

WSR 18-07-011
PERMANENT RULES
FOREST PRACTICES BOARD

[Filed March 9, 2018, 9:49 a.m., effective April 9, 2018]

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

Purpose: The board is amended [amending] its rules to allow applicants the ability to submit electronic signatures and payments when submitting forest practices applications. The rule precedes department of natural resource's development of an electronic business system. This will be an additional method for submission to either certified mail or hand delivery to a region[al] office.

Citation of Rules Affected by this Order: Amending WAC 222-20-010 and 222-20-030.

Statutory Authority for Adoption: RCW 76.09.040.

Other Authority: RCW 19.360.010.

Adopted under notice filed as WSR 17-19-016 on September 7, 2017.

A final cost-benefit analysis is available by contacting Patricia Anderson, P.O. Box 47012, phone 360-902-1413, email forestpractices.board@dnr.wa.gov, web site <https://www.dnr.wa.gov/about/boards-and-councils/forest-practices-board/rules-and-guidelines/forest-practices-board-rule>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: February 14, 2018.

Stephen Bernath
Chair

AMENDATORY SECTION (Amending WSR 15-06-037, filed 2/26/15, effective 3/29/15)

WAC 222-20-010 Applications and notifications—Policy. (1) **No Class II, III or IV forest practices** shall be commenced or continued unless the department has received a notification for Class II forest practices, or approved an application for Class III or IV forest practices pursuant to the act. Where the time limit for the department to act on the application has expired, and none of the conditions in WAC 222-20-020(1) exist, the operation may commence. (NOTE: OTHER LAWS AND RULES AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

(2) **The department shall** prescribe the form and contents of notifications and applications. The department shall specify the information required for a notification, and the

information required for the department to approve or disapprove an application.

(3) **Except as provided in subsection (4) of this section, applications and notifications** shall be signed by the landowner, the timber owner, and the operator if the operator is known at the time the application is submitted. Electronic signatures may be accepted when the department develops an electronic business system.

(4) In lieu of a landowner's signature, where the timber rights have been transferred by deed to a perpetual owner who is different from the forest landowner, the owner of perpetual timber rights may sign a forest practices application or notification for operations not converting to another use and the statement of intent not to convert for a set period of time. The holder of perpetual timber rights shall serve the signed forest practices application or notification and the signed statement of intent on the forest landowner. The forest practices application shall not be considered complete until the holder of perpetual timber rights has submitted evidence acceptable to the department that such service has occurred.

(5) **Where an application** for a conversion is not signed by the landowner, the department shall not approve the application. Applications and notifications for the development or maintenance of utility rights of way shall not be considered to be conversions.

(6) **Transfer of the** approved application or notification to a new landowner, timber owner or operator requires written notice by the former landowner or timber owner to the department and should include the original application or notification number. This written notice shall be in a form acceptable to the department and shall contain an affirmation signed by the new landowner, timber owner, or operator, as applicable, that he/she agrees to be bound by all conditions on the approved application or notification. In the case of a transfer of an application previously approved without the landowner's signature, the new timber owner or operator must submit a bond securing compliance with the requirements of the forest practices rules as determined necessary by the department. If an application or notification indicates that the landowner or timber owner is also the operator, or an operator signed the application, no notice need be given regarding any change in subcontractors or similar independent contractors working under the supervision of the operator of record.

(7) **The landowner or timber owner must provide notice of hiring or change of operator** to the department within forty-eight hours of the change. The department shall promptly notify the landowner if the operator is subject to a notice of intent to disapprove under WAC 222-46-070. Once notified, the landowner will not permit the operator, who is subject to a notice of intent to disapprove, to conduct the forest practices specified in the application or notification, or any other forest practices until such notice of intent to disapprove is removed by the department.

(8) **Applications and notifications**, if complete, will be considered officially received on the date (~~and time~~) shown on any registered or certified mail receipt, or the written receipt given at the (~~time~~) date of personal delivery, or (~~at the time~~) on the date of receipt by general mail delivery, or on the date of electronic receipt when the department devel-

ops an electronic business system. The department will immediately provide a dated receipt to the applicant. Applications or notifications that are not complete, or are inaccurate will not be considered officially received until the applicant furnishes the necessary information to complete the application.

(a) A review statement from the U.S. Forest Service that evaluates compliance of the forest practices with the Columbia River Gorge National Scenic Area Act (CRGNSA) special management area guidelines is necessary information for an application or notification within the CRGNSA special management area. The review statement requirement shall be waived if the applicant can demonstrate the U.S. Forest Service received a complete plan application and failed to act within forty-five days.

(b) A complete environmental checklist (WAC 197-11-315) is necessary information for all Class IV applications.

(c) A local governmental entity clearing and/or grading permit is necessary information for all Class IV applications on lands that will be converted to a use other than commercial timber operations if the local governmental entity has jurisdiction and has an ordinance requiring such permit.

(d) A checklist road maintenance and abandonment plan is necessary information for all small forest landowners' applications or notifications for timber harvest (including salvage), unless exempt under WAC 222-24-0511, or unless the application is a small forest landowner long-term application which requires a roads assessment.

(9) **Where potentially unstable slopes or landforms are in or around the area of an application,** the department may require the landowner to provide additional information in order to classify the application appropriately. If necessary, the department may require additional geologic information prepared by a qualified expert. The department may request that the qualified expert explain the methods the qualified expert used to evaluate the proposed harvest or construction activities with respect to the potentially unstable slopes or landforms. Nothing in this subsection is intended to require a geotechnical report if the geologic information provided is sufficient to appropriately classify the application.

(a) "Qualified expert" is defined in WAC 222-10-030.

(b) "Potentially unstable slopes or landforms" are those listed in WAC 222-16-050 (1)(d)(i)(A) through (E).

(10) **Financial assurances** may be required by the department prior to the approval of any future forest practices application or notification to an operator or landowner under the provisions of WAC 222-46-090.

AMENDATORY SECTION (Amending WSR 07-20-044, filed 9/26/07, effective 10/27/07)

WAC 222-20-030 Delivery of notifications and applications—Receipts—File numbers. (1) **Notifications and applications** (~~shall~~) shall be delivered to the department by mail or personal delivery at the appropriate region office, or electronically when the department develops an electronic business system. Notifications and applications actually received at the appropriate region office by other means may be accepted or returned to the applicant.

(2) **Upon delivery of** a complete notification or application the department will provide a written receipt to the landowner, timber owner, and operator.

(3) **Each receipt will** indicate the file number assigned to the notification or application.

WSR 18-07-012

PERMANENT RULES

FOREST PRACTICES BOARD

[Filed March 9, 2018, 9:49 a.m., effective April 9, 2018]

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

Purpose: The forest practices board (board) amended its public disclosure rules to implement HB [EHB] 1595 (2017 legislature) by adopting the fee schedule outlined in the Public Records Act, RCW 42.56.120. The board chose this option because it would be unduly burdensome for the board to determine the actual costs of providing public records. The rule making amends the board's rule on the costs associated with public records, and makes other minor amendments consistent with other statutory changes.

Citation of Rules Affected by this Order: Amending WAC 222-08-025, 222-08-032, 222-08-040, 222-08-050, and 222-08-090.

Statutory Authority for Adoption: RCW 76.09.040.

Other Authority: Chapter 42.56 RCW.

Adopted under notice filed as WSR 17-23-187 on November 22, 2017.

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 5, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, 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: February 14, 2018.

Stephen Bernath
Chair

AMENDATORY SECTION (Amending WSR 08-24-011, filed 11/21/08, effective 12/22/08)

WAC 222-08-025 Definitions. (1) "Board" means forest practices board.

(2) "Board staff" means employees of the forest practices division of the department who work in support of the board.

(3) "Department" means department of natural resources.

(4) "Office" means the administrative office of the board in the forest practices division of the department.

(5) "Public record" as defined in RCW 42.56.010(~~((2))~~) (3), means any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(6) "Writing" as defined in RCW 42.56.010(~~((3))~~) (4), means handwriting, typewriting, printing, photographing, including, but not limited to, letters, words, pictures, sounds, and all papers, maps, magnetic or paper tapes, photographic films and prints, video recordings, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

AMENDATORY SECTION (Amending WSR 13-01-007, filed 12/6/12, effective 1/6/13)

WAC 222-08-032 Function, organization, and office.

(1) The forest practices board was created by chapter 76.09 RCW to adopt forest practices rules as described in WAC 222-12-010.

(2) The board's membership as described in RCW 76.09.030(~~((4))~~) (5), consists of thirteen members to include:

(a) The commissioner of public lands or the commissioner's designee;

(b) The director of the department of commerce or the director's designee;

(c) The director of the department of agriculture or the director's designee;

(d) The director of the department of ecology or the director's designee;

(e) The director of the department of fish and wildlife or the director's designee;

(f) An elected member of a county legislative authority appointed by the governor so long as that member serves as an elected official;

(g) A member representing a timber products union, appointed by the governor from a list of three names submitted by a timber labor coalition affiliated with a statewide labor organization that represents a majority of the timber product unions in the state; and

(h) Six members of the general public appointed by the governor, one of whom shall be a small forest landowner who actively manages his or her land, and one of whom shall be an independent logging contractor.

(3) The governor-appointed members are appointed to four-year terms.

(4) The commissioner of public lands or designee shall chair the board.

(5) General public members of the board, except public employees and elected officials, shall be compensated in accordance with RCW 43.03.250. Each member shall be entitled to reimbursement for travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060.

(6) Staff support is provided to the board as provided in RCW 76.09.030(6). Staff shall perform the following duties under the general authority and supervision of the board:

(a) Act as administrative arm of the board;

(b) Act as records officer to the board;

(c) Coordinate the policies and activities of the board; and

(d) Act as liaison between the board and other public agencies and stakeholders.

(7) The administrative office of the board is located at 1111 Washington Street S.E., Olympia, Washington. The board may sit or hold hearings anywhere in the state. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, except legal holidays and during board meetings. The board may be contacted at:

Forest Practices Board
c/o Department of Natural Resources
Forest Practices Division
P.O. Box 47012
Olympia, WA 98504-7012
Phone: 360-902-1400
Fax: 360-902-1428
Email: forest.practicesboard@dnr.wa.gov

(8) Any person may contact the board as indicated in subsection (7) of this section to obtain information on board activities.

AMENDATORY SECTION (Amending WSR 08-24-011, filed 11/21/08, effective 12/22/08)

WAC 222-08-040 Operations and procedures. (1)

The board holds quarterly scheduled meetings on the second Wednesday of February, May, August, and November, at such times and places as deemed necessary to conduct board business. At regularly scheduled board meetings, agenda time is allotted for public comment on rule proposals and board activities, unless the board has already set public hearings on the rule proposals. Special and emergency meetings may be called anytime by the chair of the board or by a majority of the board members. Notice of special and emergency meetings will be provided in accordance with RCW 42.30.070 and 42.30.080. All meetings are conducted in accordance with chapter 42.30 RCW, and RCW 76.09.-030(~~((4))~~) (3). A schedule of meetings shall be published in the *Washington State Register* in January of each year. Minutes shall be taken at all meetings.

(2) Each member of the board is allowed one vote on any action before the board; pursuant to RCW 42.30.060(2), secret voting is not allowed. All actions shall be decided by majority vote. A majority of the board shall constitute a quorum for making decisions and promulgating rules necessary for the conduct of its powers and duties. When there is a quorum and a vote is taken, a majority vote is based upon the number of members participating. The chair, designee, or majority of the board may hold hearings and receive public comment on specific issues such as rule making that the board will consider in its actions.

(3) Rules marked with an asterisk (*) pertain to water quality and are adopted or amended with agreement from the department of ecology. See WAC 222-12-010.

(4) The chair or majority of board members shall set the meeting agenda. Public requests for topics to be included in

the board's quarterly public meeting agenda must include the name of the ~~((requester))~~ requestor, and be received at the office at least fourteen days before the scheduled meeting. Topics requested may be added to the meeting agenda at the chair's discretion or by a majority vote of the board members. Pursuant to RCW 42.30.077 agendas of each regular meeting will be available online no later than twenty-four hours in advance of the published start time of the meeting.

(5) Written materials for the board which are not provided in advance of the meeting date will not be distributed during the meeting unless fifteen copies are provided to staff.

AMENDATORY SECTION (Amending WSR 08-24-011, filed 11/21/08, effective 12/22/08)

WAC 222-08-050 Public records—Availability. The board's public records are available for inspection and copying except as otherwise exempted under RCW 42.56.210 through ~~((42.56.480))~~ 42.56.470, any other law, and this chapter.

AMENDATORY SECTION (Amending WSR 08-24-011, filed 11/21/08, effective 12/22/08)

WAC 222-08-090 Disclosure of public records. Public records may be inspected or copies of such records obtained, upon compliance with the following procedure:

(1) A request shall be made in writing, by fax or electronic mail, to the public records officer or designee. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The calendar date of the request; and
- (c) A description of the record(s) requested.

(2) Within five business days of receiving a public records request, as required by RCW 42.56.520, the office shall respond by:

- (a) Providing the record; or
 - (b) Acknowledging that the office has received the request and providing a reasonable estimate of time required to respond; or
 - (c) Denying the request.
- (3) The office may request additional time to provide the records based upon the need to:
- (a) Clarify the intent of the request;
 - (b) Locate and assemble the information requested;
 - (c) Notify third persons or agencies who may be affected by the request; or

(d) Determine whether any of the information requested is exempt and that a denial should be made for all or part of the request.

(4) The public records officer may, if it deems the request is unclear, ask the ~~((requester))~~ requestor to clarify the information the ~~((requester))~~ requestor is seeking. If the ~~((requester))~~ requestor fails to clarify the request, the office need not respond to it.

(5) Public records shall be available for inspection in the office from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays and during board meetings.

(6) No fee shall be charged for the inspection of public records. ~~((For printed, typed and written public records of a~~

~~maximum size of 8 1/2" by 14", the board shall charge twenty five cents per page to reimburse the board for the actual costs of providing the copies and the use of copying equipment. Copies of maps, photos, films, recordings, and other nonstandard public records shall be furnished at the board's actual costs. The board shall charge the current rate for tax and shipping on all disclosure copying requests-))~~ The board's charges for producing public records shall follow the fee schedule established in RCW 42.56.120, because calculating the actual costs associated with records production would be unduly burdensome. The public records officer may waive the fees ~~((when the expense of processing the payment exceeds the cost of providing the copies))~~ for de minimus requests. Before releasing the copies, the public records officer may require a deposit not to exceed ten percent of the estimated cost.

(7) The public records officer may determine that all or a portion of a public record is exempt under the provisions of chapter 42.56 RCW. Pursuant to RCW 42.56.070(1) and 42.56.210(1), the public records officer may ~~((delete))~~ redact portions of public records. The public records officer will explain the reasons for such ~~((deletion))~~ redaction in writing, including the exemption that applies.

(8) Any denial of a request for public records shall be in writing, specifying the reason for the denial, including the specific exemption authorizing the nondisclosure of the record, and a brief explanation of how the exemption applies to the records withheld.

(9) Any person who objects to a denial of a request for a public record may request review of such decision by submitting a written request to the public records officer. The written request shall specifically refer to the written statement by the public records officer or designee which constituted or accompanied the denial.

(10) Immediately after receiving a written request for review of a decision denying disclosure of a public record, the public records officer or designee denying the request shall refer it to the chair of the board. The chair shall consider the matter and either affirm or reverse such denial.

(11) Administrative remedies shall not be considered exhausted until the chair of the board or designee has returned the request for review with a decision or until the close of the second business day following receipt of the written request for review of the denial of the public record, whichever occurs first.

WSR 18-07-014

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 9, 2018, 2:03 p.m., effective April 9, 2018]

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

Purpose: Creates a section that deals with testing as a biological in hair and how it is used.

Citation of Rules Affected by this Order: New WAC 260-70-665.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 18-03-045 on January 10, 2018.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

Number of Sections Adopted using Negotiated Rule Making: New 1, 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: March 9, 2018.

Douglas L. Moore
Executive Secretary

NEW SECTION

WAC 260-70-665 Hair testing. (1) The commission is authorized to collect and submit hair samples for testing in quarter horses and mixed breed races. For horses which have been entered to race, the hair sample may be collected at any time prior to post time, or a sample may be collected in the test barn following the race. If a sample is collected after a horse is entered into, but prior to competing in a race, a positive report received based on the sample collected will be considered a post race violation. Hair samples may also be collected for out of competition testing.

(2) The commission or its designee will comply with the official testing laboratories guidelines for hair sample collection and storage.

(3) The presence of any prohibited substances that appears in a pre- or post-race sample including, but not limited to, clenbuterol, zilpaterol, and ractopamine in QH and mixed breed races, will constitute a violation.

The presence of a therapeutic medication with an established threshold level for that breed which appears in a hair sample will not be considered a violation.

(4) Samples collected for out of competition testing in quarter horses that result in a positive finding for a prohibited substance as listed in WAC 260-70-545 will be reported to the board of stewards and considered a violation.

The presence of clenbuterol in an out of competition test in a quarter horse will result in the horse being placed on the official veterinarians list for a minimum of thirty days or until a sample is submitted and is reported as negative for the presence of clenbuterol. If, at the owners request a sample is submitted for screening for removal from the official veterinarians list, the owner(s) are responsible for the cost of the testing.

(5) If a horse is selected for hair testing and the mane is less than four and one-half inches in length, the commission may elect to collect a hair sample using the tail.

WSR 18-07-015

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 9, 2018, 2:05 p.m., effective April 9, 2018]

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

Purpose: To amend thresholds for NSAID's to the recommended levels published by the ARCI and RMTC as a national standard.

Citation of Rules Affected by this Order: Amending WAC 260-70-640.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 18-03-139 on January 22, 2018.

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 the Request of a Non-governmental 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: March 9, 2018.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 16-09-015, filed 4/11/16, effective 5/12/16)

WAC 260-70-640 Permitted medication. Trainers using permitted medication in the care of their horses are subject to all rules governing such medications. Failure to administer permitted medication to a horse on a program of permitted medication is a violation of these rules.

(1) The use of one of three approved nonsteroidal anti-inflammatory drugs (NSAIDs) is permitted under the following conditions:

(a) The drug may not exceed the following permitted serum or plasma threshold concentrations, which are consistent with administration by a single intravenous injection at least twenty-four hours before the post time for the race in which the horse is entered:

(i) Phenylbutazone - ~~((5))~~ 2.0 micrograms per milliliter ~~((in overnight and nongraded stakes races, and 2 micrograms per milliliter in graded stakes races));~~

(ii) Flunixin - ~~((50))~~ 20 nanograms per milliliter;

(iii) Ketoprofen - ~~((40))~~ 2 nanograms per milliliter.

(b) No NSAID, including the approved NSAIDs listed in this rule, may be administered within the twenty-four hours before post time for the race in which the horse is entered.

(c) The presence of a second approved NSAID will ~~((not))~~ be considered a violation if the second of the approved NSAIDs is ~~((not))~~ over the secondary threshold as follows:

- (i) Phenylbutazone - ~~((+))~~ 0.3 mcg per milliliter;
- (ii) Flunixin - 3 ng per milliliter;
- (iii) Ketoprofen - 1 ng per milliliter.

(d) Any unapproved NSAID in the post-race serum or plasma sample is not permitted. The use of all but one of the approved NSAIDs must be discontinued at least forty-eight hours before the post time for the race in which the horse is entered.

(2) Any horse to which a NSAID has been administered is subject to having a blood and/or urine sample(s) taken at the direction of an official veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).

WSR 18-07-016
PERMANENT RULES
HORSE RACING COMMISSION

[Filed March 9, 2018, 2:06 p.m., effective April 9, 2018]

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

Purpose: To add to the list new substances that are prohibited to be found in a sample at any time in a horse.

Citation of Rules Affected by this Order: Amending WAC 260-70-545.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 18-03-047 on January 10, 2018.

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 the Request of a Non-governmental 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: March 9, 2018.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 13-03-061, filed 1/11/13, effective 2/11/13)

WAC 260-70-545 Prohibited practices. The following are prohibited practices:

(1) The possession or use of any drug, substance, or medication if the use may endanger the health or welfare of

the horse or endanger the safety of the rider, or which may adversely affect the integrity of racing; or

(2) The possession or use of a drug or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in human or animal without the approval of the official veterinarian, or any substance forbidden by an official veterinarian.

(3) The possession and/or use of blood doping agents including, but not limited to, those listed below, on the premises of a facility under the jurisdiction of the commission:

(a) ~~((Erythropoietin;))~~ Aminoimidazole carboxamide ribonucleotide (AICAR);

(b) Darbepoetin;

(c) ~~((Oxyglobin; and~~

~~((+)))~~ Equine growth hormone;

(d) Erythropoietin;

(e) Hemopure;

(f) Myo-inositol trispyrophosphate (ITPP);

(g) Oxyglobin;

(h) Thymosin beta; and

(i) Venoms or derivatives thereof.

(4) No person shall at any time administer any other doping agent to a horse except pursuant to a valid therapeutic, evidence-based treatment plan.

(a) Other doping agent means a substance that has a pharmacologic potential to alter materially the performance of a horse and has no generally accepted medical use in a horse when treated, and is:

(i) Capable at any time of causing an action or effect, or both, within one or more of the blood, cardiovascular, digestive, endocrine, immune, musculoskeletal, nervous, reproductive, respiratory, or urinary mammalian systems including, but not limited to, endocrine secretions and their synthetic counterparts, masking agents, oxygen carriers, and agents that directly or indirectly affect or manipulate gene expression; but

(ii) Not a substance that is considered to have no effect on the physiology of a horse except to improve nutrition or treat or prevent infections or parasite infestations.

(b) Evidence-based treatment plan means a planned course of treatment written and prescribed by an attending veterinarian before the horse is treated that describes the medical need of the horse for the treatment, the evidence-based scientific or clinical justification for using the doping agent and a determination that recognized therapeutic alternatives do not exist and is developed in good faith to treat a medical need of a horse.

~~((+))~~ (5) Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy unless the following conditions are met:

(a) Any treated horse may not race or workout for a minimum of ten days following treatment;

(b) Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines may only be used by veterinarians licensed by the commission and only approved machines at a previously disclosed location may be used;

(c) The practicing veterinarian has filed a report with an official veterinarian notifying the commission that an Extra-

corporeal Shock Wave Therapy or Radial Pulse Wave Therapy machine is on association grounds;

(d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments are reported to an official veterinarian on the prescribed form not later than twenty-four hours after treatment.

The horse will be added to a list of ineligible horses. This list will be kept in the race office and be posted in an accessible location.

~~((5))~~ (6) The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within twenty-four hours prior to the post time of the race in which the horse is entered and without the prior approval of an official veterinarian.

WSR 18-07-017

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 9, 2018, 2:06 p.m., effective April 9, 2018]

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

Purpose: To update and add a description of what a "chance to respond" is considered in the use of the riding crop.

Citation of Rules Affected by this Order: Amending WAC 260-52-045.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 18-03-049 on January 10, 2018.

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 the Request of a Non-governmental 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: March 9, 2018.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 10-07-050, filed 3/11/10, effective 4/11/10)

WAC 260-52-045 The riding crop. (1) Only riding crops approved by the stewards and meeting the following specifications will be allowed:

- (a) Maximum weight of 8 ounces;
- (b) Maximum length (including flap) of 30 inches;
- (c) Minimum diameter of the shaft of one-half inch; and

(d) The contact area of the shaft must be smooth with no protrusions or raised surface.

(2) The only additional feature that may be attached to the riding crop is a flap. If a flap is attached it must meet the following specifications:

(a) Maximum length of the flap from the end of the shaft is one inch;

(b) Maximum width of the flap is 1.6 inches, with a minimum width of 0.8 inch;

(c) The flap, from the end of the shaft, may not contain any reinforcements or additions;

(d) There may be no binding within 7 inches of the end of the flap;

(e) The flap must be humane, cushioned with memory foam or other similar shock absorbing material, unaltered from the original manufacturer, and sewn down each side of the outer layer;

(f) The flap must be dark in color and made of a material that does not harden over time; and

(g) The requirement for the riding crop is waived for Class C race meets as defined in RCW 67.16.130.

(3) The riding crop is subject to approval by the stewards and subject to inspection by any steward, commission racing official, official veterinarian, or investigator.

(4) Although the use of a riding crop is not required, any jockey who uses a riding crop during a race may do so only in a manner consistent with exerting his/her best efforts to win. In all races where a jockey will ride without a riding crop, an announcement will be made over the public address system. No device designed to increase or retard the speed of a horse, other than an approved riding crop is permitted on the grounds of any racing association. Riding crops may not be used on 2-year-old horses before April 1 of each year.

(5) Prohibited uses of the riding crop include striking a horse:

(a) On the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse;

(b) During the post parade or after the finish of the race, except when necessary to control the horse;

(c) Excessively or brutally causing welts or breaks in the skin;

(d) When the horse is clearly out of the race or has obtained its maximum placing;

(e) Persistently even though the horse is showing no response under the riding crop; and

(f) Striking another rider or horse.

(6) The riding crop should only be used for safety, correction, and encouragement. All riders should consider the following when using the riding crop:

~~(a) (Showing the horse the riding crop and giving the horse time to respond before striking the horse;~~

~~(b) Giving)) When using the crop the rider should give the horse ((the)) a chance to respond ((before using the riding crop again; and~~

~~(e));~~

(b) A chance to respond is defined as one or more of the following actions:

(i) Pushing on their horse with a rein in each hand keeping the riding crop in the up or down position;

(ii) Showing the horse the riding crop without making contact; and

(iii) Moving the riding crop from one hand to the other.

(c) Using the riding crop in rhythm with the horse's stride.

(7) After the race or during training all horses are subject to inspection by a steward, official veterinarian, commission racing official, or investigator.

(8) Any trainer, owner, or other licensee that instructs a jockey to use the riding crop in a manner not consistent with these rules may be subject to disciplinary action.

WSR 18-07-018
PERMANENT RULES
HORSE RACING COMMISSION

[Filed March 9, 2018, 2:08 p.m., effective April 9, 2018]

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

Purpose: To amend thresholds for medications allowed in a post race sample of a horse to the recommended levels published by the ARCI and RMTTC as the national standard.

Citation of Rules Affected by this Order: Amending WAC 260-70-630.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 18-03-140 on January 22, 2018.

Changes Other than Editing from Proposed to Adopted Version: A threshold was added for clenbuterol to reflect laboratory limit of detection.

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 the Request of a Non-governmental 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: March 9, 2018.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 17-07-053, filed 3/10/17, effective 4/10/17)

WAC 260-70-630 Threshold levels. (1) Permitted medications.

(a) The following quantitative medications and/or metabolites are permissible in test samples up to the stated concentrations in urine:

Acepromazine - 10 ng/ml

Albuterol - 1 ng/ml
Bupivacaine - 5 ng/ml
Butorphanol - 300 ng/ml
Carboxydetomidine - 1 ng/ml
Clenbuterol - 140 pg/ml (in quarter horse and mixed breed races the presence of clenbuterol is prohibited)
Mepivacaine - 10 ng/ml
Promazine - 25 ng/ml
Pyrilamine - 25 ng/ml

(b) The following quantitative medications and/or metabolites are permissible in test samples up to the stated concentrations in serum or plasma:

Betamethasone - 10 pg/ml
Butorphanol - 2 ng/ml
Clenbuterol - (~~(25)~~) 2 pg/ml (in quarter horse and mixed (~~breed~~)) races the presence of clenbuterol is prohibited)
Cetirizine - 6 ng/ml
Cimetidine - 400 ng/ml
Dantrolene - 100 pg/ml
Detomidine - 1 ng/ml
Dexamethasone - (~~(.5 ng/ml)~~) 5 pg/ml
Diclofenac - 5 ng/ml
DMSO - 10 mcg/ml
Firocoxib - 20 ng/ml
Glycopyrrolate - 3 pg/ml
Guaifenesin - 12 ng/ml
Isoflupredone - 100 pg/ml
Lidocaine - 20 pg/ml
Methocarbamol - 1 ng/ml
Methylprednisolone - (~~(400)~~) 100 pg/ml
Omeprazole - 10 ng/ml
Prednisolone - 1 ng/ml
*Procaine penicillin - 25 ng/ml
Ranitidine - 40 ng/ml
Triamcinolone acetonide - 100 pg/ml
Xylazine - 200 pg/ml

* Administration of procaine penicillin to those horses entered must be reported to the commission and may require surveillance up to six hours prior to post time.

(c) Hair samples in pre- or post-race testing for quarter horses and mixed breed races may not be found to contain clenbuterol, ractopamine, zilpaterol, or albuterol in any concentration.

(d) Where a permitted medication has thresholds in both urine and serum or plasma, as set forth in this section, it is not a defense to a violation that the permitted medication does not exceed both thresholds.

(2) Environmental substances.

(a) Certain substances can be considered "environmental" in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination or exposure during the cultivation, processing, treatment, storage, or transportation phases. Certain drugs are recognized as substances of human use and could therefore be found in a horse. The following substances are permissible in test samples up to the stated concentrations:

Arsenic - 0.3 mcg/ml urine

Caffeine - 100 ng/ml serum or plasma

Cobalt - 50 ppb serum or plasma*

* A level of 25 ppb in serum or plasma will result in the horse being placed on the official veterinarians list until such time as the level drops below the 25 ppb.

Benzoylcegonine - 50 ng/ml urine

Estranediol - 0.045 mcg/ml free + conjugated (5 α -oestrane-3 β ,17 α -diol), in the urine of male horses, other than geldings

Gamma Aminobutyric Acid (GABA) - 110 ng/ml in serum or plasma

Hydrocortisone - 1 mcg/ml urine

Methamphetamine - 10 ng/ml

Methoxytyramine - 4 mcg/ml, free + conjugated urine

Morphine Glucuronides - 50 ng/ml urine

Salicylate salicylic acid - 750 mcg/ml serum or plasma

Theobromine - 2 mcg/ml urine

Tramadol - 50 ng/ml urine

(b) If a preponderance of evidence presented shows that a positive test is the result of environmental substance or inadvertent exposure due to human drug use, that evidence should be considered as a mitigating factor in any disciplinary action taken against the trainer.

(3) Androgenic-anabolic steroids.

(a) The following androgenic-anabolic steroids are permissible in test samples up to the stated concentrations:

Boldenone (Equipoise) - 15 ng/ml urine in intact males - 1 ng/ml in urine for geldings, fillies or mares.

Nandrolone (Durabolin) - 1 ng/ml urine in geldings, fillies, and mares, and for nandrolone metabolite (5 α -oestrane-3 β ,17 α -diol) - 45 ng/ml urine in intact males.

Testosterone - 20 ng/ml urine in geldings. 55 ng/ml urine in fillies and mares. Samples from intact males will not be tested for the presence of testosterone.

(b) All other androgenic-anabolic steroids are prohibited in race horses.

WSR 18-07-019

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 9, 2018, 2:08 p.m., effective April 9, 2018]

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

Purpose: To add language regarding sample collection of hair and the trainer's responsibility to witness the process.

Citation of Rules Affected by this Order: Amending WAC 260-28-295.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 18-03-053 on January 10, 2018.

Changes Other than Editing from Proposed to Adopted Version: Removed requirement for the trainer to maintain an administration log, less restrictive [restrictive].

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 the Request of a Non-governmental 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: March 9, 2018.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 16-09-034, filed 4/14/16, effective 5/15/16)

WAC 260-28-295 Trainer responsibility. The purpose of this section is to identify the minimum responsibilities of the trainer that pertain specifically to the health and well-being of horses in his/her care.

(1) The trainer is responsible for and is the absolute insurer of the condition of the horses entered regardless of the acts of third parties.

(2) The trainer is responsible for the condition of horses in his/her care.

(3) The trainer will immediately notify the owner(s) of any horses in the trainer's care of any pending rule violations involving their horse(s) including, but not limited to, alleged medication violations. Notice to the trainer will be deemed notice to the owner.

(4) The trainer is responsible for the presence of any prohibited drug, medication, or other prohibited substance, including permitted medication in excess of the maximum allowable concentration, in horses in his/her care. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable concentration, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer will be held responsible.

(5) A trainer will prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(6) A trainer whose horse has been claimed remains responsible for violation of any rules regarding that horse's participation in the race in which the horse is claimed.

(7) The trainer is responsible for:

(a) Maintaining the assigned stable area in a clean, neat and sanitary condition at all times;

(b) Using the services of those veterinarians licensed by the commission to attend to horses that are on association grounds;

(c) The proper identity, custody, care, health, condition and safety of horses in his/her care;

(d) Immediately reporting the alteration of the sex of a horse to the horse identifier and the racing secretary;

(e) Promptly reporting to the racing secretary and an official veterinarian when a posterior digital neurectomy (heel nerving) is performed on a horse in his/her care and ensuring that such fact is designated on its certificate of registration;

(f) Promptly report to the racing secretary, when mares who have been entered to race, have been bred;

(g) If a colt or horse has been gelded, promptly submit a completed gelding report to The Jockey Club Office, or report the fact to the racing secretary;

(h) Promptly reporting the serious injury and/or death of any horse at locations under the jurisdiction of the commission to the stewards and the official veterinarian and compliance with the rules in this chapter governing postmortem examinations;

(i) Maintaining knowledge of the medication record and medication status of horses in his/her care;

(j) Immediately reporting to the stewards and the official veterinarian knowledge or reason to believe, that there has been any administration of a prohibited medication, drug or substance;

(k) Ensuring the fitness to perform creditably at the distance entered;

(l) Ensuring that every horse he/she has entered to race is present at its assigned stall for a prerace soundness inspection as prescribed in ((~~chapter 260-70~~)) WAC 260-70-570;

(m) Ensuring proper bandages, equipment and shoes;

(n) Attending the collection of a hair, urine, or blood sample or delegating a licensed employee or the owner to do so; and

(o) Ensuring that all the trainer's employees wear a safety helmet and safety vest while on horseback, in compliance with WAC 260-12-180.

WSR 18-07-020

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 9, 2018, 2:09 p.m., effective April 9, 2018]

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

Purpose: To clarify what is expected of a trainer during prerace inspections and to prohibit the use of ice prior to the inspection.

Citation of Rules Affected by this Order: Amending WAC 260-70-570.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 18-03-048 on January 10, 2018.

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 the Request of a Non-governmental 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: March 9, 2018.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 07-07-036, filed 3/12/07, effective 4/12/07)

WAC 260-70-570 All horses are subject to inspection. All horses at locations under the jurisdiction of the commission are subject to inspections at the discretion of the stewards or an official veterinarian.

(1) The trainer of each horse or a representative of the trainer must present the horse for inspection as required by an official veterinarian.

(a) The inspection shall be conducted by an official veterinarian.

(b) The horse shall be in the trainers assigned stable area unless the official veterinarian is notified prior to the time of inspections.

(c) Every horse to be inspected shall have its legs cleaned of any poultice or other topical applications.

(d) The horse must be free of bandages, or wearing bandages that are easily removed.

