy; C406.7.2, Load fraction; Table C407.5.1(1), Standard reference design; Table C407.5.1(2), HVAC systems map; C408.1, General (Commissioning); C410.1, General (Refrigeration systems); C410.2, Walk-in and refrigerated warehouse coolers/freezers; C503.6 Lighting and motors (Alterations).

Citation of Existing Rules Affected by this Order: Amending WAC 51-11C-10300, 51-11C-10400, 51-11C-20203, 51-11C-20204, 51-11C-20212, 51-11C-40100, 51-11C-40210, 51-11C-40211, 51-11C-402121, 51-11C-40214, 51-11C-402141, 51-11C-40215, 51-11C-40220, 51-11C-40232, 51-11C-40234, 51-11C-403241, 51-11C-40511, 51-11C-40605, 51-11C-40607, 51-11C-407051, 51-11C-407052, 51-11C-40801, 51-11C-40802, 51-11C-41000, and 51-11C-50300.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045, 19.27A.160.

Other Authority: RCW 19.27.074.

Adopted under notice filed as WSR 16-16-027 on July 22, 2016.

Changes Other than Editing from Proposed to Adopted Version: The definition for *Certified Commissioning Professional* was modified to strike the accredited organization list and now reads simply:

An individual who is certified by an ANSI/ISO/IEC 17024:2012 accredited organization to lead, plan, coordinate and manage commissioning teams and implement commissioning processes, or a licensed professional engineer in Washington state.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 25, Repealed 0.

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 25, Repealed 0.

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

Date Adopted: November 18, 2016.

Steve K. Simpson
Council Chair

AMENDATORY SECTION (Amending WSR 16-13-089, filed 6/15/16, effective 7/16/16)

WAC 51-11C-10300 Section C103—Construction documents.

C103.1 General. Construction documents and other supporting data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *code official* is authorized to require necessary construction documents to be prepared by a registered design professional.

EXCEPTION: The *code official* is authorized to waive the requirements for construction documents or other supporting data if the *code official* determines they are not necessary to confirm compliance with this code.

C103.2 Information on construction documents. Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted when *approved* by the *code official*. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, systems and equipment as herein governed. Details shall include, but are not limited to, as applicable:

1. Insulation materials and their *R*-values.
2. Fenestration *U*-factors and SHGCs.
3. Area-weighted *U*-factor and SHGC calculations.
4. Mechanical system design criteria.

5. Mechanical and service water heating system and equipment types, sizes and efficiencies.
6. Economizer description.
7. Equipment and systems controls.
8. Fan motor horsepower (hp) and controls.
9. Duct sealing, duct and pipe insulation and location.
10. Lighting fixture schedule with wattage and control narrative.
11. Location of daylight zones on floor plan.
12. Air barrier details including all air barrier boundaries and associated square foot calculations on all six sides of the air barrier as applicable.

C103.2.1 Building thermal envelope depiction. The building's thermal envelope shall be represented on the construction documents.

C103.3 Examination of documents. The *code official* shall examine or cause to be examined the accompanying construction documents and shall ascertain whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

C103.3.1 Approval of construction documents. When the *code official* issues a permit where construction documents are required, the construction documents shall be endorsed in writing and stamped "Reviewed for Code Compliance." Such *approved* construction documents shall not be changed, modified or altered without authorization from the *code official*. Work shall be done in accordance with the *approved* construction documents.

One set of construction documents so reviewed shall be retained by the *code official*. The other set shall be returned to the applicant, kept at the site of work and shall be open to inspection by the *code official* or a duly authorized representative.

C103.3.2 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

C103.3.3 Phased approval. The *code official* shall have the authority to issue a permit for the construction of part of an energy conservation system before the construction documents for the entire system have been submitted or *approved*, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire energy conservation system will be granted.

C103.4 Amended construction documents. Changes made during construction that are not in compliance with the *approved* construction documents shall be resubmitted for approval as an amended set of construction documents.

C103.5 Retention of construction documents. One set of *approved* construction documents shall be retained by the

code official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

C103.6 Building documentation and close out submittal requirements. The construction documents shall specify that the documents described in this section be provided to the building owner or owner's authorized agent within 180 days of the date of receipt of the certificate of occupancy.

C103.6.1 Record documents. Construction documents shall be updated to convey a record of the completed work. Such updates shall include mechanical, electrical and control drawings red-lined, or redrawn if specified, that show all changes to size, type and locations of components, equipment and assemblies.

C103.6.2 Manuals. An operating and maintenance manual shall be provided for each component, device, piece of equipment, and system (~~required to be commissioned~~) governed by this code. The manual shall include all of the following:

1. Submittal data indicating all selected options for each piece of equipment.
2. Manufacturer's operation manuals and maintenance manuals for each device, piece of equipment, and system requiring maintenance, except equipment not furnished as part of the project. Required routine maintenance actions, cleaning and recommended relamping shall be clearly identified.
3. Name and address of at least one service agency.
4. Controls system inspection schedule, maintenance and calibration information, wiring diagrams, schematics, and control sequence descriptions. Desired or field-determined setpoints shall be permanently recorded on control drawings at control devices or, for digital control systems, on the graphic where settings may be changed.

5. A narrative of how each system is intended to operate, including recommended setpoints.

C103.6.3 Compliance documentation. All energy code compliance forms and calculations shall be delivered in one document to the building owner as part of the project record documents, manuals, or as a standalone document. This document shall include the specific energy code year utilized for compliance determination for each system. NFRC certificate for the installed windows, list total area for each NFRC certificate, the interior lighting power compliance path (building area, space-by-space) used to calculate the lighting power allowance.

For projects complying with Section C401.2 Item 1, the documentation shall include:

1. The envelop insulation compliance path (prescriptive or component performance).
2. All completed code compliance forms, and all compliance calculations including, but not limited to, those required by sections C402.1.5, C403.2.12.1, C405.4, and C405.5.

For projects complying with Section C401.2 Item 2, the documentation shall include:

1. A list of all proposed envelope component types, areas and *U*-values.
2. A list of all lighting area types with areas, lighting power allowance, and installed lighting power density.

3. A list of each HVAC system modeled with the assigned and proposed system type.

4. Electronic copies of the baseline and proposed model input and output file. The input files shall be in a format suitable for rerunning the model and shall not consist solely of formatted reports of the inputs.

C103.6.4 Systems operation training. Training of the maintenance staff for equipment included in the manuals required by Section C103.6.2 shall include at a minimum:

1. Review of manuals and permanent certificate.
2. Hands-on demonstration of all normal maintenance procedures, normal operating modes, and all emergency shut-down and start-up procedures.
3. Training completion report.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-10400 Section C104—Inspections.

C104.1 General. Construction or work for which a permit is required shall be subject to inspection by the *code official* or his designated agent, and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the *code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material, product, system or building component required to allow inspection to validate compliance with this code.

C104.2 Required inspections. The *code official* or his designated agent, upon notification, shall make the inspections set forth in Sections C104.2.1 through C104.2.6.

C104.2.1 Footing and foundation inspection. Inspections associated with footings and foundations shall verify compliance with the code as to *R*-value, location, thickness, depth of burial and protection of insulation as required by the code and *approved* plans and specifications.

C104.2.2 Insulation and fenestration inspection. Inspections shall be made before application of interior finish and shall verify compliance with the code as to types of insulation and corresponding *R*-values and their correct location and proper installation; fenestration properties (*U*-factor, SHGC and VT) and proper installation; and air leakage controls as required by the code and *approved* plans and specifications.

C104.2.3 Plumbing inspection. Inspections verify compliance as required by the code and *approved* plans and specifications as to types of insulation and corresponding *R*-values and protection, required controls and required heat traps.

C104.2.4 Mechanical inspection. Inspections shall verify compliance as required by the code and *approved* plans and specifications as to installed HVAC equipment type and size, required controls, duct and piping system insulation and corresponding *R*-value, duct system and damper air leakage and required energy recovery and/or economizers.

C104.2.5 Electrical and lighting inspection. Inspections shall verify compliance as required by the code and *approved* plans and specifications as to installed lighting systems, components and controls; motors and installation of an electric meter for each dwelling unit.

C104.2.6 Final inspection. The building shall have a final inspection and not be occupied until *approved*.

C104.3 Reinspection. A building shall be reinspected when determined necessary by the *code official*.

C104.4 Approved inspection agencies. The *code official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability relevant to the building components and systems they are inspecting.

C104.5 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the *code official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

C104.6 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

C104.7 Approval. After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the *code official*.

C104.7.1 Revocation. The *code official* is authorized to, in writing, suspend or revoke a notice of approval issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure, premise, or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-20203 Section C202.3—C.

C-FACTOR (THERMAL CONDUCTANCE). The coefficient of heat transmission (surface to surface) through a building component or assembly, equal to the time rate of heat flow per unit area and the unit temperature difference between the warm side and cold side surfaces (Btu/h ft² x °F) [W/(m² x K)].

CERTIFIED COMMISSIONING PROFESSIONAL. An individual who is certified by an ANSI/ISO/IEC 17024:2012 accredited organization to lead, plan, coordinate and manage commissioning teams and implement commissioning processes (~~The individual's accredited certification required by the referenced standard provides a measured level of experience and competence with the various whole building commissioning processes and ability to deliver quality service. Accredited organizations include, but are not limited to, AABC, BCA, and NEBB. The engineer of record for the project may be considered the certified commissioning professional if she/he~~

is qualified to perform commissioning services for the entire commissioning process), or a licensed professional engineer in Washington state.

CIRCULATING HOT WATER SYSTEM. A specifically designed water distribution system where one or more pumps are operated in the service hot water piping to circulate heated water from the water-heating equipment to the fixture supply and back to the water-heating equipment.

CLERESTORY FENESTRATION. See "FENESTRATION."

CLIMATE ZONE. A geographical region based on climatic criteria as specified in this code.

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

COEFFICIENT OF PERFORMANCE (COP) - COOLING. The ratio of the rate of heat removal to the rate of energy input, in consistent units, for a complete refrigerating system or some specific portion of that system under designated operating conditions.

COEFFICIENT OF PERFORMANCE (COP) - HEATING. The ratio of the rate of heat removal to the rate of heat delivered to the rate of energy input, in consistent units, for a complete heat pump system, including the compressor and, if applicable, auxiliary heat, under designated operating conditions.

COMMERCIAL BUILDING. For this code, all buildings that are not included in the definition of "Residential buildings."

COMPUTER ROOM. A room whose primary function is to house equipment for the processing and storage of electronic data and that has a design electronic data equipment power density exceeding 20 watts per square foot of conditioned area.

CONDENSING UNIT. A factory-made assembly of refrigeration components designed to compress and liquefy a specific refrigerant. The unit consists of one or more refrigerant compressors, refrigerant condensers (air-cooled, evaporatively cooled, or water-cooled), condenser fans and motors (where used) and factory-supplied accessories.

CONDITIONED FLOOR AREA. The horizontal projection of the floors associated with the *conditioned space*.

CONDITIONED SPACE. An area, room or space that is enclosed within the building thermal envelope and that is directly heated or cooled or that is indirectly heated or cooled. Spaces are indirectly heated or cooled where they communicate through openings with conditioned spaces, where they are separated from conditioned spaces by uninsulated walls, floors or ceilings, or where they contain uninsulated ducts, piping or other sources of heating or cooling.

CONTINUOUS AIR BARRIER. A combination of materials and assemblies that restrict or prevent the passage of air through the building thermal envelope.

CONTINUOUS INSULATION (CI). Insulating material that is continuous across all structural members without thermal bridges other than fasteners and service openings. It is installed on the interior or exterior or is integral to any opaque surface of the building envelope.

CONTROLLED PLANT GROWTH ENVIRONMENT. Group F and U buildings or spaces that are specifically controlled to facilitate and enhance plant growth and production by manipulating various indoor environment conditions. Technologies include indoor agriculture, cannabis growing, hydroponics,

aquaculture and aquaponics. Controlled indoor environment variables include, but are not limited to, temperature, air quality, humidity, and carbon dioxide.

CURTAIN WALL. Fenestration products used to create an external nonload-bearing wall that is designed to separate the exterior and interior environments.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-20204 Section C202.4—D.

DATA ACQUISITION SYSTEM. An electronic system managed by the building owner to collect, tabulate and display metering information.

DAYLIGHT RESPONSIVE CONTROL. A device or system that provides automatic control of electric light levels based on the amount of daylight in a space.

DAYLIGHT ZONE. The portion of the building interior floor area that is illuminated by natural daylight through sidelight and toplight fenestration.

DEMAND CONTROL VENTILATION (DCV). A ventilation system capability that provides for the automatic reduction of outdoor air intake below design rates when the actual occupancy of spaces served by the system is less than design occupancy.

DEMAND RECIRCULATION WATER SYSTEM. A water distribution system where pumps prime the service hot water piping with heated water upon demand for hot water.

DOOR, NONSWINGING. Roll-up, tilt-up, metal coiling and sliding doors, access hatches, and all other doors that are not swinging doors.

DOOR, SWINGING. Doors that are hinged on one side and revolving doors.

DUCT. A tube or conduit utilized for conveying air. The air passages of self-contained systems are not to be construed as air ducts.

DUCT SYSTEM. A continuous passageway for the transmission of air that, in addition to ducts, includes duct fittings, dampers, plenums, fans and accessory air-handling equipment and appliances.

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DYNAMIC GLAZING. Any fenestration product that has the fully reversible ability to change its performance properties, including *U*-factor, SHGC, or VT.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-20212 Section C202.12—L.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that

maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LINER SYSTEM (LS). A system that includes the following:

1. A continuous vapor barrier liner membrane that is installed below the purlins and that is uninterrupted by framing members.

2. An uncompressed, unfaced insulation resting on top of the liner membrane and located between the purlins.

For multilayer installations, the last rated *R*-value of insulation is for unfaced insulation draped over purlins and then compressed when the metal roof panels are attached.

LISTED. Equipment, materials, products or services included in a list published by an organization acceptable to the *code official* and concerned with evaluation of products or services that maintains periodic inspection of production of *listed* equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specified purpose.

LOW-SLOPED ROOF. A roof having a slope less than 2 units vertical in 12 units horizontal.

LOW-VOLTAGE DRY-TYPE DISTRIBUTION TRANSFORMER. A transformer that is air-cooled, does not use oil as a coolant, has an input voltage less than or equal to 600.

LOW-VOLTAGE LIGHTING. A lighting system consisting of an isolating power supply, the low voltage luminaires, and associated equipment that are all identified for the use. The output circuits of the power supply operate at 30 volts (42.4 volts peak) or less under all load conditions.

LUMINAIRE. A complete lighting unit consisting of a lamp or lamps together with the housing designed to distribute the light, position and protect the lamps, and connect the lamps to the power supply.

LUMINAIRE-LEVEL LIGHTING CONTROL. A lighting system consisting of one or more luminaire(s) each with embedded lighting control logic, occupancy and ambient light sensors, local or central wireless networking capabilities, and local override switching capability.

AMENDATORY SECTION (Amending WSR 16-13-089, filed 6/15/16, effective 7/16/16)

WAC 51-11C-40100 Section C401—General.

C401.1 Scope. The provisions in this chapter are applicable to commercial buildings and their building sites.

C401.2 Application. Commercial buildings shall comply with one of the following:

1. The requirements of Sections C402, C403, C404, C405, C406, C408, C409 and C410.

2. The requirements of Section C407, C408, C409, C410, C402.5, C403.2, C404, C405.2, C405.3, C405.4, C405.6 and C405.7. The building energy consumption shall be equal to or less than 87, 90, or 93 percent of the standard reference design building, depending on the option selected per Section C407.3.

C401.2.1 Application to existing buildings. Work on existing buildings shall comply with Chapter 5 in addition to the applicable provisions of Chapter 4.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-40210 Section C402.1—General (Prescriptive).

C402.1 General (Prescriptive). Building thermal envelope assemblies for buildings that are intended to comply with the code on a prescriptive basis, in accordance with the compliance path described in Item 1 of Section C401.2, shall comply with the following:

1. The opaque portions of the building thermal envelope shall comply with the specific insulation requirements of Section C402.2 and the thermal requirements of either the *R*-value based method of Section C402.1.3, the *U*-, *C*- and *F*-factor based method of Section C402.1.4, or the component performance alternative of Section C402.1.5.

2. Fenestration in building envelope assemblies shall comply with Section C402.4, or the component performance alternative of Section C402.1.5.

3. Air leakage of building envelope assemblies shall comply with Section C402.5.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-40211 Section C402.1.1—Low energy buildings.

C402.1.1 Low energy buildings. The following buildings, or portions thereof, separated from the remainder of the building by *building thermal envelope* assemblies complying with this code shall be exempt from all thermal envelope provision of this code:

1. Those that are heated and/or cooled with a peak design rate of energy usage less than 3.4 Btu/hx ft² (10.7 W/m²) or 1.0 watt/ft² (10.7 W/m²) of floor area for space conditioning purposes.

2. Those that do not contain *conditioned space*.

3. Greenhouses where cooling does not include a condensing unit and that are isolated from any other conditioned space.

4. Unstaffed equipment shelters or cabinets used solely for personal wireless service facilities.

C402.1.1.1 Semi-heated buildings and spaces. The building envelope of semi-heated buildings, or portions thereof, shall comply with the same requirements as that for conditioned spaces in Section C402, except as modified by this section. Building envelope assemblies separating conditioned space from *semi-heated space* shall comply with exterior envelope insulation requirements. *Semi-heated spaces* heated by mechanical systems that do not include electric resistance heating equipment are not required to comply with the opaque wall insulation provisions of Section C402.2.3 for walls that separate semi-heated spaces from the exterior or low energy spaces. *Semi-heated spaces* shall be calculated separately from other conditioned spaces for compliance pur-

poses. Opaque walls in *semi-heated spaces* shall be calculated as fully code compliant opaque walls for both the target and proposed for the Target UA calculations for Component Performance compliance per Section C402.1.5, and for the Standard Reference Design for Total Building Performance compliance per Section C407.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-402121 Table C402.1.3—Opaque thermal envelope assembly *R*-value requirements.

**Table C402.1.3
Opaque Thermal Envelope Insulation Component
Minimum Requirements, *R*-value Method^{a,g}**

CLIMATE ZONE	5 AND MARINE 4	
	All Other	Group R
Roofs		
Insulation entirely above deck	R-38ci	R-38ci
Metal buildings ^b	R-25 + R-11 LS	R-25 + R-11 LS
Attic and other	R-49	R-49
Walls, Above Grade		
Mass	R-9.5ci ^e	R-13.3ci
Metal buildings	R-19ci	R-19ci
Steel framed	R-13 + R-10ci	R-19 + R-8.5ci
Wood framed and other	R-21 int	R-21 int
Walls, Below Grade		
Below-grade wall ^d	Same as above grade	Same as above grade
Floors		
Mass ^f	R-30ci	R-30ci
Joist/framing	R-30 ^e	R-30 ^e
Slab-on-Grade Floors		
Unheated slabs	R-10 for 24" below	R-10 for 24" below

CLIMATE ZONE	5 AND MARINE 4	
Heated slabs	All Other	Group R
	R-10 perimeter & under entire slab	R-10 perimeter & under entire slab
Opaque Doors		
Nonswinging	R-4.75	R-4.75

For SI: 1 inch = 25.4 mm. ci = Continuous insulation. NR = No requirement.

LS = Liner system—A continuous membrane installed below the purlins and uninterrupted by framing members. Uncompressed, unfaced insulation rests on top of the membrane between the purlins.

- a Assembly descriptions can be found in Chapter 2 and Appendix A.
- b Where using *R*-value compliance method, a thermal spacer block with minimum thickness of 1/2-inch and minimum *R*-value of R-3.5 shall be provided, otherwise use the *U*-factor compliance method in Table C402.1.4.
- c Exception: Integral insulated concrete block walls complying with ASTM C90 with all cores filled and meeting both of the following:
 1. At least 50 percent of cores must be filled with vermiculite or equivalent fill insulation; and
 2. The building thermal envelope encloses one or more of the following uses: Warehouse (storage and retail), gymnasium, auditorium, church chapel, arena, kennel, manufacturing plant, indoor swimming pool, pump station, water and waste water treatment facility, storage facility, storage area, motor vehicle service facility. Where additional uses not listed (such as office, retail, etc.) are contained within the building, the exterior walls that enclose these areas may not utilize this exception and must comply with the appropriate mass wall *R*-value from Table C402.1.3/*U*-factor from Table C402.1.4.
- d Where heated slabs are below grade, (~~below-grade walls~~) they shall comply with the (~~exterior~~) insulation requirements for heated slabs.
- e Steel floor joist systems shall be insulated to R-38 + R-10ci.
- f "Mass floors" shall include floors weighing not less than:
 1. 35 pounds per square foot of floor surface area; or
 2. 25 pounds per square foot of floor surface area where the material weight is not more than 120 pounds per cubic foot.
- g For roof, wall or floor assemblies where the proposed assembly would not be continuous insulation, an alternate nominal *R*-value compliance option for assemblies with isolated metal penetrations of otherwise continuous insulation is:

Assemblies with continuous insulation (see definition)	Alternate option for assemblies with metal penetrations, greater than 0.04% but less than 0.08%	Alternate option for assemblies with metal penetrations, greater than or equal to 0.08% but less than 0.12%
R-9.5ci	R-11.9ci	R-13ci
R-11.4ci	R-14.3ci	R-15.7ci
R-13.3ci	R-16.6ci	R-18.3ci
R-15.2ci	R-19.0ci	R-21ci
R-30ci	R-38ci	R-42ci

Assemblies with continuous insulation (see definition)	Alternate option for assemblies with metal penetrations, greater than 0.04% but less than 0.08%	Alternate option for assemblies with metal penetrations, greater than or equal to 0.08% but less than 0.12%
R-38ci	R-48ci	R-53ci
R-13 + R-7.5ci	R-13 + R-9.4ci	R-13 + R-10.3ci
R-13 + R-10ci	R-13 + R-12.5ci	R-13 + R-13.8ci
R-13 + R-12.5ci	R-13 + R-15.6ci	R-13 + R-17.2ci
R-13 + R-13ci	R-13 + R-16.3ci	R-13 + R-17.9ci
R-19 + R-8.5ci	R-19 + R-10.6ci	R-19 + R-11.7ci
R-19 + R-14ci	R-19 + R-17.5ci	R-19 + R-19.2ci
R-19 + R-16ci	R-19 + R-20ci	R-19 + R-22ci
R-20 + R-3.8ci	R-20 + R-4.8ci	R-20 + R-5.3ci
R-21 + R-5ci	R-21 + R-6.3ci	R-21 + R-6.9ci

This alternate nominal *R*-value compliance option is allowed for projects complying with all of the following:

1. The ratio of the cross-sectional area, as measured in the plane of the surface, of metal penetrations of otherwise continuous insulation to the opaque surface area of the assembly is greater than 0.0004 (0.04%), but less than 0.0012 (0.12%).
2. The metal penetrations of otherwise continuous insulation are isolated or discontinuous (e.g., brick ties or other discontinuous metal attachments, offset brackets supporting shelf angles that allow insulation to go between the shelf angle and the primary portions of the wall structure). No continuous metal elements (e.g., metal studs, z-girts, z-channels, shelf angles) penetrate the otherwise continuous portion of the insulation.
3. Building permit drawings shall contain details showing the locations and dimensions of all the metal penetrations (e.g., brick ties or other discontinuous metal attachments, offset brackets, etc.) of otherwise continuous insulation. In addition, calculations shall be provided showing the ratio of the cross-sectional area of metal penetrations of otherwise continuous insulation to the overall opaque wall area.

For other cases where the proposed assembly is not continuous insulation, see Section C402.1.4 for determination of *U*-factors for assemblies that include metal other than screws and nails.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-40214 Section C402.1.4—Assembly *U*-factor, *C*-factor, or *F*-factor-based method.

C402.1.4 Assembly *U*-factor, *C*-factor, or *F*-factor-based method. Building thermal envelope opaque assemblies intended to comply on an assembly *U*-, *C*-, or *F*-factor basis shall have a *U*-, *C*-, or *F*-factor not greater than that specified in Table C402.1.4. Commercial buildings or portions of commercial buildings enclosing Group R occupancies shall use the *U*-, *C*-, or *F*-factor from the "Group R" column of Table C402.1.4. Commercial buildings or portions of commercial buildings enclosing occupancies other than Group R shall use the *U*-, *C*-, or *F*-factor from the "All other" column of Table C402.1.4. The *C*-factor for the below-grade exterior walls of the building envelope, as required in accordance with Table C402.1.4, shall extend to the level of the lowest conditioned

floor. Opaque swinging doors shall comply with Table C402.1.4 and opaque nonswinging doors shall comply with Table C402.1.3 or C402.1.4. The *U*-factors for typical construction assemblies are included in Appendix A. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Appendix A, values shall be calculated in accordance with the ASHRAE *Handbook—Fundamentals* using the framing factors listed in Appendix A where applicable and shall include the thermal bridging effects of framing materials.

C402.1.4.1 Thermal resistance of cold-formed steel stud walls. *U*-factors of walls with cold-formed steel studs shall be permitted to be determined in accordance with Equation 4-1:

Equation 4-1:

$$U = 1/[R_s + (ER)]$$

Where:

- R_s* = The cumulative *R*-value of the wall components along the path of heat transfer, excluding the cavity insulation and steel studs.
- ER* = The effective *R*-value of the cavity insulation with steel studs.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-402141 Table C402.1.4—Opaque thermal envelope requirements, *U*-factor method.