(e) The horse must not have been subjected to freezing, icing, or prolonged hosing with cold water, or any other means of reducing the temperature of the legs within one hour of the inspection.

(2) The assessment of a horse's racing condition will be based on the recommendations of the American Association of Equine Practitioners and may include:

(a) Proper identification of the horse;

(b) Observation of each horse in motion;

(c) Manual palpation when indicated;

(d) Close observation in the paddock and saddling area, during the parade to post and at the starting gate; and

(e) Any other inspection deemed necessary by an official veterinarian.

(3) An official veterinarian will maintain a continuing health and racing soundness record of each horse inspected.

WSR 18-07-021

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 9, 2018, 2:10 p.m., effective April 9, 2018]

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

Purpose: To add language allowing the equine medical director to request additional information on the daily veterinarian reports and to clarify when a report is due on a horse that is scheduled to compete.

Citation of Rules Affected by this Order: Amending WAC 260-70-540.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 18-03-054 on January 10, 2018.

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 the Request of a Non-governmental 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: March 9, 2018.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 07-07-036, filed 3/12/07, effective 4/12/07)

WAC 260-70-540 Veterinarians' reports. (1) Every veterinarian who treats or administers a procedure to a race-horse at any location under the jurisdiction of the commission must, on a form approved by the commission, report all treatments and procedures to an official veterinarian. The report must include the following:

- (a) The name of the horse (~~((treated))~~);
- (b) The name of any medication, drug, or substance administered or prescribed;
- (c) The procedure administered;
- (d) The name of the trainer;
- (e) The date and time of treatment; and
- (f) Any other information required by the official veterinarian.

(2) The practicing veterinarian must sign (~~((the report))~~) and file the report with an official veterinarian (~~((no later than post time of the race for which the horse is entered. If the horse is not entered to run in a race, the report must be filed with an official veterinarian))~~) within forty-eight hours of treatment.

If a horse is entered to run in a race and the treatment occurs within forty-eight hours of post time of the race for which the horse is entered, the report must be filed by 10:00 a.m. the morning of the race, with the exception of the furosemide administration as directed in WAC 260-70-650.

(3) A timely and accurate treatment report may be considered by the stewards or the commission as a mitigating factor when determining the penalty for violation of these rules.

WSR 18-07-022

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 9, 2018, 2:10 p.m., effective April 9, 2018]

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

Purpose: To create a new section that addresses state requirements in regards to the relationship between the veterinarian and the client.

Citation of Rules Affected by this Order: New WAC 260-70-555.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 18-03-050 on January 10, 2018.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

Number of Sections Adopted using Negotiated Rule Making: New 1, 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: March 9, 2018.

Douglas L. Moore
Executive Secretary

NEW SECTION

WAC 260-70-555 Veterinarian practices. (1) A prescription drug may only be administered with a valid veterinarian-client-patient relationship (VCPR) between the attending veterinarian, the horse owner, or their representative, and the horse. A drug may only be administered following a veterinarian exam providing treatment recommendations. The relationship requirements of a VCPR are:

- (a) The veterinarian, with the consent of the owner, or their representative, has accepted responsibility for making medical judgments regarding the health of the horse;
- (b) The veterinarian has sufficient knowledge of the horse to make a preliminary diagnosis of the medical condition of the horse;
- (c) The veterinarian has performed an examination of the horse and has knowledge of the care of the horse;
- (d) The veterinarian is available to evaluate and oversee treatment outcomes, or has made appropriate arrangements for continuing care of the horse;
- (e) The relationship is maintained by veterinary visits as needed; and
- (f) The veterinary judgments of the veterinarian are independent and are not dictated by the trainer or owner of the horse.

(2) The trainer and veterinarian are both responsible to ensure compliance with the requirements on drug treatments of horses, except the medical judgment to recommend a drug treatment or to prescribe a drug is the sole responsibility of the veterinarian and the decision to proceed with the drug or treatment is the responsibility of the horse owner, or their representative.

WSR 18-07-023
PERMANENT RULES
HORSE RACING COMMISSION

[Filed March 9, 2018, 2:11 p.m., effective April 9, 2018]

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

Purpose: To add language to expand under what circumstances the board of stewards would use in declaring a claim void.

Citation of Rules Affected by this Order: Amending WAC 260-60-460.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 18-03-051 on January 10, 2018.

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 the Request of a Non-governmental Entity: New 0, Amended 1, 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 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: March 9, 2018.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 17-05-058, filed 2/10/17, effective 3/13/17)

WAC 260-60-460 Cancellation of claims. (1) If within thirty days from the running of the race, in which a horse is claimed, the stewards find that a claim was made in violation of the rules of racing the stewards may disallow and cancel any such claim and order the return of the horse and order the return and refund the claim amount. In deciding whether to cancel a claim the stewards will consider which party was at fault, the status of the horse at the time the claiming violation is discovered, and such other factors as appropriate. Should the stewards cancel a claim, they may order, as appropriate, payment for the care and maintenance of the horse involved. The stewards may refer to the commission for further action any case involving a violation of the rules of racing with

respect to a claim regardless of whether the stewards deem it appropriate to order the cancellation of the claim.

(2) The stewards will void a claim if the following occurs:

(a) The horse dies or suffers a catastrophic injury during the running of the race and is euthanized prior to leaving the track, or must be euthanized due to an injury suffered prior to when the official transfer of the horse has taken place.

(b) If, within two hours of the official "off time" of the race and following an injury incurred during the race, the official veterinarian, in consultation with the practicing veterinarian, determines that it would be inhumane to prolong treatment in an attempt to save the horse, even for nonperformance purposes, the horse is euthanized. If the original owner of the horse disputes the official veterinarian's determination to euthanize, they may retain ownership of the horse and the claim will be voided.

WSR 18-07-025
PERMANENT RULES
HORSE RACING COMMISSION

[Filed March 9, 2018, 3:06 p.m., effective April 9, 2018]

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

Purpose: Adds a new section to allow the commission to conduct "out of competition" testing, what is considered a violation, and the commission extent of jurisdiction.

Citation of Rules Affected by this Order: New WAC 260-70-575.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 18-03-046 on January 10, 2018.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

Number of Sections Adopted using Negotiated Rule Making: New 1, 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: March 9, 2018.

Douglas L. Moore
Executive Secretary

NEW SECTION

WAC 260-70-575 Out of competition testing. (1) The commission may request an out of competition testing (OCT) sample be collected and screened for any violation of WAC 260-70-545.

(2) The commission may request any owner or trainer currently licensed by the commission to allow an OCT sample be collected under any of the following conditions:

(a) The horse is stabled on the grounds of a licensed race meet.

(b) The horse is nominated or eligible for a stake or handicap race.

(c) The registration certificate of the horse is currently on file with the racing association.

If the horse selected is not currently stabled on the grounds, the owner or trainer shall present the horse to the test barn at a time designated by the commission.

(3) Horses will be selected for OCT by a commission veterinarian, steward, or executive secretary.

(4) Sample collection and split samples will be done in accordance with WAC 260-70-600 and 260-70-610.

(5) Refusal to submit to an OCT sample request will result in penalties consistent with WAC 260-84-110 or 260-84-130.

(6) If a horse that qualifies under subsection (2) of this section is selected for testing and is not stabled at a race meet licensed by the Washington horse racing commission, the commission may approve a regulatory veterinarian from another jurisdiction to collect and submit the sample providing the process complies with WAC 260-70-600 and 260-70-610.

(7) Penalties for a report of a positive laboratory finding in violation of this section will be consistent with WAC 260-84-110 and/or 260-84-130.

WSR 18-07-030

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed March 12, 2018, 2:25 p.m., effective April 12, 2018]

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

Purpose: Chapters 246-71 and 246-72 WAC, the adopted rule amendments clarify: Standards related to the creation and lamination of marijuana recognition cards; the issuing and processing of a valid medical marijuana authorization form; and application and fee requirements for medical marijuana consultant applicants. The department is withdrawing proposed amendments to WAC 246-72-010 and 246-72-120 (6) and (10) as filed in WSR 17-18-094.

Citation of Rules Affected by this Order: Amending WAC 246-71-020, 246-71-040, 246-71-100, 246-71-130, 246-71-990, 246-72-020, 246-72-030, 246-72-040, 246-72-080, 246-72-090, 246-72-110, and 246-72-120.

Statutory Authority for Adoption: RCW 69.51A.230.

Adopted under notice filed as WSR 17-18-094 on September 6, 2017.

Changes Other than Editing from Proposed to Adopted Version: The department added clarifying language to WAC 246-71-020 to define the term "street address." The proposed rule did not provide this clarity. The department added language to clearly define the term "street address" to mean the "physical address of the individual's residence where plants may be grown under RCW 69.51A.210." This language was added to increase stakeholder understanding of the purpose

and intent of information required on the medical marijuana authorization form.

In the proposed rule, the department added a new definition to WAC 246-72-010 that defined "service" in the context of providing a notice of denial to a training program applicant. The original intent of adding this definition was to clarify the parameters of the term "receipt" within the context of delivery, or service of an adverse notice or denial that is described in WAC 246-72-120. After further review, the department determined the proposed definition resulted in an unintentional consequence of changing the statutorily required twenty-eight day time frame afforded the training program applicant under RCW 43.70.115(2). Subsequently, the department did not amend, alter, or change any part of WAC 246-71-010 or 246-72-120(6) and 246-72-120(10) in the adopted rules, so it does not appear in the adopted rule amendments.

A final cost-benefit analysis is available by contacting Shelly Rowden, P.O. Box 47852, Tumwater, WA 98504-7852, phone 360-236-2820, TTY 360-833-6388 or 711, email shelly.rowden@doh.wa.gov, web site www.doh.wa.gov/medicalmarijuana, medicalmarijuana@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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 12, 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 12, Repealed 0.

Date Adopted: March 7, 2018.

John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 16-11-086, filed 5/17/16, effective 6/17/16)

WAC 246-71-020 Adding qualifying patients and designated providers to the database. A qualifying patient or designated provider may take their authorization to an endorsed outlet to be entered into the database.

(1) Only a consultant employed by an endorsed outlet is allowed to enter a qualifying patient's or designated provider's information into the database.

(2) Consultants must register with the department to receive credentials to access the database. The process for registration will be established by the department.

(3) The department shall verify the consultant's identity and certificate status before providing credentials to access the database.

(4) The consultant shall access the database using the credentials issued by the department or the department's des-

ignee. If the credentials are lost or missing, or the security of the credentials is compromised, the consultant shall notify the department by telephone and in writing within one business day.

(5) The consultant shall ensure that the authorization form provided is valid, complete, unaltered, and meets all requirements specified in RCW 69.51A.030 and complies with the instructions on the form. "Street address" on the authorization form means the physical address for the person's residence where plants may be grown under RCW 69.51A.210. If any requirement is not met, or the form is altered or incomplete, the person cannot be entered into the database.

(6) The consultant shall verify the identity of every patient age eighteen and older and every designated provider by inspecting the patient's or designated provider's valid photographic identification. Except for patients under the age of eighteen, a person cannot be entered into the database without valid photographic identification.

(7) In the event of an inexact match of names on the identification and the authorization, the consultant shall ensure that the patient or designated provider named on the authorization form is the same person presenting the authorization for entry into the database.

(8) The consultant shall check the database to ensure that a designated provider is not currently associated with a different patient in the database before associating the designated provider with a new patient in the database. If a designated provider is still associated with a different patient, the consultant cannot enter the designated provider into the database as associated with the new patient.

(9) The consultant shall enter the following information into the database for each patient and designated provider (unless specified below):

(a) The type of valid photographic identification verified and the unique number from the identification;

(b) Full legal name, as it appears on the valid photographic identification, including first name, middle initial, last name, and generational suffixes, if any;

(c) Date of birth;

(d) Actual physical address if different from the address on the identification;

(e) Gender;

(f) Name of the authorizing health care practitioner;

(g) Authorizing health care practitioner's full license number;

(h) Business address of the authorizing health care practitioner;

(i) Telephone number of the authorizing health care practitioner, as listed on the authorization form;

(j) The patient's qualifying condition(s);

(k) For the designated provider only, the patient the designated provider is authorized to assist;

(l) The date the authorization was issued;

(m) The date the authorization expires; and

(n) The number of plants the patient is allowed to grow. If the authorizing health care practitioner does not indicate a specific number, the presumptive number is six plants. The health care practitioner cannot authorize more than fifteen

plants. An authorization for more than fifteen plants is invalid.

(10) All requests for, uses of, and disclosures of information from the database by authorized persons must be consistent with chapter 69.51A RCW and this chapter.

AMENDATORY SECTION (Amending WSR 16-11-086, filed 5/17/16, effective 6/17/16)

WAC 246-71-040 Requirements for recognition cards. (1) An endorsed outlet must have the following equipment readily available and maintained in good working order:

(a) A computer with internet access and capability of running a supported version of a common web browser;

(b) A digital camera with at least 10 megapixel resolution;

(c) A standard color printer able to print at least 300 dots per inch;

(d) A laminator; and

(e) A solid white, off-white, or light blue backdrop that is free of patterns, objects or textures, to use as the background for each picture.

(2) When issuing a recognition card to a qualifying patient or designated provider, an endorsed outlet must comply with the following requirements:

(a) Only a consultant employed by the endorsed outlet is allowed to print and create a card;

(b) The consultant shall take a picture of the face of the patient or designated provider at the same time they are entered into the database following the process specified by the department;

(c) The consultant shall create, print (~~and~~) the card in full color, permanently laminate the card using a heat process, and issue it to the patient or designated provider following the process specified by the department; and

(d) The consultant shall return the authorization to the patient or designated provider. The endorsed outlet shall not retain a copy of the authorization.

(3) The database vendor shall ensure recognition cards contain the following:

(a) A randomly generated and unique identification number;

(b) The name of the patient or designated provider;

(c) For designated providers, the unique identification number of the patient they are assisting;

(d) A photograph of the patient or designated provider;

(e) The amounts of marijuana concentrates, usable marijuana, or marijuana-infused products the patient or designated provider is authorized to purchase or obtain at an endorsed outlet;

(f) The number of plants the patient or designated provider is authorized to grow;

(g) The effective date and expiration date of the card;

(h) The name of the health care professional who issued the authorization; and

(i) Additional security features required by the department to ensure the validity of the card.

AMENDATORY SECTION (Amending WSR 16-11-086, filed 5/17/16, effective 6/17/16)

WAC 246-71-100 Confidentiality. (1) Under RCW 42.56.625, records in the database containing names and other personally identifiable information of qualifying patients and designated providers are exempt from public disclosure, inspection, or copying.

(2) The vendor must retain database records for at least five calendar years to permit the WSLCB and Washington department of revenue to verify eligibility for tax exemptions.

(3) Authorization forms cannot be retained or copied by an endorsed outlet, and information from the form cannot be retained by the endorsed outlet or entered into other manual or electronic data collection or point of sale systems unless required by law or expressly authorized in writing by the patient or designated provider.

(4) Recognition cards cannot be retained by an endorsed outlet, and may only be copied by the endorsed outlet when required by law.

AMENDATORY SECTION (Amending WSR 16-11-086, filed 5/17/16, effective 6/17/16)

WAC 246-71-130 Removal of a qualifying patient or designated provider from the database. (1) The vendor must automatically deactivate patient and designated provider records in the database upon expiration of a recognition card.

(2) Patients and designated providers may request to be ~~((removed from))~~ deactivated in the database before the expiration of their recognition card using the process established by the department.

(3) The authorizing health care practitioner may request ~~((removal))~~ deactivation of a patient or designated provider from the database if the patient no longer qualifies for the medical use of marijuana. This request must be made using the process established by the department.

AMENDATORY SECTION (Amending WSR 16-11-086, filed 5/17/16, effective 6/17/16)

WAC 246-71-990 Recognition card fees. (1) Endorsed outlets must collect a one dollar fee for each initial, replacement, and renewal recognition card. The fee shall be collected by the endorsed outlet from the patient or designated provider when the card is issued.

(2) Endorsed outlets must periodically remit fees collected using the process established by the department.

(3) Failure by an endorsed outlet to promptly remit fee revenue when due will result in notice to the WSLCB, removal of a store and store employee access to the database, and any other action necessary to ensure compliance.

AMENDATORY SECTION (Amending WSR 16-07-086, filed 3/17/16, effective 3/18/16)

WAC 246-72-020 Certificate requirements. An applicant for a medical marijuana consultant certificate must submit to the department:

(1) ~~((A))~~ A completed initial application on forms provided by the department;

(2) Fees required under WAC 246-72-110;

(3) ~~((Proof))~~ Certificate of successful completion ~~((of))~~ from an approved training program;

(4) Proof of being age twenty-one or older. Acceptable forms of proof are a copy of the applicant's valid driver's license or other government-issued identification card, United States passport, or certified birth certificate;

(5) Proof of current CPR certification from a course requiring completion of both a written and skills demonstration test; and

(6) Any other documentation required by the secretary.

AMENDATORY SECTION (Amending WSR 16-07-086, filed 3/17/16, effective 3/18/16)

WAC 246-72-030 Practice parameters. (1) A certificate holder may only provide services when acting in the capacity of an owner, employee, or volunteer of a retail outlet licensed under RCW 69.50.354 and holding a medical endorsement under RCW 69.50.375.

(2) A certificate holder may:

(a) Assist a customer with the selection of marijuana products and other items sold at the retail outlet that may benefit the customer's medical condition;

(b) Describe the risks and benefits of marijuana products and other items sold at the retail outlet;

(c) Describe the risks and benefits of methods of administration of marijuana products sold at the retail outlet. Whenever practicable, a certificate holder shall encourage methods of administration other than smoking;

(d) Advise a customer about the safe handling and storage of marijuana products, including strategies to reduce access by minors; and

(e) Provide instruction and demonstration to a customer about proper use and application of marijuana products. However, nothing in this section allows a certificate holder to:

(i) Provide free samples of a marijuana product to a customer except pursuant to RCW 69.50.375;

(ii) Open or allow a customer to open a marijuana product on the premises; ~~((of))~~

(iii) Consume or allow a customer to consume a marijuana product on the premises.

(3) When discussing a marijuana product with a customer, a certificate holder shall refer to the product using the cannabinoid profile labeling required by the Washington state liquor and cannabis board in addition to the represented strain name.

(4) A certificate holder shall not:

(a) Offer or undertake to diagnose or cure any human or animal disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary, by use of marijuana products or any other means or instrumentality;

(b) Recommend or suggest modification or elimination of any course of treatment that does not involve the medical use of marijuana products;

(c) Solicit or accept any form of remuneration directly or indirectly, overtly or covertly, in cash or any other form in

return for recommending a certain product, producer, processor, clinic, or health care practitioner;

(d) Provide medical marijuana consultant services in any capacity other than as an owner, employee, or volunteer of retail outlets licensed under RCW 69.50.354 and holding a medical endorsement under RCW 69.50.375; ~~((✕))~~

(e) Provide medical marijuana consultant services at any location other than at retail outlets licensed under RCW 69.50.354 and holding a medical endorsement under RCW 69.50.375 for which the certificate holder serves as an owner, employee, or volunteer; or

(f) Create his or her own recognition card pursuant to chapter 246-71 WAC.

AMENDATORY SECTION (Amending WSR 16-07-086, filed 3/17/16, effective 3/18/16)

WAC 246-72-040 Display of certificate. (1) A certificate holder shall ~~((conspicuously))~~ display his or her certificate in his or her principal place of business in a place and manner visible to customers.

(2) A certificate holder who owns, is employed by, or volunteers at more than one business location shall ~~((conspicuously))~~ display a duplicate certificate or an unaltered photocopy of his or her certificate in each business location in a place and manner visible to customers.

AMENDATORY SECTION (Amending WSR 16-07-086, filed 3/17/16, effective 3/18/16)

WAC 246-72-080 Renewals and updating license information. (1) Certificates must be renewed every year on the certificate holder's birthday. Initial certificates issued within ninety days of the certificate holder's birthday do not expire until the person's next birthday.

(2) Renewals:

(a) Prior to the certificate expiration date, courtesy renewal notices are mailed to the address on file. Certificate holders must return the renewal notice when renewing their credential. Failure to receive a courtesy renewal notice does not relieve or exempt the renewal requirement.

(b) The certificate holder must attest to completion of annual certification requirements, including current CPR certification.

(c) Renewal fees are accepted by the department no sooner than ninety days prior to the expiration date.

(3) Duplicate certificate: A certificate holder may obtain a duplicate certificate by submitting a written request to the department and paying the fee as required in WAC 246-72-990.

(4) Name changes: It is the responsibility of each certificate holder to maintain his or her correct name on file with the department. Requests for name changes must be submitted in writing to the department along with documentation showing the name was legally changed.

(5) Address changes: It is the responsibility of each certificate holder to maintain his or her current address on file with the department. Requests for address changes ~~((may))~~ must be made ~~((either by telephone or))~~ in writing. The mailing address on file with the department will be used for mailing of all official matters to the certificate holder.

AMENDATORY SECTION (Amending WSR 16-07-086, filed 3/17/16, effective 3/18/16)

WAC 246-72-090 Expired certificate. (1) A certificate holder may not practice at any time while his or her certificate is expired. The certificate is expired if the certificate holder does not renew on or before the expiration date. Any renewal that is postmarked or presented to the department after midnight on the expiration date is expired and is subject to a late renewal penalty fee.

(2) If the certificate has been expired for more than three months and less than three years, the certificate holder must:

(a) Complete a late renewal application form;

(b) Pay the renewal fee;

(c) Pay the late renewal penalty fee;

(d) Pay the expired certificate reissuance fee;

(e) Provide proof of successful completion of required continuing education under WAC 246-72-100;

~~((✕))~~ (f) Provide proof of current CPR certification; and

~~((✕))~~ (g) Provide any other documentation required by the secretary.

(3) If the certificate has been expired for three years or more, the certificate holder must:

(a) Complete ~~((a new))~~ an initial application form;

(b) Pay the current application fee;

(c) Retake and provide proof of successful completion of an approved training program within the prior six months;

(d) Provide proof of current CPR certification; and

(e) Provide any other documentation required by the secretary.

AMENDATORY SECTION (Amending WSR 16-07-086, filed 3/17/16, effective 3/18/16)

WAC 246-72-110 Training program requirements.

(1) Training programs must include:

(a) A minimum of twenty total instruction hours in the following subjects:

(i) Five hours about Washington state laws and rules relating to marijuana;

(ii) Two hours about qualifying conditions and the common symptoms of each;

(iii) Two hours about the short- and long-term positive and negative effects of cannabinoids;

(iv) Five hours about products that may benefit qualifying patients based on the patient's condition, any potential contraindications and the risks and benefits of various routes of administration;

(v) Two hours about safe handling of marijuana products, including strategies to reduce access by minors;

(vi) Two hours about ethics and customer privacy and rights; and

(vii) Two hours about the risks and warning signs of overdose, abuse and addiction.

(b) An examination comprised of at least five questions for each hour of instruction must be given for each subject. The applicant must pass the examination for each subject with a minimum score of seventy percent. Questions must be randomly selected from a sufficient supply of questions to ensure the validity of the examination. The secretary reserves

the right to approve or deny individual questions and answers.

(2) Training may be provided in-person or electronically. If the training is provided electronically, students must have real-time access to the instructor during at least half of the instruction hours for each subject.

(3) Instructors must have demonstrated knowledge and experience related to marijuana and to the subject matter, and hold:

(a) An active license to practice as a health care professional as defined in RCW 69.51A.010(5);

(b) An active license to practice law in the state of Washington;

(c) A bachelor's degree or higher from an accredited college or university in agriculture, botany, or horticulture; or

(d) A bachelor's degree or higher in nursing and an active license to practice as a registered nurse under chapter 18.79 RCW.

(4) An owner, agent, principal, or instructor of a training program shall not have a direct or indirect financial interest in a marijuana business licensed by the Washington state liquor and cannabis board under chapter 69.50 RCW.

AMENDATORY SECTION (Amending WSR 16-07-086, filed 3/17/16, effective 3/18/16)

WAC 246-72-120 Approval of training program. The secretary will consider for approval any training program which meets the requirements as outlined in this chapter.

(1) The authorized representative of the training program shall request approval on ~~((a form))~~ an application provided by the department.

(2) The application for approval of a training program must include, but is not limited to, documentation required by the secretary pertaining to:

(a) Detailed syllabus;

(b) Identification and qualifications of instructors;

(c) Training locations and facilities;

(d) Outline of curriculum plan specifying all subjects, and the length in hours each subject is taught;

(e) Class objectives;

(f) Whether the training will be provided in-person or electronically;

(g) Methods of evaluating the course and instructors by the training program and training participants; ~~((and))~~

(h) Policies and procedures for maintaining training and testing records; and

(i) A sample of the training program's certificate of successful completion. At minimum, the certificate must contain the following information:

(i) Name and license number of the training program;

(ii) Name of the student; and

(iii) Date the student successfully completed the program.

(3) Any training program that is required to be licensed by private vocational education under chapter 28C.10 RCW or Title 28B RCW, or any other statute, must complete these requirements before being considered by the secretary for approval.

(4) The secretary will evaluate the application and may conduct a site inspection of the training program prior to granting approval.

(5) Upon the evaluation of a complete application, the secretary will grant or deny approval.

(6) If the secretary notifies the training program of the secretary's intent to deny an application, the training program, through its authorized representative, may request an adjudicative proceeding. A request for an adjudicative proceeding must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice and be served on and received by the department within twenty-eight days of the applicant's receipt of the adverse notice. The authorized representative of the training program may submit a new application for the secretary's consideration.

(7) Training and testing records must be kept for a minimum of three years. The secretary may audit the records at any time.

(8) The authorized representative of an approved training program shall notify the secretary in writing of all changes with respect to information provided in the application, including changes in instructors, within thirty days of such changes.

(9) The secretary may inspect, audit or review an approved training program at reasonable intervals for compliance or to investigate a complaint. The secretary may withdraw approval if the secretary finds failure to comply with the requirements of statute, administrative rules, or representations in the application.

(10) If the secretary notifies an approved training program of the secretary's intent to revoke approval, the training program, through its authorized representative, may request an adjudicative proceeding. A request for an adjudicative proceeding must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice and be served on and received by the department within twenty-eight days of the applicant's or license holder's receipt of the adverse notice. If a request for adjudicative proceeding is not received by the department within twenty-eight days of the date of the training program's receipt of the adverse notice, the secretary's decision is final. The authorized representative of the training program must provide proof that the deficiencies which resulted in withdrawal of the secretary's approval have been corrected before requesting reapproval. Training programs seeking reapproval shall follow the requirements outlined in this section.

WSR 18-07-042

PERMANENT RULES

SKAGIT VALLEY COLLEGE

[Filed March 13, 2018, 3:50 p.m., effective April 13, 2018]

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

Purpose: The purpose for repealing WAC 132D-305-005 Sexual harassment policy, is to allow the college to implement its current policy/procedure for prevention of sexual harassment and discrimination. Repeal of WAC 132D-305-005 is necessary to comply with the latest Title IX, Violence

Against Women Act (VAWA), and Campus SaVE requirements.

Citation of Rules Affected by this Order: Repealing WAC 132D-305-005.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 18-04-103 on February 6, 2018.

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 12 [1]; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 12 [1].

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 12 [1].

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 12 [1]; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 13, 2018.

Lisa Radeleff
Executive Assistant
Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132D-305-005 Sexual harassment policy.

WSR 18-07-050

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed March 14, 2018, 2:01 p.m., effective April 14, 2018]

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

Purpose: The agency is amending sections of chapter 182-502A WAC, Program integrity, to add and update definitions, references, and processes. The agency is adding new WAC 182-502A-1001 Program integrity activity—Metrics, to explain the process of annual reporting of program integrity metrics. Changes were made to comply with new legislative requirements under RCW 74.09.195 and SHB 1314, for clarification, and for housekeeping purposes. New WAC 182-502A-1001 Program integrity activity—Metrics, is being added to comply with RCW 74.09.195 (2)(b) and SHB 1314, section 1, chapter 242, Laws of 2017.

Citation of Rules Affected by this Order: New WAC 182-502A-1001; and amending WAC 182-502A-0201, 182-502A-0301, 182-502A-0401, 182-502A-0601, 182-502A-0701, 182-502A-0801, and 182-502A-0901.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160, SHB 1314, chapter 242, Laws of 2017, 65th legislature, 2017 regular session.

Adopted under notice filed as WSR 18-04-067 on February 1, 2018.

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 7, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental 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 7, Repealed 0.

Date Adopted: March 14, 2018.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-01-129, filed 12/19/14, effective 1/19/15)

WAC 182-502A-0201 Program integrity—Definitions. The definitions in this section and those found in chapter 182-500 WAC apply throughout this chapter.

Adverse determination means a finding of an overpayment identified in a program integrity activity.

Agency means the Washington state health care authority and includes the agency's designees.

Algorithm means the set of rules applied to claim or encounter data to identify overpayments.

Audit means an examination of claims data, an entity's records, or both, to determine whether the entity has complied with applicable laws, rules, regulations, and agreements.

Audit, on-site means an audit conducted partially at an entity's place of business.

Audit, self means an audit conducted by the entity and reviewed by the agency.

Contractor ~~((includes regional support networks (RSNs) as defined in WAC 182-500-0095;))~~ is any person contracted by the agency to oversee how health benefits are provided or to administer health benefits to clients on the agency's behalf. A contractor includes, but is not limited to:

• A behavioral health organization (BHO) as defined in WAC 182-500-0015;

• A behavioral health administrative service organization (BH-ASO) as defined in WAC 182-538C-050;

• A managed care organization((s)) (MCO((s))) as defined in WAC 182-538-050((, and any other organization that oversees how health benefits are provided to clients on the agency's behalf)); or

• An accountable community of health.

Credible allegation of fraud means the agency has investigated an allegation of fraud and concluded that the existence of fraud is more probable than not.

Data mining means using software to detect patterns or aberrancies in a data set.

Designee means a person the agency has designated to perform program integrity activities on its behalf.

Educational intervention means agency-provided education to an entity prior to or following an agency-initiated program integrity activity that has identified an adverse determination. Educational intervention includes, but is not limited to, any notice of adverse determinations issued by the agency or any agency training that has failed to correct the level of payment error.

Encounter includes any service provided by a federally qualified health center, rural health clinic, or tribe, which is paid an enhanced rate; and any service provided to a Washington apple health client who is covered by an MCO or other contractor, and reported to the agency.

Entity includes current and former contractors, providers, and their subcontractors.

Extrapolation means a method of estimating an unknown value by projecting the results of a sample to the universe from which the sample was drawn.

Fraud means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to oneself or some other person. This includes any act that constitutes fraud under applicable federal or state law. See 42 C.F.R. 455.2.

Improper payment means any payment by the agency that was more than or less than the sum to which the payee was legally entitled.

Metrics mean the quantifiable measures used to track and assess the status of program integrity activities and entity performance. Metrics include, but are not limited to:

- Adverse determinations;
- Identified improper payments;
- Cost avoidance;
- Payments; and
- Recoveries.

Net payment error rate means the calculated percentage of the improper payment amount identified in the sample of claims for the audit period divided by the total payment amount sampled claims for the audit period.

Overpayment see RCW 41.05A.010, including any subsequent amendments.

Payee includes providers who are reimbursed by agency-contracted managed care organizations.

Person means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, public corporation, or any other legal or commercial entity.

Program integrity activities means those activities conducted by the ~~((agency's office of program integrity or its))~~ agency or the agency's designees to determine compliance with ~~((any))~~ applicable laws, rules, ~~((or))~~ regulations, and agreements.

Program integrity compliance plan means a document issued by the agency outlining the importance of ethical

behavior on the part of the agency's contracted entities, as well as identified monitoring, auditing, and educational obligations an entity must comply with to remain an agency-contracted entity.

Record means any document or electronically stored information including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations, stored in any medium from which information can be obtained either directly or, if necessary, after translation by the entity into a reasonably usable form.

Risk assessment means to identify potential risk of fraud, waste and abuse, and improper payments within all Washington apple health programs.

Sustained high level of payment error means the net payment error rate is equal to or exceeds five percent for the audit period.

Universe means a defined population of claims or encounters or both.

AMENDATORY SECTION (Amending WSR 15-01-129, filed 12/19/14, effective 1/19/15)

WAC 182-502A-0301 Program integrity—Authority to conduct program integrity activities. The medicaid agency may conduct program integrity activities and designate agents to do so on its behalf, on all Title XIX, Title XXI, and state-only-funded expenditures. See 42 C.F.R. 431, 433, 438, 447, 455, ~~((and))~~ 456, 457, 495, and 1001; 45 C.F.R. 92; 42 U.S.C. 1396a; and chapters 41.05, 41.05A, and 74.09 RCW.

AMENDATORY SECTION (Amending WSR 15-01-129, filed 12/19/14, effective 1/19/15)

WAC 182-502A-0401 Program integrity activities.

(1) **Form.** Program integrity activities include:

- (a) Conducting audits;
- (b) Conducting reviews;
- (c) Conducting investigations;
- (d) Initiating and reviewing entity self-audits under WAC 182-502A-0501;
- (e) Applying algorithms to claim or encounter data;
- (f) Conducting ~~((unannounced))~~ on-site inspections of entity locations (see subsection (4) of this section); and
- (g) Verifying entity compliance with applicable laws, rules, regulations, and agreements.

(2) **Location.** Program integrity activities may occur:

- (a) On the premises of the medicaid agency;
- (b) On the premises of the entity.

(3) **Timing.** The agency may commence program integrity activities concerning any current or former agency-contracted entity or agent thereof at any time up to six years after the date of service.

(4) **Notice.**

(a) The agency provides a thirty-calendar-days' notice to entities prior to an on-site visit, except in those instances identified in (c) of this subsection.

(b) Hospitals are entitled to notice as described in RCW 70.41.045(4).

(c) The agency is not required to give notice of an on-site visit if evidence exists of danger to public health and safety or fraudulent activities.

(5) **Scope.** The agency determines the scope of a program integrity activity.

(6) **Selecting information to evaluate.**

(a) The agency may evaluate any information relevant to validating that the payee received only those funds to which it is legally entitled. In this chapter, "relevant" has a meaning identical to Federal Rule of Evidence 401.

(b) The agency may select information to evaluate by:

(i) **Conducting a risk assessment of claim or encounter data;**

(ii) **Applying algorithms;**

~~((i+))~~ **(iii) Data mining;**

~~((ii+))~~ **(iv) Claim-by-claim review;**

~~((i+))~~ **(v) Encounter-by-encounter review;**

~~((+))~~ **(vi) Stratified random sampling;**

~~((+))~~ **(vii) Nonstratified random sampling; or**

~~((+))~~ **(viii) Applying any other method, or combination of methods, designed to identify relevant information.**

~~((6))~~ **(7) **Collecting records to evaluate.**** The entity must submit a copy of all records requested by the agency.