Table C402.1.4

Opaque Thermal Envelope Requirements^{a,f}

CLIMATE ZONE	5 AND MARINE 4	
	All Other	Group R
Roofs		
Insulation entirely above deck	U-0.027	U-0.027

CLIMATE ZONE	5 AND MARINE 4	
	All Other	Group R
Metal buildings	U-0.031	U-0.031
Attic and other	U-0.021	U-0.021
Joist or single rafter	U-0.027	U-0.027
Walls, Above Grade		
Mass	U-0.104 ^d	U-0.078
Mass transfer deck slab edge	U-0.20	U-0.20
Metal building	U-0.052	U-0.052
Steel framed	U-0.055	U-0.055
Wood framed and other	U-0.054	U-0.054
Walls, Below Grade		
Below-grade wall ^b	Same as above grade	Same as above grade
Floors		
Mass ^c	U-0.031	U-0.031
Joist/framing	U-0.029	U-0.029
Slab-on-Grade Floors		
Unheated slabs	F-0.54	F-0.54
Heated slabs ^c	F-0.55	F-0.55
Opaque Doors		
Swinging	U-0.37	U-0.37
Nonswinging	U-0.34	U-0.34

- ^a Use of opaque assembly *U*-factors, *C*-factors, and *F*-factors from Appendix A is required unless otherwise allowed by Section C402.1.4.
- ^b Where heated slabs are below grade, (~~below-grade walls~~) they shall comply with the *F*-factor requirements for heated slabs.
- ^c Heated slab *F*-factors shall be determined specifically for heated slabs. Unheated slab factors shall not be used.
- ^d Exception: Integral insulated concrete block walls complying with ASTM C90 with all cores filled and meeting both of the following:
 1. At least 50 percent of cores must be filled with vermiculite or equivalent fill insulation; and
 2. The building thermal envelope encloses one or more of the following uses: Warehouse (storage and retail), gymnasium, auditorium, church chapel, arena, kennel, manufacturing plant, indoor swimming pool, pump station, water and waste water treatment facility, storage facility, storage area, motor vehicle service facility. Where additional uses not listed (such as office, retail, etc.) are contained within the building, the exterior walls that enclose these areas may not utilize this exception and must comply with the appropriate mass wall *R*-value from Table C402.1.3/*U*-factor from Table C402.1.4.
- ^e "Mass floors" shall include floors weighing not less than:
 1. 35 pounds per square foot of floor surface area; or
 2. 25 pounds per square foot of floor surface area where the material weight is not more than 120 pounds per cubic foot.
- ^f Opaque assembly *U*-factors based on designs tested in accordance with ASTM C1363 shall be permitted. The *R*-value of continuous insulation shall be permitted to be added or subtracted from the original test design.

AMENDATORY SECTION (Amending WSR 16-13-089, filed 6/15/16, effective 7/16/16)

WAC 51-11C-40215 Section C402.1.5—Component performance alternative.

C402.1.5 Component performance alternative. Building envelope values and fenestration areas determined in accordance with Equation 4-2 shall be permitted in lieu of compliance with the *U*-factors and *F*-factors in Table C402.1.4 and C402.4 and the maximum allowable fenestration areas in Section C402.4.1.

Equation 4-2

$$A + B + C + D = \leq \text{Zero}$$

Where:

- A = Sum of the (UA Dif) values for each distinct assembly type of the building thermal envelope, other than slabs on grade (~~and below-grade walls~~)
 - UA Dif = UA Proposed - UA Table
 - UA Proposed = Proposed *U*-value x Area
 - UA Table = (*U*-factor from Table C402.1.4 or C402.4 (~~or Section C402.1.3~~)) x Area
- B = Sum of the (FL Dif) values for each distinct slab on grade perimeter condition of the building thermal envelope
 - FL Dif = FL Proposed - FL Table
 - FL Proposed = Proposed *F*-value x Perimeter length
 - FL Table = (*F*-factor specified in Table C402.1.4) x Perimeter length

The maximum allowed prescriptive vertical fenestration area, identified as "Vertical Fenestration Area allowed" in factor CA below, as a percent of the gross above-grade wall area ratio is either:

1. 30%
2. 40% if the building complies with Section C402.4.1.1 or Section C402.1.4.1; or
3. 40% if the *U*-values used in calculating A for vertical fenestration are taken from Section C402.4.1.3 rather than Table C402.4

Where the proposed vertical fenestration area is less than or equal to the maximum allowed prescriptive vertical fenestration area, the value of C (Excess Vertical Glazing Value) shall be zero. Otherwise:

$$C = (CA \times UV) - (CA \times U_{\text{wall}}), \text{ but not less than zero}$$

CA	=	(Proposed Vertical Fenestration Area) - (Vertical Fenestration Area allowed)
UA Wall	=	Sum of the (UA Proposed) values for each opaque assembly of the exterior wall
UAW	=	Sum of the (UA proposed) values for each above-grade wall assembly
U_{Wall}	=	$UAW / \text{sum of wall area (excludes vertical fenestration area)}$
UAV	=	Sum of the (UA Proposed) values for each vertical fenestration assembly
UV	=	$UAV / \text{total vertical fenestration area}$

Where the proposed skylight area is less than or equal to the skylight area allowed by Section C402.4.1, the value of D (Excess Skylight Value) shall be zero. Otherwise:

$$D = (DA \times US) - (DA \times U_{Roof}), \text{ but not less than zero}$$

DA	=	(Proposed Skylight Area) - (Allowable Skylight Area from Section C402.4.1)
UAR	=	Sum of the (UA Proposed) values for each roof assembly
U_{Roof}	=	$UAR / \text{sum of roof area (excludes skylight area)}$
UAS	=	Sum of the (UA Proposed) values for each skylight assembly
US	=	$UAS / \text{total skylight area}$

C402.1.5.1 Component U-factors. The U-factors for typical construction assemblies are included in Chapter 3 and Appendix A. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapter 3 or Appendix A, values shall be calculated in accordance with the ASHRAE *Handbook—Fundamentals*, using the framing factors listed in Appendix A.

For envelope assemblies containing metal framing, the U-factor shall be determined by one of the following methods:

1. Results of laboratory measurements according to acceptable methods of test.
2. ASHRAE *Handbook—Fundamentals* where the metal framing is bonded on one or both sides to a metal skin or covering.
3. The zone method as provided in ASHRAE *Handbook—Fundamentals*.
4. Effective framing/cavity R-values as provided in Appendix A.

When return air ceiling plenums are employed, the roof/ceiling assembly shall:

- a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and
- b. For gross area purposes, be based upon the interior face of the upper plenum surface.

5. Tables in ASHRAE 90.1-2010 Normative Appendix A.

C402.1.5.2 SHGC rate calculations. Solar heat gain coefficient shall comply with Table C402.4. The target SHGCA_t and the proposed SHGCA_p shall be calculated using Equations 4-3 and 4-4 and the corresponding areas and SHGCs from Table C402.4.

Equation 4-3—Target SHGCA_t

**Equation C402-3
Target SHGCA_t**

$$SHGCA_t = SHGC_{ogt}(A_{ogt}) + SHGC_{vgt} (A_{vgt} + A_{vgmt} + A_{vgmot} + A_{vgdt})$$

Where:

SHGCA_t = The target combined solar heat gain of the target fenestration area.

SHGC_{ogt} = The solar heat gain coefficient for skylight fenestration found in Table ((~~C402.3~~) C402.4).

A_{ogt} = The proposed skylight area.

SHGC_{vgt} = The solar heat gain coefficient for vertical fenestration found in Table ((~~C402.3—Buildings utilizing Section C402.3.1.3 shall use the SHGC value specified there. The SHGC may be adjusted for projection factors per the requirements of Section (~~C402.3~~) C402.4 which corresponds to the proposed total fenestration area as a percentage of gross exterior wall.~~)).

A_{vgt} = The proposed vertical fenestration area with nonmetal framing.

A_{vgmt} = The proposed vertical fenestration area with fixed metal framing.

A_{vgmot} = The proposed vertical fenestration area with operable metal framing.

A_{vgdt} = The proposed vertical fenestration area of entrance doors.

NOTE: The vertical fenestration area does not include opaque doors and opaque spandrel panels.

**Equation 4-4
Proposed SHGCA_p**

$$SHGCA_p = SHGC_{og}A_{og} + SHGC_{vg}A_{vg}$$

Where:

- SHGCA_t = The combined proposed solar heat gain of the proposed fenestration area.
- SHGC_{og} = The solar heat gain coefficient of the skylights.
- A_{og} = The skylight area.
- SHGC_{vg} = The solar heat gain coefficient of the vertical fenestration.
- A_{vg} = The vertical fenestration area.
- NOTE: The vertical fenestration area does not include opaque doors and opaque spandrel panels.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-40220 Section C402.2—Specific insulation requirements.

C402.2 Specific building thermal envelope insulation requirements (Prescriptive). Insulation in building thermal envelope opaque assemblies shall comply with Sections C402.2.1 through C402.2.6 and Table C402.1.3.

Where this section refers to installing insulation levels as specified in Section C402.1.3, assemblies complying with Section C402.1.4 and buildings complying with Section C402.1.5 are allowed to install alternate levels of insulation

$$\text{Skylight Effective Aperture} = (0.85 \times \text{Skylight Area} \times \text{Skylight VT} \times \text{WF}) / \text{Daylight zone under skylight}$$

(Equation 4-5)

Where:

- Skylight area = Total fenestration area of skylights.
- Skylight VT = Area weighted average visible transmittance of skylights.
- WF = Area weighted average well factor, where well factor is 0.9 if light well depth is less than 2 feet (610 mm), or 0.7 if light well depth is 2 feet (610 mm) or greater.
- Light well depth = Measure vertically from the underside of the lowest point of the skylight glazing to the ceiling plane under the skylight.

- EXCEPTION: Skylights above daylight zones of enclosed spaces are not required in:
1. Reserved.
 2. Spaces where the designed *general lighting* power densities are less than 0.5 W/ft² (5.4 W/m²).
 3. Areas where it is documented that existing structures or natural objects block direct beam sunlight on at least half of the roof over the enclosed area for more than 1,500 daytime hours per year between 8 a.m. and 4 p.m.

so long as the U-factor of the insulated assembly is less than or equal to the U-factor required by the respective path.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-40232 Section C402.4.2—Minimum skylight fenestration area.

C402.4.2 Minimum skylight fenestration area. For single story buildings only, in an enclosed space greater than 2,500 square feet (232 m²) in floor area, directly under a roof with not less than 75 percent of the ceiling area with a ceiling height greater than 15 feet (4572 mm), and used as an office, lobby, atrium, concourse, corridor, gymnasium/exercise center, convention center, automotive service, manufacturing, nonrefrigerated warehouse, retail store, distribution/sorting area, transportation, or workshop, skylights are required to provide a total toplight *daylight zone* area not less than half the floor area and shall provide one of the following:

1. A minimum ratio of skylight area to toplight *daylight zone* area under skylights of not less than 3 percent where all skylights have a VT of at least 0.40 as determined in accordance with Section C303.1.3.
2. A minimum skylight effective aperture of at least 1 percent determined in accordance with Equation 4-5.

4. Spaces where the daylight zone under rooftop monitors is greater than 50 percent of the enclosed space floor area.
5. Spaces where the total floor area minus the sidelight daylight zone area is less than 2,500 square feet (232 m²), and where the lighting in the daylight zone is controlled in accordance with Section C405.2.3.1.

C402.4.2.1 Lighting controls in daylight zones under skylights. Daylight responsive controls complying with Section C405.2.4.1 shall be provided to control all electric lights within daylight zones.

C402.4.2.2 Haze factor. Skylights in office, storage, automotive service, manufacturing, nonrefrigerated warehouse, retail store, and distribution/sorting area spaces shall have a glazing material or diffuser with a haze factor greater than 90 percent when tested in accordance with ASTM D 1003.

EXCEPTION: Skylights designed and installed to exclude direct sunlight entering the occupied space by the use of fixed or automated baffles, or the geometry of skylight and light well.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-40234 Section C402.4.4—Doors.

C402.4.4 Doors. *Opaque doors* shall comply with the applicable requirements for doors as specified in Tables C402.1.3 and C402.1.4 and be considered part of the gross area of

above grade walls that are part of the *building thermal envelope*. Other doors shall comply with the provisions of Section C402.4.3 for vertical fenestration and the entire door area, including the frame, shall be considered part of the fenestration area of the building thermal envelope.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-403241 Section C403.2.4.1—Thermostatic controls.