(a) The entity must submit requested records to the agency within the time frame stated in the request.

(b) If an entity fails to timely comply with the request, the agency may:

(i) Deny the entity's claim under a prepay review process;

(ii) Issue a draft audit report or preliminary review notice; or

(iii) Issue a final audit report or notice of improper payment.

(c) An entity that fails to timely comply with a request under (a) of this subsection has no right to contest at an administrative hearing an agency action taken under (b)(i) of this subsection.

(d) The entity must submit records electronically, or by facsimile, unless the agency has given the entity written permission to submit the records in hard copy.

(e) Once a program integrity activity has commenced, the entity must retain all original records and supportive materials until the program integrity activity is completed and all issues resolved, even if the retention period ~~((of retention))~~ for those records and materials extends beyond ~~((the required six-year period))~~ the period otherwise required by law.

~~((7))~~ **(8) **Evaluating information.****

(a) The agency may evaluate relevant information by applying any method or combination of methods reasonably calculated to determine whether an entity has complied with an applicable law, regulation, or agreement.

(b) ~~((Upon request,))~~ **A health care provider's bill for services, appointment books, accounting records, or other similar documents alone do not qualify as appropriate documentation of services rendered.**

(c) **The agency provides** the entity ~~((is entitled to))~~ a description of the method or combination of methods used by the agency under subsection ~~((5))~~ (6) of this section.

~~((8))~~ **(9) **Nonbilled services.**** Nonbilled services include any item, drug, code, or payment group that a provider does not submit on the provider's claim to the agency or contractor. When calculating improper payments, the agency does not include nonbilled services in its calculations.

~~((9))~~ **(10) **Paid-at-zero services.**** The agency considers paid-at-zero services or supplies only when conducting program integrity activities involving payment groups or encounters.

(11) **Conducting on-site audits.** The agency may conduct on-site audits at any entity location.

(a) During an on-site audit, the agency may create a copy of an entity's records that are potentially relevant to the audit.

(b) Failure to grant the agency access to the premises constitutes failure to comply with a program integrity activity.

~~((10))~~ **(12) **Conducting interviews.**** The agency may interview any person it reasonably believes has relevant information under subsection ~~((5))~~ (6) of this section. Interviews may consist of one or more sessions.

~~((11))~~ **(13) **Costs.**** The agency does not reimburse the costs an entity incurs complying with program integrity activities.

~~((12))~~ **(14) **Conducting site visits.**** The agency may conduct ~~((unannounced))~~ on-site inspections of any entity location to determine whether the entity is complying with all applicable laws, rules, regulations, and agreements. See subsection (4) of this section.

AMENDATORY SECTION (Amending WSR 15-01-129, filed 12/19/14, effective 1/19/15)

WAC 182-502A-0601 Program integrity—Extrapolation. (1) To determine an improper payment from a ~~((probability))~~ sample, the medicaid agency may extrapolate to the universe from which the ~~((probability))~~ sample was drawn:

(a) If the audit identifies a sustained high level of payment error involving the provider; or

(b) When the agency has documented educational intervention to the provider and the education has failed to correct the provider's level of payment error.

(2) If during the course of the audit, an entity adjusts or rebills a claim or encounter that is part of the audit sample or universe, the original claim or encounter amount remains in the audit sample or universe.

(3) When the agency uses the results of an audit sample to extrapolate the amount to be recovered, the ~~((entity is entitled to))~~ agency provides the entity with the following information ~~((upon request))~~:

(a) The sample size.

(b) The method used to select the sample.

(c) The universe from which the sample was drawn.

(d) Any formulas or calculations used to determine the amount of the improper payment.

AMENDATORY SECTION (Amending WSR 15-01-129, filed 12/19/14, effective 1/19/15)

WAC 182-502A-0701 Program integrity activity—Agency outcomes. (1) Following the medicaid agency's evaluation of an entity's records, claims, encounter data, or

payments, the agency may do any combination of the following:

- (a) Deny a claim.
- (b) Adjust or recover an improperly paid claim.
- (c) Instruct the entity to submit:
 - (i) Additional documentation.
 - (ii) A claim adjustment or a new claim. The entity must submit a claim adjustment or a new claim within sixty calendar days from the date of the agency's instruction or the agency will deny the claim adjustment or new claim ((will be denied)). An entity has no right to an adjudicative hearing for denial under this subsection.
- (d) Request a refund of an improper payment to the agency by check.
- (e) Refer an overpayment to the office of financial recovery for collection.
- (f) Issue a draft audit report or preliminary review notice that lists preliminary findings and alleged improper payments, which the entity may dispute under WAC 182-502A-0801.
 - (i) If an entity agrees with the preliminary findings and alleged improper payments before the deadline noted in the report or notice, the entity must notify the agency in writing. The agency ~~((will))~~ then issues a final audit report or notice of improper payment.
 - (ii) If an entity does not respond by the deadline noted in the report or notice, the agency ~~((will))~~ issues a final audit report or notice of improper payment, unless the agency extends the deadline.
 - (g) Issue a final audit report, overpayment notice, or notice of improper payment, which the entity may appeal under WAC 182-502A-0901.
 - (i) The final audit report, overpayment notice, or notice of improper payment includes:
 - (A) The asserted improper payment amount;
 - (B) The reason for an adverse determination;
 - (C) The specific criteria and citation of legal authority used to make the adverse determination;
 - (D) An explanation of the entity's appeal rights;
 - (E) The appropriate procedure to submit a claims adjustment, if applicable; and
 - (F) One or more of the following:
 - (I) Directives;
 - (II) Educational intervention; or
 - (III) A program integrity compliance plan.
 - (ii) Upon request, the agency will allow an entity with an adverse determination the option of repaying the amount owed according to a negotiated repayment plan of up to twelve months. Interest may be calculated and charged on the remaining balance each month.
 - (h) Recover interest under RCW 41.05A.220.
 - (i) Impose civil penalties under RCW 74.09.210.
 - (j) Refer the entity to appropriate licensing authorities for disciplinary action.
 - (k) Refer the entity to the medical dental advisory committee for termination of the contract or core provider agreement.
 - (l) Determine it has sufficient evidence to make a credible allegation of fraud. The agency will then:

- (i) Refer the case to the medicaid fraud control unit and any other appropriate prosecuting authority for further action; and

- (ii) Suspend some or all Washington apple health payments to the entity unless the agency determines there is good cause not to suspend payments under 42 C.F.R. 455.23.

(2) The agency may assess an overpayment and terminate the core provider agreement if an entity fails to retain adequate documentation for services billed to the agency.

(3) At any time during a program integrity activity, the agency may issue a final audit report or a notice of improper payment if the entity:

- (a) Stops doing business with the agency;
- (b) Transfers control of the business;
- (c) Makes a suspicious asset transfer;
- (d) Files for bankruptcy; or
- (e) Fails to comply with program integrity activities.

~~((3))~~ (4) The entity must repay any overpayment identified by the agency within sixty calendar days of being notified of the overpayment, except when a repayment plan is negotiated with the agency under subsection (1)(g)(ii) of this section.

AMENDATORY SECTION (Amending WSR 15-01-129, filed 12/19/14, effective 1/19/15)

WAC 182-502A-0801 Program integrity—Dispute resolution process. (1) An entity may ~~((object to))~~ dispute a draft audit report or preliminary review notice. The agency must receive any dispute within thirty calendar days of the date the entity received the draft audit report or preliminary review notice. The ((objection)) dispute must be in writing and include the following:

- (a) ~~((Be in writing;~~
- (b) ~~State each objection and identify why the entity thinks the finding is incorrect;~~
- (c) ~~Present supporting evidence;~~
- (d) ~~State the relief sought; and~~
- (e) ~~Be received by the agency within thirty calendar days of the date the entity received the draft audit report or preliminary review notice))~~ The supporting evidence for each disputed adverse determination; and
 - (b) The relief sought for each disputed adverse determination.

(2) The ~~((objection))~~ dispute may include a request for a dispute resolution conference (DRC).

(a) If the agency grants the entity's request for a DRC, the DRC must occur within sixty calendar days of the date the entity received the agency's written acceptance of the request for a DRC.

(b) At least five business days before the DRC, the entity must notify the agency of who will attend the DRC on the entity's behalf.

(3) Following the timely submission of a written ~~((objection))~~ dispute under subsection (1) of this section and completion of any DRC, the agency will address in writing each written ~~((objection))~~ dispute raised by the entity.

(4) The agency may terminate the dispute resolution process and issue a final audit report or notice of improper payment if the entity fails to submit a timely ((object)) dispute or

comply with the requirements under subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 15-01-129, filed 12/19/14, effective 1/19/15)

WAC 182-502A-0901 Program integrity activity—Adjudicative proceedings. (1) If an entity objects to any report or notice assessing an overpayment, the entity may request an adjudicative proceeding by following the procedure set out in RCW 41.05A.170.

(2) At the adjudicative proceeding, the entity bears the burden of proving by a preponderance of the evidence that it has complied with applicable laws, rules, regulations, and agreements.

(3) The adjudicative proceeding is governed by chapter 34.05 RCW and chapter 182-526 WAC.

(4) The agency will not recoup overpayments until a decision in the adjudicative proceeding is issued and all appeals, if any, have been exhausted.

(5) Interest on overpayments continues to accrue, but it is not collected until a decision in the adjudicative proceeding is issued and all appeals, if any, have been exhausted. See RCW 74.09.220.

NEW SECTION

WAC 182-502A-1001 Program integrity activity—Metrics. Under RCW 74.09.195 (2)(b), the medicaid agency will, on an annual basis:

- (1) Compile metrics of program integrity activities conducted by the agency and its entities; and
- (2) Publish the metrics on the agency's web site.

WSR 18-07-053

PERMANENT RULES OFFICE OF THE

INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2017-11—Filed March 14, 2018, 3:01 p.m., effective April 14, 2018]

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

Purpose: Adjusting geographic rating areas to increase market stability.

Citation of Rules Affected by this Order: New WAC 284-43-6681 and 284-43-6701; and amending WAC 284-43-6680 and 284-43-6700.

Statutory Authority for Adoption: RCW 48.02.060, 48.43.733, and 45 C.F.R. 147.102.

Adopted under notice filed as WSR 18-04-111 on February 7, 2018.

A final cost-benefit analysis is available by contacting Jane Beyer, P.O. Box 40258, Olympia, WA 98504-0258, phone 360-725-7043, fax 360-585-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, web site <https://www.insurance.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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

Date Adopted: March 14, 2018.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending WSR 16-23-019, filed 11/4/16, effective 12/5/16)

WAC 284-43-6680 Geographic rating area factor development. (1) For nongrandfathered individual or small group health plans offered, issued or renewed on or after January 1, 2014, and on or before December 31, 2018, if an issuer elects to adjust its premium rates based on geographic area, the issuer must use the geographic rating areas designated in WAC 284-43-6700.

(2) The premium ratio for the highest cost geographic rating area, when compared to the lowest cost geographic rating area, must not be more than 1.15.

(a) King County is the index geographic rating area for purposes of calculating the premium ratio. The geographic rating area factor for the index area must be set at 1.00.

(b) A health-status related factor may not be used to establish a rating factor for a geographic rating area. Health factor means any of the following:

- (i) Health status of enrollees or the population in an area;
- (ii) Medical condition of enrollees or the population in an area, including both physical and mental illnesses;
- (iii) Claims experience;
- (iv) Health services utilization in the area;
- (v) Medical history of enrollees or the population in an area;
- (vi) Genetic information of enrollees or the population in an area;
- (vii) Disability status of enrollees or the population in an area;
- (viii) Other evidence of insurability applicable ~~((t))~~ in the area.

(3) Assignment of a factor to a geographic rating area must be actuarially sound and based on provider reimbursement differences. An issuer must fully document the basis for the assigned rating factors in the actuarial memo submitted with a rate filing.

(4) The geographic rating area factors must be applied uniformly to individuals or small groups applying for or receiving coverage from the issuer.

(5) For out-of-state enrollees covered under a health benefit plan issued to a Washington resident, an issuer must apply the geographic rating area factor based on the primary

subscriber's Washington residence. For out-of-state enrollees who are covered under a health benefit plan issued through an employer whose primary place of business is Washington, an issuer must apply the geographic rating area factor based on the employer's primary place of business.

(6) This section does not apply to stand alone dental plans offered on the Washington health benefit exchange.

NEW SECTION

WAC 284-43-6681 Geographic rating area factor development on or after January 1, 2019. (1) For non-grandfathered individual or small group health plans offered, issued or renewed on or after January 1, 2019, if an issuer elects to adjust its premium rates based on geographic area, the issuer must use the geographic rating areas designated in WAC 284-43-6701.

(2)(a) Except as provided in (b) and (c) of this subsection the premium ratio for the highest cost geographic rating area, when compared to the lowest cost geographic rating area, must not be more than 1.15.

(b) An issuer that offers qualified health plans as described in RCW 43.71.065 in every county in six or more rating areas designated in WAC 284-43-6701 may utilize a premium ratio for the highest cost geographic rating area, when compared to the lowest cost geographic area of up to 1.22, if the development of rating factors is actuarially justified and meets all applicable requirements.

(c) An issuer that offers qualified health plans as described in RCW 43.71.065 in every county in every rating area designated in WAC 284-43-6701 may utilize a premium ratio for the highest cost geographic rating area, when compared to the lowest cost geographic area of up to 1.40, if the development of rating factors is actuarially justified and meets all applicable requirements.

(d)(i) The area factor for the index geographic rating area must be set at 1.00. Except to the extent provided otherwise in (d) of this subsection, King County is the index geographic rating area for purposes of calculating the premium ratio.

(ii) If King County (area 1) is not in an issuer's service area, the geographic rating area of the county with the largest enrollment in the issuer's service area must be set at 1.00.

(iii) If the issuer offers both individual and small group health plans and either the individual or small group health plans are not offered in King County (area 1), the index geographic rating area may be different for individual and small group health plans. The index geographic rating area for each market must be established consistent with (d)(i) or (ii) of this subsection as applicable.

(iv) If the issuer is new to the Washington state market, the geographic rating area within the issuer's service area that has the greatest number of counties must be set at 1.00.

(3) A health-status related factor may not be used to establish a rating factor for a geographic rating area. Health factor means any of the following:

- (a) Health status of enrollees or the population in an area;
- (b) Medical condition of enrollees or the population in an area, including physical, mental, or behavioral health illnesses;
- (c) Claims experience;

(d) Health services utilization in the area;

(e) Medical history of enrollees or the population in an area;

(f) Genetic information of enrollees or the population in an area;

(g) Disability status of enrollees or the population in an area; or

(h) Other evidence of insurability to the area.

(4) Assignment of a factor to a geographic rating area must be actuarially sound and based on provider costs and practice pattern differences. An issuer must fully document the basis for the assigned rating factors in the actuarial memorandum submitted with a rate filing.

(5) The geographic rating area factors used in health plans filed with the commissioner must be applied uniformly to those individuals or small groups applying for or receiving coverage from the issuer.

(6) For out-of-state enrollees under a health benefit plan issued to a Washington resident, an issuer must apply the geographic rating area factor based on the primary subscriber's Washington residence. For out-of-state enrollees who are covered under a health benefit plan issued through an employer whose primary place of business is Washington, an issuer must apply the geographic rating area factor based on the employer's primary place of business.

AMENDATORY SECTION (Amending WSR 16-23-019, filed 11/4/16, effective 12/5/16)

WAC 284-43-6700 Geographic rating area designation. (1) The following geographic rating areas are designated for Washington state for nongrandfathered individual and small group plans offered, issued, or renewed on or after January 1, 2014, and on or before December 31, 2018:

Area 1: Index geographic rating area: King County.

Area 2: Clallam, Cowlitz, Grays Harbor, Island, Jefferson, Mason, Lewis, Kitsap, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum, and Whatcom counties.

Area 3: Clark, Klickitat, and Skamania counties.

Area 4: Ferry, Lincoln, Pend Oreille, Spokane, and Stevens counties.

Area 5: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Franklin, Garfield, Grant, Kittitas, Okanogan, Walla Walla, Whitman, and Yakima counties.

(2) The commissioner will review the geographic rating area designation in this section not more frequently than every three years, beginning January 31, 2016. The commissioner will publish changes in the geographic rating area designation within sixty days of the review date.

NEW SECTION

WAC 284-43-6701 Geographic rating area designation on or after January 1, 2019. (1) The following geographic rating areas are designated for Washington state for nongrandfathered individual and small group plans issued or renewed on or after January 1, 2019:

Area 1: King County.

Area 2/West: Clallam, Cowlitz, Grays Harbor, Jefferson, Kitsap, Lewis, Pacific, and Wahkiakum counties.

Area 3/South: Clark, Klickitat, and Skamania counties.

Area 4/Northeast: Ferry, Lincoln, Pend Oreille, Spokane, and Stevens counties.

Area 5/South Sound: Mason, Pierce, and Thurston counties.

Area 6/South Central: Benton, Franklin, Kittitas, and Yakima counties.

Area 7/North Central: Adams, Chelan, Douglas, Grant, and Okanogan counties.

Area 8/Northwest: Island, San Juan, Skagit, Snohomish, and Whatcom counties.

Area 9/Southeast: Asotin, Columbia, Garfield, Walla Walla, and Whitman counties.

(2) The commissioner will review the geographic rating area designation in this section not more frequently than every three years, beginning January 31, 2021.

WSR 18-07-061

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed March 15, 2018, 3:07 p.m., effective April 15, 2018]

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

Purpose: The department is amending WAC 388-101-3000 Definitions, to strike the definition of the term "willful" from the definitions list as a result of an order by the Division III Court of Appeals in *Crosswhite v. DSHS* invalidating the current definition of "willful." The removal of the current term is necessary to comply with the court's order. The department is also amending the definition of "financial exploitation" to change an incorrect reference to RCW 74.34.020(6).

Citation of Rules Affected by this Order: Amending WAC 388-101-3000.

Statutory Authority for Adoption: Chapter 71A.12 RCW.

Other Authority: Chapter 74.34 RCW.

Adopted under notice filed as WSR 18-01-131 on December 20, 2017.

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 the Request of a Non-governmental 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: March 15, 2018.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-18-040, filed 8/30/16, effective 9/30/16)

WAC 388-101-3000 Definitions. "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person 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) **"Sexual abuse"** means any form of nonconsensual sexual conduct, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(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.

(3) **"Mental abuse"** means 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.

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

"Associated with the applicant" means any person listed on the application as a partner, officer, director, or majority owner of the applying entity, or who is the spouse or domestic partner of the applicant.

"Case manager" means the division of developmental disabilities case resource manager or social worker assigned to a client.

"Certification" means a process used by the department to determine if an applicant or service provider complies with

the requirements of this chapter and is eligible to provide certified community residential services and support to clients.

"Chaperone agreement" means a plan or agreement that describes who will supervise a community protection program client when service provider staff is not present. This plan or agreement is negotiated with other agencies and individuals who support the client, including the client's legal representative and family.

"Chemical restraint" means 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 a 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.

"Client" means a person who has a developmental disability as defined in RCW 71A.10.020(4) and ~~((who also))~~ has been determined eligible to receive services by the division of developmental disabilities under chapter 71A.16 RCW. For purposes of informed consent and decision making requirements, the term "client" includes the client's legal representative to the extent of the representative's legal authority.

"Client services" means instruction and support services that service providers are responsible to provide as identified in the client's individual support plan.

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

"Crisis diversion" means temporary crisis residential services and supports provided to clients at risk of psychiatric hospitalization and authorized by the division of developmental disabilities.

"Crisis diversion bed services" means crisis diversion that is provided in a residence maintained by the service provider.

"Crisis diversion support services" means crisis diversion that is provided in the client's own home.

"Department" means the Washington state department of social and health services.

"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's 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)))~~ 74.34.020.

"Functional assessment" means a comprehensive evaluation of a client's challenging behavior(s). This evaluation is the basis for developing a positive behavior support plan.

"Group home" means a residence that is licensed as either an assisted living facility or an adult family home by the department under chapter~~((s))~~ 388-78A or 388-76 WAC. Group homes provide community residential instruction, supports, and services to two or more clients who are unrelated to the provider.

"Group training home" means a certified nonprofit residential facility that provides full-time care, treatment, training, and maintenance for clients, as defined under RCW 71A.22.020(2).

"Immediate" or **"immediately"** means within twenty-four hours for purposes of reporting abandonment, abuse, neglect, or financial exploitation of a vulnerable adult.

"Immediate risk~~((=))~~," "immediate threat~~((=))~~," or **"imminent danger"** means serious physical harm to or death of a client or serious threat to a client's life, health, or safety.

"Individual financial plan" means a plan describing how a client's funds will be managed when the service provider is responsible for managing any or all of the client's funds.

"Individual instruction and support plan" means a plan developed by the service provider and the client. The individual instruction and support plan:

(1) Uses the information and assessed needs documented in the individual support plan to identify areas the client would like to develop;

(2) Includes client goals for instruction and support that will be formally documented during the year; and

(3) Must contain or refer to other applicable support or service information that describes how the client's health and welfare needs are to be met ~~((e.g.))~~ such as, individual financial plan, positive behavior support plan, cross system crisis plan, individual support plan, individual written plan, client-specific instructions).

"Individual support plan" means a document that authorizes and identifies the division of developmental disabilities paid services to meet a client's assessed needs.

"Instruction" means goal oriented teaching that is designed for acquiring and enhancing skills.

"Instruction and support services staff" means long-term care workers of the service provider whose primary job function is the provision of instruction and support services to clients. Instruction and support services staff must also include employees of the service provider whose primary job function is the supervision of instruction and support services staff. In addition, both applicants, prior to initial certification, and administrators, prior to assuming duties, who may provide instruction and support services to clients must be considered instruction and support services staff for the purposes of the applicable training requirements.

"Legal representative" means a person's legal guardian, ~~((a person's))~~ limited guardian when the subject matter is within the scope of the limited guardianship, ~~((a person's))~~ attorney at law, ~~((a person's))~~ attorney in fact, or any other person who is authorized by law to act for another person.

"Long-term care workers" include all persons who provide paid, hands-on personal care services for the elderly or persons with disabilities, including but not limited to individual providers of home care services, direct care workers employed by home care agencies, providers of home care services to persons with developmental disabilities under Title 71A RCW, all direct care workers in state-licensed assisted living facilities, adult family homes, respite care providers, direct care workers employed by community residential service businesses, and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

"Managing client funds" means that the service provider:

- (1) Has signing authority for the client;
- (2) Disperses the client's funds; or
- (3) Limits the client's access to funds by not allowing funds to be spent.

"Mechanical restraint" means any device attached or adjacent to the vulnerable adult's body that (~~(he or she)~~) they cannot easily remove that restricts freedom of movement or normal access to (~~(his or her)~~) their body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are medically authorized and used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

"Medication administration" means the direct application of a prescribed medication whether by injection, inhalation, ingestion, or other means, to the body of the client by an individual legally authorized to do so.

"Medication assistance" means assistance with self-administration of medication rendered by a nonpractitioner to a client receiving certified community residential services and supports in accordance with chapter 69.41 RCW and chapter 246-888 WAC.

"Medication service" means any service provided by a certified community residential services and support provider related to medication administration or medication assistance provided through nurse delegation and medication assistance.

"Minimal" means a violation that results in little or no negative outcome or little or no potential harm for a client.

"Moderate" means a violation that results in negative outcome or actual or potential harm for a client.

"Negative outcome" includes any negative effect on the client's physical, mental, or psychosocial well-being, including but limited to the client's safety, quality of life, or quality of care.

"Neglect" means:

(1) 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

(2) 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.

"Physical intervention" means the use of a manual technique intended to interrupt or stop a behavior from occurring. This includes using physical restraint to release or escape from a dangerous or potentially dangerous situation.

"Physical restraint" 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 (~~(on)~~) a vulnerable adult in order to calm or comfort (~~(him or her)~~) them, or holding a vulnerable adult's hand to safely escort (~~(him or her)~~) them from one area to another.

"Psychoactive" means possessing the ability to alter mood, anxiety level, behavior, cognitive processes, or mental tension, usually applied to pharmacological agents.

"Psychoactive medications" means medications prescribed to improve or stabilize mood, mental status or behavior. Psychoactive medications include anti(~~(-)~~)psychotics/neuroleptics, atypical antipsychotics, antidepressants, stimulants, sedatives/hypnotics, and antimania and antianxiety drugs.

"Qualified professional" means a person with at least three years' experience working with individuals with developmental disabilities and as required by RCW 71A.12.220(12).

"Recurring" or **"repeated"** means that the department has cited the service provider for a violation of licensing laws or rules and one or more of the following is present:

(1) The department previously imposed an enforcement remedy for a violation of the same law, rule, or for substantially the same problem within the preceding twenty-four months; or

(2) The department cited a violation of the same law, rule, or for substantially the same problem on two occasions within the preceding twenty-four months.

"Restrictive procedure" means any procedure that restricts a client's freedom of movement, restricts access to client property, requires a client to do something (~~(which he/she does)~~) they do not want to do, or removes something the client owns or has earned.

"Risk assessment" means an assessment done by a qualified professional and as required by RCW 71A.12.230.

"Serious" means a violation that results in one or more negative outcomes and significant actual harm to a client that does not constitute imminent danger. It also means there is reasonable predictability of recurring actions, practices, situations, or incidents with potential for causing significant harm to a client.

"Severity" means the seriousness of a violation as determined by the actual or potential negative outcomes for clients and subsequent actual or potential for harm. Negative outcomes include any negative effect on the client's physical, mental, or psychosocial well-being (~~((i.e.))~~) such as, safety, quality of life, quality of care).

"Service provider" means a person or entity certified by the department who delivers services and supports to meet a client's identified needs. The term includes the state operated living alternative (SOLA) program.

"Support" means assistance a service provider gives a client based on needs identified in the individual support plan.

"Supported living" means instruction, supports, and services provided by service providers to clients living in homes that are owned, rented, or leased by the client or their legal representative.

"Treatment team" means the program participant and the group of people responsible for the development, implementation, and monitoring of the person's individualized supports and services. This group may include, but is not limited to, the case manager, therapist, (~~(the)~~) service provider, employment/day program provider, and the person's legal

representative (~~and/or~~) or family, provided the person consents to the family member's involvement.

"Uncorrected deficiency" means the department has cited a violation of WAC or RCW following any type of certification evaluation or complaint investigation and the violation remains uncorrected at the time the department makes a subsequent inspection for the specific purpose of verifying whether such violation has been corrected.

"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~~) themselves; (~~or~~)

(2) Found incapacitated under chapter 11.88 RCW; (~~or~~)

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

(4) Admitted to any facility; (~~or~~)

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

(6) Receiving services from an individual provider.

~~("Willful" means the deliberate, or nonaccidental, action or inaction by an individual that he/she knew or reasonably should have known could cause a negative outcome, including harm, injury, pain, or anguish.)~~

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: March 15, 2018.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-08-047, filed 3/30/01, effective 4/30/01)

WAC 388-25-0100 What are the department's responsibilities regarding financial assistance to support children in the department's foster homes and child placing agency foster homes? (1) The department pays only for placements and plans the department has approved.

(2) The department has final responsibility for determining initial and ongoing eligibility for financial support.

~~(3) ((Payment for children served through the behavior rehabilitation services program is limited to those children who are ages six to eighteen.~~

(4)) The department maintains control and oversight of placements and payments through written agreements with the child placing agencies, quarterly reports, and planning meetings with the agency or facility.

WSR 18-07-062

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed March 15, 2018, 3:22 p.m., effective April 15, 2018]

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

Purpose: The department is amending WAC 388-25-0100 What are the department's responsibilities regarding financial assistance to support children in the department's foster homes and child placing agency foster homes?, eliminating the exclusion for youth over the age of eighteen and permitting inclusion of the extended foster care population.

Citation of Rules Affected by this Order: Amending WAC 388-25-0100.

Statutory Authority for Adoption: RCW 74.13.031.

Adopted under notice filed as WSR 18-03-031 on January 9, 2018.

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 the Request of a Non-governmental 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.

WSR 18-07-063

PERMANENT RULES

DEPARTMENT OF

RETIREMENT SYSTEMS

[Filed March 15, 2018, 3:44 p.m., effective April 15, 2018]

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

Purpose: To define how regular interest is calculated and credited to Plan 1 and Plan 2 members' defined benefit accounts.

Citation of Rules Affected by this Order: New WAC 415-02-150.

Statutory Authority for Adoption: RCW 41.50.033, 41.50.050.

Adopted under notice filed as WSR 18-03-183 on January 24, 2018.

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 the Request of a Non-governmental 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 1, 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: March 15, 2018.

Tracy Guerin
Director

NEW SECTION

WAC 415-02-150 How is regular interest awarded and credited to Plan 1 and Plan 2 accounts? (1) You are required to make contributions to your retirement plan each pay period.

(2) Your contributions are tracked in an individual account in your name.

(3) If the amount in your individual account on the last day of a quarter is more than zero dollars, the department will calculate an amount of regular interest to be credited to your account on the last day of the quarter using the following formula:

$$1/4 \times R \times B$$

Regular interest will be credited consistent with this subsection, whether or not you are in active service.

(a) In the formula in subsection (3) of this section, "R" represents the rate of regular interest. The director has the statutory authority to set the rate of regular interest. Consistent with that authority, the rate of regular interest is set at 5.5 percent per year, until changed by the director consistent with his or her discretionary authority.

(b) In the formula in subsection (3) of this section, "B" represents the balance in your individual account at the close of business on the last day of the prior quarter. "B" may be equal to zero dollars.

(4) The calculated amount of regular interest will be credited to your individual account on the last day of the quarter. The total amount in your individual account (i.e., all your member contributions plus all the regular interest that has been credited to the account) are your "accumulated contributions."

(5) Your individual account does not "earn" or accrue regular interest on a day by day basis.

(6) Example: Jon had \$50,000 in his PERS Plan 2 individual account at the end of the day on September 30, 2017 (the last day of the third quarter). He has \$50,200 in his PERS Plan 2 individual account on December 31, 2017, immediately before regular interest for fourth quarter is credited. For fourth quarter, the regular interest to be credited to his account is calculated as follows:

$$1/4 \times 5.5\% \times \$50,000 = \$687.50$$

This regular interest is credited to his individual account for a total of \$50,887.50 (\$50,200.00 + \$687.50) at the end of the day on December 31, 2017.

(a) If Jon transfers from PERS Plan 2 to PERS Plan 3 on January 25, 2018, he receives no additional regular interest for the period from January 1 through January 25.

(b) If Jon separates from service on February 15, 2018, and withdraws the amount in his individual account, he receives no additional regular interest for the period from January 1 through February 15.

(7) This rule applies retroactively to November 3, 1977, to all Plan 1 and Plan 2 individual accounts in the public employees' retirement system, teachers' retirement system, law enforcement officers' and fire fighters' retirement system, school employees' retirement system, and public safety employees' retirement system, and prospectively for the Washington state patrol retirement system Plan 1 and Plan 2.

WSR 18-07-064

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 15, 2018, 3:45 p.m., effective April 15, 2018]

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

Purpose: The department is amending WAC 388-418-0020 How does the department determine the date a change affects my cash and basic food benefits?, in order to provide clarity for public assistance recipients and prevent unnecessary overpayments regarding when recipients submit changes to their cases.

Citation of Rules Affected by this Order: Amending WAC 388-418-0020.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.510, 74.08A.120.

Adopted under notice filed as WSR 18-03-136 on January 22, 2018.

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 the Request of a Non-governmental 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: March 15, 2018.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-18-005, filed 8/22/13, effective 10/1/13)

WAC 388-418-0020 How does the department determine the date a change affects my cash and basic food benefits? (1) ~~((Unless otherwise specified,))~~ The rules in this chapter refer to cash and basic food benefits unless otherwise specified.

(2) If you report a change that happened between the date you applied for benefits and the date we interview you under

WAC 388-452-0005, we take this change into consideration when we process your application for benefits.

(3) If we learn about a change in your circumstances from another person, agency, or by matching with any number of systems, we determine the impact this change has on your benefits. We may request additional information under WAC 388-490-0005 or update your benefits based on this information.

(4) For cash and basic food programs, if you report a change in your income that we expect to continue at least a month beyond the month when you reported the change, we recalculate the income we estimated under WAC 388-450-0215 based on this change.

(5) Changes reported outside of normal business hours, including changes you submitted online, in person, or sent to us by fax, are considered received the next business day.

(6) When a change causes an increase in benefits, you must provide proof of the change before we adjust your benefits.

(a) If you give us the proof within ten days from the date we requested it, we increase your benefits starting the month after the month you reported the change.

(b) If you give us the proof more than ten days after the date we requested it, we increase your benefits starting the month after the month we got the proof.

(c) If you are eligible for more benefits and we have already sent you benefits for that month, we provide you the additional benefits within ten days of the day we got the proof.

~~((6))~~ (7) When a change causes a decrease in benefits, we reduce your benefit amount without asking for proof.

(a) If you report a change within the time limits in WAC 388-418-0007, and you are not reporting this as part of a mid-certification review, we decrease your benefits starting the first month following the advance notice period. The advance notice period:

(i) Begins on the day we send you a letter about the change~~(s)~~; and

(ii) Is determined according to the rules in WAC 388-458-0025.

(b) If you do not report a change you must tell us about under WAC 388-418-0005, or you report a change later than we require under WAC 388-418-0007, we determine your eligibility as if you had reported this on time. If you received more benefits than you should, we set up an overpayment as described under chapter 388-410 WAC.

~~((7))~~ (8) If we are not sure how the change will affect your benefits, we send you a letter as described in WAC 388-458-0020 requesting information from you.

(a) We give you ten days to provide the information. If you need more time, you can ask for it.

(b) If you do not give us the information in time, we will stop your benefits after giving you advance notice, if required, as described in WAC 388-458-0030.

~~((8))~~ (9) Within ten days of the day we learn about a change, we send advance notice according to the rules in chapter 388-458 WAC and take necessary action to provide you the correct benefits. If you request a hearing about a proposed decrease in benefits before the effective date or within

the notice period as described in WAC 388-458-0040, we wait to take action on the change.

~~((9))~~ (10) If you disagree with a decision we made to change your benefits, you may request a fair hearing under chapter 388-02 WAC. The fair hearing rules in chapter 388-02 WAC do not apply for a "mass change." A mass change is when we change the rules that impact all recipients and applicants.

~~((10))~~ (11) When you request a hearing and receive continued benefits:

(a) We keep giving you the same benefits you got before the advance notice of reduction until the earliest of the following events occur:

(i) For basic food only, your certification period expires;

(ii) The end of the month the fair hearing decision is mailed;

(iii) You state in writing that you do not want continued benefits;

(iv) You withdraw your fair hearing request in writing;

or

(v) You abandon your fair hearing request; ~~((or))~~

(vi) An administrative law judge issues a written order that ends continued benefits prior to the fair hearing.

(b) We establish an overpayment claim according to the rules in chapter 388-410 WAC when the hearing decision agrees with the action we took.