C403.2.4.1 Thermostatic controls. The supply of heating and cooling energy to each *zone* shall be controlled by individual thermostatic controls capable of responding to temperature within the *zone*. Controls in the same zone or in neighboring zones connected by openings larger than 10 percent of the floor area of either zone shall not allow for simultaneous heating and cooling. At a minimum, each floor of a building shall be considered as a separate zone. Controls on systems required to have economizers and serving single zones shall have multiple cooling stage capability and activate the economizer when appropriate as the first stage of cooling. See Section C403.3.1 for further economizer requirements. Where humidification or dehumidification or both is provided, at least one humidity control device shall be provided for each humidity control system.

- EXCEPTIONS:
1. Independent perimeter systems that are designed to offset only building envelope heat losses or gains or both serving one or more perimeter *zones* also served by an interior system provided:
 - 1.1. The perimeter system includes at least one thermostatic control *zone* for each building exposure having exterior walls facing only one orientation (within +/-45 degrees) (0.8 rad) for more than 50 contiguous feet (15,240 mm);
 - 1.2. The perimeter system heating and cooling supply is controlled by a thermostat located within the *zones* served by the system; and
 - 1.3. Controls are configured to prevent the perimeter system from operating in a different heating or cooling mode from the other equipment within the *zones* or from neighboring zones connected by openings larger than 10 percent of the floor area of either zone.
 2. ~~((Any nonperimeter zones not separated from perimeter zones by an interior wall with openings no larger than 10 percent of the perimeter floor zone area shall have setpoints and deadbands coordinated so that cooling in adjacent zones shall not operate until the adjacent zone temperature is 5°F (2.8°C) higher than the perimeter zone temperature.)) Any interior zone open to a perimeter zone shall have setpoints and deadbands coordinated to that cooling in the interior zone shall not operate while the perimeter zone is in heating until the interior zone temperature is 5°F (2.8°C) higher than the perimeter zone temperature, unless the interior and perimeter zones are separated by a partition whose permanent openings are smaller than 10 percent of the perimeter zone floor area.~~

C403.2.4.1.1 Heat pump supplementary heat. Unitary air cooled heat pumps shall include microprocessor controls that minimize supplemental heat usage during start-up, set-up, and defrost conditions. These controls shall anticipate need

for heat and use compression heating as the first stage of heat. Controls shall indicate when supplemental heating is being used through visual means (e.g., LED indicators). Heat pumps equipped with supplementary heaters shall be installed with controls that prevent supplemental heater operation above 40°F.

EXCEPTION: Packaged terminal heat pumps (PTHPs) of less than 2 tons (24,000 Btu/hr) cooling capacity provided with controls that prevent supplementary heater operation above 40°F.

C403.2.4.1.2 Deadband. Where used to control both heating and cooling, zone thermostatic controls shall be configured to provide a temperature range or deadband of at least 5°F (2.8°C) within which the supply of heating and cooling energy to the zone is shut off or reduced to a minimum.

- EXCEPTIONS:
1. Thermostats requiring manual changeover between heating and cooling modes.
 2. Occupancies or applications requiring precision in indoor temperature control as *approved by the code official*.

C403.2.4.1.3 Setpoint overlap restriction. Where a *zone* has a separate heating and a separate cooling thermostatic control located within the zone, a limit switch, mechanical stop or direct digital control system with software programming shall be configured to prevent the heating set point from exceeding the cooling setpoint and to maintain a deadband in accordance with Section C403.2.4.1.2.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-40511 ~~((Reserved))~~ Electrical power and lighting systems commissioning and completion requirements. Electrical power and lighting systems shall be commissioned and completed in accordance with Section C408.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-40605 Section C406.5—On-site renewable energy option.

C406.5 On-site renewable energy. Buildings shall be provided with on-site renewable energy systems with ~~((a total system rating))~~ an annual energy production per square foot of conditioned floor area of the building of not less than the value specified in Table C406.5.

**Table C406.5
On-Site Renewable Energy System Rating
(per square foot)**

Building Area Type	((kBTU)) kBtu/year	kWh/year
Assembly	1.8	0.53
Dining	10.7	3.14
Hospital	3.6	1.06
Hotel/Motel	2.0	0.59

Building Area Type	((kBTU) kBTu/year)	kWh/year
Multifamily residential	0.50	0.15
Office	0.82	0.24
Other	2.02	0.59
Retail	1.31	0.38
School/University	1.17	0.34
Supermarket	5.0	1.47
Warehouse	0.43	0.13

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-40607 Section C406.7—Service water heating option.

C406.7 Reduced energy use in service water heating. Buildings shall comply with Sections C406.7.1 and C406.7.2.

C406.7.1 Building type. Not less than 90 percent of the conditioned floor area shall be of the following types:

1. Group R-1: Boarding houses, hotels or motels.

2. Group I-2: Hospitals, psychiatric hospitals and nursing homes.
3. Group A-2: Restaurants and banquet halls or buildings containing food preparation areas.
4. Group F: Laundries.
5. Group R-2: Buildings with residential occupancies.
6. Group A-3: Health clubs and spas.
7. Buildings with a service hot water load of 10 percent or more of total building energy loads, as shown with an energy analysis as described in Section C407.

C406.7.2 Load fraction. Not less than 60 percent of the annual building service hot water heating energy use, or not less than 100 percent of the annual building service hot water heating energy use in buildings subject to the requirements of Section C403.5.4, shall be provided by one or more of the following:

1. Service hot water system delivering heating requirements using heat pump technology with a minimum COP of 3.0.
2. Waste heat recovery from service hot water, heat recovery chillers, building equipment, process equipment, a combined heat and power system, or other *approved* system.
3. Solar water-heating systems.

AMENDATORY SECTION (Amending WSR 16-13-089, filed 6/15/16, effective 7/16/16)

WAC 51-11C-407051 Table C407.5.1(1)—Specifications for the standard reference and proposed design.

**Table C407.5.1(1)
Specifications for the Standard Reference and Proposed Designs**

Building Component Characteristics	Standard Reference Design	Proposed Design
Space use classification	Same as proposed	The space use classification shall be chosen in accordance with Table C405.4.2 for all areas of the building covered by this permit. Where the space use classification for a building is not known, the building shall be categorized as an office building.
Roofs	Type: Insulation entirely above deck Gross area: Same as proposed U-factor: From Table C402.1.4 Solar absorptance: 0.75 Emittance: 0.90	As proposed As proposed As proposed As proposed As proposed
Walls, above-grade	Type: Mass wall if proposed wall is mass; otherwise steel-framed wall Gross area: Same as proposed U-factor: From Table C402.1.4 Solar absorptance: 0.75 Emittance: 0.90	As proposed As proposed As proposed As proposed
Walls, below-grade	Type: Mass wall Gross area: Same as proposed	As proposed As proposed

Building Component Characteristics	Standard Reference Design	Proposed Design
	U-Factor: From Table C402.1.4 with insulation layer on interior side of walls	As proposed
Floors, above-grade	Type: Joist/framed floor Gross area: Same as proposed U-factor: From Table C402.1.4	As proposed As proposed As proposed
Floors, slab-on-grade	Type: Unheated F-factor: From Table C402.1.4	As proposed As proposed
Opaque Doors	Type: Swinging Area: Same as proposed U-factor: From Table C402.1.4	As proposed As proposed As proposed
Vertical Fenestration Other than opaque doors	Area 1. The proposed vertical fenestration area; where the proposed vertical fenestration area is less than 30 percent of above-grade wall area. 2. 30 percent of above-grade wall area; where the proposed vertical fenestration area is 30 percent or more of the above-grade wall area. U-factor: From Table C402.4 for the same framing material as proposed SHGC: From Table C402.4 except that for climates with no requirement (NR) SHGC = 0.40 shall be used External shading and PF: None	As proposed As proposed As proposed As proposed
Skylights	Area 1. The proposed skylight area; where the proposed skylight area is less than 3 percent of gross area of roof assembly. 2. 3 percent of gross area of roof assembly; where the proposed skylight area is 3 percent or more of gross area of roof assembly. U-factor: From Table C402.4 SHGC: From Table C402.4 except that for climates with no requirement (NR) SHGC = 0.40 shall be used	As proposed As proposed As proposed
Air leakage	For infiltration, the air leakage rate as determined below shall be modeled at 100% when the building fan system is off, and at 25% when the building fan system is on, unless otherwise approved by the building official for unusually pressurized buildings. Per PNNL Report 18898, Infiltration Modeling Guidelines for Commercial Building Energy Analysis, the building air leakage rates as determined in accordance with Section C402.5.1.2 at 0.30 in. w.g. (75 Pa) shall be converted for modeling in annual energy analysis programs by being multiplied by 0.112 unless other multipliers are approved by the building official (e.g., a tested air leakage of 0.40 cfm/ft ² of total building envelope area at 0.30 in. w.g. (75 Pa) would be calculated at 0.045	The Proposed Design air-leakage rate shall be the same as the Standard Design.

Building Component Characteristics	Standard Reference Design	Proposed Design
	cfm/ft ² of building envelope area). The calculated infiltration rate shall be normalized to the input required by the modeling software.	
Lighting, interior	<p>The interior lighting power shall be determined in accordance with Table C405.4.2. As proposed when the occupancy of the space is not known.</p> <p>Automatic lighting controls (e.g., programmable controls or automatic controls for daylight utilization) shall be modeled in <i>the standard reference design</i> as required by Section C405.</p>	As proposed; where the occupancy of the space is not known, the lighting power density shall be based on the space classification as offices in Table C405.4.2(1).
Lighting, exterior	The lighting power shall be determined in accordance with Table C405.5.2(2). Areas and dimensions of tradable and nontradable surfaces shall be the same as proposed.	As proposed
Internal gains	Same as proposed	Receptacle, motor and process loads shall be modeled and estimated based on the space use classification. All end-use load components within and associated with the building shall be modeled to include, but not be limited to, the following: Exhaust fans, parking garage ventilation fans, exterior building lighting, swimming pool heaters and pumps, elevators, escalators, refrigeration equipment and cooking equipment.
Schedules	Same as proposed	Operating schedules shall include hourly profiles for daily operation and shall account for variations between weekdays, weekends, holidays and any seasonal operation. Schedules shall model the time-dependent variations in occupancy, illumination, receptacle loads, thermostat settings, mechanical ventilation, HVAC equipment availability, service hot water usage and any process loads. The schedules shall be typical of the proposed building type as determined by the designer and approved by the jurisdiction.
Outdoor airflow rates	<p>Same as proposed, or no higher than those allowed by Section C403.2.6 (without exception 1), whichever is less.</p> <p>Demand control ventilation: Shall be modeled as required by Section C403.6 including reduction to the minimum ventilation rate when unoccupied.</p>	<p>As proposed, in accordance with Section C403.2.6.</p> <p>As proposed</p>

Building Component Characteristics	Standard Reference Design	Proposed Design
Heating systems	<p>Fuel type: Same as proposed design</p> <p>Equipment type^a: From Tables C407.5.1(2), C407.5.1(3), and C407.5.1(4)</p> <p>Efficiency: From Tables C403.2.3(2), C403.2.3(3), C403.2.3(4) and C403.2.3(5)</p> <p>Preheat coils: For HVAC system numbers 1 through 4, a preheat coil shall be modeled controlled to a fixed setpoint 20°F less than the design room heating temperature setpoint.</p> <p>Capacity^b: Sized proportionally to the capacities in the proposed design based on sizing runs, i.e., the ratio between the capacities used in the annual simulations and the capacities determined by the sizing runs shall be the same for both the proposed design and <i>standard reference design</i>, and shall be established such that no smaller number of unmet heating load hours and no larger heating capacity safety factors are provided than in the proposed design.</p> <p>Weather conditions used in sizing runs to determine <i>standard reference design</i> equipment capacities may be based either on hourly historical weather files containing typical peak conditions or on design days developed using 99.6% heating design temperatures and 1% dry-bulb and 1% wet-bulb cooling design temperatures.</p>	<p>As proposed</p> <p>As proposed</p> <p>As proposed</p> <p>As proposed</p>
Cooling systems	<p>Fuel type: Same as proposed design</p> <p>Equipment type^a: From Tables C407.5.1(2), C407.5.1(3), and C407.5.1(4)</p> <p>Efficiency: From Tables C403.2.3(1), C403.2.3(2) and C403.2.3(3). Chillers shall use Path A efficiency.</p> <p>Capacity^b: Sized proportionally to the capacities in the proposed design based on sizing runs, i.e., the ratio between the capacities used in the annual simulations and the capacities determined by the sizing runs shall be the same for both the proposed design and <i>standard reference design</i>, and shall be established such that no smaller number of unmet cooling load hours and no larger cooling capacity safety factors are provided than in the proposed design.</p> <p>Economizer^d: (Same as proposed.) In accordance with Section C403.3. The high-limit shutoff shall be a dry-bulb switch with a setpoint as determined by Table C403.3.3.3.</p>	<p>As proposed</p> <p>As proposed</p> <p>As proposed</p> <p>As proposed</p> <p>As proposed</p>
Energy recovery	<p><i>Standard reference design</i> systems shall be modeled where required in Section C403.5.</p>	<p>As proposed</p>

Building Component Characteristics	Standard Reference Design	Proposed Design
Fan systems	<p>Airflow rate: System design supply airflow rates for the <i>standard reference design</i> shall be based on a supply-air-to-room-air temperature difference of 20°F or the required ventilation air or makeup air, whichever is greater. If return or relief fans are specified in the proposed design, the <i>standard reference design</i> shall also be modeled with fans serving the same functions and sized for the <i>standard reference design</i> system supply fan air quantity less the minimum outdoor air, or 90% of the supply fan air quantity, whichever is larger.</p> <p>Motor brake horsepower: System fan electrical power for supply, return, exhaust, and relief (excluding power to fan-powered VAV boxes) shall be calculated using the following formulas: For systems 5, 7, 8 and 10 in Table C407.5.1(4), $P_{fan} = CFM_s \times 0.3$ For all other systems, including DOAS, $P_{fan} = bhp \times 746 / \text{Fan Motor Efficiency}$ Where: P_{fan} = Electric power to fan motor (watts) bhp = Brake horsepower of <i>standard reference design</i> fan motor from Table C403.2.12.1(1) - Option 2 Fan motor = The efficiency from Tables C405.8(1) through C405.8(4) for the efficiency next motor size greater than the bhp using the enclosed motor at 1800 rpm CFM_s = The <i>standard reference design</i> system maximum design supply fan airflow rate in cfm (DOAS fan power shall be calculated separately from the brake-horsepower allowance)).</p>	<p>As proposed</p> <p>As proposed</p>
On-site renewable energy	No on-site renewable energy shall be modeled in the <i>standard reference design</i> .	As proposed.
Shading from adjacent structures/terrain	Same as proposed.	For the <i>standard reference design</i> and the proposed building, shading by permanent structures and terrain shall be taken into account for computing energy consumption whether or not these features are located on the building site. A permanent fixture is one that is likely to remain for the life of the proposed design.
Service water heating	<p>Fuel type: Same as proposed</p> <p>Efficiency: From Table C404.2 and per Section C404.2.1</p> <p>Capacity: Same as proposed</p> <p>Demand: Same as proposed</p>	<p>As proposed</p> <p>As proposed</p> <p>Service hot-water energy consumption shall be calculated explicitly based upon the volume of service hot water required and the entering makeup water and the leaving service hot water</p>

Building Component Characteristics	Standard Reference Design	Proposed Design
	<p>Where no service water hot water system exists or is specified in the proposed design, no service hot water heating shall be modeled.</p> <p>Drain water heat recovery: Not required.</p>	<p>temperatures. Entering water temperatures shall be estimated based upon the location. Leaving temperatures shall be based upon the end-use requirements.</p> <p>Service water loads and usage shall be the same for both the <i>standard reference design</i> and the proposed design and shall be documented by the calculation procedures recommended by the manufacturer's specifications or generally accepted engineering methods.</p> <p style="text-align: center;">As proposed</p> <p style="text-align: center;">As proposed</p> <p>Drain water heat recovery modeling shall take into account manufacturer's rated efficiencies per C404.9, quantity of connected drains, the proportional flow rates between the waste stream and the preheated stream. Reductions in service water heating energy use for drain water heat recovery shall be demonstrated by calculations.</p>

- a Where no heating system exists or has been specified, the heating system shall be modeled as fossil fuel. The system characteristics shall be identical in both the standard reference design and proposed design.
- b The ratio between the capacities used in the annual simulations and the capacities determined by sizing runs shall be the same for both the standard reference design and proposed design.
- c Where no cooling system exists or no cooling system has been specified, the cooling system shall be modeled as an air-cooled single-zone system, one unit per thermal zone. The system characteristics shall be identical in both the standard reference design and proposed design.
- d If an economizer is required in accordance with Section C403.3 and where no economizer exists or is specified in the proposed design, then an air economizer shall be provided in the standard reference design in accordance with Section C403.3.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-407052 Table C407.5.1(2)/(3)—HVAC systems map.

Table C407.5.1(2)
HVAC Systems Map for Buildings Governed by Section C403.6^d

((Condenser Cooling Source* Heating System Classification*	Standard Reference Design HVAC System Type*	
	Single-Zone Residential System	All-Other
Water/ground	Electric resistance	System 5
	Heat pump	System 6
	Fossil fuel	System 7
	Electric resistance	System 8
Air/none	Heat pump	System 8
	Fossil fuel	System 10

<u>Condenser Cooling Source^a</u>	<u>Heating System Classification^b</u>	<u>Standard Reference Design HVAC System Type</u>
<u>Water/ground</u>	<u>Electric resistance</u>	<u>System 5</u>
	<u>Heat pump</u>	<u>System 6</u>
	<u>Fossil fuel</u>	<u>System 7</u>
<u>Air/none</u>	<u>Electric resistance</u>	<u>System 9</u>
	<u>Heat pump</u>	<u>System 9</u>
	<u>Fossil fuel</u>	<u>System 11</u>

- a Select "water/ground" if the proposed design system condenser is water or evaporatively cooled; select "air/none" if the condenser is air cooled. Closed-circuit dry coolers shall be considered air cooled. Systems utilizing district cooling shall be treated as if the condenser water type were "water." If no mechanical cooling is specified or the mechanical cooling system in the proposed design does not require heat rejection, the system shall be treated as if the condenser water type were "Air." For proposed designs with ground-source or groundwater-source heat pumps, the standard reference design HVAC system shall be water-source heat pump (System 6).
- b Systems utilizing district heating (steam or hot water) or district cooling and systems with no heating capability shall be treated as if the heating system type were "fossil fuel" for the purpose of Standard Reference Design HVAC system selection. Otherwise, select the path that corresponds to the proposed design heat source: Electric resistance, heat pump (including air source and water source), or fuel fired. For systems with mixed fuel heating sources, the system or systems that use the secondary heating source type (the one with the smallest total installed output capacity for the spaces served by the system) shall be modeled identically in the standard reference design and the primary heating source type shall be used to determine *standard reference design* HVAC system type.
- c ((Select the *standard reference design* HVAC system category: The system under "single-zone residential system" shall be selected if the HVAC system in the proposed design is a single-zone system and serves a residential space. The system under "all other" shall be selected for all other cases.)) Reserved.
- d This table covers those building types required by Section C403.6 to install Dedicated Outdoor Air Systems: Office, retail, education, libraries and fire stations.

**Table C407.5.1(3)
HVAC Systems Map for All Other Buildings**

Condenser Cooling Source^a	Heating System Classification^b	Standard Reference Design HVAC System Type^c		
		Single-Zone Residential System	Single-Zone Nonresidential System	All Other
Water/ground	Electric resistance	System 5	System 5	System 1
	Heat pump	System 6	System 6	System 6
	Fossil fuel	System 7	System 7	System 2
Air/none	Electric resistance	System 8	System 9	System 3
	Heat pump	System 8	System 9	System 3
	Fossil fuel	System 10	System 11	System 4

- a Select "water/ground" if the proposed design system condenser is water or evaporatively cooled; select "air/none" if the condenser is air cooled. Closed-circuit dry coolers shall be considered air cooled. Systems utilizing district cooling shall be treated as if the condenser water type were "water." If no mechanical cooling is specified or the mechanical cooling system in the proposed design does not require heat rejection, the system shall be treated as if the condenser water type were "Air." For proposed designs with ground-source or groundwater-source heat pumps, the standard reference design HVAC system shall be water-source heat pump (System 6).
- b Systems utilizing district heating (steam or hot water) or district cooling and systems with no heating capability shall be treated as if the heating system type were "fossil fuel" for the purpose of Standard Reference Design HVAC system selection. Otherwise, select the path that corresponds to the proposed design heat source: Electric resistance, heat pump (including air source and water source), or fuel fired. For systems with mixed fuel heating sources, the system or systems that use the secondary heating source type (the one with the smallest total installed output capacity for the spaces served by the system) shall be modeled identically in the standard reference design and the primary heating source type shall be used to determine *standard reference design* HVAC system type.
- c Select the *standard reference design* HVAC system category: The system under "single-zone Group R system" shall be selected if the HVAC system in the proposed design is a single-zone system and serves a residential space. The system under "single-zone other than Group R system" shall be selected if the HVAC system in the proposed design is a single-zone system and serves other than Group R spaces. The system under "all other" shall be selected for all other cases.

AMENDATORY SECTION (Amending WSR 16-13-089, filed 6/15/16, effective 7/16/16)

WAC 51-11C-40801 Section C408.1—General.

C408.1 General. A building commissioning process led by a *certified commissioning professional* shall be completed for mechanical and refrigeration systems in Sections C403 and C410, service water heating systems in Section C404, electrical power and lighting systems in Section C405 and energy metering in Section C409.

EXCEPTION: Buildings, or portions thereof, which are exempt from Sections C408.2 through C408.6 may be excluded from the commissioning process.

C408.1.1 Commissioning in construction documents. Construction document notes shall clearly indicate provisions for commissioning and completion requirements in accordance with this section and are permitted to refer to specifications for further requirements.

C408.1.2 Commissioning plan. A commissioning plan shall be developed by the project's certified commissioning professional and shall outline the organization, schedule, allocation of resources, and documentation requirements of the commissioning process. Items 1 through 4 shall be included with the construction documents, and items 5 through 8 shall be submitted prior to the first mechanical inspection. For projects where no mechanical inspection is required, items 5 through 8 shall be submitted prior to the first electrical inspection.

1. A narrative description of the activities that will be accomplished during each phase of commissioning, including the personnel intended to accomplish each of the activities.

2. Roles and responsibilities of the commissioning team, including statement of qualifications of the commissioning professional.

3. A schedule of activities including systems testing and balancing, functional performance testing, and verification of the building documentation requirements in Section C103.6.

4. Where the certified commissioning professional is an employee of one of the registered design professionals of record or an employee or subcontractor of the project contractor, an In-House Commissioning Disclosure and Conflict Management Plan shall be submitted with the commissioning plan. This plan shall disclose the certified commissioning professional's contractual relationship with other team members and provide a conflict management plan demonstrating that the certified commissioning professional is free to identify any issues discovered and report directly to the owner.

5. A listing of the specific equipment, appliances or systems to be tested and a description of the tests to be performed.

6. Functions to be tested.

7. Conditions under which the test will be performed.

8. Measurable criteria for performance.

C408.1.3 Final commissioning report. A final commissioning report shall be completed and certified by the *certified commissioning professional* and delivered to the building owner or owner's authorized agent. The report shall be organized with mechanical, lighting, service water heating and

metering findings in separate sections to allow independent review. The report shall record the activities and results of the commissioning process and be developed from the final commissioning plan with all of its attached appendices. The report shall include:

1. Results of functional performance tests.

2. Disposition of deficiencies found during testing, including details of corrective measures used or proposed.

3. Functional performance test procedures used during the commissioning process including measurable criteria for test acceptance, provided herein for repeatability.

EXCEPTION: Deferred tests which cannot be performed at the time of report preparation due to climatic conditions.

C408.1.4. Commissioning process completion requirements. Prior to the final mechanical, plumbing and electrical inspections or obtaining a certificate of occupancy, the *certified commissioning professional* or approved agency shall provide evidence of systems *commissioning* and completion in accordance with the provisions of this section.

Copies of all documentation shall be given to the owner and made available to the *code official* upon request in accordance with Section C408.1.4.3.

C408.1.4.1 Commissioning progress report for code compliance. A preliminary report of commissioning test procedures and results shall be completed and certified by the *certified commissioning professional* or *approved agency* and provided to the building owner or owner's authorized agent. The report shall be organized with mechanical, lighting, service water heating and metering findings in separate sections to allow independent review. The report shall be identified as "Preliminary Commissioning Report" and shall identify:

1. Itemization of deficiencies found during testing required by this code that have not been corrected at the time of report preparation.

2. Deferred tests that cannot be performed at the time of report preparation because of climatic conditions, with anticipated date of completion.

3. Climatic conditions required for performance of the deferred tests.

4. Status of the project's record documents, manuals and systems operation training with respect to requirements in Section C103.6.

C408.1.4.2 Acceptance of report. Buildings, or portions thereof, shall not be considered acceptable for a final inspection pursuant to Section C104.2 until the *code official* has received a letter of transmittal from the building owner acknowledging that the building owner or owner's authorized agent has received the Preliminary Commissioning Report. Completion of the Commissioning Compliance Checklist (Figure C408.1.4.2) is deemed to satisfy this requirement.

C408.1.4.3 Copy of report. The *code official* shall be permitted to require that a copy of the Preliminary Commissioning Report be made available for review by the *code official*.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

WAC 51-11C-40802 Section C408.2—Mechanical systems commissioning.