~~((11))~~ (12) Some changes have a specific effective date as follows:

(a) When cash assistance benefits increase because a person is added to your assistance unit, we use the effective date rules for applications in WAC 388-406-0055.

(b) When cash assistance benefits increase because you start paying shelter costs, we use the date the change occurred.

(c) When a change in law or regulation changes the benefit amount, we use the date specified by the law or regulation.

WSR 18-07-067

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed March 16, 2018, 10:00 a.m., effective April 16, 2018]

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

Purpose: The agency is streamlining chapter 182-04 WAC and revising the chapter to conform with EHB 1595 (65th legislature, 2017 regular session).

Citation of Rules Affected by this Order: New WAC 182-04-023; repealing WAC 182-04-035, 182-04-040, 182-04-050, 182-04-060 and 182-04-070; and amending WAC 182-04-010, 182-04-015, 182-04-020, 182-04-025, 182-04-027, 182-04-029, 182-04-041, 182-04-045, and 182-04-055.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: EHB 1595 (65th legislature, 2017 regular session).

Adopted under notice filed as WSR 18-04-060 on February 1, 2018.

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 the Request of a Non-governmental 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 1, Amended 9, Repealed 5.

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 5.

Date Adopted: March 16, 2018.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-18-051, filed 8/27/10, effective 9/27/10)

WAC 182-04-010 Purpose. ~~((The purpose of))~~ This chapter ~~((shall be to insure compliance by))~~ provides rules for the Washington state health care authority ~~((HCA with))~~ (agency) to comply with the provisions of chapter 42.56 RCW ~~((dealing with))~~ for access to public records.

AMENDATORY SECTION (Amending WSR 10-18-051, filed 8/27/10, effective 9/27/10)

WAC 182-04-015 Definitions. The following definitions ~~((shall))~~ apply to this chapter:

(1) ~~((HCA))~~ "Agency" means the Washington state health care authority ~~((created pursuant to chapter 41-05 RCW)).~~

(2) "Public record" ~~((is defined in))~~ - See RCW 42.56.010. ~~((Except as otherwise provided by law, public records include any written or recorded communication containing information relating to the conduct of the HCA or the performance of any governmental or proprietary function prepared, owned, used, or retained by the HCA.))~~

(3) "Writing" ~~((is defined in))~~ - See RCW 42.56.010. ~~((It includes handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.))~~

AMENDATORY SECTION (Amending WSR 10-18-051, filed 8/27/10, effective 9/27/10)

WAC 182-04-020 ((Whom should I contact about a) Public records ((request?)) officer. The ~~((HCA))~~ agency's

~~public records officer ((is in charge of responding to all records requests made to the HCA. The public records officer is responsible for overseeing))~~ oversees:

- (1) Responses to all requests for agency public records;
- (2) The release of public records ((and coordinating HCA public disclosure)); and
- (3) The coordination of agency public records staff.

NEW SECTION

WAC 182-04-023 Public records—How to submit.

(1) Public records requests should be made in writing. The agency accepts public records requests:

- (a) Made orally by telephone or in person; or
- (b) Sent by email, fax, mail, hand delivery, or commercial delivery.

(2) A public records request form is available on the agency web site or by contacting the agency's public records officer.

(3) If the agency's form is not used, the public records request should include:

- (a) The requestor's name and contact information;
- (b) The date of the request;
- (c) A detailed description of an identifiable record, as described in RCW 42.56.080(1);
- (d) The requestor's preferred format and delivery method for the requested records; and
- (e) Any factors the requestor would like the agency to consider when deciding whether not to charge for or reduce the costs to copy and deliver the records.

(4) The agency may ask a person requesting a public record for personal identification when a law allows a record to be disclosed only to a specific person.

(5) The public records officer or designee assists requestors with identifying the public records requested, if necessary.

(6) The public records officer or designee assists requestors with identifying the public records requested, if necessary.

AMENDATORY SECTION (Amending WSR 10-18-051, filed 8/27/10, effective 9/27/10)

WAC 182-04-025 ((How will the HCA respond)) Response to ((my)) public records ((request?)) requests.

(1) Except as provided by law, ~~((all))~~ the agency makes public records ~~((of the HCA as defined in WAC 182-04-015(2) will be made))~~ available ((upon)) following a public records request for inspection ((and)), or copying, or both.

(2) The agency provides a written response within five business days ((after)) of receiving a request for public records.

(a) A business day is 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding Saturday, Sunday, and recognized holidays described in WAC 357-31-005.

(b) The agency treats a request received on a Saturday, Sunday, recognized holiday, or after 5:00 p.m. on any other day as received on the next business day.

(3) When responding to the requestor, the ((HCA)) agency's public ((disclosure)) records officer, or designee ((will)):

- (a) Provides the ((record(s))) requested records;
- (b) Acknowledges ((your)) the request and gives ((you)) a reasonable estimate of ((how long)) the ((HCA will need))

time needed to provide the records. If the request is not ~~((clear))~~ for an identifiable record, the public ~~((disclosure))~~ records officer ~~((may))~~ or designee asks ~~((you))~~ for more information. ~~(See WAC 182-04-027.)~~ If ~~((you fail to clarify))~~ the requestor does not respond to the agency's request for clarification, the public ~~((disclosure))~~ records officer or designee need not respond to ~~((#))~~ the public records request and may consider the request closed; or

(c) ~~((Deny))~~ Denies all or part of the public records request in writing ~~((with the reason(s) for the denial (see WAC 182-04-050 and 182-04-053).~~

~~(3) At his or her discretion,))~~ as required by RCW 42.56.070(1), to include:

(i) The specific exemption authorizing the agency to withhold part or all of the record;

(ii) A brief explanation of how the exemption applies to the records or parts of the records withheld; and

(iii) The right to request agency review of the denial and information about how to make that request.

(4) At the public records ~~((officer))~~ officer's discretion, the agency may send the requested records ~~((to you))~~ by email, fax, or regular mail. The ~~((records may be delivered on computer or compact disks, or by use of other methods of transmittal or storage))~~ agency sends the requested records as hard copies or in an electronic format. The agency works with the requestor to send records in a method and format requested by the requestor that is used by the agency.

AMENDATORY SECTION (Amending WSR 10-18-051, filed 8/27/10, effective 9/27/10)

WAC 182-04-027 ~~((Why might the HCA need to extend the))~~ **Additional time to respond to a public records request** ~~((?)).~~ The ~~((HCA))~~ agency may ~~((need to))~~ extend the time to respond to a public records request when necessary to:

(1) ~~((Locate))~~ Identify and gather the ~~((information))~~ records requested;

(2) Notify ~~((an individual))~~ a person or organization affected by the request;

(3) Perform a comprehensive review to determine whether all or portions of the ~~((information requested is))~~ responsive records are exempt from disclosure ~~((and whether all or part of the public record requested can be released));~~ or

(4) Contact ~~((you))~~ the requestor to clarify ~~((the intent, scope or specifics))~~ part or all of the request. ~~((If you fail to clarify the request, the HCA may not have to respond to your request.))~~

AMENDATORY SECTION (Amending WSR 10-18-051, filed 8/27/10, effective 9/27/10)

WAC 182-04-029 ~~((What records can I request and/or copy?))~~ **Inspection of public records.** ~~((You may inspect or get copies of))~~ (1) All of the agency's public records are available for inspection and copying unless they are ~~((exempted))~~ exempt from disclosure by chapter 42.56, ~~((49.183 or))~~ 70.02 RCW, or other applicable law.

(2) People may inspect public records with an agency employee present at the agency's offices between 9:00 a.m. and 12:00 p.m. and between 1:00 p.m. and 4:00 p.m. during

business days as defined in WAC 182-04-025 (2)(a). Records are not available for inspection if the agency is closed during a business day for reasons such as inclement weather or emergencies.

(3) During inspection, public records must:

(a) Not be removed from the agency's offices.

(b) Not be marked, torn, or otherwise damaged.

(c) Be kept as they are filed or in a chronological manner.

(d) Not be taken apart except for copying by an agency employee.

(4) The agency restricts access to file cabinets and other places where public records are kept.

(5) The agency reserves the right to restrict access to public records if the agency determines it is necessary to preserve the integrity of the public records or prevent interference with the agency's essential business functions. This does not limit the agency's duty to provide public records to the requestor. If the agency restricts access to requested public records, the agency promptly provides the requestor with:

(a) Written notice of the restriction, including the reason for restricting access; and

(b) Copies of the restricted records at no charge.

AMENDATORY SECTION (Amending WSR 10-18-051, filed 8/27/10, effective 9/27/10)

WAC 182-04-041 **Preserving requested records.** If ~~((a public record request is made at a time when such))~~ the agency receives a public records request when the record exists but is scheduled for destruction in the near future, the public ~~((disclosure))~~ records officer ~~((will))~~ or designee retains ~~((possession of))~~ the record ~~((;))~~ and ~~((will))~~ does not destroy or erase the record until the request is resolved.

AMENDATORY SECTION (Amending WSR 10-18-051, filed 8/27/10, effective 9/27/10)

WAC 182-04-045 **Copying costs.** (1) ~~((No fee is charged for the inspection of))~~ The agency does not charge a fee to inspect public records.

(2) ~~((The HCA collects the following fees to reimburse the HCA for its actual costs incident to providing copies of public records:~~

(a) Fifteen cents per page for black and white photocopies; and

(b) The cost of postage, if any.

(3) Copies of some records may be provided electronically or on disk to the requestor at no charge.

(4) The public disclosure officer is authorized to waive the foregoing costs.) Under RCW 42.56.120 (2)(b), the agency does not calculate all actual costs to copy records as it would be unduly burdensome because:

(i) The agency does not have the resources to conduct a study to determine all its actual copying costs;

(ii) To conduct such a study would interfere with other essential agency functions; and

(iii) Through the 2017 legislative process, the public and requestors commented on and were informed of authorized fees and costs, including those for electronic records, described in RCW 42.56.120 (2)(b) and (c), (3) and (4).

(3) The agency charges for copies of records under the default fees in RCW 42.56.120 (2)(b) and (c).

(4) The agency charges for customized services under RCW 42.56.120(3).

(5) Under RCW 42.56.130, the agency may charge other copy fees authorized by statutes outside of chapter 42.56 RCW.

(6) The agency may enter into a contract, memorandum of understanding, or other agreement with a requestor that provides an alternative fee agreement for copying charges under RCW 42.56.120(4).

(7) Before copying any records, the agency provides the requestor with the estimated copying charge. The requestor may revise the request to limit the number of records copied and the applicable copying charges.

(8) The agency may waive the costs to copy or deliver requested records, including any charges for customized services under RCW 42.56.120(4).

Reviser's note: The typographical errors in 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 10-18-051, filed 8/27/10, effective 9/27/10)

WAC 182-04-055 (~~(Will the HCA)~~) Agency review (~~(the denial of my)~~) of a denied request(~~(?)~~), (1) If the (~~(HCA)~~) agency denies (~~(your)~~) all or part of a public records request, (~~(you may ask the HCA to)~~) the requestor may ask, in writing, that the agency review the denial(~~(. To request a review, you must make your request in writing)~~).

(~~(Following receipt of a written)~~) (2) After receiving a written request (~~(for)~~) to review (~~(of)~~) a decision denying all or part of a public records request, the (~~(disclosure officer will)~~) agency considers the matter and either affirms or reverses the denial, or affirms part of the denial and reverses the remaining part of it. This (~~(shall constitute)~~) decision is the agency's final (~~(HCA)~~) action for the purposes of judicial review(~~(, pursuant to)~~) under RCW 42.56.520.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 182-04-035 When can I inspect or obtain copies of documents?
- WAC 182-04-040 How do I make a public record request?
- WAC 182-04-050 What happens if the record I requested is exempt from disclosure?
- WAC 182-04-060 Protection of public records.
- WAC 182-04-070 Request for inspection of records.

WSR 18-07-068

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed March 16, 2018, 10:00 a.m., effective April 16, 2018]

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

Purpose: The department is amending WAC 388-76-10000 Definitions, to strike the term "willful" from the definition list as a result of an order by the Division III Court of Appeals in *Crosswhite v. DSHS* invalidating the current definition of "willful." The removal of the current term is necessary to comply with court's order.

Citation of Rules Affected by this Order: Amending WAC 388-76-10000.

Statutory Authority for Adoption: Chapter 70.128 RCW.

Other Authority: Chapter 74.34 RCW.

Adopted under notice filed as WSR 18-02-110 on January 3, 2018.

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 the Request of a Non-governmental 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: March 15, 2018.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-20-095, filed 10/4/16, effective 11/4/16)

WAC 388-76-10000 Definitions. "Abandonment" means action or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that leaves the vulnerable person 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.

(1) 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.

(2) 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:

(a) **"Sexual abuse"** means any form of nonconsensual sexual conduct, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not consensual.

(b) **"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.

(c) **"Mental abuse"** means 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.

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

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

- (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW;
- (ii) Is not medically authorized; or
- (iii) Otherwise constitutes abuse under this section.

"Adult family home" means:

(1) A residential home in which a person or an entity is licensed to provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to a licensed operator, resident manager, or caregiver, who resides in the home.

(2) As used in this chapter, the term "entity" includes corporations, partnerships, and limited liability companies, and the term "adult family home" includes the person or entity that is licensed to operate an adult family home.

"Affiliated with an applicant" means any person listed on the application as a partner, officer, director, resident manager, or majority owner of the applying entity, or is the spouse or domestic partner of the applicant.

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

"Capacity" means the maximum number of persons in need of personal or special care who are permitted to reside in an adult family home at a given time. ~~((The))~~ Capacity includes:

- (1) The number of related children or adults in the home who receive personal or special care and services; ~~((plus))~~ and
- (2) The number of residents the adult family home may admit and retain ~~((The))~~ (resident capacity) ~~((The capae-~~

~~ty)))~~, which is the number listed on the license ~~((is the "resident capacity"))~~.

"Caregiver" means any person eighteen years of age or older responsible for providing direct personal or special care to a resident and who is not the provider, entity representative, a student or volunteer.

"Chemical restraint" means 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 a 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.

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

"Dementia" ~~((is defined as))~~ means a condition documented through the assessment process required by WAC 388-76-10335.

"Department" means the Washington state department of social and health services.

"Department case manager" means the department authorized staff person or designee assigned to negotiate, monitor, and facilitate a care and services plan for residents receiving services paid for by the department.

"Developmental disability" means ~~((:~~
~~(1) A person who meets the eligibility criteria defined by the division of developmental disabilities under WAC 388-823-0040; or~~

~~(2) A person with a severe, chronic disability which is attributable to cerebral palsy or epilepsy, or any other condition, other than mental illness, found to be closely related to mental retardation which results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation, and requires treatment or services similar to those required for these persons (i.e., autism); and~~

~~(a) The condition was manifested before the person reached age eighteen;~~

~~(b) The condition is likely to continue indefinitely; and~~

~~(c) The condition results in substantial functional limitations in three or more of the following areas of major life activities:~~

~~(i) Self care;~~

~~(ii) Understanding and use of language;~~

~~(iii) Learning;~~

~~(iv) Mobility;~~

~~(v) Self direction; and~~

~~(vi) Capacity for independent living))~~ the same as defined under WAC 388-823-0015.

"Direct supervision" means oversight by a person who has demonstrated competency in the basic training and specialty training if required, or who has been exempted from the basic training requirements and is:

(1) On the premises; and

(2) Quickly and easily available to the caregiver.

"Domestic partners" means two adults who meet the requirements for a valid state registered domestic partnership as established by RCW 26.60.030 and who have been issued a certificate of state registered domestic partnership.

"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's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. Some examples of financial exploitation are given in RCW 74.34-020(7).

"Financial solvency" means that the applicant or provider is able to meet debts or financial obligations with some money to spare.

"Entity representative" means the individual designated by a provider who is or will be responsible for the daily operation of the adult family home and who meets the requirements of this chapter and chapter ~~((388-112))~~ 388-112A WAC.

"Home" means adult family home.

"Imminent danger" or **"immediate threat"** means serious physical harm to or death of a resident has occurred, or there is a serious threat to the resident's life, health, or safety.

"Indirect supervision" means oversight by a person who is quickly and easily available to the caregiver, but not necessarily on-site and:

(1) Has demonstrated competency in the basic ~~((training))~~ and specialty training, if required; or

(2) ~~((Has been exempted))~~ Is exempt from ~~((the))~~ basic training requirements~~((; and~~

~~((3) Is quickly and easily available to the caregiver, but not necessarily on-site)).~~

"Inspection" means a review by department personnel to determine the health, safety, and well-being of residents, and the adult family home's compliance with this chapter and chapters 70.128, 70.129, 74.34 RCW, and other applicable rules and regulations. The department's review may include an on-site visit.

"Management agreement" means a written, executed agreement between the adult family home and another individual or entity regarding the provision of certain services on behalf of the adult family home.

"Mandated reporter" means an employee of the department, law enforcement, officer, social worker, professional school personnel, individual provider, an employee of a facility, an employee of a social service, welfare, mental health, adult day health, adult day care, or hospice agency, county coroner or medical examiner, Christian Science practitioner, or health care provider subject to chapter 18.130 RCW. For the purpose of the definition of a mandated reporter, **"Facility"** means a residence licensed or required to be licensed under chapter 18.20 RCW (assisted living facilities), chapter 18.51 RCW (nursing homes), chapter 70.128 RCW (adult family homes), chapter 72.36 RCW (soldiers' homes), chapter 71A.20 RCW (residential habilitation centers), or any other facility licensed by the department.

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

(a) Medically authorized, as required; and

(b) Used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

"Medical device" as used in this chapter, means any piece of medical equipment used to treat a resident's assessed need.

(1) A medical device is not always a restraint and should not be used as a restraint;

(2) Some medical devices have considerable safety risks associated with use; and

(3) Examples of medical devices with known safety risks when used are transfer poles, Posey or lap belts, and side rails.

"Medication administration" means giving resident medications by a person legally authorized to do so, such as a physician, pharmacist, or nurse.

"Medication organizer" is a container with separate compartments for storing oral medications organized in daily doses.

"Mental illness" is defined as an axis I or II diagnosed mental illness as outlined in volume IV of the Diagnostic and Statistical Manual of Mental Disorders (a copy is available for review through the aging and disability services administration).

"Minimal" means violations that result in little or no negative outcome ~~((and/or))~~ or little or no potential harm for a resident.

"Moderate" means violations that result in negative outcome and actual or potential harm for a resident.

"Multiple facility provider" means a provider who is licensed to operate more than one adult family home.

"Neglect" means:

(1) 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

(2) 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.

"Nurse delegation" means a registered nurse transfers the performance of selected nursing tasks to competent nursing assistants in selected situations. The registered nurse delegating the task retains the responsibility and accountability for the nursing care of the resident.

"Over-the-counter medication" is any medication that can be purchased without a prescriptive order, including but not limited to vitamin, mineral, or herbal preparations.

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

"Personal care services" means both physical assistance ~~((and/or))~~ and prompting and supervising the performance of direct personal care tasks as determined by the res-

ident's needs and does not include assistance with tasks performed by a licensed health professional.

"Physical restraint" means 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 ~~((on))~~ a vulnerable adult in order to calm or comfort ~~((him or her))~~ them, or holding a vulnerable adult's hand to safely escort ~~((him or her))~~ them from one area to another.

"Placement agency" is an "elder or vulnerable adult referral agency" as defined in chapter 18.330 RCW and means a business or person who receives a fee from or on behalf of a vulnerable adult seeking a referral to care services or supportive housing or who receives a fee from a care services provider or supportive housing provider because of any referral provided to or on behalf of a vulnerable adult.

"Practitioner" includes a physician, osteopathic physician, podiatric physician, pharmacist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, dentist, and physician assistant licensed in the state of Washington.

"Prescribed medication" refers to any medication (legend drug, controlled substance, and over-the-counter) that is prescribed by an authorized practitioner.

"Provider" means:

(1) Any person who is licensed to operate an adult family home and meets the requirements of this chapter; or

(2) Any corporation, partnership, or limited liability company that is licensed under this chapter to operate an adult family home and meets the requirements of this chapter.

"Psychopharmacologic medications" means the class of prescription medications, which includes but is not limited to antipsychotics, antianxiety medications, and antidepressants, capable of affecting the mind, emotions, and behavior.

"Recurring" or "repeated" means that the department has cited the adult family home for a violation of applicable licensing laws or rules and the circumstances of (1) ~~((and))~~ or (2) of this definition are present and if the previous violation in subsection (1) or (2) of this definition was pursuant to a law or rule that has changed at the time of the new violation, a citation to the equivalent current rule or law is sufficient:

(1) The department previously imposed an enforcement remedy for a violation of the same section of law or rule for substantially the same problem following any type of inspection within the preceding thirty-six months ~~((or))~~;

(2) The department previously cited a violation under the same section of law or rule for substantially the same problem following any type of inspection on two occasions within the preceding thirty-six months.

~~((3) If the previous violation in (1) or (2) of this definition was pursuant to a law or rule that has changed at the time of the new violation, a citation to the equivalent current law or rule section is sufficient.))~~

"Resident" means any adult unrelated to the provider who lives in the adult family home and who is in need of care. 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.

"Resident manager" means a person employed or designated by the provider to manage the adult family home and who meets the requirements of this chapter.

"Serious" means violations that either result in one or more negative outcomes and significant actual harm to residents that does not constitute imminent danger ~~((and/or))~~, or there is a reasonable predictability of recurring actions, practices, situations, or incidents with potential for causing significant harm to a resident, or both.

"Severity" means the seriousness of a violation as determined by actual or potential negative outcomes for residents and subsequent actual or potential for harm. Outcomes include any negative effect on the resident's physical, mental, or psychosocial well-being ~~((+e-))~~ such as safety, quality of life, quality of care).

"Significant change" means:

(1) A lasting change, decline, or improvement in the resident's baseline physical, mental, or psychosocial status;

(2) The change is significant enough so either the current assessment ~~((and/or))~~, or negotiated care plan, or both, do not reflect the resident's current status; and

(3) A new assessment may be needed when the resident's condition does not return to baseline within a two week period of time.

"Special care" means care beyond personal care services as defined in this section.

"Staff" means any person who ~~((+))~~ is employed or used by an adult family home, directly or by contract, to provide care and services to any residents.

~~((2))~~ Staff must meet all ~~((of))~~ the requirements in this chapter and chapter ~~((388-112))~~ 388-112A WAC.

"Temporary restraining order" means a 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.

"Uncorrected" means the department has cited a violation of WAC or RCW following an inspection and the violation remains uncorrected at the time of a subsequent inspection for the specific purpose of verifying whether such violation has been corrected.

"Unsupervised" means not in the presence of:

(1) Another employee or volunteer from the same business or organization; or

(2) Any relative or guardian of any of the children or individuals with developmental disabilities or vulnerable adults to which the employee, student, or volunteer has access during the course of ~~((his or her))~~ their employment or involvement with the business or organization.

"Usable floor space" means resident bedroom floor space exclusive of:

(1) Toilet rooms;

(2) Closets;

(3) Lockers;

(4) Wardrobes;

(5) Vestibules; and

(6) The space required for the door to swing if the bedroom door opens into the resident bedroom.

"Water hazard" means any body of water over twenty-four inches in depth that can be accessed by a resident, and includes but is not limited to:

- (1) In-ground, above-ground, and on-ground pools;
- (2) Hot tubs, spas;
- (3) Fixed-in-place wading pools;
- (4) Decorative water features;
- (5) Ponds; or
- (6) Natural bodies of water such as streams, lakes, rivers, and oceans.

~~("Willful" means the deliberate or nonaccidental action or inaction by an individual that he/she knew or reasonably should have known could cause a negative outcome, including harm, injury, pain or anguish.)~~

"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))~~ themselves;
- (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;
- (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))~~ their own home, who is directing and supervising a paid personal aide to perform a health care task as authorized by RCW 74.39.050.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 18-07-073

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed March 19, 2018, 9:33 a.m., effective April 19, 2018]

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

Purpose: The department is creating new sections in new chapter 388-829B WAC, Enhanced case management program, to implement SB [E2SSB] 6564 (2016) and establish developmental disabilities administration's (DDA) enhanced case management program.

Citation of Rules Affected by this Order: New WAC 388-829B-100, 388-829B-200, 388-829B-300, 388-829B-400, and 388-829B-500.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: Chapters 71A.12, 43.382 RCW.

Adopted under notice filed as WSR 18-02-095 on January 3, 2018.

Changes Other than Editing from Proposed to Adopted Version: (1) DDA removed the phrase "up to seven hundred" from WAC 388-829B-100 because SB [E2SSB] 6564 does not state a maximum number of clients who may be enrolled

in the program, and states instead the program is limited to "funds appropriated for this purpose."

(2) DDA replaced "node" in WAC 388-829B-400(3) with "section in the comprehensive assessment reporting and evaluation (CARE) tool" to clarify language and replace systems-based jargon.

A final cost-benefit analysis is available by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, fax 360-407-0955, email Chantelle.Diaz@dshs.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 5, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental 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 5, Amended 0, Repealed 0.

Date Adopted: March 16, 2018.

Cheryl Strange
Secretary

Chapter 388-829B WAC

ENHANCED CASE MANAGEMENT PROGRAM

NEW SECTION

WAC 388-829B-100 What is the enhanced case management program? The enhanced case management program is a program that facilitates client integration, improves quality of care, and promotes a safe home environment. Funds appropriated for the enhanced case management program support clients through increased:

- (1) Access to a case manager;
- (2) Access to education and resources; and
- (3) Frequency of home visits.

NEW SECTION

WAC 388-829B-200 What definitions apply to this chapter? The following definitions apply to this chapter.

"CARE assessment" means an inventory and evaluation of a client's strengths and limitations based on an in-person interview in the client's home or place of residence.

"Caregiver" means a person contracted with the developmental disabilities administration (DDA) to provide Medicaid or waiver personal care, respite care, or attendant care services.

"Client" means a person who has a developmental disability as defined in RCW 71A.10.020(5) and has been deter-

mined eligible to receive services by DDA under chapter 71A.16 RCW.

"**Collateral contact**" means a person or agency that is involved in the client's life, such as a legal guardian, family member, provider, or friend.

"**Independent supports**" means an adult, other than the client's paid caregiver, who observes the care a client receives from their paid caregiver.

NEW SECTION

WAC 388-829B-300 Who may DDA enroll in the enhanced case management program? The developmental disabilities administration (DDA) may enroll a client in the enhanced case management program if the client is largely dependent on a paid caregiver in the client's home and:

- (1) The client's CARE assessment indicates the client:
 - (a) Is not always able to supervise their caregiver;
 - (b) Has communication barriers and few documented collateral contacts; and
 - (c) Lacks additional, independent supports that regularly help the client monitor the care being provided in their home; or
- (2) The client lives with the paid caregiver and:
 - (a) The client has been the subject of an adult protective services or child protective services referral in the past year; or
 - (b) DDA has concerns that the home environment or quality of care may jeopardize the client's health or safety.

NEW SECTION

WAC 388-829B-400 How often must the case manager visit the enhanced case management program client?

- (1) The client's case manager must visit each enhanced case management program client at least once every four months at the client's home, including unannounced visits as needed. Each required visit must not occur more than four months apart.
 - (2) An unannounced visit may replace a scheduled visit.
 - (3) If a client declines a visit, announced or unannounced, the case manager must document the declined visit in the enhanced case management program section in the comprehensive assessment reporting and evaluation (CARE) tool.
 - (4) If the case manager is unable to meet with the client for a required visit, the case manager must schedule a follow-up visit as soon as possible and no later than thirty days.

NEW SECTION

WAC 388-829B-500 When will I transfer off of the enhanced case management program? If you no longer meet eligibility criteria for the enhanced case management program under WAC 388-829B-300, DDA will disenroll you from the program.

WSR 18-07-080
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed March 19, 2018, 4:14 p.m., effective April 19, 2018]

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

Purpose: The purpose of the proposal is to comply with the passage of HB [EHB] 1595 during the 2017 legislative session. HB 1596 [EHB 1595] provides legal authority for the Washington department of fish and wildlife to charge the public for requested copies of department documents.

Citation of Rules Affected by this Order: Amending WAC 220-120-020, 220-120-040, 220-120-050, 220-120-060, 220-120-070, and 220-120-080.

Statutory Authority for Adoption: RCW 77.04.090 and 77.04.130.

Adopted under notice filed as WSR 17-22-132 and November 1, 2017.

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 6, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental 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: March 19, 2018.

Brad Smith, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-120-020 Public records officer. (1) The department's public records officer:

- (a) Receives all public records requests made to the department;
- (b) Provides assistance to persons seeking department public records;
- (c) Oversees the department's compliance with the Public Records Act, including locating, processing, and releasing records responsive to public records requests; and
- (d) ~~((Creates and maintains an index of certain department public records, to the extent required by RCW 42.56.070(5); and~~
- ~~(e)))~~ Prevents the fulfillment of public records requests from causing excessive interference with essential functions of the department.

(2) The public records officer can be contacted at:

Public Records Officer
Department of Fish and Wildlife

Office Location:
 Natural Resources Building, 5th Floor
 1111 Washington Street S.E.
 Olympia, WA 98501-1091
 Mailing Address:
 P.O. Box ((43200)) 43146
 Olympia, WA ((98504-3200)) 98504-3146
 email address: PublicDisclosureRequest@dfw.wa.gov

Current contact information is also available at the department's web site at <http://wdfw.wa.gov>.

(3) The public records officer may designate one or more department staff to carry out the responsibilities set forth in subsection (1) of this section; and other staff may process public records requests. Therefore, use of the term public records officer in this chapter may include the public records officer's designee(s) and/or any other staff assisting in processing public records requests, where indicated by context.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-120-040 Requests for public records. (1)

Any person wishing to inspect or copy public records of the department must make the request in writing on the department's request form, or by letter ~~(, fax,)~~ or email to the office or email address set forth in WAC 220-120-020(2). The written request must be addressed and sent to the public records officer and include the following information:

- (a) Name of the requestor;
- (b) Address of the requestor;
- (c) Other contact information, including telephone number and email address, if the requestor has one;
- (d) Identification of the public records sought, in a form or description that is adequate for the public records officer to identify and locate the records; and
- (e) The date and time of day of the request.

(2) If the requestor wishes to have copies of the records made, whether hard copy or electronic, instead of inspecting them, he or she must so indicate in the request ~~((and must either make a deposit for the cost of copying the records or make arrangements to pay for copies of the records)).~~

(3) A public records request form is available to requestors at the office of the public records officer and at the department's web site at <http://wdfw.wa.gov>.

(4) The records retention schedule established by the division of state archives of the office of the secretary of state serves as an index for the identification and location of the department records including those described in RCW 42.56.070(5). The records retention schedule can be found at either the department's web site or the secretary of state's web site.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-120-050 Processing requests for public records. (1) **Order of processing public records requests.** The public records officer will process requests in the order allowing the greatest number of requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:

(a) ~~((Make the records available for inspection or copying))~~ Provide the records or provide a web link to the records;

(b) Send the copies to the requestor if copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon;

(c) ~~((Provide a reasonable estimate of when records will be available;~~

~~(d) Request clarification from the requestor if the request is unclear or does not sufficiently identify the requested records. Such clarification may be requested and provided by telephone. The public records officer may revise the estimate of when records will be available if an estimate was given; or~~

~~(e))~~ Acknowledge that the department has received the request, ask for clarification if the request is unclear, and provide a reasonable estimate of time required to respond to the request; or

~~(d)~~ Deny the request.

(3) **If no response is received.** If the public records officer does not respond in writing within five business days of receipt of the request for disclosure, the requestor should ~~((consider contacting))~~ contact the public records officer to ensure that the department received the request.

(4) **Protecting the rights of others.** In the event that the requested public records contain information that may affect rights of others and may, therefore, be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to ~~((contact the requestor and ask him or her to revise the request or, if necessary,))~~ seek a court order to prevent or limit the disclosure. The notice to the affected persons may include a copy of the request.

(5) **Records exemption from disclosure.** Some records are exempt from disclosure, in whole or in part, as provided in chapter 42.56 RCW and in other statutes. If the department believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the records or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) Inspections of records.

(a) Consistent with other demands, the department will promptly provide space to inspect public records it has assembled in response to a properly submitted public records request. No member of the public may remove a document from the viewing area or disassemble or alter any document. If, after inspecting a record or records, the requestor wishes to receive a copy of a particular record or records, he or she should so indicate to the public records officer. Copies will be provided pursuant to subsection (7) of this section.

(b) The requestor must inspect the assembled records within ~~((thirty))~~ fourteen days of the department's notifica-

tion to him or her that the records are available for inspection or copying. The department will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the department to make arrangements to inspect the records. If the requestor fails to inspect the records within the ~~((thirty-day))~~ fourteen-day period or make other arrangements, the department may close the request and refile the assembled records. If the requestor subsequently files the same or a substantially similar request, that subsequent request will be considered a new request and will be processed in the order allowing the greatest number of requests to be processed in the most efficient manner.

(7) Providing copies of records.

(a) Upon request, the department will provide copies of requested records. Copies may be provided in either hard copy or electronic format, as requested. The cost for copies is set forth in WAC 220-120-060. If a requestor wishes to obtain a copy of a particular record or records after inspecting records, he or she should so indicate to the public records officer, who will make the requested copies or arrange for copying.

(b) Copies may be mailed or emailed to the requestor, or made available for pickup at the department's offices. If the copies are available for pickup at the department's offices, the requestor must pay for the copies within ~~((thirty))~~ fourteen days of the department's notification to him or her that the copies are available for pickup. The department will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the department to make arrangements to pay for and pick up the copies. If the requestor fails to pay for or pick up the copies within the ~~((thirty-day))~~ fourteen-day period, or fails to make other arrangements, the department may close the request. If the requestor subsequently files the same or a substantially similar request, that subsequent request will be considered a new request and will be processed in the order allowing the greatest number of requests to be processed in the most efficient manner.

(8) Electronic records. The process for requesting electronic public records is the same as for requesting paper public records. When a person requests records in an electronic format, the public records officer will provide the nonexempt 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.

(9) Providing records in installments. When the request is for a large number of records, the public records officer may make the records available for inspection, or provide copies of the records in installments if he or she reasonably determines it would be practical to provide the records in that manner. ~~((The requestor must inspect the installment of assembled records, or pay for and pick up records if copies of the records are made available for pick up at the department's offices, within thirty days of the department's notification to him or her that records are available for inspection or are ready for pickup. If the requestor fails to inspect the installment of copies within the thirty-day period, fails to pay for and pick up the installment of copies within the thirty-day~~

~~period, or fails to make other arrangements, the public records officer may stop searching for the remaining records and close the request.))~~

(10) Closing a withdrawn or abandoned request. ~~((When))~~ If 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 officer will indicate that the department has completed a diligent search for the requested records and has made any located, nonexempt records available for inspection.))~~ then the public records officer ~~((will))~~ may close the request.

(11) Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer will indicate that the department has completed a diligent search for the requested records and has made any located, nonexempt records available for inspection. Thereafter, the public records officer may close the request.

(12) Later discovered documents. If, after the department informs the requestor that it has provided all available records, the ~~((department))~~ public records officer becomes aware of additional responsive documents within one year that existed at the time of the request, the ~~((department))~~ public records officer will promptly inform the requestor of the additional documents and make them available for inspection or provide copies on an expedited basis.

(13) Failure to clarify or claim records. The department may ask the requestor to clarify what information that the requestor is seeking. If a requestor fails to respond to a request for clarification within a fourteen-day period, the public records officer may close the request. If a requestor fails to claim records that have been produced within a fourteen-day period, the public records officer may close the request.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-120-060 Costs of providing public records.

(1) There is no fee for inspecting public records.

~~((2) ((The department charges fifteen cents per sheet for paper copies of documents up to paper size 11" x 18". The department will not charge sales tax when it makes copies of public records.~~

~~((3) The department may charge costs for providing copies of records in electronic format based on the department's actual costs and/or based on outside vendor rates for copying the same or similar records. The department incurs actual costs in scanning a paper-only record into an electronic format and may charge ten cents per page for electronic copies of scanned paper-only records.~~

~~((4) **Deposits and payments for copies and installments of copies.** Before beginning to make copies of requested records, the public records officer may require a deposit of up to ten percent of the estimated costs of copying. The public records officer may also require the payment of any outstanding balance of copying costs prior to providing the copies, or the payment of any outstanding balance of the copying costs for an installment of copies before providing~~

~~the installment. If payment for an installment of copies is not received within thirty days of the department's notification to the requestor that the copies are available, the public records officer may stop searching for the remaining records and close the request.~~

~~(5) **Costs of mailing.** The department may also charge the actual costs of mailing, including the cost of the shipping container.~~

~~(6)) Pursuant to RCW 42.56.120(2), the department finds that it is unduly burdensome to calculate the actual costs that it charges for providing copies of public records for the following reasons: (a) Funds were not allocated for performing a study to calculate such actual costs and the department lacks the necessary funds to perform a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; (b) a study would interfere with and disrupt other essential department functions. The department may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120 and as published in the department's fee schedule available on the department web site at <http://wdfw.wa.gov>.~~

~~(3) Before copying requested public records, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all of the records. The public records officer or designee may also require payment of the remainder or an installment of the copying costs before providing all of the records.~~

~~(4) The department will not release any requested copies of public records unless and until the requestor has paid all copying and other charges as set forth in this section.~~

~~(5) The department may determine whether customized electronic access to public records is required if the department estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the department for other department purposes. The department will charge the actual costs, including staff time and outside vendor costs necessary to reimburse the department for providing customized electronic access services.~~

~~(6) The department may waive any charges for providing public records at the discretion of the public records officer. This determination will be made on a case-by-case basis.~~

~~(7) **Payment.** Payment may be made by cash, check, or money order to the Washington department of fish and wildlife.~~

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-120-070 Exemptions. (1) The Public Records Act exempts a number of types of records from public disclosure (see chapter 42.56 RCW).

(2) Records are also exempt from disclosure if any other statute exempts or prohibits disclosure. Requestors should be aware of the following exemptions outside the Public Records Act, which restrict the availability of some records held by the department:

(a) Privileged communication under RCW 5.60.060; ~~((and))~~

(b) Criminal records history under chapter 10.97 RCW; and

(c) A list of common record exemptions can be found at the department web site.

(3) The department is prohibited by statute from disclosing lists of individuals for commercial purposes.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-120-080 Review of denials of public records requests. (1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the public records officer for a review of that decision. The petition must include a copy of the written statement by the public records officer denying the request.

(2) **Consideration of petition for review.** The public records officer will promptly provide the petition and any other relevant information to the director of the department. The director or designee will immediately consider the petition and either affirm or reverse the denial within two business days following the department's receipt of the petition, or ~~((within such other time as the department and the requestor mutually agree to))~~ will notify the requestor that more time is required to consider the petition.

(3) **Review by the attorney general's office.** Pursuant to RCW 42.56.530, if the department denies a requestor access to public records because it claims the record is exempt, in whole or in part, from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules for such requests in WAC 44-06-160.

(4) **Judicial review.** 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.

WSR 18-07-081

PERMANENT RULES

DEPARTMENT OF CORRECTIONS

[Filed March 19, 2018, 4:37 p.m., effective April 19, 2018]

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

Purpose: To update the rule in general for clarity and to ensure compliance by the department with changes to the Public Records Act (PRA), chapter 42.56 RCW, effective July 23, 2017. The department, to be in full compliance with the PRA, will utilize the statutory default fee schedule created by the legislature in the 2017 amendments. The fee schedule changes will establish allowable charges for electronically provided records and lower the department's hard copy fee to align with the default fee outlined in the PRA.

Citation of Rules Affected by this Order: Amending chapter 137-08 WAC.

Statutory Authority for Adoption: RCW 72.01.090 Rules and regulations.

Adopted under notice filed as WSR 18-04-107 on February 6, 2018.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, 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: March 19, 2018.

Stephen Sinclair
Secretary

AMENDATORY SECTION (Amending WSR 07-12-073, filed 6/5/07, effective 7/6/07)

WAC 137-08-010 Purpose. The purpose of this chapter ~~((shall be))~~ is to ensure compliance by the department of corrections with the provisions of the Public Records Act, chapter 42.56 RCW.

AMENDATORY SECTION (Amending WSR 08-04-045, filed 1/31/08, effective 3/2/08)

WAC 137-08-060 Public records available. The department ~~((shall at all times))~~ will take the most timely ~~((possible action on requests for disclosure, and shall be required to respond))~~ action possible under the circumstances in responding to public records requests submitted to the agency. Every public records request must be provided an initial response in writing within five ~~((working))~~ business days of receipt of the request ~~((for disclosure. The department's failure to so respond shall entitle the person seeking disclosure to petition the public disclosure officer pursuant to WAC 137-08-140)).~~

AMENDATORY SECTION (Amending WSR 86-10-010, filed 4/29/86)

WAC 137-08-070 Public ((disclosure)) records officer. The department ~~((shall))~~ will designate a public ~~((disclosure))~~ records officer, ~~((located in the state administrative office,))~~ who ~~((shall))~~ will be responsible for implementing the department's rules regarding disclosure of public records, coordination of staff in this regard, and generally ~~((insuring))~~ ensuring compliance by ~~((the))~~ staff with public records disclosure requirements.

AMENDATORY SECTION (Amending WSR 82-04-023, filed 1/26/82)

WAC 137-08-080 Public ((disclosure)) records coordinators. ~~((Each departmental administrative unit, for example, each institution, shall))~~ The department will designate from among its employees ~~((at least one))~~ public ~~((disclosure))~~ records coordinators, who ~~((shall))~~ will:

(1) Have responsibility to respond to written requests for disclosure of the department's nonexempt public records located in that ~~((office))~~ location; and

(2) ~~((Refer the person requesting disclosure to any other office where the record is located, and assist further in the disclosure process; and~~

(3) ~~Verify, if necessary, the identity of any person requesting information.))~~ Be responsible to gather records from staff and provide them in response to any public records request pertaining to their location.

AMENDATORY SECTION (Amending WSR 08-04-045, filed 1/31/08, effective 3/2/08)

WAC 137-08-090 Request for public records. (1) All requests for the disclosure of a public record, other than requests by incarcerated ~~((offenders))~~ individuals for inspection of their health record or central file must be submitted in writing directly to the Department of Corrections Public Records Officer at P.O. Box 41118, Olympia, WA 98504 or via email at publicdisclosureunit@doc1.wa.gov identifying the ~~((record))~~ record(s) sought with reasonable certainty. The written request should include:

(a) The name of the person requesting the record and their contact information;

(b) The calendar date on which the request is made; and

(c) The records requested.

Incarcerated ~~((offenders))~~ individuals under the authority of the department of corrections ~~((shall))~~ will submit requests to inspect their own health record, under chapter 70.02 RCW, or central file to the records manager at the facility in which ~~((s))~~ they are currently incarcerated. For all other requests, incarcerated individuals must submit the request to the public records officer at the address listed in this subsection.

(2) A request ~~((for disclosure shall be made during customary business hours.~~

(3) If the public record contains material exempt from disclosure pursuant to law, including those laws cited in WAC 137-08-150, the department must provide the person requesting disclosure with a written explanation for the non-disclosure, pursuant to WAC 137-08-130.

(4) ~~Any person continuing to seek disclosure, after having received a written explanation for nondisclosure pursuant to WAC 137-08-130, may request a review under the provisions of WAC 137-08-140.~~

(5) ~~When a person's identity is relevant to an exemption, that person may be required to provide personal identification.~~

(6) ~~Nothing in this section or elsewhere in this chapter shall be construed to require the department to compile statistics or other information from material contained in public records, where doing so would unduly interfere with other~~

essential functions of the department and is not required for litigation by rules of pretrial discovery)) received after business hours will be considered to have been received the following business day.

AMENDATORY SECTION (Amending WSR 85-13-020, filed 6/10/85)

WAC 137-08-110 Fees—Inspection and copying.

~~((1) No fee shall be charged for the inspection of public records.~~

~~(2) The department shall collect a fee of twenty cents per page plus postage to reimburse itself for the cost of providing copies of public records.~~

~~(3) Nothing contained in this section shall preclude the department from agreeing to exchange or provide copies of manuals or other public records with other state or federal agencies, whenever doing so is in the best interest of the department.~~

~~(4) The secretary of the department or his designee is authorized to waive any of the foregoing copying costs.) (1) The following copy fees and payment procedures apply to requests to the department under chapter 42.56 RCW and received on or after July 23, 2017.~~

(2) Pursuant to RCW 42.56.120 (2)(b), the department is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The department does not have the resources to conduct a study to determine all of its actual copying costs:

(b) Through the 2017 legislative process, the public including requestors have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3) and (4).

(3) The department will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The department will charge for any customized services used pursuant to RCW 42.56.120(3). Under RCW 42.56.430, the department may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The charges for copying methods used by the department are summarized in the fee schedule available on the department's web site at www.doc.wa.gov.

(4) Requestors are required to pay for copies in advance of receiving the records.

(5) No fee will be charged for the inspection of public records.

(6) No fee will be charged to:

(a) Law enforcement agencies that have made a request to the department for the purpose of active criminal investigation and/or prosecution.

(b) Other state agencies.

(c) Additional waivers may be made at the discretion of the public records officer.

(7) The public records officer may require an advance deposit of ten percent of the estimated fees or customized service charge as allowable under RCW 42.56.120(4).

(8) Responsive records may be provided in installments as allowable under RCW 42.56.120(4). Each installment

must be either paid for or inspected prior to fulfilling the remainder of the request.

(9) Payment should be made by check or money order to the department of corrections. If, at the discretion of the public records officer cash payment is permitted, then the public records officer will also determine the denomination of bills and coins that will be accepted.

(10) The department will close a request when the requestor fails within thirty days to pay for a request or an installment or for the required ten percent deposit.

AMENDATORY SECTION (Amending WSR 82-04-023, filed 1/26/82)

WAC 137-08-120 (~~Protection~~) Inspection of public records. ~~((Public records shall be disclosed)) Other than incarcerated individuals inspecting their own health record or central file, public records will be inspected at department headquarters. This inspection will occur only in the presence of a public ((disclosure coordinator)) records or correctional records staff person or his or her designee, who ((shall)) will withdraw the records if the person requesting disclosure acts in a manner which ((will)) could damage or substantially disorganize the records or interfere excessively with other essential functions of the department. ((This section shall not be construed to prevent the department from accommodating a client by use of the mails in the disclosure process.))~~

AMENDATORY SECTION (Amending WSR 82-04-023, filed 1/26/82)

WAC 137-08-130 (~~Disclosure~~) Exemption procedure. (1) The public ~~((disclosure coordinator shall))~~ records staff will review file materials prior to disclosure.

(2) If the file does not contain materials exempt from disclosure, the ~~((public disclosure coordinator shall))~~ staff person will ensure full ~~((disclosure))~~ production.

(3) When a person's identity is relevant to an exemption, that person may be required to provide personal identification.

(4) If the file does contain materials exempt from disclosure, ~~((the public disclosure coordinator shall deny disclosure))~~ under chapter 42.56 RCW or other statutes, the staff person responding will deny production of those exempt portions of the file, and ((shall)) will, at the time of ((the)) denial, in writing, clearly specify the reasons for the denial of ((disclosure)) production, including a statement of the specific exemptions or reasons authorizing the withholding of the record and a brief explanation of how the exemption or reason applies. The remaining, nonexempt materials ((shall)) will be fully disclosed.

AMENDATORY SECTION (Amending WSR 86-10-010, filed 4/29/86)

WAC 137-08-140 Review of denial of disclosure. (1) If the person requesting disclosure disagrees with the decision ~~((of a public disclosure coordinator denying disclosure of a public record))~~ or the processing of their request, such person may petition the department's public ((disclosure)) records appeals officer for review of the decision denying

disclosure. The form used by ~~((the public disclosure coordinator))~~ public records staff to deny disclosure of a public record ~~((shall))~~ will clearly indicate this right of review.

(2) Within ~~((ten working))~~ thirty calendar days after receipt of a petition for review of a decision ~~((denying disclosure, the public disclosure officer shall review the decision denying disclosure, and advise the petitioner, in writing, of the public disclosure officer's decision on the petition. Such review shall be deemed completed at the end of the second business day following denial of disclosure, and shall constitute final agency action for the purposes of judicial review))~~, the department will review the decision and advise the requestor, in writing, of its decision.

AMENDATORY SECTION (Amending WSR 08-01-026, filed 12/10/07, effective 1/10/08)

WAC 137-08-180 Records index. ~~((The))~~ A general records index outlining common record types maintained by the agency may be accessed on the department's web site in the public disclosure section at ~~((http://www.doc.wa.gov/aboutdoc/publicdisclosure.asp))~~ http://www.doc.wa.gov/information/records/request.htm.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 137-08-100 Disclosure to client's representative.
- WAC 137-08-105 Correction of erroneous information.
- WAC 137-08-150 Exemptions to public records disclosure.
- WAC 137-08-160 Qualifications on nondisclosure.
- WAC 137-08-170 Interagency disclosure.

WSR 18-07-083
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed March 20, 2018, 9:16 a.m., effective April 20, 2018]

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

Purpose: The department is amending WAC 388-406-0015 Can I get basic food right away?, to clarify the treatment of resources when determining expedited service eligibility for basic food benefits.

Citation of Rules Affected by this Order: Amending WAC 388-406-0015.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.510, 74.08A.120.

Adopted under notice filed as WSR 18-04-091 on February 5, 2018.

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 the Request of a Non-governmental 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: March 19, 2018.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-07-014, filed 3/8/11, effective 4/8/11)

WAC 388-406-0015 ~~((Can))~~ May I get basic food right away? (1) When the department gets your basic food application, we look at your circumstances at the time you applied to see if you ~~((can))~~ may get basic food benefits within seven calendar days. This is called "expedited service."

(2) To get expedited service, you must provide proof of who you are and meet one of the following conditions:

(a) Have gross monthly income (before taxes), minus exclusions as defined in WAC 388-450-0015, of under one hundred fifty dollars ~~((and))~~ and have available ~~((cash of))~~ liquid resources as defined in WAC 388-470-0055 of one hundred dollars or less; ~~((or))~~

(b) Have gross monthly income (before taxes), minus exclusions as defined in WAC 388-450-0015, ~~((plus))~~ plus available ~~((cash))~~ liquid resources as defined in WAC 388-470-0055 of less than your total shelter costs (rent or mortgage and the utility allowance you are eligible for under WAC 388-450-0195); or

(c) Be a destitute migrant or seasonal farm worker household~~((s))~~ under WAC 388-406-0021, ~~((and))~~ and your household's available ~~((cash))~~ liquid resources as defined in WAC 388-470-0055 is one hundred dollars or less.

(3) If you are eligible for expedited service and are not required to have an office interview under WAC 388-452-0005, you ~~((can))~~ may have a telephone interview and still get benefits within seven days.

(4) If you are applying for basic food, "day one" of your seven-day expedited service period starts on the:

- (a) Day after the date you filed your application;
- (b) Date you are released from a public institution; or
- (c) Date of your interview if you:

(i) Waived your expedited interview and we decide you are eligible for expedited service during your rescheduled interview; or

(ii) Were screened as ineligible for expedited service and we later determine you are eligible for the service during your interview.

(5) If you get expedited service, we only require verification of your identity to provide your first benefit issuance

within seven days. Other required verifications may be postponed.

(6) All postponed verification must be provided for your ongoing eligibility to be determined and any additional benefits to issue. If you applied:

(a) On or before the 15th of the month, we issue one month's benefits and you have up to thirty days from the date of application to give us any postponed verification; or

(b) On or after the 16th of the month, we issue two months' benefits and you have until the end of the second month to give us any postponed verification.

(7) If we ~~((can))~~ may determine ongoing eligibility at your interview and do not need to postpone any required verifications, we will assign you a regular certification period as described in WAC 388-416-0005.

(8) If you have received expedited service in the past, you can get this service again if you meet the requirements listed in subsection (2) ~~((above))~~ of this subsection and you:

(a) Gave us all the information we needed to determine ongoing eligibility for your last expedited service benefit period; or

(b) Were certified under normal processing standards after your last expedited certification.

(9) If you reapply for benefits:

(a) Before your certification period ends, you are not eligible for expedited service;

(b) After your certification period ends, your seven-day expedited service period is the same as a new application;

(c) While you receive transitional food assistance as described in chapter 388-489 WAC, you are not eligible for expedited service.

(10) If you are denied expedited service, you ~~((can))~~ may ask for a department review of our decision. We review the decision within two working days.

WSR 18-07-098

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed March 20, 2018, 2:24 p.m., effective April 23, 2018]

Effective Date of Rule: April 23, 2018.

Purpose: This rule making is in response to the Occupational Safety and Health Administration's (OSHA) final rule for respirable crystalline silica in 29 C.F.R. 1926.1153 (Construction) and 29 C.F.R. 1910.1053 (General Industry/Maritime) which became effective on June 23, 2016. The department is required to update their rules to be at-least-as-effective-as OSHA.

The department's respirable crystalline silica rule covers construction and general industry in one rule (chapter 296-840 WAC), whereas OSHA has separate rules for each. The new silica chapter addresses and limits worker exposure to respirable crystalline silica in workplaces, with the intent of curbing lung cancer incidents, silicosis, chronic obstructive pulmonary disease and kidney disease in Washington workers. Furthermore, the following sections under WAC 296-

841-20025 and 296-307-62625 were updated to reference the respirable crystalline silica rule.

The effective date of the rule is April 23, 2018, and the compliance dates are as follows:

- For occupational exposures to respirable crystalline silica in construction work, employers must comply with all obligations of the rule by October 1, 2018.
- For all occupational exposures to respirable crystalline silica other than construction work, employers must comply with all obligations of the rule by July 1, 2019, except:
 - Employers must comply with the medical surveillance requirements for employees exposed above the permissible exposure limit (PEL) for thirty or more days per year beginning on July 1, 2019.
 - Employers must comply with the medical surveillance requirements for employees exposed above the action level (AL) for thirty or more days per year beginning on June 23, 2020.
 - For hydraulic and fracturing operations in the oil and gas industry, employers must comply with the engineering control requirements beginning on July 1, 2022.

Amended Sections

WAC 296-841-20025 Permissible exposure limits (PELs) and 296-307-62625 Permissible exposure limits of air contaminants.

- Updated PEL table to indicate that the tables apply only to exposures not covered by the new requirements in chapter 296-840 WAC

New Sections

WAC 296-840-095 Definitions.

- Added definitions for the following: AL, competent person, construction work, director, DOSH, employee exposure, high-efficiency particulate air filter, objective data, PEL, physician or other licensed health care professional, regulated area, respirable crystalline silica, specialist.

WAC 296-840-100 Scope and application.

- Added this section to explain that this chapter covers occupational exposures to respirable crystalline silica.
- This section also provides exemptions to this proposed rule.

WAC 296-840-105 Exposure assessment.

- Added this section to address the following areas that relate to occupational exposures to respirable crystalline silica:
 - PEL.
 - Exposure assessment.
 - Reassessment of exposures.
 - Methods of sample analysis.
 - Employee notification of assessment results.
 - Observation of monitoring.

WAC 296-840-110 Specified exposure control methods.

- Added this section relating to construction work and other occupational exposures where the task performed is indistinguishable from a construction task identified in Table 1 of this proposed rule.
- Added language to this section relating to implementing control measures.
- Added language to this section relating to when respiratory protection is required.
- Added Table 1 to this section relating to specified exposure control methods when working with materials containing crystalline silica.

WAC 296-840-115 Regulated areas.

- Added this section for general industry/maritime, required to be established in areas where exposures exceed PEL and to limit access to the area.

WAC 296-840-120 Methods of compliance.

- Added methods of compliance where tasks listed in Table 1 do not apply, including engineering and work practice controls, as well as abrasive blasting.

WAC 296-840-125 Respiratory protection.

- Added this section that highlights requirements for respiratory protection.

WAC 296-840-130 Respiratory protection program.

- Added respiratory protection program in accordance with chapter 296-842 WAC, Respirators.
- Added respirator use in accordance with Table 1.

WAC 296-840-135 Housekeeping.

- Added this section that addresses how a contaminated space can be cleaned.

WAC 296-840-140 Written exposure control plan.

- Added requirements that apply to both general industry/maritime and construction industries.
- Added a written plan with a description of tasks that involve exposure to silica, engineering control work practices and respiratory protection.
- Added language that indicates employers should have [a] written plan available to each employee.
- Added language for construction that requires procedures used to restrict access to work areas.
- Added requirement language relating to a competent person.

WAC 296-840-145 Medical surveillance.

- Added this section that requires medical surveillance to be available. Medical surveillance includes an initial examination, periodic examinations, and where needed examinations by a specialist.
- Added tuberculosis form to help ensure tuberculosis assessment is thorough.

WAC 296-840-150 Communication of respirable crystalline silica hazards to employees.

- Added this section that requires employers to comply with chapter 296-901 WAC, Globally harmonized system for hazard communication.

- Added language that specifies what to include in posted signs.
- Added language indicating that employees must understand health hazards associated with silica, tasks that could result in exposure, and measures to protect workers from exposure.

WAC 296-840-155 Recordkeeping.

- Added this section indicating employers must maintain records of exposure and objective data that describes employee exposure, and medical surveillance methods.

WAC 296-840-160 Effective dates.

- Added language indicating when this proposed rule becomes effective for construction and general/maritime industry.

WAC 296-840-165 Appendix A—Methods of sample analysis—Mandatory.

- Added this section that explains the process employers are required to use when analyzing air samples and quality control procedures for respirable crystalline silica.

Citation of Rules Affected by this Order: New WAC 296-840-095, 296-840-100, 296-840-105, 296-840-110, 296-840-115, 296-840-120, 296-840-125, 296-840-130, 296-840-135, 296-840-140, 296-840-145, 296-840-150, 296-840-155, 296-840-160 and 296-840-165; and amending WAC 296-841-20025 and 296-307-62625.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Other Authority: Chapter 49.17 RCW.

Adopted under notice filed as WSR 17-22-111 on October 31, 2017.

Changes Other than Editing from Proposed to Adopted Version:

- WAC 296-841-20025, deleted changes to the permissible exposure limits and short-term exposure limit (STEL) related to beryllium. Changes related to beryllium are being addressed in a separate rule making specific to beryllium.
- WAC 296-307-62625, deleted changes to the permissible exposure limits and STEL related to beryllium. Changes related to beryllium are being addressed in a separate rule making specific to beryllium.
- WAC 296-840-095, omitted language regarding the application of the existing silica STELs under WAC 296-841-20025 and 296-307-62625 to exposures covered by the new rule under chapter 296-840 WAC.
- WAC 296-840-100, omitted language regarding the application of the existing silica STELs under WAC 296-841-20025 and 296-307-62625 to exposures covered by the new rule under chapter 296-840 WAC.
- WAC 296-840-105, omitted language regarding the application of the existing silica STELs under WAC 296-841-20025 and 296-307-62625 to exposures covered by the new rule under chapter 296-840 WAC.
- WAC 296-840-145, added the wording "except for subsection (3)(e) of this section" to subsection (4) to be consistent with OSHA's language.

- WAC 296-840-145, omitted language regarding the application of the existing silica STELs under WAC 296-841-20025 and 296-307-62625 to exposures covered by the new rule under chapter 296-840 WAC.
- WAC 296-840-160, omitted language regarding the application of the existing silica STELs under WAC 296-841-20025 and 296-307-62625 to exposures covered by the new rule under chapter 296-840 WAC.
- WAC 296-840-165, added the word "mandatory" to title of Appendix A.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 15, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental 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 15, 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: March 20, 2018.

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 06-08-087, filed 4/4/06, effective 9/1/06)

WAC 296-307-62625 Permissible exposure limits of air contaminants.

IMPORTANT:

The following information applies to Table 3, Permissible Exposure Limits for Air Contaminants.

- Exposure needs to be determined from personal air samples taken in the breathing zone or from monitoring representative of the employee's breathing zone.

- Ppm refers to parts of vapor or gas per million parts of air by volume, at 25 degrees C and 760 mm Hg pressure.

- Mg/m³ refers to milligrams of substance per cubic meter of air.

- For a metal that is measured as the metal itself, only the CAS number for the metal is given. The CAS numbers for individual compounds of the metal are not provided. For more information about CAS registry numbers see the web site: <http://www.cas.org>.

- Time weighted averages (TWA₈) represent the maximum allowed average exposure for any 8-hour time period. For work periods longer than 8 hours the TWA₈ needs to be determined using the 8 continuous hours with the highest average concentration.

- Short-term exposure limits (STEL) represent maximum allowed average exposure for any fifteen-minute period, unless another time period is noted in Table 3.

- The ceiling represents the maximum allowed exposure for the shortest time period that can feasibly be measured.

- An "X" in the "skin" column indicates the substance can be absorbed through the skin, either by airborne or direct contact.

- Requirements for the use of gloves, coveralls, goggles, and other personal protective equipment can be found in WAC 296-307-100.

- The respirable fraction of particulate is measured by sampling with a size-selector having the following characteristics:

Mean aerodynamic diameter in micrometers	Percent passing the selector
1	97
2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Abate (Temephos)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Acetaldehyde	75-07-0	100 ppm	150 ppm	—	—
Acetic acid	64-19-7	10 ppm	20 ppm	—	—
Acetic anhydride	108-24-7	—	—	5 ppm	—
Acetone	67-64-1	750 ppm	1,000 ppm	—	—
Acetonitrile	75-05-8	40 ppm	60 ppm	—	—
2-Acetylaminofluorene	53-96-3	—	—	—	—
Acetylene	74-86-2	Simple asphyxiant	—	—	—
Acetylene dichloride (1,2-Dichloroethylene)	540-59-0	200 ppm	250 ppm	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Acetylene tetrabromide	79-27-6	1 ppm	3 ppm	—	—
Acetylsalicylic acid (Aspirin)	50-78-2	5 mg/m ³	10 mg/m ³	—	—
Acrolein	107-02-8	0.1 ppm	0.3 ppm	—	—
Acrylamide	79-06-1	0.03 mg/m ³	0.09 mg/m ³	—	X
Acrylic acid	79-10-7	10 ppm	20 ppm	—	X
Acrylonitrile (Vinyl cyanide)	107-13-1	2 ppm	10 ppm	—	—
Aldrin	309-00-2	0.25 mg/m ³	0.75 mg/m ³	—	X
Allyl alcohol	107-18-6	2 ppm	4 ppm	—	X
Allyl chloride	107-05-1	1 ppm	2 ppm	—	—
Allyl glycidyl ether (AGE)	106-92-3	5 ppm	10 ppm	—	—
Allyl propyl disulfide	2179-59-1	2 ppm	3 ppm	—	—
alpha-Alumina (Aluminum oxide)	1344-28-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Aluminum (as Al)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pyro powders	—	5 mg/m ³	10 mg/m ³	—	—
Welding fumes	—	5 mg/m ³	10 mg/m ³	—	—
Soluble salts	—	2 mg/m ³	4 mg/m ³	—	—
Alkyls (NOC)	—	2 mg/m ³	4 mg/m ³	—	—
Aluminum oxide (Alundum, Corundum)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
4-Aminodiphenyl	92-67-1	—	—	—	—
2-Aminoethanol (Ethanolamine)	141-43-5	3 ppm	6 ppm	—	—
2-Aminopyridine	504-29-0	0.5 ppm	1.5 ppm	—	—
Amitrole	61-82-5	0.2 mg/m ³	0.6 mg/m ³	—	—
Ammonia	7664-41-7	25 ppm	35 ppm	—	—
Ammonium chloride, fume	12125-02-9	10 mg/m ³	20 mg/m ³	—	—
Ammonium sulfamate (Ammate)	7773-06-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5.0 mg/m ³	10 mg/m ³	—	—
n-Amyl acetate	628-63-7	100 ppm	150 ppm	—	—
sec-Amyl acetate	626-38-0	125 ppm	156 ppm	—	—
Aniline and homologues	62-53-3	2 ppm	4 ppm	—	X
Anisidine (o, p-isomers)	29191-52-4	0.1 ppm	0.3 ppm	—	X
Antimony and compounds (as Sb)	7440-36-0	0.5 mg/m ³	1.5 mg/m ³	—	—
ANTU (alpha Naphthyl thiourea)	86-88-4	0.3 mg/m ³	0.9 mg/m ³	—	—
Argon	7440-37-1	Simple asphyxiant	—	—	—
Arsenic, organic compounds (as As)	7440-38-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Arsenic, inorganic compounds (as As) (when use is covered by WAC 296-62-07347)	7440-38-2	0.01 mg/m ³	—	—	—
Arsenic, inorganic compounds (as As) (when use is not covered by WAC 296-62-07347)	7440-38-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Arsine	7784-42-1	0.05 ppm	0.15 ppm	—	—
Asbestos	—	—	—	—	—
Asphalt (Petroleum fumes)	8052-42-4	5 mg/m ³	10 mg/m ³	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Atrazine	1912-24-9	5 mg/m ³	10 mg/m ³	—	—
Azinphos methyl (Guthion)	86-50-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Azodrin (Monocrotophos)	6923-22-4	0.25 mg/m ³	0.75 mg/m ³	—	—
Barium, soluble compounds (as Ba)	7440-39-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Barium sulfate	7727-43-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Baygon (Propoxur)	114-26-1	0.5 mg/m ³	1.5 mg/m ³	—	—
Benomyl	17804-35-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Benzene	71-43-2	1 ppm	5 ppm	—	—
Benzidine	92-87-5	—	—	—	—
p-Benzoquinone (Quinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
Benzo(a) pyrene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Benzoyl peroxide	94-36-0	5 mg/m ³	10 mg/m ³	—	—
Benzyl chloride	100-44-7	1 ppm	3 ppm	—	—
Beryllium and beryllium compounds (as Be)	7440-41-7	0.002 mg/m ³	0.005 mg/m ³ (30 min.)	0.025 mg/m ³	—
Biphenyl (Diphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Bismuth telluride, undoped	1304-82-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Bismuth telluride, Se-doped	—	5 mg/m ³	10 mg/m ³	—	—
Borates, tetra, sodium salts	—	—	—	—	—
Anhydrous	1330-43-4	1 mg/m ³	3 mg/m ³	—	—
Decahydrate	1303-96-4	5 mg/m ³	10 mg/m ³	—	—
Pentahydrate	12179-04-3	1 mg/m ³	3 mg/m ³	—	—
Boron oxide	1303-86-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Boron tribromide	10294-33-4	—	—	1 ppm	—
Boron trifluoride	6737-07-2	—	—	1 ppm	—
Bromacil	314-40-9	1 ppm	3 ppm	—	—
Bromine	7726-95-6	0.1 ppm	0.3 ppm	—	—
Bromine pentafluoride	7789-30-2	0.1 ppm	0.3 ppm	—	—
Bromochloromethane (((Chlorobromomethane)) Chlorobromomethane)	74-97-5	200 ppm	250 ppm	—	—
Bromoform	15-25-2	0.5 ppm	1.5 ppm	—	X
Butadiene (1,3-butadiene)	106-99-0	1 ppm	5 ppm	—	—
Butane	106-97-8	800 ppm	1,000 ppm	—	—
Butanethiol (Butyl mercaptan)	109-79-5	0.5 ppm	1.5 ppm	—	—
2-Butanone (Methyl ethyl ketone)	78-93-3	200 ppm	300 ppm	—	—
2-Butoxy ethanol (Butyl cellosolve)	111-76-2	25 ppm	38 ppm	—	X
n-Butyl acetate	123-86-4	150 ppm	200 ppm	—	—
sec-Butyl acetate	105-46-4	200 ppm	250 ppm	—	—
tert-Butyl acetate	540-88-5	200 ppm	250 ppm	—	—
Butyl acrylate	141-32-2	10 ppm	20 ppm	—	—
n-Butyl alcohol	71-36-3	—	—	50 ppm	X
sec-Butyl alcohol	78-92-2	100 ppm	150 ppm	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
tert-Butyl alcohol	75-65-0	100 ppm	150 ppm	—	—
Butylamine	109-73-9	—	—	5 ppm	X
Butyl cellosolve (2-Butoxy ethanol)	111-76-2	25 ppm	38 ppm	—	—
tert-Butyl chromate (as CrOs)	1189-85-1	—	—	0.1 mg/m ³	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25 ppm	38 ppm	—	—
n-Butyl lactate	138-22-7	5 ppm	10 ppm	—	—
Butyl mercaptan	109-79-5	0.5 ppm	1.5 ppm	—	—
o-sec-Butylphenol	89-72-5	5 ppm	10 ppm	—	X
p-tert-Butyl-toluene	98-51-1	10 ppm	20 ppm	—	—
Cadmium oxide fume (as Cd)	1306-19-0	0.005 mg/m ³	—	—	—
Cadmium dust and salts (as Cd)	7440-43-9	0.005 mg/m ³	—	—	—
Calcium arsenate	—	0.01 mg/m ³	—	—	—
Calcium carbonate	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Calcium cyanamide	156-62-7	0.5 mg/m ³	1.5 mg/m ³	—	—
Calcium hydroxide	1305-62-0	5 mg/m ³	10 mg/m ³	—	—
Calcium oxide	1305-78-8	2 mg/m ³	4 mg/m ³	—	—
Calcium silicate	1344-95-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Calcium sulfate	7778-18-9	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Camphor (synthetic)	76-22-2	2 mg/m ³	4 mg/m ³	—	—
Caprolactam	105-60-2	—	—	—	—
Dust	—	1 mg/m ³	3 mg/m ³	—	—
Vapor	—	5 ppm	10 ppm	—	—
Captafol (Difolatan)	2425-06-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Captan	133-06-2	5 mg/m ³	10 mg/m ³	—	—
Carbaryl (Sevin)	63-25-2	5 mg/m ³	10 mg/m ³	—	—
Carbofuran (Furadon)	1563-66-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Carbon black	1333-86-4	3.5 mg/m ³	7 mg/m ³	—	—
Carbon dioxide	124-38-9	5,000 ppm	30,000 ppm	—	—
Carbon disulfide	75-15-0	4 ppm	12 ppm	—	X
Carbon monoxide	630-08-0	35 ppm	200 ppm (5 min.)	1,500 ppm	—
Carbon tetrabromide	558-13-4	0.1 ppm	0.3 ppm	—	—
Carbon tetrachloride (Tetrachloromethane)	56-23-5	2 ppm	4 ppm	—	X
Carbonyl chloride (Phosgene)	7803-51-2	0.1 ppm	0.3 ppm	—	—
Carbonyl fluoride	353-50-4	2 ppm	5 ppm	—	—
Catechol (Pyrocatechol)	120-80-9	5 ppm	10 ppm	—	X
Cellosolve acetate (2-Ethoxyethylacetate)	111-15-9	5 ppm	10 ppm	—	X
Cellulose (paper fiber)	9004-34-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Cesium hydroxide	21351-79-1	2 mg/m ³	4 mg/m ³	—	—
Chlordane	57-74-9	0.5 mg/m ³	1.5 mg/m ³	—	X