C408.2 Mechanical and refrigeration systems commissioning. Mechanical and refrigeration equipment and controls subject to Sections C403 and C410 shall be included in the commissioning process required by Section C408.1. The commissioning process shall minimally include all energy code requirements for which the code states that equipment or controls shall "be capable of" or "configured to" perform specific functions.

EXCEPTION: Mechanical systems are exempt from the commissioning process where the building's total mechanical equipment capacity is less than 240,000 Btu/h cooling capacity and less than 300,000 Btu/h heating capacity.

C408.2.1 Reserved.

C408.2.2 Systems adjusting and balancing. HVAC systems shall be balanced in accordance with generally accepted engineering standards. Air and water flow rates shall be measured and adjusted to deliver final flow rates within the tolerances provided in the project specifications. Test and balance activities shall include air system and hydronic system balancing.

C408.2.2.1 Air systems balancing. Each supply air outlet and zone terminal device shall be equipped with means for air balancing in accordance with the requirements of Chapter 6 of the *International Mechanical Code*. Discharge dampers used for air system balancing are prohibited on constant volume fans and variable volume fans with motors 10 hp (18.6 kW) and larger. Air systems shall be balanced in a manner to first minimize throttling losses then, for fans with system power of greater than 1 hp (0.74 kW), fan speed shall be adjusted to meet design flow conditions.

EXCEPTION: Fans with fan motors of 1 hp (0.74 kW) or less.

C408.2.2.2 Hydronic systems balancing. Individual hydronic heating and cooling coils shall be equipped with means for balancing and measuring flow. Hydronic systems shall be proportionately balanced in a manner to first minimize throttling losses, then the pump impeller shall be trimmed or pump speed shall be adjusted to meet design flow conditions. Each hydronic system shall have either the capability to measure pressure across the pump, or test ports at each side of each pump.

EXCEPTION: The following equipment is not required to be equipped with means for balancing or measuring flow:

1. Pumps with pump motors of 5 hp (3.7 kW) or less.
2. Where throttling results in no greater than five percent of the nameplate horsepower draw above that required if the impeller were trimmed.

C408.2.3 Functional performance testing. Functional performance testing specified in Sections C408.2.3.1 through C408.2.3.3 shall be conducted. Written procedures which clearly describe the individual systematic test procedures, the expected systems' response or acceptance criteria for each procedure, the actual response or findings, and any pertinent discussion shall be followed. Testing shall affirm operation

during actual or simulated winter and summer design conditions and during full outside air conditions.

C408.2.3.1 Equipment. Equipment functional performance testing shall demonstrate the installation and operation of components, systems, and system-to-system interfacing relationships in accordance with approved plans and specifications such that operation, function, and maintenance serviceability for each of the commissioned systems is confirmed. Testing shall include all modes and *sequence of operation*, including under full-load, part-load and the following emergency conditions:

1. All modes as described in the *sequence of operation*;
2. Redundant or *automatic* back-up mode;
3. Performance of alarms; and
4. Mode of operation upon a loss of power and restoration of power.

C408.2.3.2 Controls. HVAC control systems shall be tested to document that control devices, components, equipment, and systems are calibrated and adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to document they operate in accordance with *approved* plans and specifications.

C408.2.3.3 Economizers. Air economizers shall undergo a functional test to determine that they operate in accordance with manufacturer's specifications.

AMENDATORY SECTION (Amending WSR 16-13-089, filed 6/15/16, effective 7/16/16)

WAC 51-11C-41000 Section C410—Refrigeration system requirements.

C410.1 General (prescriptive). Walk-in coolers, walk-in freezers, refrigerated warehouse coolers, refrigerated warehouse freezers, and refrigerated display cases shall comply with this Section.

Refrigerated warehouse coolers and refrigerated warehouse freezers shall comply with Section C402. Section C402.1.5 Component performance alternative, may be used if granted prior approval by the jurisdiction.

C410.1.1 Refrigeration equipment performance. Refrigeration equipment shall have an energy use in kWh/day not greater than the values of Tables C410.2(1) and C410.2(2) when tested and rated in accordance with AHRI Standard 1200. The energy use shall be verified through certification under an approved certification program or, where a certification program does not exist, the energy use shall be supported by data furnished by the equipment manufacturer.

Table C410.1.1(1)
Minimum Efficiency Requirements: Commercial Refrigeration

EQUIPMENT TYPE	APPLICATION	ENERGY USE LIMITS (kWh per day) ^a	TEST PROCEDURE
Refrigerator with solid doors	Holding Temperature	$0.10 \times V + 2.04$	AHRI 1200
Refrigerator with transparent doors		$0.12 \times V + 3.34$	
Freezers with solid doors		$0.40 \times V + 1.38$	
Freezers with transparent doors		$0.75 \times V + 4.10$	
Refrigerator/freezers with solid doors		The greater of $0.12 \times V + 3.34$ or 0.70	
Commercial refrigerators	Pulldown	$0.126 \times V + 3.51$	

^a V = Volume of the chiller for frozen compartment as defined in AHAM-HRF-1.

Table C410.1.1(2)
Minimum Efficiency Requirements: Commercial Refrigerators and Freezers

EQUIPMENT TYPE				ENERGY USE LIMITS (kWh per day) ^{a,b}	TEST PROCEDURE
Equipment Class ^c	Family Code	Operating Mode	Rating Temperature		
VOP.RC.M	Vertical open	Remote con- densing	Medium	$0.82 \times TDA + 4.07$	AHRI 1200
SVO.RC.M	Semivertical open	Remote con- densing	Medium	$0.83 \times TDA + 3.18$	
HZO.RC.M	Horizontal open	Remote con- densing	Medium	$0.35 \times TDA + 2.88$	
VOP.RC.L	Vertical open	Remote con- densing	Low	$2.27 \times TDA + 6.85$	
HZO.RC.L	Horizontal open	Remote con- densing	Low	$0.57 \times TDA + 6.88$	
VCT.RC.M	Vertical trans- parent door	Remote con- densing	Medium	$0.22 \times TDA + 1.95$	
VCT.RC.L	Vertical trans- parent door	Remote con- densing	Low	$0.56 \times TDA + 2.61$	
SOC.RC.M	Service over counter	Remote con- densing	Medium	$0.51 \times TDA + 0.11$	
VOP.SC.M	Vertical open	Self-contained	Medium	$1.74 \times TDA + 4.71$	
SVO.SC.M	Semivertical open	Self-contained	Medium	$1.73 \times TDA + 4.59$	
HZO.SC.M	Horizontal open	Self-contained	Medium	$0.77 \times TDA + 5.55$	
HZO.SC.L	Horizontal open	Self-contained	Low	$1.92 \times TDA + 7.08$	
VCT.SC.I	Vertical trans- parent door	Self-contained	Ice cream	$0.67 \times TDA + 3.29$	
VCS.SC.I	Vertical solid door	Self-contained	Ice cream	$0.38 \times V + 0.88$	
HCT.SC.I	Horizontal transparent door	Self-contained	Ice cream	$0.56 \times TDA + 0.43$	
SVO.RC.L	Semivertical open	Remote con- densing	Low	$2.27 \times TDA + 6.85$	
VOP.RC.I	Vertical open	Remote con- densing	Ice cream	$2.89 \times TDA + 8.7$	

EQUIPMENT TYPE				ENERGY USE LIMITS (kWh per day) ^{a,b}	TEST PROCEDURE
Equipment Class ^c	Family Code	Operating Mode	Rating Temperature		
SVO.RC.I	Semivertical open	Remote con- densing	Ice cream	2.89 x TDA + 8.7	
HZO.RC.I	Horizontal open	Remote con- densing	Ice cream	0.72 x TDA + 8.74	
VCT.RC.I	Vertical trans- parent door	Remote con- densing	Ice cream	0.66 x TDA + 3.05	
HCT.RC.M	Horizontal transparent door	Remote con- densing	Medium	0.16 x TDA + 0.13	
HCT.RC.L	Horizontal transparent door	Remote con- densing	Low	0.34 x TDA + 0.26	
HCT.RC.I	Horizontal transparent door	Remote con- densing	Ice cream	0.4 x TDA + 0.31	
VCS.RC.M	Vertical solid door	Remote con- densing	Medium	0.11 x V + 0.26	
VCS.RC.L	Vertical solid door	Remote con- densing	Low	0.23 x V + 0.54	
VCS.RC.I	Vertical solid door	Remote con- densing	Ice cream	0.27 x V + 0.63	
HCS.RC.M	Horizontal solid door	Remote con- densing	Medium	0.11 x V + 0.26	
HCS.RC.L	Horizontal solid door	Remote con- densing	Low	0.23 x V + 0.54	
HCS.RC.I	Horizontal solid door	Remote con- densing	Ice cream	0.27 x V + 0.63	
SOC.RC.L	Service over counter	Remote con- densing	Low	1.08 x TDA + 0.22	
SOC.RC.I	Service over counter	Remote con- densing	Ice cream	1.26 x TDA + 0.26	
VOP.SC.L	Vertical open	Self-contained	Low	4.37 x TDA + 11.82	
VOP.SC.I	Vertical open	Self-contained	Ice cream	5.55 x TDA + 15.02	
SVO.SC.L	Semivertical open	Self-contained	Low	4.34 x TDA + 11.51	
SVO.SC.I	Semivertical open	Self-contained	Ice cream	5.52 x TDA + 14.63	
HZO.SC.I	Horizontal open	Self-contained	Ice cream	2.44 x TDA + 9.0	
SOC.SC.I	Service over counter	Self-contained	Ice cream	1.76 x TDA + 0.36	
HCS.SC.I	Horizontal solid door	Self-contained	Ice cream	0.38 x V + 0.88	

^a V = Volume of the case, as measured in accordance with Appendix C of AHRI 1200.

^b TDA = Total display area of the case, as measured in accordance with Appendix D of AHRI 1200.

^c Equipment class designations consist of a combination [(in sequential order separated by periods (AAA).(BB).(C))]:

(AAA) An equipment family code where:

VOP = Vertical open

SVO = Semi-vertical open

HZO = Horizontal open

VCT = Vertical transparent doors

VCS = Vertical solid doors

HCT = Horizontal transparent doors

HCS = Horizontal solid doors

SOC = Service over counter

(BB) An operating mode code:

RC = Remote condensing

SC = Self-contained

(C) A rating temperature code:

M = Medium temperature (38°F)

L = Low temperature (0°F)

I = Ice cream temperature (15°F)

For example, "VOP.RC.M" refers to the "vertical-open, remote-condensing, medium-temperature" equipment class.

C410.2 Walk-in coolers, walk-in freezers, refrigerated warehouse coolers and refrigerated warehouse freezers.

Refrigerated warehouse coolers ~~((and)), *refrigerated warehouse freezers* ((shall comply with this section. *Walk-in coolers and walk-in freezers* that are not either site assembled or site constructed)), and all walk-in coolers and walk-in freezers including site assembled, site constructed and prefabricated units shall comply with the following:~~

1. ~~((Be equipped with))~~ Automatic door-closers shall be provided that ~~((firmly))~~ fully close walk-in doors that have been closed to within 1 inch (25 mm) of full closure.

EXCEPTION: Automatic closers are not required for doors more than 45 inches (1143 mm) in width or more than 7 feet (2134 mm) in height.

2. Doorways shall ~~((have))~~ be provided with strip doors, curtains, spring-hinged doors or other method of minimizing infiltration when doors are open.

3. *Walk-in coolers* and *refrigerated warehouse coolers* shall ~~((contain))~~ be provided with wall, ceiling, and door insulation of not less than R-25 or have wall, ceiling and door assembly *U*-factors no greater than *U*-0.039. *Walk-in freezers* and *refrigerated warehouse freezers* shall ~~((contain))~~ be provided with wall, ceiling and door insulation of not less than R-32 or have wall, ceiling and door assembly *U*-factors no greater than *U*-0.030.

EXCEPTION: ~~((Glazed portions of doors or structural members need not be insulated.))~~ Insulation is not required for glazed portions of doors or at structural members associated with the walls, ceiling or door frame.

4. The floor of *walk-in freezers* shall ~~((contain))~~ be provided with floor insulation of not less than R-28 or have a floor assembly *U*-factor no greater than *U*-0.035.

5. Transparent reach-in doors for *walk-in freezers* and windows in *walk-in freezer* doors shall be ~~((øf))~~ provided with triple-pane glass, ~~((either))~~ with the interstitial spaces filled with inert gas or be provided with heat-reflective treated glass.

6. ~~((Windows and))~~ Transparent reach-in doors for *walk-in coolers* and windows for *walk-in coolers* doors shall be ~~((øf))~~ provided with double-pane or triple-pane ~~((ø))~~ glass, with interstitial space filled with inert ~~((gas filled.))~~ gas, or be provided with heat-reflective treated glass.