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Chlorinated camphene (Toxaphen)	8001-35-2	0.5 mg/m ³	1 mg/m ³	—	X
Chlorinated diphenyl oxide	55720-99-5	0.5 mg/m ³	1.5 mg/m ³	—	—
Chlorine	7782-50-5	0.5 ppm	—	1 ppm	—
Chlorine dioxide	10049-04-4	0.1 ppm	0.3 ppm	—	—
Chlorine trifluoride	7790-91-2	—	—	0.1 ppm	—
Chloroacetaldehyde	107-20-0	—	—	1 ppm	—
a-Chloroacetophenone (Phenacyl chloride)	532-21-4	0.05 ppm	0.15 ppm	—	—
Chloroacetyl chloride	79-04-9	0.05 ppm	0.15 ppm	—	—
Chlorobenzene (Monochlorobenzene)	108-90-7	75 ppm	113 ppm	—	—
o-Chlorobenzylidene malononitrile (OCBM)	2698-41-1	—	—	0.05 ppm	X
Chlorobromomethane	74-97-5	200 ppm	250 ppm	—	—
2-Chloro-1, 3-butadiene (beta-Chloroprene)	126-99-8	10 ppm	20 ppm	—	X
Chlorodifluoromethane	75-45-6	1,000 ppm	1,250 ppm	—	—
Chlorodiphenyl (42% Chlorine) (PCB) (Polychlorobiphenyls)	53469-21-9	1 mg/m ³	3 mg/m ³	—	X
Chlorodiphenyl (54% Chlorine) (Polychlorobiphenyls (PCB))	11097-69-1	0.5 mg/m ³	1.5 mg/m ³	—	X
1-Chloro-2, 3-epoxypropane (Epichlorhydrin)	106-89-8	2 ppm	4 ppm	—	X
2-Chloroethanol (Ethylene chlorohydrin)	107-07-3	—	—	1 ppm	X
Chloroethylene (vinyl chloride)	75-01-4	1 ppm	5 ppm	—	—
Chloroform (Trichloromethane)	67-66-3	2 ppm	4 ppm	—	—
1-Chloro-1-nitropropane	600-25-9	2 ppm	4 ppm	—	—
bis-Chloromethyl ether	542-88-1	—	—	—	—
Chloromethyl methyl ether (Methyl chloromethyl ether)	107-30-2	—	—	—	—
Chloropentafluoroethane	76-15-3	1,000 ppm	1,250 ppm	—	—
Chloropicrin (Nitrotrichloromethane)	76-06-2	0.1 ppm	0.3 ppm	—	—
beta-Chloroprene (2-Chloro-1,3-butadiene)	126-99-8	10 ppm	20 ppm	—	X
o-Chlorostyrene	2039-87-4	50 ppm	75 ppm	—	—
o-Chlorotoluene	95-49-8	50 ppm	75 ppm	—	—
2-Chloro-6-trichloromethyl pyridine (Nitrapyrin)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Chlorpyrifos	2921-88-2	0.2 mg/m ³	0.6 mg/m ³	—	X
Chromic acid and chromates (as CrO ₃)	Varies with compound	0.1 mg/m ³	0.3 mg/m ³	—	—
Chromium, soluble, chromic and chromous salts (as Cr)	7440-47-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Chromium (VI) compounds (as Cr)	—	0.05 mg/m ³	0.15 mg/m ³	—	—
Chromium metal and insoluble salts	7440-47-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Chromyl chloride	14977-61-8	0.025 ppm	0.075 ppm	—	—
Chrysene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Clopidol	2971-90-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Coal dust (less than 5% SiO ₂)	—	—	—	—	—
Respirable fraction	—	2 mg/m ³	4 mg/m ³	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Coal dust (greater than or equal to 5% SiO ₂)	—	—	—	—	—
Respirable fraction	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Coal tar pitch volatiles (benzene soluble fraction) (Particulate polycyclic aromatic hydrocarbons)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Cobalt, metal fume & dust (as Co)	7440-48-4	0.05 mg/m ³	0.15 mg/m ³	—	—
Cobalt carbonyl (as Co)	10210-68-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Cobalt hydrocarbonyl (as Co)	16842-03-8	0.1 mg/m ³	0.3 mg/m ³	—	—
Coke oven emissions	—	0.15 mg/m ³	—	—	—
Copper (as Cu)	7440-50-8	—	—	—	—
Fume	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Dusts and mists	—	1 mg/m ³	3 mg/m ³	—	—
Cotton dust (raw) (waste sorting, blending, cleaning, willowing and gartting)	—	1 mg/m ³	—	—	—
Corundum (Aluminum oxide)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Crag herbicide (Sesone, Sodium-2, 4-dichloro-phenoxyethyl sulfate)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Cresol (all isomers)	1319-77-3	5 ppm	10 ppm	—	X
Crotonaldehyde	123-73-9; 4170-30-3	2 ppm	4 ppm	—	—
Crufomate	299-86-5	5 mg/m ³	10 mg/m ³	—	—
Cumene	98-82-8	50 ppm	75 ppm	—	X
Cyanamide	420-04-2	2 mg/m ³	4 mg/m ³	—	—
Cyanide (as CN)	Varies with compound	5 mg/m ³	10 mg/m ³	—	X
Cyanogen	460-19-5	10 ppm	20 ppm	—	—
Cyanogen chloride	506-77-4	—	—	0.3 ppm	—
Cyclohexane	110-82-7	300 ppm	375 ppm	—	—
Cyclohexanol	108-93-0	50 ppm	75 ppm	—	X
Cyclohexanone	108-94-1	25 ppm	38 ppm	—	X
Cyclohexene	110-83-8	300 ppm	375 ppm	—	—
Cyclohexylamine	108-91-8	10 ppm	20 ppm	—	—
Cyclonite (RDX)	121-82-4	1.5 mg/m ³	3.0 mg/m ³	—	X
Cyclopentadiene	542-92-7	75 ppm	113 ppm	—	—
Cyclopentane	287-92-3	600 ppm	750 ppm	—	—
Cyhexatin (Tricyclohexyltin hydroxide)	13121-70-5	5 mg/m ³	10 mg/m ³	—	—
2,4-D (Dichlorophenoxy-acetic acid)	94-75-7	10 mg/m ³	20 mg/m ³	—	—
DBCP (1,2-Dibromo-3-chloropropane)	96-12-8	0.001 ppm	—	0.005 ppm	—
DDT (Dichlorodiphenyltri-chloroethane)	50-29-3	1 mg/m ³	3 mg/m ³	—	X
DDVP, (Dichlorvos)	62-73-7	0.1 ppm	0.3 ppm	—	X
Dasanit (Fensulfothion)	115-90-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Decaborane	17702-41-9	0.05 ppm	0.15 ppm	—	X
Demeton	8065-48-3	0.01 ppm	0.03 ppm	—	X
Diacetone alcohol (4-hydroxy-4-methyl- 2-pentanone)	123-42-2	50 ppm	75 ppm	—	—
1, 2-Diaminoethane (Ethylenediamine)	107-15-3	10 ppm	20 ppm	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Diazinon	333-41-5	0.1 mg/m ³	0.3 mg/m ³	—	X
Diazomethane	334-88-3	0.2 ppm	0.6 ppm	—	—
Diborane	19287-45-7	0.1 ppm	0.3 ppm	—	—
Dibrom (see Naled)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
1, 2-Dibromo-3-chloropropane (DBCP)	96-12-8	0.001 ppm	—	0.005 ppm	—
2-N-Dibutylamino ethanol	102-81-8	2 ppm	4 ppm	—	X
Dibutyl phosphate	107-66-4	1 ppm	2 ppm	—	—
Dibutyl phthalate	84-74-2	5 mg/m ³	10 mg/m ³	—	—
Dichloroacetylene	7572-29-4	—	—	0.1 ppm	—
o-Dichlorobenzene	95-50-1	—	—	50 ppm	—
p-Dichlorobenzene	106-46-7	75 ppm	110 ppm	—	—
3, 3'-Dichlorobenzidine	91-94-1	—	—	—	—
Dichlorodiphenyltri-chloroethane (DDT)	50-29-3	1 mg/m ³	3 mg/m ³	—	X
Dichlorodifluoromethane	75-71-8	1,000 ppm	1,250 ppm	—	—
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	0.2 mg/m ³	0.4 mg/m ³	—	—
1, 1-Dichloroethane (Ethylidene chloride)	75-34-3	100 ppm	150 ppm	—	—
1, 2-Dichloroethane (Ethylene dichloride)	107-06-2	1 ppm	2 ppm	—	—
1, 1-Dichloroethylene (Vinylidene chloride)	75-35-4	1 ppm	3 ppm	—	—
1, 2-Dichloroethylene (Acetylene dichloride)	540-59-0	200 ppm	250 ppm	—	—
Dichloroethyl ether	111-44-4	5 ppm	10 ppm	—	X
Dichlorofluoromethane	75-43-4	10 ppm	20 ppm	—	—
Dichloromethane (Methylene chloride)	75-09-2	25 ppm	125 ppm	—	—
1, 1-Dichloro-1-nitroethane	594-72-9	2 ppm	10 ppm	—	—
Dichlorophenoxyacetic acid (2, 4-D)	94-75-7	10 mg/m ³	20 mg/m ³	—	—
1, 2-Dichloropropane (Propylene dichloride)	78-87-5	75 ppm	110 ppm	—	—
Dichloropropene	542-75-6	1 ppm	3 ppm	—	X
2, 2-Dichloropropionic acid	75-99-0	1 ppm	3 ppm	—	—
Dichlorotetrafluoroethane	76-14-2	1,000 ppm	1,250 ppm	—	—
Dichlorvos (DDVP)	62-73-7	0.1 ppm	0.3 ppm	—	X
Dicrotophos	141-66-2	0.25 mg/m ³	0.75 mg/m ³	—	X
Dicyclopentadiene	77-73-6	5 ppm	10 ppm	—	—
Dicyclopentadienyl iron	102-54-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Dieldrin	60-57-1	0.25 mg/m ³	0.75 mg/m ³	—	X
Diethanolamine	111-42-2	3 ppm	6 ppm	—	—
Diethylamine	109-89-7	10 ppm	25 ppm	—	—
2-Diethylaminoethanol	100-37-8	10 ppm	20 ppm	—	X
Diethylene triamine	111-40-0	1 ppm	3 ppm	—	X
Diethyl ether (Ethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Diethyl ketone	96-22-0	200 ppm	250 ppm	—	—
Diethyl phthalate	84-66-2	5 mg/m ³	10 mg/m ³	—	—
Difluorodibromomethane	75-61-6	100 ppm	150 ppm	—	—
Difolatan (Captafol)	2425-06-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Diglycidyl ether (DGE)	2238-07-5	0.1 ppm	0.3 ppm	—	—
Dihydroxybenzene (Hydroquinone)	123-31-9	2 mg/m ³	4 mg/m ³	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Diisobutyl ketone (2, 6-Dimethylheptanone)	108-83-8	25 ppm	38 ppm	—	—
Diisopropylamine	108-18-9	5 ppm	10 ppm	—	X
Dimethoxymethane (Methylal)	109-87-5	1,000 ppm	1,250 ppm	—	—
Dimethyl acetamide	127-19-5	10 ppm	20 ppm	—	X
Dimethylamine	124-40-3	10 ppm	20 ppm	—	—
4-Dimethylaminoazo benzene	60-11-7	—	—	—	—
Dimethylaminobenzene (Xylidene)	1300-73-8	2 ppm	4 ppm	—	X
Dimethylaniline (N, N-Dimethylaniline)	121-69-7	5 ppm	10 ppm	—	X
Dimethylbenzene (Xylene)	1300-73-8	100 ppm	150 ppm	—	—
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (Naled)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
Dimethylformamide	68-12-2	10 ppm	20 ppm	—	X
2, 6-Dimethylheptanone (Diisobutyl ketone)	108-83-8	25 ppm	38 ppm	—	—
1, 1-Dimethylhydrazine	57-14-7	0.5 ppm	1.5 ppm	—	X
Dimethyl phthalate	131-11-3	5 mg/m ³	10 mg/m ³	—	—
Dimethyl sulfate	77-78-1	0.1 ppm	0.3 ppm	—	X
Dinitolmide (3, 5-Dinitro-o-toluamide)	148-01-6	5 mg/m ³	10 mg/m ³	—	—
Dinitrobenzene (all isomers - alpha, meta and para)	528-29-0; 99-65-0; 100-25-4	0.15 ppm	0.45 ppm	—	X
Dinitro-o-cresol	534-52-1	0.2 mg/m ³	0.6 mg/m ³	—	X
3, 5-Dinitro-o-toluamide (Dinitolmide)	148-01-6	5 mg/m ³	10 mg/m ³	—	—
Dinitrotoluene	25321-14-6	1.5 mg/m ³	3 mg/m ³	—	X
Dioxane (Diethylene dioxide)	123-91-1	25 ppm	38 ppm	—	X
Dioxathion	78-34-2	0.2 mg/m ³	0.6 mg/m ³	—	X
Diphenyl (Biphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Diphenylamine	122-39-4	10 mg/m ³	20 mg/m ³	—	—
Diphenylmethane diisocyanate (Methylene bisphenyl isocyanate (MDI))	101-68-8	—	—	0.02 ppm	—
Dipropylene glycol methyl ether	34590-94-8	100 ppm	150 ppm	—	X
Dipropyl ketone	123-19-3	50 ppm	75 ppm	—	—
Diquat	85-00-7	0.5 mg/m ³	1.5 mg/m ³	—	—
Di-sec, Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	5 mg/m ³	10 mg/m ³	—	—
Disulfiram	97-77-8	2 mg/m ³	4 mg/m ³	—	—
Disulfoton	298-04-4	0.1 mg/m ³	0.3 mg/m ³	—	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	10 mg/m ³	20 mg/m ³	—	—
Diuron	330-54-1	10 mg/m ³	20 mg/m ³	—	—
Divinyl benzene	1321-74-0	10 ppm	20 ppm	—	—
Emery	12415-34-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Endosulfan (Thiodan)	115-29-7	0.1 mg/m ³	0.3 mg/m ³	—	X
Endrin	72-20-8	0.1 mg/m ³	0.3 mg/m ³	—	X
Epichlorhydrin (1-Chloro-2, 3-epoxypropane)	106-89-8	2 ppm	4 ppm	—	X
EPN	2104-64-5	0.5 mg/m ³	1.5 mg/m ³	—	X
1, 2-Epoxypropane (Propylene oxide)	75-56-9	20 ppm	30 ppm	—	—
2, 3-Epoxy-1-propanol (Glycidol)	556-52-5	25 ppm	38 ppm	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Ethane	—	Simple asphyxiant	—	—	—
Ethanethiol (Ethyl mercaptan)	75-08-1	0.5 ppm	1.5 ppm	—	—
Ethanol (Ethyl alcohol)	64-17-5	1,000 ppm	1,250 ppm	—	—
Ethanolamine (2-Aminoethanol)	141-43-5	3 ppm	6 ppm	—	—
Ethion	563-12-2	0.4 mg/m ³	1.2 mg/m ³	—	X
2-Ethoxyethanol (Glycol monoethyl ether)	110-80-5	5 ppm	10 ppm	—	X
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5 ppm	10 ppm	—	X
Ethyl acetate	141-78-6	400 ppm	500 ppm	—	—
Ethyl acrylate	140-88-5	5 ppm	25 ppm	—	X
Ethyl alcohol (ethanol)	64-17-5	1,000 ppm	1,250 ppm	—	—
Ethylamine	75-04-07	10 ppm	20 ppm	—	—
Ethyl amyl ketone (5-Methyl-3-heptanone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl benzene	100-41-4	100 ppm	125 ppm	—	—
Ethyl bromide	74-96-4	200 ppm	250 ppm	—	—
Ethyl butyl ketone (3-Heptanone)	106-35-4	50 ppm	75 ppm	—	—
Ethyl chloride	75-00-3	1,000 ppm	1,250 ppm	—	—
Ethylene	74-85-1	Simple asphyxiant	—	—	—
Ethylene chlorohydrin (2-Chloroethanol)	107-07-3	—	—	1 ppm	X
Ethylenediamine (1,2-Diaminoethane)	107-15-3	10 ppm	20 ppm	—	X
Ethylene dibromide	106-93-4	0.1 ppm	0.5 ppm	—	—
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylene glycol	107-21-1	—	—	50 ppm	—
Ethylene glycol dinitrate	628-96-6	—	0.1 mg/m ³	—	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	—	5 ppm	10 ppm	—	X
Ethyleneimine	151-56-4	—	—	—	X
Ethylene oxide	75-21-8	1 ppm	5 ppm	—	—
Ethyl ether (Diethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Ethyl formate	109-94-4	100 ppm	125 ppm	—	—
Ethylidene chloride (1, 1-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylidene norbornene	16219-75-3	—	—	5.0 ppm	—
Ethyl mercaptan (Ethanethiol)	75-08-1	0.5 ppm	1.5 ppm	—	—
n-Ethylmorpholine	100-74-3	5 ppm	10 ppm	—	X
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl silicate	78-10-4	10 ppm	20 ppm	—	—
Fenamiphos	22224-92-6	0.1 mg/m ³	0.3 mg/m ³	—	X
Fensulfothion (Dasanit)	115-90-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Fenthion	55-38-9	0.2 mg/m ³	0.6 mg/m ³	—	X
Ferbam	—	—	—	—	—
Total particulate	14484-64-1	10 mg/m ³	20 mg/m ³	—	—
Ferrovandium dust	12604-58-9	1 mg/m ³	3 mg/m ³	—	—
Fluorides (as F)	Varies with compound	2.5 mg/m ³	5 mg/m ³	—	—
Fluorine	7782-41-4	0.1 ppm	0.3 ppm	—	—
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	—	—	1,000 ppm	—
Fonofos	944-22-9	0.1 mg/m ³	0.3 mg/m ³	—	X
Formaldehyde	50-00-0	0.75 ppm	2 ppm	—	—
Formamide	75-12-7	20 ppm	30 ppm	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Formic acid	64-18-6	5 ppm	10 ppm	—	—
Furadon (carbofuran)	1563-66-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Furfural	98-01-1	2 ppm	4 ppm	—	X
Furfuryl alcohol	98-00-0	10 ppm	15 ppm	—	X
Gasoline	8006-61-9	300 ppm	500 ppm	—	—
Germanium tetrahydride	7782-65-2	0.2 ppm	0.6 ppm	—	—
Glass, fibrous or dust	—	10 mg/m ³	20 mg/m ³	—	—
Gluteraldehyde	111-30-8	—	—	0.2 ppm	—
Glycerin mist	56-81-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Glycidol (2, 3-Epoxy-1-propanol)	556-52-5	25 ppm	38 ppm	—	—
Glycol monoethyl ether (2-Ethoxyethanol)	110-80-5	5 ppm	10 ppm	—	X
Grain dust (oat, wheat, barley)	—	10 mg/m ³	20 mg/m ³	—	—
Graphite, natural	7782-42-5	—	—	—	—
Respirable particulate	—	2.5 mg/m ³	5 mg/m ³	—	—
Graphite, synthetic	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Guthion (Azinphosmethyl)	86-50-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Gypsum	13397-24-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Hafnium	7440-58-6	0.5 mg/m ³	1.5 mg/m ³	—	—
Helium	—	Simple asphyxiant	—	—	—
Heptachlor	76-44-8	0.5 mg/m ³	1.5 mg/m ³	—	X
Heptane (n-heptane)	142-82-5	400 ppm	500 ppm	—	—
2-Heptanone (Methyl n-amyl ketone)	110-43-0	50 ppm	75 ppm	—	—
3-Heptanone (Ethyl butyl ketone)	106-35-4	50 ppm	75 ppm	—	—
Hexachlorobutadiene	87-68-3	0.02 ppm	0.06 ppm	—	X
Hexachlorocyclopentadiene	77-47-4	0.01 ppm	0.03 ppm	—	—
Hexachloroethane	67-72-1	1 ppm	3 ppm	—	X
Hexachloronaphthalene	1335-87-1	0.2 mg/m ³	0.6 mg/m ³	—	X
Hexafluoroacetone	684-16-2	0.1 ppm	0.3 ppm	—	X
Hexane	—	—	—	—	—
n-hexane	110-54-3	50 ppm	75 ppm	—	—
other isomers	Varies with compound	500 ppm	1,000 ppm	—	—
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5 ppm	10 ppm	—	—
Hexone (Methyl isobutyl ketone)	108-10-1	50 ppm	75 ppm	—	—
sec-Hexyl acetate	108-84-9	50 ppm	75 ppm	—	—
Hexylene glycol	107-41-5	—	—	25 ppm	—
Hydrazine	302-01-2	0.1 ppm	0.3 ppm	—	X
Hydrogen	—	Simple asphyxiant	—	—	—
Hydrogenated terphenyls	61788-32-7	0.5 ppm	1.5 ppm	—	—
Hydrogen bromide	10035-10-6	—	—	3.0 ppm	—
Hydrogen chloride	7647-01-0	—	—	5.0 ppm	—
Hydrogen cyanide	74-90-8	—	4.7 ppm	—	X
Hydrogen fluoride	7664-39-3	—	—	3 ppm	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Hydrogen peroxide	7722-84-1	1 ppm	3 ppm	—	—
Hydrogen selenide (as Se)	7783-07-5	0.05 ppm	0.15 ppm	—	—
Hydrogen sulfide	7783-06-4	10 ppm	15 ppm	—	—
Hydroquinone (Dihydroxybenzene)	123-31-9	2 mg/m ³	4 mg/m ³	—	—
4-Hydroxy-4-methyl-2-pentanone (Diacetone alcohol)	123-42-2	50 ppm	75 ppm	—	—
2-Hydroxypropyl acrylate	99-61-1	0.5 ppm	1.5 ppm	—	X
Indene	95-13-6	10 ppm	20 ppm	—	—
Indium and compounds (as In)	7440-74-6	0.1 mg/m ³	0.3 mg/m ³	—	—
Iodine	7553-56-2	—	—	0.1 ppm	—
Iodoform	75-47-8	0.6 ppm	1.8 ppm	—	—
Iron oxide dust and fume (as Fe)	1309-37-1	—	—	—	—
Total particulate	—	5 mg/m ³	10 mg/m ³	—	—
Iron pentacarbonyl (as Fe)	13463-40-6	0.1 ppm	0.2 ppm	—	—
Iron salts, soluble (as Fe)	Varies with compound	1 mg/m ³	3 mg/m ³	—	—
Isoamyl acetate	123-92-2	100 ppm	150 ppm	—	—
Isoamyl alcohol (primary and secondary)	123-51-3	100 ppm	125 ppm	—	—
Isobutyl acetate	110-19-0	150 ppm	188 ppm	—	—
Isobutyl alcohol	78-83-1	50 ppm	75 ppm	—	—
Isooctyl alcohol	26952-21-6	50 ppm	75 ppm	—	X
Isophorone	78-59-1	4 ppm	—	5 ppm	—
Isophorone diisocyanate	4098-71-9	0.005 ppm	0.02 ppm	—	X
Isopropoxyethanol	109-59-1	25 ppm	38 ppm	—	—
Isopropyl acetate	108-21-4	250 ppm	310 ppm	—	—
Isopropyl alcohol	67-63-0	400 ppm	500 ppm	—	—
Isopropylamine	75-31-0	5 ppm	10 ppm	—	—
N-Isopropylaniline	768-52-5	2 ppm	4 ppm	—	X
Isopropyl ether	108-20-3	250 ppm	313 ppm	—	—
Isopropyl glycidyl ether (IGE)	4016-14-2	50 ppm	75 ppm	—	—
Kaolin	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Ketene	463-51-4	0.5 mg/m ³	1.5 mg/m ³	—	—
Lannate (Methomyl)	16752-77-5	2.5 mg/m ³	5 mg/m ³	—	—
Lead, inorganic (as Pb)	7439-92-1	0.05 mg/m ³	—	—	—
Lead arsenate (as Pb)	3687-31-8	0.05 mg/m ³	—	—	—
Lead chromate (as Pb)	7758-97-6	0.05 mg/m ³	—	—	—
Limestone	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Lindane	58-89-9	0.5 mg/m ³	1.5 mg/m ³	—	X
Lithium hydride	7580-67-8	0.025 mg/m ³	0.075 mg/m ³	—	—
L.P.G. (liquefied petroleum gas)	68476-85-7	1,000 ppm	1,250 ppm	—	—
Magnesite	546-93-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Magnesium oxide fume	1309-48-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Malathion	121-75-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	X
Maleic anhydride	108-31-6	0.25 ppm	0.75 ppm	—	—
Manganese and compounds (as Mn)	7439-96-5	—	—	5 mg/m ³	—
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Manganese tetroxide and fume (as Mn)	7439-96-5	1 mg/m ³	3 mg/m ³	—	—
Marble	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
MBOCA (4, 4'-Methylene bis (2-chloro-aniline))	101-14-4	—	—	—	X
MDA (4, 4'-Methylene dianiline)	101-77-9	0.01 ppm	0.1 ppm	—	X
MDI (Methylene bisphenyl isocyanate) (Diphenylmethane diisocyanate)	101-68-8	—	—	0.02 ppm	—
MEK (Methyl ethyl ketone) (2-Butanone)	78-93-3	200 ppm	300 ppm	—	—
MEKP (Methyl ethyl ketone peroxide)	1338-23-4	—	—	0.2 ppm	—
Mercury (as Hg)	7439-97-6	—	—	—	—
Aryl and inorganic	—	0.1 mg/m ³	0.3 mg/m ³	—	X
Organo-alkyl compounds	—	0.01 mg/m ³	0.03 mg/m ³	—	X
Vapor	—	0.05 mg/m ³	0.15 mg/m ³	—	X
Mesityl oxide	141-79-7	15 ppm	25 ppm	—	—
Methacrylic acid	79-41-4	20 ppm	30 ppm	—	X
Methane	—	Simple asphyxiant	—	—	—
Methanethiol (Methyl mercaptan)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methanol (Methyl alcohol)	67-56-1	200 ppm	250 ppm	—	X
Methomyl (lannate)	16752-77-5	2.5 mg/m ³	5 mg/m ³	—	—
Methoxychlor	72-43-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5 ppm	10 ppm	—	X
2-Methoxyethyl acetate (Methyl cellosolve acetate)	110-49-6	5 ppm	10 ppm	—	X
4-Methoxyphenol	150-76-5	5 mg/m ³	10 mg/m ³	—	—
Methyl acetate	79-20-9	200 ppm	250 ppm	—	—
Methyl acetylene (propyne)	74-99-7	1,000 ppm	1,250 ppm	—	—
Methyl acetylene-propadiene mixture (MAPP)	—	1,000 ppm	1,250 ppm	—	—
Methyl acrylate	96-33-3	10 ppm	20 ppm	—	X
Methylacrylonitrile	126-98-7	1 ppm	3 ppm	—	X
Methylal (Dimethoxy-methane)	109-87-5	1,000 ppm	1,250 ppm	—	—
Methyl alcohol (methanol)	67-56-1	200 ppm	250 ppm	—	X
Methylamine	74-89-5	10 ppm	20 ppm	—	—
Methyl amyl alcohol (Methyl isobutyl carbinol)	108-11-2	25 ppm	40 ppm	—	X
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50 ppm	75 ppm	—	—
N-Methyl aniline (Monomethyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Methyl bromide	74-83-9	5 ppm	10 ppm	—	X
Methyl-n-butyl ketone (2-Hexanone)	591-78-6	5 ppm	10 ppm	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Methyl cellosolve (2-Methoxyethanol)	109-86-4	5 ppm	10 ppm	—	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5 ppm	10 ppm	—	X
Methyl chloride	74-87-3	50 ppm	100 ppm	—	—
Methyl chloroform (1, 1, 1-trichloroethane)	71-55-6	350 ppm	450 ppm	—	—
Methyl chloromethyl ether (chloromethyl methyl ether)	107-30-2	—	—	—	—
Methyl 2-cyanoacrylate	137-05-3	2 ppm	4 ppm	—	—
Methylcyclohexane	108-87-2	400 ppm	500 ppm	—	—
Methylcyclohexanol	25639-42-3	50 ppm	75 ppm	—	—
Methylcyclohexanone	583-60-8	50 ppm	75 ppm	—	X
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	0.2 mg/m ³	0.6 mg/m ³	—	X
Methyl demeton	8022-00-2	0.5 mg/m ³	1.5 mg/m ³	—	X
Methylene bisphenyl isocyanate (MDI) (Diphenylmethane diisocyanate)	101-68-8	—	—	0.02 ppm	—
4, 4'-Methylene bis (2-chloro-aniline) (MBOCA)	101-14-4	—	—	—	X
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	—	—	0.01 ppm	—
Methylene chloride (Dichloromethane)	75-09-2	25 ppm	125 ppm	—	—
4, 4-Methylene dianiline (MDA)	101-77-9	0.01 ppm	0.1 ppm	—	X
Methyl ethyl ketone (MEK) (2-Butanone)	78-93-3	200 ppm	300 ppm	—	—
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	—	—	0.2 ppm	—
Methyl formate	107-31-3	100 ppm	150 ppm	—	—
5-Methyl-3-heptanone (Ethyl amyl ketone)	541-85-5	25 ppm	38 ppm	—	—
Methyl hydrazine (Monomethyl hydrazine)	60-34-4	—	—	0.2 ppm	X
Methyl iodide	74-88-4	2 ppm	4 ppm	—	X
Methyl isoamyl ketone	110-12-3	50 ppm	75 ppm	—	—
Methyl isobutyl carbinol (Methyl amyl alcohol)	108-11-2	25 ppm	40 ppm	—	X
Methyl isobutyl ketone (Hexone)	108-10-1	50 ppm	75 ppm	—	—
Methyl isocyanate	624-83-9	0.02 ppm	0.06 ppm	—	X
Methyl isopropyl ketone	563-80-4	200 ppm	250 ppm	—	—
Methyl mercaptan (Methanethiol)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methyl methacrylate	80-62-6	100 ppm	150 ppm	—	—
Methyl parathion	298-00-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Methyl propyl ketone (2-Pentanone)	107-87-9	200 ppm	250 ppm	—	—
Methyl silicate	684-84-5	1 ppm	3 ppm	—	—
alpha-Methyl styrene	98-83-9	50 ppm	100 ppm	—	—
Mevinphos (Phosdrin)	7786-34-7	0.01 ppm	0.03 ppm	—	X
Metribuzin	21087-64-9	5 mg/m ³	10 mg/m ³	—	—
Mica (Silicates) Respirable fraction	12001-26-2	3 mg/m ³	6 mg/m ³	—	—
Molybdenum (as Mo)	7439-98-7	—	—	—	—
Soluble compounds	—	5 mg/m ³	10 mg/m ³	—	—
Insoluble compounds	—	10 mg/m ³	20 mg/m ³	—	—
Monochlorobenzene (Chlorobenzene)	108-90-7	75 ppm	113 ppm	—	—
Monocrotophos (Azodrin)	6923-22-4	0.25 mg/m ³	0.75 mg/m ³	—	—
Monomethyl aniline (N-Methyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Monomethyl hydrazine	—	—	—	0.2 ppm	—
Morpholine	110-91-8	20 ppm	30 ppm	—	X
Naled (Dibrom)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
Naphtha	8030-30-6	100 ppm	150 ppm	—	X
Naphthalene	91-20-3	10 ppm	15 ppm	—	—
alpha-Naphthylamine	134-32-7	—	—	—	—
beta-Naphthylamine	91-59-8	—	—	—	—
Neon	7440-01-9	Simple asphyxiant	—	—	—
Nickel carbonyl (as Ni)	13463-39-3	0.001 ppm	0.003 ppm	—	—
Nickel (as Ni)	7440-02-0	—	—	—	—
Metal and insoluble compounds	—	1 mg/m ³	3 mg/m ³	—	—
Soluble compounds	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Nicotine	54-11-5	0.5 mg/m ³	1.5 mg/m ³	—	X
Nitrapyrin (2-Chloro-6-trichloromethyl pyridine)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Nitric acid	7697-37-2	2 ppm	4 ppm	—	—
Nitric oxide	10102-43-9	25 ppm	38 ppm	—	—
p-Nitroaniline	100-01-6	3 mg/m ³	6 mg/m ³	—	X
Nitrobenzene	98-95-3	1 ppm	3 ppm	—	X
4-Nitrobiphenyl	92-93-3	—	—	—	—
p-Nitrochlorobenzene	100-00-5	0.5 mg/m ³	1.5 mg/m ³	—	X
4-Nitrodiphenyl	—	—	—	—	—
Nitroethane	79-24-3	100 ppm	150 ppm	—	—
Nitrogen	7727-37-9	Simple asphyxiant	—	—	—
Nitrogen dioxide	10102-44-0	—	1 ppm	—	—
Nitrogen oxide (Nitrous oxide)	10024-97-2	50 ppm	75 ppm	—	—
Nitrogen trifluoride	7783-54-2	10 ppm	20 ppm	—	—
Nitroglycerin	55-63-0	—	0.1 mg/m ³	—	X
Nitromethane	75-52-5	100 ppm	150 ppm	—	—
1-Nitropropane	108-03-2	25 ppm	38 ppm	—	—
2-Nitropropane	79-46-9	10 ppm	20 ppm	—	—
N-Nitrosodimethylamine	62-75-9	—	—	—	—
Nitrotoluene	—	—	—	—	—
o-isomer	88-72-2	2 ppm	4 ppm	—	X
m-isomer	98-08-2	2 ppm	4 ppm	—	X
p-isomer	99-99-0	2 ppm	4 ppm	—	X
Nitrotrichloromethane (Chloropicrin)	76-06-2	0.1 ppm	0.3 ppm	—	—
Nitrous oxide (Nitrogen oxide)	10024-97-2	50 ppm	75 ppm	—	—
Nonane	111-84-2	200 ppm	250 ppm	—	—
Octachloronaphthalene	2234-13-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Octane	111-65-9	300 ppm	375 ppm	—	—
Oil mist mineral (particulate)	8012-95-1	5 mg/m ³	10 mg/m ³	—	—
Osmium tetroxide (as Os)	20816-12-0	0.0002 ppm	0.0006 ppm	—	—
Oxalic acid	144-62-7	1 mg/m ³	2 mg/m ³	—	—
Oxygen difluoride	7783-41-7	—	—	0.05 ppm	—
Ozone	10028-15-6	0.1 ppm	0.3 ppm	—	—
Paper fiber (Cellulose)	9004-34-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Paraffin wax fume	8002-74-2	2 mg/m ³	4 mg/m ³	—	—
Paraquat	—	—	—	—	—
Respirable fraction	4685-14-7 1910-42-5 2074-50-2	0.1 mg/m ³	0.3 mg/m ³	—	X
Parathion	56-38-2	0.1 mg/m ³	0.3 mg/m ³	—	X
Particulate polycyclic aromatic hydrocarbons (benzene soluble fraction) (coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Particulates not otherwise regulated	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pentaborane	19624-22-7	0.005 ppm	0.015 ppm	—	—
Pentachloronaphthalene	1321-64-8	0.5 mg/m ³	1.5 mg/m ³	—	X
Pentachlorophenol	87-86-5	0.5 mg/m ³	1.5 mg/m ³	—	X
Pentaerythritol	115-77-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pentane	109-66-0	600 ppm	750 ppm	—	—
2-Pentanone (methyl propyl ketone)	107-87-9	200 ppm	250 ppm	—	—
Perchloroethylene (tetrachloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Perchloromethyl mercaptan	594-42-3	0.1 ppm	0.3 ppm	—	—
Perchloryl fluoride	7616-94-6	3 ppm	6 ppm	—	—
Perlite	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Petroleum distillates (Naptha, rubber solvent)	—	100 ppm	150 ppm	—	—
Phenacyl chloride (a-Chloroacetophenone)	532-21-4	0.05 ppm	0.15 ppm	—	—
Phenol	108-95-2	5 ppm	10 ppm	—	X
Phenothiazine	92-84-2	5 mg/m ³	10 mg/m ³	—	X
p-Phenylene diamine	106-50-3	0.1 mg/m ³	0.3 mg/m ³	—	X
Phenyl ether (vapor)	101-84-8	1 ppm	3 ppm	—	—
Phenyl ether-diphenyl mixture (vapor)	—	1 ppm	3 ppm	—	—
Phenylethylene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Phenyl glycidyl ether (PGE)	122-60-1	1 ppm	3 ppm	—	—
Phenylhydrazine	100-63-0	5 ppm	10 ppm	—	X
Phenyl mercaptan	108-98-5	0.5 ppm	1.5 ppm	—	—
Phenylphosphine	638-21-1	—	—	0.05 ppm	—
Phorate	298-02-2	0.05 mg/m ³	0.2 mg/m ³	—	X
Phosdrin (Mevinphos)	7786-34-7	0.01 ppm	0.03 ppm	—	X
Phosgene (carbonyl chloride)	75-44-5	0.1 ppm	0.3 ppm	—	—
Phosphine	7803-51-2	0.3 ppm	1 ppm	—	—
Phosphoric acid	7664-38-2	1 mg/m ³	3 mg/m ³	—	—
Phosphorus (yellow)	7723-14-0	0.1 mg/m ³	0.3 mg/m ³	—	—
Phosphorous oxychloride	10025-87-3	0.1 ppm	0.3 ppm	—	—
Phosphorus pentachloride	10026-13-8	0.1 ppm	0.3 ppm	—	—
Phosphorus pentasulfide	1314-80-3	1 mg/m ³	3 mg/m ³	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Phosphorus trichloride	12-2-19	0.2 ppm	0.5 ppm	—	—
Phthalic anhydride	85-44-9	1 ppm	3 ppm	—	—
m-Phthalodinitrile	626-17-5	5 mg/m ³	10 mg/m ³	—	—
Picloram	1918-02-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Picric acid (2, 4, 6-Trinitrophenol)	88-89-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Pindone (2-Pivalyl-1, 3-indandione, Pival)	83-26-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Piperazine dihydrochloride	142-64-3	5 mg/m ³	10 mg/m ³	—	—
Pival (Pindone)	83-26-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Plaster of Paris	26499-65-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Platinum (as Pt)	7440-06-4	—	—	—	—
Metal	—	1 mg/m ³	3 mg/m ³	—	—
Soluble salts	—	0.002 mg/m ³	0.006 mg/m ³	—	—
Polychlorobiphenyls (Chlorodiphenyls)	—	—	—	—	—
42% Chlorine (PCB)	53469-21-9	1 mg/m ³	3 mg/m ³	—	X
54% Chlorine (PCB)	11097-69-1	0.5 mg/m ³	1.5 mg/m ³	—	X
Portland cement	65997-15-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Potassium hydroxide	1310-58-3	—	—	2 mg/m ³	—
Propane	74-98-6	1,000 ppm	1,250 ppm	—	—
Propargyl alcohol	107-19-7	1 ppm	3 ppm	—	X
beta-Propiolactone	57-57-8	—	—	—	—
Propionic acid	79-09-4	10 ppm	20 ppm	—	—
Propoxur (Baygon)	114-26-1	0.5 mg/m ³	1.5 mg/m ³	—	—
n-Propyl acetate	109-60-4	200 ppm	250 ppm	—	—
n-Propyl alcohol	71-23-8	200 ppm	250 ppm	—	X
n-Propyl nitrate	627-13-4	25 ppm	40 ppm	—	—
Propylene	—	Simple asphyxiant	—	—	—
Propylene dichloride (1, 2-Dichloropropane)	78-87-5	75 ppm	110 ppm	—	—
Propylene glycol dinitrate	6423-43-4	0.05 ppm	0.15 ppm	—	X
Propylene glycol monomethyl ether	107-98-2	100 ppm	150 ppm	—	—
Propylene imine	75-55-8	2 ppm	4 ppm	—	X
Propylene oxide (1,2-Epoxypropane)	75-56-9	20 ppm	30 ppm	—	—
Propyne (Methyl acetylene)	74-99-7	1,000 ppm	1,250 ppm	—	—
Pyrethrum	8003-34-7	5 mg/m ³	10 mg/m ³	—	—
Pyridine	110-86-1	5 ppm	10 ppm	—	—
Pyrocatechol (Catechol)	120-80-9	5 ppm	10 ppm	—	X
Quinone (p-Benzoquinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
RDX (Cyclonite)	—	1.5 mg/m ³	3 mg/m ³	—	X
Resorcinol	108-46-3	10 ppm	20 ppm	—	—
Rhodium (as Rh)	7440-16-6	—	—	—	—
Insoluble compounds, metal fumes and dusts	—	0.1 mg/m ³	0.3 mg/m ³	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Soluble compounds, salts	—	0.001 mg/m ³	0.003 mg/m ³	—	—
Ronnel	299-84-3	10 mg/m ³	20 mg/m ³	—	—
Rosin core solder, pyrolysis products (as formaldehyde)	8050-09-7	0.1 mg/m ³	0.3 mg/m ³	—	—
Rotenone	83-79-4	5 mg/m ³	10 mg/m ³	—	—
Rouge	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Rubber solvent (naphtha)	8030-30-6	100 ppm	150 ppm	—	—
Selenium compounds (as Se)	7782-49-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Selenium hexafluoride (as Se)	7783-79-1	0.05 ppm	0.15 ppm	—	—
Sesone (Crag herbicide)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Sevin (Carbaryl)	63-25-2	5 mg/m ³	10 mg/m ³	—	—
Silane (see Silicon tetrahydride)	7803-62-5	5 ppm	10 ppm	—	—
Silica, amorphous, precipitated and gel	112926-00-8	6 mg/m ³	12 mg/m ³	—	—
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Silica, crystalline cristobalite	—	—	—	—	—
Respirable fraction	14464-46-1	0.05 mg/m ³	0.15 mg/m ³	—	—
<u>Applies where the exposure limit in chapter 296-840 WAC is not in effect.</u>					
Silica, crystalline quartz	—	—	—	—	—
Respirable fraction	14808-60-7	0.1 mg/m ³	0.3 mg/m ³	—	—
<u>Applies where the exposure limit in chapter 296-840 WAC is not in effect.</u>					
Silica, crystalline tripoli (as quartz)	—	—	—	—	—
Respirable fraction	1317-95-9	0.1 mg/m ³	0.3 mg/m ³	—	—
Silica, crystalline tridymite	—	—	—	—	—
Respirable fraction	15468-32-3	0.05 mg/m ³	0.15 mg/m ³	—	—
<u>Applies where the exposure limit in chapter 296-840 WAC is not in effect.</u>					
Silica, fused	—	—	—	—	—
Respirable fraction	60676-86-0	0.1 mg/m ³	0.3 mg/m ³	—	—
Silicates (less than 1% crystalline silica)	—	—	—	—	—
Mica	—	—	—	—	—
Respirable fraction	12001-26-2	3 mg/m ³	6 mg/m ³	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Talc (containing asbestos)	—	—	—	—	—
Talc (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m ³	4 mg/m ³	—	—
Tremolite	—	—	—	—	—
Silicon	7440-21-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Silicon carbide	409-21-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Silicon tetrahydride (Silane)	7803-62-5	5 ppm	10 ppm	—	—
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	0.01 mg/m ³	0.03 mg/m ³	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Sodium azide (as HN ₃ or NaN ₃)	26628-22-8	—	—	0.1 ppm	X
Sodium bisulfite	7631-90-5	5 mg/m ³	10 mg/m ³	—	—
Sodium-2, 4-dichloro-phenoxyethyl sulfate (Crag herbicide)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Sodium fluoroacetate	62-74-8	0.05 mg/m ³	0.15 mg/m ³	—	X
Sodium hydroxide	1310-73-2	—	—	2 mg/m ³	—
Sodium metabisulfite	7681-57-4	5 mg/m ³	10 mg/m ³	—	—
Starch	9005-25-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Stibine	7803-52-3	0.1 ppm	0.3 ppm	—	—
Stoddard solvent	8052-41-3	100 ppm	150 ppm	—	—
Strychnine	57-24-9	0.15 mg/m ³	0.45 mg/m ³	—	—
Styrene (Phenylethylene, Vinyl benzene)	100-42-5	50 ppm	100 ppm	—	—
Subtilisins	9014-01-1	—	0.00006 mg/m ³ (60 min.)	—	—
Sucrose	57-50-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Sulfotep (TEDP)	3689-24-5	0.2 mg/m ³	0.6 mg/m ³	—	X
Sulfur dioxide	7446-09-5	2 ppm	5 ppm	—	—
Sulfur hexafluoride	2551-62-4	1,000 ppm	1,250 ppm	—	—
Sulfuric acid	7664-93-9	1 mg/m ³	3 mg/m ³	—	—
Sulfur monochloride	10025-67-9	—	—	1 ppm	—
Sulfur pentafluoride	5714-22-1	—	—	0.01 ppm	—
Sulfur tetrafluoride	7783-60-0	—	—	0.1 ppm	—
Sulfuryl fluoride	2699-79-8	5 ppm	10 ppm	—	—
Sulprofos	35400-43-2	1 mg/m ³	3 mg/m ³	—	—
Systox (Demeton)	8065-48-3	0.01 ppm	0.03 ppm	—	X
2, 4, 5-T	93-76-5	10 mg/m ³	20 mg/m ³	—	—
Talc (containing asbestos)	—	—	—	—	—
Talc (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m ³	4 mg/m ³	—	—
Tantalum	—	—	—	—	—
Metal and oxide dusts	7440-25-7	5 mg/m ³	10 mg/m ³	—	—
TDI (Toluene-2, 4-diisocyanate)	584-84-9	0.005 ppm	0.02 ppm	—	—
TEDP (Sulfotep)	3689-24-5	0.2 mg/m ³	0.6 mg/m ³	—	X