7. Evaporator fan motors that are less than 1 hp (0.746 kW) and less than 460 volts shall ~~((use))~~ be provided with electronically commutated motors, brushless direct-current motors, or 3-phase motors.

8. Condenser fan motors that are less than 1 hp (0.746 kW) shall use electronically commutated motors, permanent split capacitor-type motors or 3-phase motors.

9. ~~((Where))~~ Antisweat heaters ~~((without))~~ that are not provided with antisweat heater controls ~~((are provided, they))~~ shall have a total door rail, glass and frame heater power draw of not ~~((more))~~ greater than 7.1 W/ft² (76 W/m²) of door opening for *walk-in freezers* and not greater than 3.0 W/ft² (32 W/m²) of door opening for *walk-in coolers*.

10. Where antisweat heater controls are provided, they shall ~~((reduce))~~ be capable of reducing the energy use of the antisweat heater as a function of the relative humidity in the air outside the door or to the condensation on the inner glass pane.

11. Lights in *walk-in coolers*, *walk-in freezers*, *refrigerated warehouse coolers* and *refrigerated warehouse freezers* shall either ~~((use))~~ be provided with light sources with an efficacy of not less than 40 lumens per watt, including ballast losses, or shall ~~((use light sources with an efficacy of not less than 40 lumens per watt, including ballast losses, in conjunction))~~ be provided with a device that automatically turns off the lights within 15 minutes of when the *walk-in cooler* or *walk-in freezer* space is not occupied.

C410.2.1 ~~((Walk-in coolers and walk-in freezers. Site-assembled or site-constructed walk-in coolers and walk-in freezers shall comply with the following:~~

1. Automatic door closers shall be provided that fully close walk-in doors that have been closed to within 1 inch (25 mm) of full closure.

EXCEPTION: Closers are not required for doors more than 45 inches (1143 mm) in width or more than 7 feet (2134 mm) in height.

2. Doorways shall be provided with strip doors, curtains, spring-hinged doors or other method of minimizing infiltration when the doors are open.

3. *Walk-in cooler* walls, ceilings and doors shall be provided with insulation having a thermal resistance of not less than R-25 or have wall, ceiling and door assembly *U*-factors no greater than *U*-0.039. *Walk-in freezers* walls, ceilings and doors shall be provided with insulation having a thermal resistance of not less than R-32 or have wall, ceiling, door and slab assembly *U*-factors no greater than *U*-0.030.

EXCEPTION: Insulation is not required for glazed portions of doors or at structural members associated with the walls, ceiling or door frame.

4. The floor of *walk-in freezers* shall be provided with insulation having a thermal resistance of not less than R-28 or have a floor assembly *U*-factor no greater than *U*-0.035.

5. Transparent reach-in doors for and windows in opaque *walk-in freezer* doors shall be provided with triple-pane glass having the interstitial spaces filled with inert gas or provided with heat-reflective treated glass.

6. Transparent reach-in doors and windows in opaque *walk-in cooler* doors shall be double-pane heat-reflective treated glass having the interstitial space gas-filled.

7. Evaporator fan motors that are less than 1 hp (0.746 kW) and less than 460 volts shall be electronically commutated motors or 3-phase motors.

8. Condenser fan motors that are less than 1 hp (0.746 kW) in capacity shall be of the electronically commutated or permanent split capacitor-type or shall be 3-phase motors.

EXCEPTION: Fan motors in *walk-in coolers* and *walk-in freezers* combined in a single enclosure greater than 3,000 square feet (279 m²) in floor area are exempt.

9. Antisweat heaters that are not provided with antisweat heater controls shall have a total door rail, glass and frame heater power draw not greater than 7.1 W/ft² (76 W/m²) of door opening for *walk-in freezers*, and not greater than 3.0 W/ft² (32 W/m²) of door opening for *walk-in coolers*.

10. Antisweat heater controls shall be capable of reducing the energy use of the antisweat heater as a function of the relative humidity in the air outside the door or to the condensation on the inner glass pane.

11. Light sources shall have an efficacy of not less than 40 lumens per watt, including any ballast losses, or shall be provided with a device that automatically turns off the lights within 15 minutes of when the *walk-in cooler* or *walk-in freezer* was last occupied.)) **Reserved.**

C410.2.2 Refrigerated display cases. Site-assembled or site-constructed refrigerated display cases shall comply with the following:

1. Lighting and glass doors in refrigerated display cases shall be controlled by one of the following:

1.1. Time switch controls to turn off lights during non-business hours. Timed overrides for display cases shall turn the lights on for up to 1 hour and shall automatically time out to turn the lights off.

1.2. Motion sensor controls on each display case section that reduce lighting power by at least 50 percent within 3 minutes after the area within the sensor range is vacated.

2. Low-temperature display cases shall incorporate temperature-based defrost termination control with a time-limit default. The defrost cycle shall terminate first on an upper temperature limit breach and second upon a time limit breach.

3. Antisweat heater controls shall reduce the energy use of the antisweat heater as a function of the relative humidity in the air outside the door or to the condensation on the inner glass pane.

C410.3 Refrigeration systems. Refrigerated display cases, *walk-in coolers* or *walk-in freezers* that are served by remote compressor and remote condensers not located in a *condensing unit*, shall comply with Sections C410.4.1 ((and)), C410.4.2, and C403.5.3.

EXCEPTION: Systems where the working fluid in the refrigeration cycle goes through both subcritical and supercritical states (transcritical) or that use ammonia refrigerant are exempt.

C410.3.1 Condensers serving refrigeration systems. Fan-powered condensers shall comply with the following:

1. The design *saturated condensing temperatures* for air-cooled condensers shall not exceed the design dry-bulb temperature plus 10°F (5.6°C) for *low-temperature refrigeration systems*, and the design dry-bulb temperature plus 15°F (8°C) for *medium temperature refrigeration systems* where the *saturated condensing temperature* for blend refrigerants shall be determined using the average of liquid and vapor temperatures as converted from the condenser drain pressure.

2. Condenser fan motors that are less than 1 hp (0.75 kW) shall use electronically commutated motors, permanent split-capacitor-type motors or 3-phase motors.

3. Condenser fans for air-cooled condensers, evaporatively cooled condensers, air- or water-cooled fluid coolers or cooling towers shall reduce fan motor demand to not more than 30 percent of design wattage at 50 percent of design air volume, and incorporate one of the following continuous variable speed fan control approaches:

3.1. Refrigeration system condenser control for air-cooled condensers shall use variable setpoint control logic to reset the condensing temperature setpoint in response to ambient dry-bulb temperature.

3.2. Refrigeration system condenser control for evaporatively cooled condensers shall use variable setpoint control logic to reset the condensing temperature setpoint in response to ambient wet-bulb temperature.

4. Multiple fan condensers shall be controlled in unison.

5. The minimum condensing temperature setpoint shall be not greater than 70°F (21°C).

C410.3.2 Compressor systems. Refrigeration compressor systems shall comply with the following:

1. Compressors and multiple-compressor system suction groups shall include control systems that use floating suction pressure control logic to reset the target suction pressure temperature based on the temperature requirements of the attached refrigeration display cases or walk-ins.

EXCEPTION: Controls are not required for the following:

1. Single-compressor systems that do not have variable capacity capability.
2. Suction groups that have a design saturated suction temperature of 30°F (-1.1°C) or higher, suction groups that comprise the high stage of a two-stage or cascade system, or suction groups that primarily serve chillers for secondary cooling fluids.

2. Liquid subcooling shall be provided for all low-temperature compressor systems with a design cooling capacity equal to or greater than 100,000 Btu/hr (29.3 kW) with a design-saturated suction temperature of -10°F (-23°C) or lower. The subcooled liquid temperature shall be controlled at a maximum temperature setpoint of 50°F (10°C) at the exit of the subcooler using either compressor economizer (inter-stage) ports or a separate compressor suction group operating at a saturated suction temperature of 18°F (-7.8°C) or higher.

2.1. Insulation for liquid lines with a fluid operating temperature less than 60°F (15.6°C) shall comply with Table C403.2.10.

3. Compressors that incorporate internal or external crankcase heaters shall provide a means to cycle the heaters off during compressor operation.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 16-13-089, filed 6/15/16, effective 7/16/16)

WAC 51-11C-50300 Section C503—Alterations.

C503.1 General. Alterations to any building or structure shall comply with the requirements of the code for new construction. Alterations shall be such that the existing building or structure is no less conforming with the provisions of this code than the existing building or structure was prior to the alteration. Alterations to an existing building, building system or portion thereof shall conform to the provisions of this code as they relate to new construction without requiring the unaltered portions of the existing building or building system to comply with this code. Alterations shall not create an unsafe or hazardous condition or overload existing building systems.

EXCEPTION: The following alterations need not comply with the requirements for new construction provided the energy use of the building is not increased:

1. Storm windows installed over existing fenestration.
2. Surface applied window film installed on existing single pane fenestration assemblies to reduce solar heat gain provided the code does not require the glazing fenestration to be replaced.
3. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are insulated to full depth with insulation having a minimum nominal value of R-3.0 per inch installed per Section C402.
4. Construction where the existing roof, wall or floor cavity is not exposed.
5. *Roof recover.*
6. *Air barriers* shall not be required for *roof recover* and roof replacement where the *alterations* or renovations to the building do not include *alterations*, renovations or *repairs* to the remainder of the building envelope.
7. Replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided however that an existing vestibule that separates a conditioned space from the exterior shall not be removed.

C503.2 Change in space conditioning. Any nonconditioned space that is altered to become *conditioned space* or *semi-heated space* shall be required to be brought into full compliance with this code. Any semi-heated space that is altered to become conditioned space shall be required to be brought into full compliance with this code.

EXCEPTION: Where the component performance building envelope option in Section C402.1.5 is used to comply with this Section, the Proposed UA is allowed to be up to 110 percent of the Target UA. Where the total building performance option in Section C407 is used to comply with this section, the annual energy consumption of the proposed design is allowed to be 110 percent of the annual energy consumption otherwise allowed by Section C407.3.

C503.3 Building envelope. New building envelope assemblies that are part of the alteration shall comply with Sections C402.1 through C402.5 as applicable.

EXCEPTION: Air leakage testing is not required for alterations and repairs, unless the project includes a change in space conditioning according to Section C503.2 or a change of occupancy or use according to Section C505.1.

C503.3.1 Roof replacement. *Roof replacements* shall comply with Table C402.1.3 or C402.1.4 where the existing roof assembly is part of the *building thermal envelope* and contains insulation entirely above the roof deck.

C503.3.2 Vertical fenestration. The addition of *vertical fenestration* that results in a total building vertical fenestration area less than or equal to that specified in Section C402.4.1 shall comply with Section C402.4. Alterations that result in a total building vertical fenestration area greater than specified in Section C402.4.1 shall comply with one of the following:

1. Vertical fenestration alternate per Section C402.1.3 for the new vertical fenestration added.
2. Vertical fenestration alternate per Section C402.4.1.1 for the area adjacent to the new vertical fenestration added.
3. Component performance option with target area adjustment per Section C402.1.5 or the total building performance option in Section C407 for the whole building.

C503.3.2.1 Application to replacement fenestration products. Where some or all of an existing *fenestration unit* is replaced with a new *fenestration product*, including sash and glazing, the replacement *fenestration unit* shall meet the applicable requirements for *U-factor* and *SHGC* in Table C402.4.

EXCEPTION: An area-weighted average of the *U-factor* of replacement fenestration products being installed in the building for each fenestration product category listed in Table C402.4 shall be permitted to satisfy the *U-factor* requirements for each fenestration product category listed in Table C402.4. Individual fenestration products from different product categories listed in Table C402.4 shall not be combined in calculating the area-weighted average *U-factor*.

C503.3.3 Skylight area. The addition of *skylights* that results in a total building skylight area less than or equal to that specified in Section C402.4.1 shall comply with Section C402.4. *Alterations* that result in a total building skylight area greater than that specified in Section C402.4.1 shall comply with the component performance option with target area adjustment per Section C402.1.5 or the total building performance option in Section C407 for the whole building.

C503.4 Mechanical systems. Those parts of systems which are altered or replaced shall comply with Section C403. Additions or alterations shall not be made to an existing

mechanical system that will cause the existing mechanical system to become out of compliance.

EXCEPTION: Existing mechanical systems which are altered or where parts of the systems are replaced are not required to be modified to comply with Section C403.6 as long as mechanical cooling is not added to the system.

All new systems in existing buildings, including packaged unitary equipment and packaged split systems, shall comply with Section C403.

Where mechanical cooling is added to a space that was not previously cooled, the mechanical system shall comply with either Section C403.6 or C403.3.