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Tellurium and compounds (as Te)	13494-80-9	0.1 mg/m ³	0.3 mg/m ³	—	—
Tellurium hexafluoride (as Te)	7783-80-4	0.02 ppm	0.06 ppm	—	—
Temephos (Abate)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
TEPP	107-49-3	0.004 ppm	0.012 ppm	—	X
Terphenyls	26140-60-3	—	—	0.5 ppm	—
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloroethane	79-34-5	1 ppm	3 ppm	—	X
Tetrachloroethylene (Perchloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Tetrachloromethane (Carbon tetrachloride)	56-23-5	2 ppm	4 ppm	—	X
Tetrachloronaphthalene	1335-88-2	2 mg/m ³	4 mg/m ³	—	X
Tetraethyl lead (as Pb)	78-00-2	0.075 mg/m ³	0.225 mg/m ³	—	X
Tetrahydrofuran	109-99-9	200 ppm	250 ppm	—	—
Tetramethyl lead (as Pb)	75-74-1	0.075 mg/m ³	0.225 mg/m ³	—	X
Tetramethyl succinonitrile	3333-52-6	0.5 ppm	1.5 ppm	—	X
Tetranitromethane	509-14-8	1 ppm	3 ppm	—	—
Tetrasodium pyrophosphate	7722-88-5	5 mg/m ³	10 mg/m ³	—	—
Tetryl (2, 4, 6-trinitrophenyl-methylnitramine)	479-45-8	1.5 mg/m ³	3 mg/m ³	—	X
Thallium (soluble compounds) (as Tl)	7440-28-0	0.1 mg/m ³	0.3 mg/m ³	—	X
4, 4-Thiobis (6-tert-butyl-m-cresol)	96-69-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Thiodan (Endosulfan)	115-29-7	0.1 mg/m ³	0.3 mg/m ³	—	X
Thioglycolic acid	68-11-1	1 ppm	3 ppm	—	X
Thionyl chloride	7719-09-7	—	—	1 ppm	—
Thiram	137-26-8	5 mg/m ³	10 mg/m ³	—	—
Tin (as Sn)	—	—	—	—	—
Inorganic compounds	7440-31-5	2 mg/m ³	4 mg/m ³	—	—
Organic compounds	7440-31-5	0.1 mg/m ³	0.3 mg/m ³	—	X
Tin oxide (as Sn)	21651-19-4	2 mg/m ³	4 mg/m ³	—	—
Titanium dioxide	13463-67-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
TNT (2, 4, 6-Trinitrotoluene)	118-96-7	0.5 mg/m ³	1.5 mg/m ³	—	X
Toluene	108-88-3	100 ppm	150 ppm	—	—
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005 ppm	0.02 ppm	—	—
m-Toluidine	108-44-1	2 ppm	4 ppm	—	X
o-Toluidine	95-53-4	2 ppm	4 ppm	—	X
p-Toluidine	106-49-0	2.0 ppm	4 ppm	—	X
Toxaphene (Chlorinated camphene)	8001-35-2	0.5 mg/m ³	1 mg/m ³	—	X
Tremolite	—	—	—	—	—
Tributyl phosphate	126-73-8	0.2 ppm	0.6 ppm	—	—
Trichloroacetic acid	76-03-9	1 ppm	3 ppm	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
1, 2, 4-Trichlorobenzene	120-82-1	—	—	5 ppm	—
1, 1, 1-Trichloroethane (Methyl chloroform)	71-55-6	350 ppm	450 ppm	—	—
1, 1, 2-Trichloroethane	79-00-5	10 ppm	20 ppm	—	—
Trichloroethylene	79-01-6	50 ppm	200 ppm	—	—
Trichlorofluoromethane (Fluorotrichloromethane)	75-69-4	—	—	1,000 ppm	—
Trichloromethane (Chloroform)	67-66-3	2 ppm	4 ppm	—	—
Trichloronaphthalene	1321-65-9	5 mg/m ³	10 mg/m ³	—	X
1, 2, 3-Trichloropropane	96-18-4	10 ppm	20 ppm	—	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000 ppm	1,250 ppm	—	—
Tricyclohexyltin hydroxide (Cyhexatin)	13121-70-5	5 mg/m ³	10 mg/m ³	—	—
Triethylamine	121-44-8	10 ppm	15 ppm	—	—
Trifluorobromomethane	75-63-8	1,000 ppm	1,250 ppm	—	—
Trimellitic anhydride	552-30-7	0.005 ppm	0.015 ppm	—	—
Trimethylamine	75-50-3	10 ppm	15 ppm	—	—
Trimethyl benzene	25551-13-7	25 ppm	38 ppm	—	—
Trimethyl phosphite	121-45-9	2 ppm	4 ppm	—	—
2, 4, 6-Trinitrophenol (Picric acid)	88-89-1	0.1 mg/m ³	0.3 mg/m ³	—	X
2, 4, 6-Trinitrophenyl-methylnitramine (Tetryl)	479-45-8	1.5 mg/m ³	3 mg/m ³	—	X
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	0.5 mg/m ³	1.5 mg/m ³	—	X
Triorthocresyl phosphate	78-30-8	0.1 mg/m ³	0.3 mg/m ³	—	X
Triphenyl amine	603-34-9	5 mg/m ³	10 mg/m ³	—	—
Triphenyl phosphate	115-86-6	3 mg/m ³	6 mg/m ³	—	—
Tungsten (as W)	7440-33-7	—	—	—	—
Soluble compounds	—	1 mg/m ³	3 mg/m ³	—	—
Insoluble compounds	—	5 mg/m ³	10 mg/m ³	—	—
Turpentine	8006-64-2	100 ppm	150 ppm	—	—
Uranium (as U)	7440-61-1	—	—	—	—
Soluble compounds	—	0.05 mg/m ³	0.15 mg/m ³	—	—
Insoluble compounds	—	0.2 mg/m ³	0.6 mg/m ³	—	—
n-Valeraldehyde	110-62-3	50 ppm	75 ppm	—	—
Vanadium (as V2O5)	—	—	—	—	—
Respirable fraction	1314-62-1	0.05 mg/m ³	0.15 mg/m ³	—	—
Vegetable oil mist	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Vinyl acetate	108-05-1	10 ppm	20 ppm	—	—
Vinyl benzene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Vinyl bromide	593-60-2	5 ppm	10 ppm	—	—
Vinyl chloride (Chloroethylene)	75-01-4	1 ppm	5 ppm	—	—
Vinyl cyanide (Acrylonitrile)	107-13-1	2 ppm	10 ppm	—	—
Vinyl cyclohexene dioxide	106-87-6	10 ppm	20 ppm	—	X
Vinyl toluene	25013-15-4	50 ppm	75 ppm	—	—
Vinylidene chloride (1, 1-Dichloroethylene)	75-35-4	1 ppm	3 ppm	—	—
VM & P Naphtha	8032-32-4	300 ppm	400 ppm	—	—
Warfarin	81-81-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Welding fumes (total particulate)	—	5 mg/m ³	10 mg/m ³	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Wood dust	—	—	—	—	—
Nonallergenic; (All woods except allergenics)	—	5 mg/m ³	10 mg/m ³	—	—
Allergenics (e.g. cedar, mahogany and teak)	—	2.5 mg/m ³	5 mg/m ³	—	—
Xylenes (ortho, meta, and para isomers) (Dimethylbenzene)	1330-20-7	100 ppm	150 ppm	—	—
m-Xylene alpha, alpha-diamine	1477-55-0	—	—	0.1 mg/m ³	X
Xylidine (Dimethylaminobenzene)	1300-73-8	2 ppm	4 ppm	—	X
Yttrium	7440-65-5	1 mg/m ³	3 mg/m ³	—	—
Zinc chloride fume	7646-85-7	1 mg/m ³	2 mg/m ³	—	—
Zinc chromate (as CrO ₃)	Varies with compound	0.05 mg/m ³	—	0.1 mg/m ³	—
Zinc oxide	1314-13-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Zinc oxide fume	1314-13-2	5 mg/g ³	10 mg/m ³	—	—
Zinc stearate	557-05-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Zirconium compounds (as Zr)	7440-67-2	5 mg/m ³	10 mg/m ³	—	—

Chapter 296-840 WAC

RESPIRABLE CRYSTALLINE SILICA

NEW SECTION

WAC 296-840-095 Definitions. For the purposes of this chapter the following definitions apply:

Action level. A concentration of airborne respirable crystalline silica of 25 µg/m³, calculated as an 8-hour time-weighted average (TWA).

Competent person. An individual who is capable of identifying existing and foreseeable respirable crystalline silica hazards in the workplace and who has authorization to take prompt corrective measures to eliminate or minimize them. The competent person must have the knowledge and ability necessary to fulfill the responsibilities set forth in WAC 296-840-140.

Construction work. All or any part of excavation, construction, erection, alteration, repair, demolition, and dismantling, of buildings and other structures and all operations in connection therewith; the excavation, construction, alteration and repair of sewers, trenches, caissons, conduits, pipe lines, roads and all operations pertaining thereto; the moving of buildings and other structures, and to the construction, alteration, repair, or removal of wharfs, docks, bridges, culverts, trestles, piers, abutments or any other construction, alteration, repair or removal work related thereto.

Director. The director of the department of labor and industries or his/her authorized representative.

DOSH. The division of occupational safety and health, Washington state department of labor and industries.

Employee exposure. The exposure to airborne respirable crystalline silica that would occur if the employee were not using a respirator.

High-efficiency particulate air (HEPA) filter. A filter that is at least 99.97 percent efficient in removing mono-dispersed particles of 0.3 micrometers in diameter.

Objective data. Information, such as air monitoring data from industry-wide surveys or calculations based on the composition of a substance, demonstrating employee exposure to respirable crystalline silica associated with a particular product or material or a specific process, task, or activity. The data must reflect workplace conditions closely resembling or with a higher exposure potential than the processes, types of material, control methods, work practices, and environmental conditions in the employer's current operations.

Permissible exposure limit (PEL). A concentration of airborne respirable crystalline silica of 50 µg/m³, calculated as an 8-hour TWA.

Physician or other licensed health care professional (PLHCP). An individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently provide or be delegated the responsibility to provide some or all of the particular health care services required by WAC 296-840-145.

Regulated area. An area, demarcated by the employer, where an employee's exposure to airborne concentrations of respirable crystalline silica exceeds, or can reasonably be expected to exceed, the PEL.

Respirable crystalline silica. Quartz, cristobalite, and/or tridymite contained in airborne particles that are determined to be respirable by a sampling device designed to meet the characteristics for respirable-particle-size-selective sam-

plers specified in the International Organization for Standardization (ISO) 7708:1995: Air quality - Particle size fraction definitions for health-related sampling.

Specialist. An American Board Certified Specialist in Pulmonary Disease or an American Board Certified Specialist in Occupational Medicine.

NEW SECTION

WAC 296-840-100 Scope and application. This chapter applies to all occupational exposures to respirable crystalline silica, except for the following:

(1) Where employee exposure results from the processing of sorptive clays.

(2) Where documented objective data demonstrates that employee exposures to respirable crystalline silica will remain below 25 micrograms per cubic meter of air (25 µg/m³) as an 8-hour TWA under any foreseeable conditions.

NEW SECTION

WAC 296-840-105 Exposure assessment. This section applies to all occupational exposures except for tasks performed according to the requirements in WAC 296-840-110.

(1) Permissible exposure limit (PEL). You must ensure that no employee is exposed to an airborne concentration of respirable crystalline silica in excess of the 8-hour TWA.

(2) Exposure assessment. You must assess the exposure of each employee who is or may reasonably be expected to be exposed to respirable crystalline silica at or above the action level in accordance with either the performance option in (a) of this subsection or the scheduled monitoring option in (b) of this subsection.

(a) Performance option. You must assess the 8-hour TWA for each employee on the basis of any combination of air monitoring data or objective data sufficient to accurately characterize employee exposures to respirable crystalline silica.

(b) Scheduled monitoring option:

(i) You must perform initial monitoring to assess the 8-hour TWA for each employee on the basis of personal breathing zone air samples that reflect the exposures of employees on each shift, for each job classification, in each work area.

(ii) Where several employees perform the same tasks on the same shift and in the same work area, you may sample a representative fraction of these employees in order to meet this requirement.

(iii) In representative sampling, you must sample the employee(s) who are expected to have the highest exposure to respirable crystalline silica.

(iv) If initial monitoring indicates that employee exposures are below the action level, you may discontinue monitoring for those employees whose exposures are represented by such monitoring.

(v) Where the most recent exposure monitoring indicates that employee exposures are at or above the action level but at or below the PEL, you must repeat such monitoring within six months of the most recent monitoring.

(vi) Where the most recent exposure monitoring indicates that employee exposures are above the PEL, the

employer shall repeat such monitoring within three months of the most recent monitoring.

(vii) Where the most recent (noninitial) exposure monitoring indicates that employee exposures are below the action level, you must repeat such monitoring within six months of the most recent monitoring until two consecutive measurements, taken seven or more days apart, are below the action level, at which time the employer may discontinue monitoring for those employees whose exposures are represented by such monitoring, except as otherwise provided in subsection (3) of this section.

(3) Reassessment of exposures. You must reassess exposures whenever a change in the production, process, control equipment, personnel, or work practices may reasonably be expected to result in new or additional exposures at or above the action level, or when the employer has any reason to believe that new or additional exposures at or above the action level have occurred.

(4) Methods of sample analysis. You must ensure that all samples taken to satisfy the monitoring requirements of subsection (2) of this section are evaluated by a laboratory that analyzes air samples for respirable crystalline silica in accordance with the procedures in WAC 296-840-165 Appendix A—Methods of sample analysis of this chapter.

(5) Employee notification of assessment results.

(a) Individually notify each affected employee in writing of the results of that assessment or post the results in an appropriate location accessible to all affected employees in accordance with the following:

(i) Construction employers must notify affected employees within five working days after receiving any results of an exposure assessment in accordance with this rule.

(ii) All other employers must notify affected employees within fifteen working days after receiving any results of an exposure assessment in accordance with this rule.

(b) Whenever an exposure assessment indicates that employee exposure is above the PEL, you must describe in the written notification the corrective action being taken to reduce employee exposure to or below the PEL.

(6) Observation of monitoring.

(a) Where air monitoring is performed to comply with the requirements of this chapter, you must provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to respirable crystalline silica.

(b) When observation of monitoring requires entry into an area where the use of protective clothing or equipment is required for any workplace hazard, you must provide the observer with protective clothing and equipment at no cost and shall ensure that the observer uses such clothing and equipment.

NEW SECTION

WAC 296-840-110 Specified exposure control methods. This section applies to construction work and other occupational exposures where the task performed is indistinguishable from a construction task listed in Table 1 of this section and the task will not be performed regularly in the same environment and conditions.

(1) For each employee engaged in a task identified in Table 1 of this section, you must fully and properly implement the engineering controls, work practices, and respiratory protection specified for the task in Table 1 of this section, unless you assess and limit the exposure of the employee to respirable crystalline silica in accordance with WAC 296-840-105.

(2) When implementing the control measures specified in Table 1 of this section, you must:

(a) For tasks performed indoors or in enclosed areas, provide a means of exhaust as needed to minimize the accumulation of visible airborne dust;

(b) For tasks performed using wet methods, apply water at flow rates sufficient to minimize release of visible dust;

(c) For measures implemented that include an enclosed cab or booth, ensure that the enclosed cab or booth:

(i) Is maintained as free as practicable from settled dust;

(ii) Has door seals and closing mechanisms that work properly;

(iii) Has gaskets and seals that are in good condition and working properly;

(iv) Is under positive pressure maintained through continuous delivery of fresh air;

(v) Has intake air that is filtered through a filter that is ninety-five percent efficient in the 0.3-10.0 µm range (e.g., MERV-16 or better); and

(vi) Has heating and cooling capabilities.

(3) Where an employee performs more than one task in Table 1 of this section during the course of a shift, and the total duration of all tasks combined is more than four hours, the required respiratory protection for each task is the respiratory protection specified for more than four hours per shift. If the total duration of all tasks in Table 1 of this section combined is less than four hours, the required respiratory protection for each task is the respiratory protection specified for less than four hours per shift.

Table 1
Specified Exposure Control Methods When Working With Materials Containing Crystalline Silica

Equipment/ Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum Assigned Protection Factor (APF)	
		≤ 4 hours/shift	> 4 hours/shift
(i) Stationary masonry saws	Use saw equipped with integrated water delivery system that continuously feeds water to the blade. Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.	None	None
(ii) Hand-held power saws (any blade diameter)	Use saw equipped with integrated water delivery system that continuously feeds water to the blade. Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions. - When used outdoors. - When used indoors or in an enclosed area.	None APF 10	APF 10 APF 10
(iii) Hand-held power saws for cutting fiber-cement board (with blade diameter of 8 inches or less)	For tasks performed outdoors only: Use saw equipped with commercially available dust collection system. Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.	None	None

Equipment/ Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum Assigned Protection Factor (APF)	
		≤ 4 hours/shift	> 4 hours/shift
	Dust collector must provide the air flow recommended by the tool manufacturer, or greater, and have a filter with 99% or greater efficiency.		
(iv) Walk-behind saws	Use saw equipped with integrated water delivery system that continuously feeds water to the blade. Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions. - When used outdoors. - When used indoors or in an enclosed area.	None APF 10	None APF 10
(v) Drivable saws	For tasks performed outdoors only: Use saw equipped with integrated water delivery system that continuously feeds water to the blade. Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.	None	None
(vi) Rig-mounted core saws or drills	Use tool equipped with integrated water delivery system that supplies water to cutting surface. Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.	None	None
(vii) Hand-held and stand-mounted drills (including impact and rotary hammer drills)	Use drill equipped with commercially available shroud or cowling with dust collection system. Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions. Dust collector must provide the air flow recommended by the tool manufacturer, or greater, and have a filter with 99% or greater efficiency and a filter-cleaning mechanism.	None	None

Equipment/ Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum Assigned Protection Factor (APF)	
		≤ 4 hours/shift	> 4 hours/shift
	Use a HEPA-filtered vacuum when cleaning holes.		
(viii) Dowel drilling rigs for concrete	For tasks performed outdoors only: Use shroud around drill bit with a dust collection system. Dust collector must have a filter with 99% or greater efficiency and a filter-cleaning mechanism. Use a HEPA-filtered vacuum when cleaning holes.	APF 10	APF 10
(ix) Vehicle-mounted drilling rigs for rock and concrete	Use dust collection system with close capture hood or shroud around drill bit with a low-flow water spray or wet the dust at the discharge point from the dust collector. OR	None	None
	Operate from within an enclosed cab and use water for dust suppression on drill bit.	None	None
(x) Jackhammers and hand-held powered chipping tools	Use tool with water delivery system that supplies a continuous stream or spray of water at the point of impact. - When used outdoors. - When used indoors or in an enclosed area. OR	None APF 10	APF 10 APF 10
	Use tool equipped with commercially available shroud and dust collection system. Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions. Dust collector must provide the air flow recommended by the tool manufacturer, or greater, and have a filter with 99% or greater efficiency and a filter-cleaning mechanism. - When used outdoors. - When used indoors or in an enclosed area.	None APF 10	APF 10 APF 10

Equipment/ Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum Assigned Protection Factor (APF)	
		≤ 4 hours/shift	> 4 hours/shift
(xiii) Walk-behind milling machines and floor grinders	<p>Use machine equipped with integrated water delivery system that continuously feeds water to the cutting surface.</p> <p>Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.</p> <p>OR</p> <p>Use machine equipped with dust collection system recommended by the manufacturer.</p> <p>Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.</p> <p>Dust collector must provide the air flow recommended by the manufacturer, or greater, and have a filter with 99% or greater efficiency and a filter-cleaning mechanism.</p> <p>When used indoors or in an enclosed area, use a HEPA-filtered vacuum to remove loose dust in between passes.</p>	None	None
(xiv) Small drivable milling machines (less than half-lane)	<p>Use machine equipped with supplemental water sprays designed to suppress dust. Water must be combined with a surfactant.</p> <p>Operate and maintain machine to minimize dust emissions.</p>	None	None
(xv) Large drivable milling machines (half-lane and larger)	<p>For cuts of any depth on asphalt only:</p> <p>Use machine equipped with exhaust ventilation on drum enclosure and supplemental water sprays designed to suppress dust.</p> <p>Operate and maintain machine to minimize dust emissions.</p> <p>For cuts of four inches in depth or less on any substrate:</p>	None	None
		None	None

Equipment/ Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum Assigned Protection Factor (APF)	
		≤ 4 hours/shift	> 4 hours/shift
	<p>Use machine equipped with exhaust ventilation on drum enclosure and supplemental water sprays designed to suppress dust.</p> <p>Operate and maintain machine to minimize dust emissions.</p> <p>OR</p> <p>Use a machine equipped with supplemental water spray designed to suppress dust. Water must be combined with a surfactant.</p> <p>Operate and maintain machine to minimize dust emissions.</p>		
(xvi) Crushing machines	<p>Use equipment designed to deliver water spray or mist for dust suppression at crusher and other points where dust is generated (e.g., hoppers, conveyers, sieves/sizing or vibrating components, and discharge points).</p> <p>Operate and maintain machine in accordance with manufacturer's instructions to minimize dust emissions.</p> <p>Use a ventilated booth that provides fresh, climate-controlled air to the operator, or a remote control station.</p>	None	None
(xvii) Heavy equipment and utility vehicles used to abrade or fracture silica-containing materials (e.g., hoe-ramming, rock ripping) or used during demolition activities involving silica-containing materials	<p>Operate equipment from within an enclosed cab.</p> <p>When employees outside of the cab are engaged in the task, apply water and/or dust suppressants as necessary to minimize dust emissions.</p>	None None	None None
(xviii) Heavy equipment and utility vehicles for tasks such as grading and excavating but not including: Demolishing, abrading or fracturing silica-containing materials	<p>Apply water and/or dust suppressants as necessary to minimize dust emissions.</p> <p>OR</p> <p>When the equipment operator is the only employee engaged in the task, operate equipment from within an enclosed cab.</p>	None None	None None

NEW SECTION

WAC 296-840-115 Regulated areas. This section does not apply to occupational respirable crystalline silica exposures in construction work.

(1) Establishment. You must establish a regulated area wherever an employee's exposure to airborne concentrations of respirable crystalline silica is, or can reasonably be expected to be, in excess of the PEL.

(2) Demarcation. You must demarcate the regulated areas from the rest of the workplace in a manner that minimizes the number of employees exposed to respirable crystalline silica within the regulated area.

(3) You must post signs at all entrances to regulated areas that bear the legend specified in WAC 296-840-150(2).

(4) Access. You must limit access to regulated areas to:

(a) Persons authorized by the employer and required by work duties to be present in the regulated area;

(b) Any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring procedures under WAC 296-840-105; and

(c) Any person authorized by the department or regulations issued under it to be in a regulated area.