EXCEPTIONS:

1. Alternate designs that are not in full compliance with this code may be approved when the code official determines that existing building constraints including, but not limited to, available mechanical space, limitations of the existing structure, or proximity to adjacent air intakes/exhausts make full compliance impractical. Alternate designs shall provide alternate energy savings strategies including, but not limited to, Demand Control Ventilation or increased mechanical cooling or heating efficiency above that required by Tables C403.2.3(1) through C403.2.3(10).
2. Qualifying small equipment: This exception shall not be used for unitary cooling equipment installed outdoors or in a mechanical room adjacent to the outdoors. This exception is allowed to be used for other cooling units and split systems serving one zone with a total cooling capacity rated in accordance with Section C403.2.3 of less than 33,000 Btu/h (hereafter referred to as qualifying small systems) provided that these are high-efficiency cooling equipment with SEER and EER values more than 15 percent higher than minimum efficiencies listed in Tables C403.2.3 (1) through (3), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify for this exception. The total capacity of all qualifying small equipment without economizers shall not exceed 72,000 Btu/h per building, or 5 percent of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R occupancies is not included in determining the total capacity of all units without economizers in a building. Redundant units are not counted in the capacity limitations. This exception shall not be used for the shell-and-core permit or for the initial tenant improvement or for Total Building Performance.
3. Chilled water terminal units connected to systems with chilled water generation equipment with IPLV values more than 25 percent higher than minimum part load efficiencies listed in Table C403.2.3(7), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify for this exception. The total capacity of all systems without economizers shall not exceed 480,000 Btu/h per building, or 20 percent of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R occupancy is not included in determining the total capacity of all units without economizers in a building. This exception shall not be used for the initial permit (this includes any initial permit for the space including, but not limited to, the shell-and-core permit, built-to-suit permit, and tenant improvement permit) or for Total Building Performance Method.

Alterations to existing mechanical cooling systems shall not decrease economizer capacity unless the system complies with either Section C403.2.6 or C403.3. In addition, for existing mechanical cooling systems that do not comply with either Section C403.2.6 or C403.3, including both the individual unit size limits and the total building capacity limits on units without economizer; other alterations shall comply with Table C503.4.

When space cooling equipment is replaced, controls shall comply with all requirements under Section C403.6 and related subsections or provide for integrated operation with economizer in accordance with Section C403.3.1.

Existing equipment currently in use may be relocated within the same floor or same tenant space if removed and reinstalled within the same permit.

Table C503.4
Economizer Compliance Options for Mechanical Alterations

	Option A	Option B (alternate to A)	Option C (alternate to A)	Option D (alternate to A)
Unit Type	Any alteration with new or replacement equipment	Replacement unit of the same type with the same or smaller output capacity	Replacement unit of the same type with a larger output capacity	New equipment added to existing system or replacement unit of a different type
1. Packaged Units	Efficiency: min. ¹ Economizer: C403.3 ²	Efficiency: min. ¹ Economizer: C403.3 ^{2,3}	Efficiency: min. ¹ Economizer: C403.3 ^{2,3}	Efficiency: min. ¹ Economizer: C403.3 ^{2,4}
2. Split Systems	Efficiency: min. ¹ Economizer: C403.3 ²	Efficiency: + 10/5% ⁵ Economizer: shall not decrease existing economizer capability	Only for new units < 54,000 Btuh replacing unit installed prior to 1991 (one of two): Efficiency: + 10/5% ⁵ Economizer: 50% ⁶	Efficiency: min. ¹ Economizer: C403.3 ^{2,4}
			For units > 54,000 Btuh or any units installed after 1991: Option A	
3. Water Source Heat Pump	Efficiency: min. ¹ Economizer: C403.3 ²	(two of three): Efficiency: + 10/5% ⁵ Flow control valve ⁷ Economizer: 50% ⁶	(three of three): Efficiency: + 10/5% ⁵ Flow control valve ⁷ Economizer: 50% ⁶ (except for certain pre-1991 systems ⁸)	Efficiency: min. ¹ Economizer: C403.3 ^{2,4} (except for certain pre-1991 systems ⁸)
4. Hydronic Economizer using Air-Cooled Heat Rejection Equipment (Dry Cooler)	Efficiency: min. ¹ Economizer: 1433 ²	Efficiency: + 10/5% ⁵ Economizer: shall not decrease existing economizer capacity	Option A	Efficiency: min. ¹ Economizer: C403.3 ^{2,4}
5. Air-Handling Unit (including fan coil units) where the system has an air-cooled chiller	Efficiency: min. ¹ Economizer: C403.3 ²	Economizer: shall not decrease existing economizer capacity	Option A (except for certain pre-1991 systems ⁸)	Option A (except for certain pre-1991 systems ⁸)
6. Air-Handling Unit (including fan coil units) and Water-cooled Process Equipment, where the system has a water-cooled chiller ¹⁰	Efficiency: min. ¹ Economizer: C403.3 ²	Economizer: shall not decrease existing economizer capacity	Option A (except for certain pre-1991 systems ⁸ and certain 1991-2004 systems ⁹)	Efficiency: min. ¹ Economizer: C403.3 ^{2,4} (except for certain pre-1991 systems ⁸ and certain 1991-2015 systems ⁹)
7. Cooling Tower	Efficiency: min. ¹ Economizer: C403.3 ²	No requirements	Option A	Option A
8. Air-Cooled Chiller	Efficiency: min. ¹ Economizer: C403.3 ²	Efficiency: + 5% ¹¹ Economizer: shall not decrease existing economizer capacity	Efficiency (two of two): (1) + 10% ¹² and (2) multistage	Efficiency: min. ¹ Economizer: C403.3 ^{2,4}

	Option A	Option B (alternate to A)	Option C (alternate to A)	Option D (alternate to A)
Unit Type	Any alteration with new or replacement equipment	Replacement unit of the same type with the same or smaller output capacity	Replacement unit of the same type with a larger output capacity	New equipment added to existing system or replacement unit of a different type
			Economizer: shall not decrease existing economizer capacity	
9. Water-Cooled Chiller	Efficiency: min. ¹ Economizer: C403.3 ²	Efficiency (one of two): (1) + 10% ¹³ or (2) plate frame heat exchanger ¹⁵ Economizer: shall not decrease existing economizer capacity	Efficiency (two of two): (1) + 15% ¹⁴ and (2) plate-frame heat exchanger ¹⁵ Economizer: shall not decrease existing economizer capacity	Efficiency: min. ¹ Economizer: C403.3 ^{2,4}
10. Boiler	Efficiency: min. ¹ Economizer: C403.3 ²	Efficiency: + 8% ¹⁶ Economizer: shall not decrease existing economizer capacity	Efficiency: + 8% ¹⁶ Economizer: shall not decrease existing economizer capacity	Efficiency: min. ¹ Economizer: C403.3 ^{2,4}

- ¹ Minimum equipment efficiency shall comply with Section C403.2.3 and Tables C403.2.3(1) through C403.2.3(10).
- ² System and building shall comply with Section C403.3 (including both the individual unit size limits and the total building capacity limits on units without economizer). It is acceptable to comply using one of the exceptions to Section C403.3 or C504.3.4.
- ³ All equipment replaced in an existing building shall have air economizer complying with Section C403.3 unless both the individual unit size and the total capacity of units without air economizer in the building is less than that allowed in Exception 2 to Section C503.4.
- ⁴ All separate new equipment added to an existing building shall have air economizer complying with Section C403.3 unless both the individual unit size and the total capacity of units without air economizer in the building is less than that allowed in Exception 3 to Section C503.4.
- ⁵ Equipment shall have a capacity-weighted average cooling system efficiency:
 - a. For units with a cooling capacity below 54,000 Btuh, a minimum of 10% greater than the requirements in Tables C403.2.3(1) and C403.2.3(2).
 - b. For units with a cooling capacity of 54,000 Btuh and greater, a minimum of 5% greater than the requirements in Tables C403.2.3(1) and C403.2.3(2).
- ⁶ Minimum of 50% air economizer that is ducted in a fully enclosed path directly to every heat pump unit in each zone, except that ducts may terminate within 12 inches of the intake to an HVAC unit provided that they are physically fastened so that the outside air duct is directed into the unit intake. If this is an increase in the amount of outside air supplied to this unit, the outside air supply system shall be configured to provide this additional outside air and equipped with economizer control.
- ⁷ Have flow control valve to eliminate flow through the heat pumps that are not in operation with variable speed pumping control complying with Section C403.4.2 for that heat pump.
 - When the total capacity of all units with flow control valves exceeds 15% of the total system capacity, a variable frequency drive shall be installed on the main loop pump.
 - As an alternate to this requirement, have a capacity-weighted average cooling system efficiency that is 5% greater than the requirements in note 5 (i.e., a minimum of 15%/10% greater than the requirements in Tables C403.2.3(1) and C403.2.3(2)).
- ⁸ Systems installed prior to 1991 without fully utilized capacity are allowed to comply with Option B, provided that the individual unit cooling capacity does not exceed 90,000 Btuh.
- ⁹ Economizer not required for systems installed with water economizer plate and frame heat exchanger complying with previous codes between 1991 and June 2016, provided that the total fan coil load does not exceed the existing or added capacity of the heat exchangers.
- ¹⁰ For water-cooled process equipment where the manufacturers specifications require colder temperatures than available with waterside economizer, that portion of the load is exempt from the economizer requirements.
- ¹¹ The air-cooled chiller shall have an IPLV efficiency that is a minimum of 5% greater than the IPLV requirements in Table C403.2.3(7).
- ¹² The air-cooled chiller shall:
 - a. Have an IPLV efficiency that is a minimum of 10% greater than the IPLV requirements in Table C403.2.3(7); and
 - b. Be multistage with a minimum of two compressors.
- ¹³ The water-cooled chiller shall have an IPLV efficiency that is a minimum of 10% greater than the IPLV requirements in Table C403.2.3(7).
- ¹⁴ The water-cooled chiller shall have an IPLV efficiency that is a minimum of 15% greater than the IPLV requirements in Table C403.2.3(7).
- ¹⁵ Economizer cooling shall be provided by adding a plate-frame heat exchanger on the waterside with a capacity that is a minimum of 20% of the chiller capacity at standard AHRI rating conditions.
- ¹⁶ The replacement boiler shall have an efficiency that is a minimum of 8% higher than the value in Table C403.2.3(5), except for electric boilers.

C503.5 Service hot water systems. New service hot water systems that are part of the alteration shall comply with Section C404.

C503.6 Lighting and motors. Alterations that replace 50 percent or more of the luminaires in a space enclosed by walls or ceiling-height partitions, replace 50 percent or more of parking garage luminaires, or replace 50 percent or more of the total installed wattage of exterior luminaires shall comply with Sections C405.4 and C405.5. Where less than 50 percent of the fixtures in an interior space enclosed by walls or ceiling-height partitions or parking garage are new, or less than 50 percent (~~or more~~) of the installed exterior wattage is altered, the installed lighting wattage shall be maintained or reduced.

Where new wiring is being installed to serve added fixtures and/or fixtures are being relocated to a new circuit, controls shall comply with Sections C405.2.1, C405.2.3, C405.2.4, C405.2.5, C405.2.7, C405.3, and as applicable C408.3. In addition, office areas less than 300 ft² enclosed by walls or ceiling-height partitions, and all meeting and conference rooms, and all school classrooms, shall be equipped with occupancy sensors that comply with Section C405.2.1 and C408.3. Where a new lighting panel (or a moved lighting panel) with all new raceway and conductor wiring from the panel to the fixtures is being installed, controls shall also comply with the other requirements in Sections C405.2 and C408.3.

Where new walls or ceiling-height partitions are added to an existing space and create a new enclosed space, but the lighting fixtures are not being changed, other than being relocated, the new enclosed space shall have controls that comply with Sections C405.2.1, C405.2.2, C405.2.3, C405.2.4, C405.2.5 and C408.3.

Those motors which are altered or replaced shall comply with Section C405.8.

C503.7 Refrigeration systems. Those parts of systems which are altered or replaced shall comply with Section C410. Additions or alterations shall not be made to an existing refrigerated space or system that will cause the existing mechanical system to become out of compliance. All new refrigerated spaces or systems in existing buildings, including refrigerated display cases, shall comply with Section C410.

Citation of Existing Rules Affected by this Order:
Repealing WAC 132R-12-010 Designation of appointing authority.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 16-12-100 on May 31, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2 [0], Repealed 0 [1].

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

Date Adopted: December 12, 2016.

Linda Schoonmaker
Vice-President of Finance
and Administration

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132R-12-010 Designation of appointing authority

WSR 16-24-104

PERMANENT RULES

BIG BEND

COMMUNITY COLLEGE

[Filed December 7, 2016, 11:48 a.m., effective January 7, 2017]

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

Purpose: Repeal of this rule is necessary as other institution policies on the same subject make the rule redundant. In addition, the current rule refers to another agency's WAC that has also been repealed. There is no anticipated impact on the agency or the public by repeal of this rule.