(5) Provision of respirators. You must provide each employee and the employee's designated representative entering a regulated area with an appropriate respirator in accordance with WAC 296-840-125 and must require each employee and the employee's designated representative to use the respirator while in a regulated area.

NEW SECTION

WAC 296-840-120 Methods of compliance. This section does not apply to tasks listed and performed in accordance with Table 1 of WAC 296-840-110 Specified exposure control methods.

(1) Engineering and work practice controls. You must use engineering and work practice controls to reduce and maintain employee exposure to respirable crystalline silica to or below the PEL, unless the employer can demonstrate that such controls are not feasible. Wherever such feasible engineering and work practice controls are not sufficient to reduce employee exposure to or below the PEL, you must nonetheless use them to reduce employee exposure to the lowest feasible level and must supplement them with the use of respiratory protection that complies with the requirements of WAC 296-840-125.

(2) Abrasive blasting. In addition to the requirements of this section, you must comply with chapter 296-818 WAC, safety standards for abrasive blasting and other applicable DOSH standards where abrasive blasting is conducted using crystalline silica containing blasting agents, or where abrasive blasting is conducted on substrates that contain crystalline silica.

NEW SECTION

WAC 296-840-125 Respiratory protection. (1) Where respiratory protection is required by this section, you must provide each employee an appropriate respirator that com-

plies with the requirements of this section and chapter 296-842 WAC, Respirators.

(2) Respiratory protection is required:

(a) Where exposures exceed the PEL during periods necessary to install or implement feasible engineering and work practice controls;

(b) Where exposures exceed the PEL during tasks, such as certain maintenance and repair tasks, for which engineering and work practice controls are not feasible;

(c) During tasks for which an employer has implemented all feasible engineering and work practice controls and such controls are not sufficient to reduce exposures to or below the PEL;

(d) During periods when an employee or employees are in a regulated area; and

(e) Where specified for tasks performed according to the requirements in Table 1 of WAC 296-840-110 Specified exposure control methods.

NEW SECTION

WAC 296-840-130 Respiratory protection program.

(1) Where respirator use is required by this chapter, you must institute a respiratory protection program in accordance with chapter 296-842 WAC, Respirators.

(2) Specified exposure control methods. For tasks listed in Table 1 of WAC 296-840-110, if you fully and properly implement the engineering controls, work practices, and respiratory protection described in Table 1 of WAC 296-840-110, you will be considered to be in compliance with WAC 296-840-125(1) and the requirements for selection of respirators in chapter 296-842 WAC with regard to exposure to respirable crystalline silica.

NEW SECTION

WAC 296-840-135 Housekeeping. (1) You must not allow dry sweeping or dry brushing where such activity could contribute to employee exposure to respirable crystalline silica unless wet sweeping, HEPA-filtered vacuuming or other methods that minimize the likelihood of exposure are not feasible.

(2) You must not allow compressed air to be used to clean clothing or surfaces where such activity could contribute to employee exposure to respirable crystalline silica unless:

(a) The compressed air is used in conjunction with a ventilation system that effectively captures the dust cloud created by the compressed air; or

(b) No alternative method is feasible.

NEW SECTION

WAC 296-840-140 Written exposure control plan.

(1) You must establish and implement a written exposure control plan that contains at least the following elements:

(a) A description of the tasks in the workplace that involve exposure to respirable crystalline silica;

(b) A description of the engineering controls, work practices, and respiratory protection used to limit employee exposure to respirable crystalline silica for each task; and

(c) A description of the housekeeping measures used to limit employee exposure to respirable crystalline silica.

(2) You must review and evaluate the effectiveness of the written exposure control plan at least annually and update it as necessary.

(3) You must make the written exposure control plan readily available for examination and copying, upon request, to each employee covered by this chapter, their designated representatives, and the director.

(4) In addition to the above written exposure control plan requirements, you must include the following elements for construction work:

(a) A description of the procedures used to restrict access to work areas, when necessary, to minimize the number of employees exposed to respirable crystalline silica and their level of exposure, including exposures generated by other employers or sole proprietors.

(b) A competent person to make frequent and regular inspections of job sites, materials, and equipment to implement the written exposure control plan.

NEW SECTION

WAC 296-840-145 Medical surveillance. (1) Medical surveillance must be made available at no cost to the employee and at a reasonable time and place for any employee:

(a) Doing construction tasks and required by this chapter to use a respirator for thirty or more days per year.

(b) Doing work other than construction tasks and will be occupationally exposed to respirable crystalline silica at or above the action level for thirty or more days per year.

(2) You must ensure that all medical examinations and procedures required by this chapter are performed by a PLHCP as defined in WAC 296-840-095.

(3) Initial examination. You must make available an initial (baseline) medical examination within thirty days after initial assignment, unless the employee has received a medical examination that meets the requirements of this chapter within the last three years. The examination must consist of:

(a) A medical and work history, with emphasis on: Past, present, and anticipated exposure to respirable crystalline silica, dust, and other agents affecting the respiratory system; any history of respiratory system dysfunction, including signs and symptoms of respiratory disease (e.g., shortness of breath, cough, wheezing); smoking status and history; and history of tuberculosis. The history of tuberculosis should include completion of the Washington state department of labor and industries form F252-113-000, Adult Tuberculosis Screening Tool for Workers Exposed to Respirable Crystalline Silica, located in WAC 296-840-175, Appendix C of this chapter;

(b) A physical examination with special emphasis on the respiratory system;

(c) A chest X-ray (a single posteroanterior radiographic projection or radiograph of the chest at full inspiration recorded on either film (no less than 14 x 17 inches and no more than 16 x 17 inches) or digital radiography systems), interpreted and classified according to the International

Labour Office (ILO) International Classification of Radiographs of Pneumoconioses by a NIOSH-certified B Reader;

(d) A pulmonary function test to include forced vital capacity (FVC) and forced expiratory volume in one second (FEV1) and FEV1/FVC ratio, administered by a spirometry technician with a current certificate from a NIOSH-approved spirometry course;

(e) Testing for latent tuberculosis infection; and

(f) Any other test deemed appropriate by the PLHCP.

(4) Periodic examinations. You must make available medical examinations that include the procedures described in this section, except for subsection (3)(e) of this section, at least every three years or more frequently if recommended by the PLHCP.

(5) Information provided to the PLHCP. You must ensure that the examining PLHCP has a copy of this standard, and must provide the PLHCP with the following information:

(a) A description of the employee's former, current, and anticipated duties as they relate to the employee's occupational exposure to respirable crystalline silica;

(b) The employee's former, current, and anticipated levels of occupational exposure to respirable crystalline silica;

(c) A description of any personal protective equipment used or to be used by the employee, including when and for how long the employee has used or will use that equipment; and

(d) Information from records of employment-related medical examinations previously provided to the employee and currently within the control of the employer.

(6) PLHCP's written medical report for the employee. You must ensure that the PLHCP explains to the employee the results of the medical examination and provides each employee with a written medical report within thirty days of each medical examination performed. The written report must contain:

(a) A statement indicating the results of the medical examination, including any medical condition(s) that would place the employee at increased risk of material impairment to health from exposure to respirable crystalline silica and any medical conditions that require further evaluation or treatment;

(b) Any recommended limitations on the employee's use of respirators;

(c) Any recommended limitations on the employee's exposure to respirable crystalline silica; and

(d) A statement that the employee should be examined by a specialist under subsection (9)(a) of this section if the chest X-ray provided in accordance with this chapter is classified as 1/0 or higher by the B Reader, or if referral to a specialist is otherwise deemed appropriate by the PLHCP.

(7) PLHCP's written medical opinion for employers. You must obtain a written medical opinion from the PLHCP within thirty days of the medical examination. The written opinion must contain only the following:

(a) The date of the examination;

(b) A statement that the examination has met the requirements of this section;

(c) Any recommended limitations on the employee's use of respirators; and

(d) If the employee provides written authorization, the written opinion shall also contain either or both of the following:

(i) Any recommended limitations on the employee's exposure to respirable crystalline silica;

(ii) A statement that the employee should be examined by a specialist under subsection (9)(a) of this section if the chest X-ray provided in accordance with this chapter is classified as 1/0 or higher by the B Reader, or if referral to a specialist is otherwise deemed appropriate by the PLHCP.

(8) You must ensure that each employee receives a copy of the written medical opinion described in subsection (7) of this section within thirty days of each medical examination performed.

(9) Additional examinations.

(a) If the PLHCP's written medical opinion indicates that an employee should be examined by a specialist, you must make available a medical examination by a specialist within thirty days after receiving the PLHCP's written opinion. You must ensure that:

(i) The examining specialist is provided with all of the information that the employer is obligated to provide to the PLHCP in accordance with subsection (5) of this section.

(ii) The specialist explains to the employee the results of the medical examination and provides each employee with a written medical report within thirty days of the examination. The written report shall meet the requirements of subsection (6)(a), (b), and (c) of this section.

(b) You must obtain a written opinion from the specialist within thirty days of the medical examination. The written opinion shall meet the requirements of subsection (7), except (b) and (d)(ii) of this section.

NEW SECTION

WAC 296-840-150 Communication of respirable crystalline silica hazards to employees. (1) Regarding hazard communication you must:

(a) Include respirable crystalline silica in the program established to comply with chapter 296-901 WAC, Globally harmonized system for hazard communication.

(b) Ensure that each employee has access to labels on containers of crystalline silica and safety data sheets, and is trained in accordance with WAC 296-901-14016 and subsection (3) of this section. The employer shall ensure that at least the following hazards are addressed: Cancer, lung effects, immune system effects, and kidney effects.

(2) Signs. Where a regulated area is established you must post signs at all entrances to the regulated areas that bear the following legend:

DANGER
RESPIRABLE CRYSTALLINE SILICA
MAY CAUSE CANCER
CAUSES DAMAGE TO LUNGS
WEAR RESPIRATORY PROTECTION IN THIS AREA
AUTHORIZED PERSONNEL ONLY

(3) Regarding employee information and training, you must ensure that each employee covered by this chapter can demonstrate knowledge and understanding of at least the following:

(a) The health hazards associated with exposure to respirable crystalline silica;

(b) Specific tasks in the workplace that could result in exposure to respirable crystalline silica;

(c) Specific measures you have implemented to protect employees from exposure to respirable crystalline silica, including engineering controls, work practices, and respirators to be used;

(d) The contents of this chapter;

(e) The purpose and a description of the medical surveillance program required by WAC 296-840-145, and notice that the medical surveillance program under this chapter is not intended to reduce a worker's legal rights under Title 51 RCW;

(f) The identity of the competent person designated by the employer in accordance with WAC 296-840-140 (4)(b).

(4) You must make a copy of this chapter readily available without cost to each employee covered by this chapter.

NEW SECTION

WAC 296-840-155 Recordkeeping. (1) Air monitoring data.

(a) You must make and maintain an accurate record of all exposure measurements taken to assess employee exposure to respirable crystalline silica, as prescribed in WAC 296-840-105(2). This record must include at least the following information:

(i) The date of measurement for each sample taken;

(ii) The task monitored;

(iii) Sampling and analytical methods used;

(iv) Number, duration, and results of samples taken;

(v) Identity of the laboratory that performed the analysis;

(vi) Type of personal protective equipment, such as respirators, worn by the employees monitored; and

(vii) Name, Social Security number, and job classification of all employees represented by the monitoring, indicating which employees were actually monitored.

(b) You must ensure that exposure records are maintained and made available in accordance with chapter 296-802 WAC, Employee medical and exposure records.

(2) Objective data.

(a) You must make and maintain an accurate record of all objective data relied upon to comply with the requirements of this chapter. This record must include at least the following information:

(i) The crystalline silica-containing material in question;

(ii) The source of the objective data;

(iii) The testing protocol and results of testing;

(iv) A description of the process, task, or activity on which the objective data were based; and

(v) Other data relevant to the process, task, activity, material, or exposures on which the objective data were based.

(b) You must ensure that objective data are maintained and made available in accordance with chapter 296-802 WAC, Employee medical and exposure records.

(3) Medical surveillance.

(a) You must make and maintain an accurate record for each employee covered by medical surveillance under WAC

296-840-145. The record must include the following information about the employee:

- (i) Name and Social Security number;
 - (ii) A copy of the PLHCPs' and specialists' written medical opinions; and
 - (iii) A copy of the information provided to the PLHCPs and specialists.
- (b) You must ensure that medical records are maintained and made available in accordance with chapter 296-802 WAC, Employee medical and exposure records.

NEW SECTION

WAC 296-840-160 Effective dates. This chapter becomes effective on April 23, 2018. Employers must comply with obligations of this chapter in accordance with the following:

(1) For occupational exposures to respirable crystalline silica in construction work, employers must comply with all obligations of this chapter by October 1, 2018. This includes the sample analysis requirement.

(2) For all occupational exposures to respirable crystalline silica other than construction work, employers must comply with this chapter by July 1, 2019, except as follows:

(a) Where employee exposure to respirable crystalline silica is above the PEL for thirty or more days per year medical surveillance requirements in WAC 296-840-145 must be complied with by July 1, 2019.

(b) Where employee exposure to respirable crystalline silica is at or above the action level for thirty or more days per year medical surveillance requirements in WAC 296-840-145 must be complied with by June 23, 2020.

(c) For hydraulic fracturing operations in the oil and gas industry, obligations for engineering controls under WAC 296-840-120(1) begin July 1, 2022.

NEW SECTION

WAC 296-840-165 Appendix A—Methods of sample analysis—Mandatory. This appendix specifies the procedures for analyzing air samples for respirable crystalline silica, as well as the quality control procedures that employers must ensure that laboratories use when performing an analysis required under WAC 296-840-105(4). Employers must ensure that such a laboratory:

(1) Evaluates all samples using the procedures specified in one of the following analytical methods: OSHA ID-142; NMAM 7500; NMAM 7602; NMAM 7603; MSHA P-2; or MSHA P-7;

(2) Is accredited to ANS/ISO/IEC Standard 17025:2005 with respect to crystalline silica analyses by a body that is compliant with ISO/IEC Standard 17011:2004 for implementation of quality assessment programs;

(3) Uses the most current National Institute of Standards and Technology (NIST) or NIST traceable standards for instrument calibration or instrument calibration verification;

(4) Implements an internal quality control (QC) program that evaluates analytical uncertainty and provides employers with estimates of sampling and analytical error;

(5) Characterizes the sample material by identifying polymorphs of respirable crystalline silica present, identifies

the presence of any interfering compounds that might affect the analysis, and makes any corrections necessary in order to obtain accurate sample analysis; and

(6) Analyzes quantitatively for crystalline silica only after confirming that the sample matrix is free of uncorrectable analytical interferences, corrects for analytical interferences, and uses a method that meets the following performance specifications:

(a) Each day that samples are analyzed, performs instrument calibration checks with standards that bracket the sample concentrations;

(b) Uses five or more calibration standard levels to prepare calibration curves and ensures that standards are distributed through the calibration range in a manner that accurately reflects the underlying calibration curve; and

(c) Optimizes methods and instruments to obtain a quantitative limit of detection that represents a value no higher than 25 percent of the PEL based on sample air volume.

AMENDATORY SECTION (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

WAC 296-841-20025 Permissible exposure limits (PELs).

IMPORTANT:

The following information applies to Table 3, Permissible Exposure Limits (PELs) for Airborne Contaminants.

(1) Ppm refers to parts of vapor or gas per million parts of air by volume, at 25 degrees C and 760 mm Hg pressure.

(2) Mg/m³ refers to milligrams of an airborne contaminant per cubic meter of air.

(3) F/cc refers to fibers per cubic centimeter of air.

(4) For a metal that is measured as the metal itself, only the CAS number for the metal is given. The CAS numbers for individual compounds of the metal are not provided. For more information about CAS registry numbers see the web site: <http://www.cas.org>.

(5) Short-term exposure limits (STEL) pertain to fifteen-minute exposure periods, unless another time period is noted in Table 3.

(6) An "X" in the "skin" column indicates the contaminant can be absorbed through the skin, either by airborne or direct contact.

(a) Personal protective equipment (PPE) to prevent skin contact may be needed to minimize the risk for adverse health effects when employees are exposed to these chemicals.

(b) Requirements for the use of gloves, coveralls, goggles, and other personal protective equipment can be found in WAC 296-800-160, Personal protective equipment (PPE).

(7) Nuisance dusts (also known as inert dusts) are included in the Table 3 listing, particulates not otherwise regulated (PNOR).

The PNOR listing in Table 3 also applies to other particulate airborne contaminants for which a specific PEL is NOT listed **unless** the airborne contaminant is found to require a lower limit.

(8) The respirable fraction of a particulate airborne contaminant is measured by sampling with a size-selector having the following characteristics:

Mean aerodynamic diameter in micrometers	Percent passing the selector
1	97
2	91
3	74
4	50

Mean aerodynamic diameter in micrometers	Percent passing the selector
5	30
6	17
7	9
8	5
10	1

Table 3 "Permissible Exposure Limits (PELs) for Airborne Contaminants"

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Abate (Temephos)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Acetaldehyde	75-07-0	100 ppm	150 ppm	—	—
Acetic acid	64-19-7	10 ppm	20 ppm	—	—
Acetic anhydride	108-24-7	—	—	5 ppm	—
Actinolite (asbestiform) (as asbestos) (see WAC 296-62-077 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Acetone	67-64-1	750 ppm	1,000 ppm	—	—
Acetonitrile	75-05-8	40 ppm	60 ppm	—	—
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	—	—	—	—
Acetylene	74-86-2	Simple asphyxiant	—	—	—
Acetylene dichloride (1,2-Dichloroethylene)	540-59-0	200 ppm	250 ppm	—	—
Acetylene tetrabromide	79-27-6	1 ppm	3 ppm	—	—
Acetylsalicylic acid (Aspirin)	50-78-2	5 mg/m ³	10 mg/m ³	—	—
Acrolein	107-02-8	0.1 ppm	0.3 ppm	—	—
Acrylamide	79-06-1	0.03 mg/m ³	0.09 mg/m ³	—	X
Acrylic acid	79-10-7	10 ppm	20 ppm	—	X
Acrylonitrile (Vinyl cyanide) (see WAC 296-62-07336)	107-13-1	2 ppm	10 ppm	—	—
Aldrin	309-00-2	0.25 mg/m ³	0.75 mg/m ³	—	X
Allyl alcohol	107-18-6	2 ppm	4 ppm	—	X
Allyl chloride	107-05-1	1 ppm	2 ppm	—	—
Allyl glycidyl ether (AGE)	106-92-3	5 ppm	10 ppm	—	—
Allyl propyl disulfide	2179-59-1	2 ppm	3 ppm	—	—
alpha-Alumina (Aluminum oxide)	1344-28-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Aluminum (as Al)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pyro powders	—	5 mg/m ³	10 mg/m ³	—	—
Welding fumes	—	5 mg/m ³	10 mg/m ³	—	—
Soluble salts	—	2 mg/m ³	4 mg/m ³	—	—
Alkyls (NOC)	—	2 mg/m ³	4 mg/m ³	—	—

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Aluminum oxide (Alundum, Corundum)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	—	—	—	—
2-Aminoethanol (Ethanalamine)	141-43-5	3 ppm	6 ppm	—	—
2-Aminopyridine	504-29-0	0.5 ppm	1.5 ppm	—	—
Amitrole	61-82-5	0.2 mg/m ³	0.6 mg/m ³	—	—
Ammonia	7664-41-7	25 ppm	35 ppm	—	—
Ammonium chloride, fume	12125-02-9	10 mg/m ³	20 mg/m ³	—	—
Ammonium sulfamate (Ammate)	7773-06-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5.0 mg/m ³	10 mg/m ³	—	—
Amosite (as asbestos) (see WAC 296-62-077 ((and)) and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
n-Amyl acetate	628-63-7	100 ppm	150 ppm	—	—
sec-Amyl acetate	626-38-0	125 ppm	156 ppm	—	—
Aniline and homologues	62-53-3	2 ppm	4 ppm	—	X
Anisidine (o, p-isomers)	29191-52-4	0.1 ppm	0.3 ppm	—	X
Anthophyllite (asbestiform) (as asbestos) (see WAC 296-62-077 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Antimony and compounds (as Sb)	7440-36-0	0.5 mg/m ³	1.5 mg/m ³	—	—
ANTU (alpha Naphthyl thiourea)	86-88-4	0.3 mg/m ³	0.9 mg/m ³	—	—
Argon	7440-37-1	Simple asphyxiant	—	—	—
Arsenic, organic compounds (as As)	7440-38-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Arsenic, inorganic compounds (as As) (when use is covered by chapter 296-848 WAC)	7440-38-2	0.01 mg/m ³	—	—	—
Arsenic, inorganic compounds (as As) (when use is not covered by chapter 296-848 WAC)	7440-38-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Arsine	7784-42-1	0.05 ppm	0.15 ppm	—	—
Asbestos (see WAC 296-62-077 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Asphalt (Petroleum fumes)	8052-42-4	5 mg/m ³	10 mg/m ³	—	—
Atrazine	1912-24-9	5 mg/m ³	10 mg/m ³	—	—
Azinphos methyl (Guthion)	86-50-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Azodrin (Monocrotophos)	6923-22-4	0.25 mg/m ³	0.75 mg/m ³	—	—
Barium, soluble compounds (as Ba)	7440-39-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Barium sulfate	7727-43-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Baygon (Propoxur)	114-26-1	0.5 mg/m ³	1.5 mg/m ³	—	—

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Benomyl	17804-35-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Benzene (see chapter 296-849 WAC)	71-43-2	1 ppm	5 ppm	—	—
Benzidine (see WAC 296-62-073)	92-87-5	—	—	—	—
p-Benzoquinone (Quinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
Benzo(a) pyrene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Benzoyl peroxide	94-36-0	5 mg/m ³	10 mg/m ³	—	—
Benzyl chloride	100-44-7	1 ppm	3 ppm	—	—
Beryllium and beryllium compounds (as Be)	7440-41-7	0.002 mg/m ³	0.005 mg/m ³ (30 min.)	0.025 mg/m ³	—
Biphenyl (Diphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Bismuth telluride, undoped	1304-82-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Bismuth telluride, Se-doped	—	5 mg/m ³	10 mg/m ³	—	—
Borates, tetra, sodium salts	—	—	—	—	—
Anhydrous	1330-43-4	1 mg/m ³	3 mg/m ³	—	—
Decahydrate	1303-96-4	5 mg/m ³	10 mg/m ³	—	—
Pentahydrate	12179-04-3	1 mg/m ³	3 mg/m ³	—	—
Boron oxide	1303-86-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Boron tribromide	10294-33-4	—	—	1 ppm	—
Boron trifluoride	6737-07-2	—	—	1 ppm	—
Bromacil	314-40-9	1 ppm	3 ppm	—	—
Bromine	7726-95-6	0.1 ppm	0.3 ppm	—	—
Bromine pentafluoride	7789-30-2	0.1 ppm	0.3 ppm	—	—
Bromochloromethane (((Chlorobromomethane))) (Chlorobromomethane)	74-97-5	200 ppm	250 ppm	—	—
Bromoform	15-25-2	0.5 ppm	1.5 ppm	—	X
Butadiene (1,3-butadiene) (see WAC 296-62-07460)	106-99-0	1 ppm	5 ppm	—	—
Butane	106-97-8	800 ppm	1,000 ppm	—	—
Butanethiol (Butyl mercaptan)	109-79-5	0.5 ppm	1.5 ppm	—	—
2-Butanone (Methyl ethyl ketone)	78-93-3	200 ppm	300 ppm	—	—
2-Butoxy ethanol (Butyl cellosolve)	111-76-2	25 ppm	38 ppm	—	X
n-Butyl acetate	123-86-4	150 ppm	200 ppm	—	—
sec-Butyl acetate	105-46-4	200 ppm	250 ppm	—	—
tert-Butyl acetate	540-88-5	200 ppm	250 ppm	—	—
Butyl acrylate	141-32-2	10 ppm	20 ppm	—	—
n-Butyl alcohol	71-36-3	—	—	50 ppm	X
sec-Butyl alcohol	78-92-2	100 ppm	150 ppm	—	—
tert-Butyl alcohol	75-65-0	100 ppm	150 ppm	—	—
Butylamine	109-73-9	—	—	5 ppm	X

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Butyl cellosolve (2-Butoxy ethanol)	111-76-2	25 ppm	38 ppm	—	—
tert-Butyl chromate (as Cr) (see WAC 296-62-08003)	1189-85-1	0.005 mg/m ³	—	0.1 mg/m ³	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25 ppm	38 ppm	—	—
n-Butyl lactate	138-22-7	5 ppm	10 ppm	—	—
Butyl mercaptan	109-79-5	0.5 ppm	1.5 ppm	—	—
o-sec-Butylphenol	89-72-5	5 ppm	10 ppm	—	X
p-tert-Butyl-toluene	98-51-1	10 ppm	20 ppm	—	—
Cadmium oxide fume (as Cd) (see WAC 296-62-074 and 296-155-174)	1306-19-0	0.005 mg/m ³	—	—	—
Cadmium dust and salts (as Cd) (see WAC 296-62-074 and 296-155-174)	7440-43-9	0.005 mg/m ³	—	—	—
Calcium arsenate (see chapter 296-848 WAC)	—	0.01 mg/m ³	—	—	—
Calcium carbonate	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Calcium cyanamide	156-62-7	0.5 mg/m ³	1.5 mg/m ³	—	—
Calcium hydroxide	1305-62-0	5 mg/m ³	10 mg/m ³	—	—
Calcium oxide	1305-78-8	2 mg/m ³	4 mg/m ³	—	—
Calcium silicate	1344-95-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Calcium sulfate	7778-18-9	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Camphor (synthetic)	76-22-2	2 mg/m ³	4 mg/m ³	—	—
Caprolactam	105-60-2	—	—	—	—
Dust	—	1 mg/m ³	3 mg/m ³	—	—
Vapor	—	5 ppm	10 ppm	—	—
Captafol (Difolatan)	2425-06-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Captan	133-06-2	5 mg/m ³	10 mg/m ³	—	—
Carbaryl (Sevin)	63-25-2	5 mg/m ³	10 mg/m ³	—	—
Carbofuran (Furadon)	1563-66-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Carbon black	1333-86-4	3.5 mg/m ³	7 mg/m ³	—	—
Carbon dioxide	124-38-9	5,000 ppm	30,000 ppm	—	—
Carbon disulfide	75-15-0	4 ppm	12 ppm	—	X
Carbon monoxide	630-08-0	35 ppm	200 ppm (5 min.)	1,500 ppm	—
Carbon tetrabromide	558-13-4	0.1 ppm	0.3 ppm	—	—
Carbon tetrachloride (Tetrachloromethane)	56-23-5	2 ppm	4 ppm	—	X
Carbonyl chloride (Phosgene)	7803-51-2	0.1 ppm	0.3 ppm	—	—
Carbonyl fluoride	353-50-4	2 ppm	5 ppm	—	—
Catechol (Pyrocatechol)	120-80-9	5 ppm	10 ppm	—	X
Cellosolve acetate (2-Ethoxyethylacetate)	111-15-9	5 ppm	10 ppm	—	X

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Cellulose (paper fiber)	9004-34-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Cesium hydroxide	21351-79-1	2 mg/m ³	4 mg/m ³	—	—
Chlordane	57-74-9	0.5 mg/m ³	1.5 mg/m ³	—	X
Chlorinated camphene (Toxaphen)	8001-35-2	0.5 mg/m ³	1 mg/m ³	—	X
Chlorinated diphenyl oxide	55720-99-5	0.5 mg/m ³	1.5 mg/m ³	—	—
Chlorine	7782-50-5	0.5 ppm	—	1 ppm	—
Chlorine dioxide	10049-04-4	0.1 ppm	0.3 ppm	—	—
Chlorine trifluoride	7790-91-2	—	—	0.1 ppm	—
Chloroacetaldehyde	107-20-0	—	—	1 ppm	—
a-Chloroacetophenone (Phenacyl chloride)	532-21-4	0.05 ppm	0.15 ppm	—	—
Chloroacetyl chloride	79-04-9	0.05 ppm	0.15 ppm	—	—
Chlorobenzene (Monochlorobenzene)	108-90-7	75 ppm	113 ppm	—	—
o-Chlorobenzylidene malononitrile (OCBM)	2698-41-1	—	—	0.05 ppm	X
Chlorobromomethane	74-97-5	200 ppm	250 ppm	—	—
2-Chloro-1, 3-butadiene (beta-Chloroprene)	126-99-8	10 ppm	20 ppm	—	X
Chlorodifluoromethane	75-45-6	1,000 ppm	1,250 ppm	—	—
Chlorodiphenyl (42% Chlorine) (PCB) (Polychlorobiphenyls)	53469-21-9	1 mg/m ³	3 mg/m ³	—	X
Chlorodiphenyl (54% Chlorine) (Polychlorobiphenyls (PCB))	11097-69-1	0.5 mg/m ³	1.5 mg/m ³	—	X
1-Chloro-2, 3-epoxypropane (Epichlorhydrin)	106-89-8	2 ppm	4 ppm	—	X
2-Chloroethanol (Ethylene chlorohydrin)	107-07-3	—	—	1 ppm	X
Chloroethylene (vinyl chloride) (See WAC 296-62-07329)	75-01-4	1 ppm	5 ppm	—	—
Chloroform (Trichloromethane)	67-66-3	2 ppm	4 ppm	—	—
1-Chloro-1-nitropropane	600-25-9	2 ppm	4 ppm	—	—
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	—	—	—	—
Chloromethyl methyl ether (Methyl chloromethyl ether) (see WAC 296-62-073)	107-30-2	—	—	—	—
Chloropentafluoroethane	76-15-3	1,000 ppm	1,250 ppm	—	—
Chloropicrin (Nitrotrichloromethane)	76-06-2	0.1 ppm	0.3 ppm	—	—
beta-Chloroprene (2-Chloro-1, 3-butadiene)	126-99-8	10 ppm	20 ppm	—	X
o-Chlorostyrene	2039-87-4	50 ppm	75 ppm	—	—
o-Chlorotoluene	95-49-8	50 ppm	75 ppm	—	—
2-Chloro-6-trichloromethyl pyridine (Nitrapyrin)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Chlorpyrifos	2921-88-2	0.2 mg/m ³	0.6 mg/m ³	—	X
Chromic acid and chromates (as Cr) (when the compound is not covered by WAC 296-62-08003)	Varies with compound	—	—	0.1 mg/m ³	—
Chromium	—	—	—	—	—
Chromium (VI) compounds (as Cr) (when the compound is covered by WAC 296-62-08003)	—	0.005 mg/m ³	—	—	—
Chromium metal or Chromium (II) compounds Or Chromium (III) compounds	7440-47-3	0.5 mg/m ³	—	—	—
Chromyl chloride (as Cr) (see WAC 296-62-08003)	14977-61-8	0.005 mg/m ³	—	—	—
Chrysene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Chrysotile (as asbestos) (see WAC 296-62-077 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Clopidol	2971-90-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Coal dust (less than 5% SiO ₂)	—	—	—	—	—
Respirable fraction	—	2 mg/m ³	4 mg/m ³	—	—
Coal dust (greater than or equal to 5% SiO ₂)	—	—	—	—	—
Respirable fraction	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Coal tar pitch volatiles (benzene soluble fraction) Acridine Anthracene Benzo (a) pyrene Chrysene Phenanthrene Pyrene	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Cobalt, metal fume & dust (as Co)	7440-48-4	0.05 mg/m ³	0.15 mg/m ³	—	—
Cobalt carbonyl (as Co)	10210-68-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Cobalt hydrocarbonyl (as Co)	16842-03-8	0.1 mg/m ³	0.3 mg/m ³	—	—
Coke oven emissions (see WAC 296-62-200)	—	0.15 mg/m ³	—	—	—
Copper (as Cu)	7440-50-8	—	—	—	—
Fume	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Dusts and mists	—	1 mg/m ³	3 mg/m ³	—	—
Cotton dust (raw) (waste sorting, blending, cleaning, willowing and gartting) (see WAC 296-62-14533)	—	1 mg/m ³	—	—	—
Corundum (Aluminum oxide)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Crag herbicide (Sesone, Sodium-2, 4-dichloro-phenoxyethyl sulfate)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Cresol (all isomers)	1319-77-3	5 ppm	10 ppm	—	X

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Crocidolite (as asbestos) (see WAC 296-62-077 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Crotonaldehyde	123-73-9; 4170-30-3	2 ppm	4 ppm	—	—
Crufomate	299-86-5	5 mg/m ³	10 mg/m ³	—	—
Cumene	98-82-8	50 ppm	75 ppm	—	X
Cyanamide	420-04-2	2 mg/m ³	4 mg/m ³	—	—
Cyanide (as CN)	Varies with compound	5 mg/m ³	10 mg/m ³	—	X
Cyanogen	460-19-5	10 ppm	20 ppm	—	—
Cyanogen chloride	506-77-4	—	—	0.3 ppm	—
Cyclohexane	110-82-7	300 ppm	375 ppm	—	—
Cyclohexanol	108-93-0	50 ppm	75 ppm	—	X
Cyclohexanone	108-94-1	25 ppm	38 ppm	—	X
Cyclohexene	110-83-8	300 ppm	375 ppm	—	—
Cyclohexylamine	108-91-8	10 ppm	20 ppm	—	—
Cyclonite (RDX)	121-82-4	1.5 mg/m ³	3.0 mg/m ³	—	X
Cyclopentadiene	542-92-7	75 ppm	113 ppm	—	—
Cyclopentane	287-92-3	600 ppm	750 ppm	—	—
Cyhexatin (Tricyclohexyltin hydroxide)	13121-70-5	5 mg/m ³	10 mg/m ³	—	—
2,4-D (Dichlorophenoxy- acetic acid)	94-75-7	10 mg/m ³	20 mg/m ³	—	—
DBCP (1,2-Dibromo-3- chloropropane) (See WAC 296-62-07342)	96-12-8	0.001 ppm	—	0.005 ppm	—
DDT (Dichlorodiphenyltri- chloroethane)	50-29-3	1 mg/m ³	3 mg/m ³	—	X
DDVP, (Dichlorvos)	62-73-7	0.1 ppm	0.3 ppm	—	X
Dasanit (Fensulfothion)	115-90-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Decaborane	17702-41-9	0.05 ppm	0.15 ppm	—	X
Demeton	8065-48-3	0.01 ppm	0.03 ppm	—	X
Diacetone alcohol (4-hydroxy-4-methyl- 2-pentanone)	123-42-2	50 ppm	75 ppm	—	—
1, 2-Diaminoethane (Ethylenediamine)	107-15-3	10 ppm	20 ppm	—	—
Diazinon	333-41-5	0.1 mg/m ³	0.3 mg/m ³	—	X
Diazomethane	334-88-3	0.2 ppm	0.6 ppm	—	—
Diborane	19287-45-7	0.1 ppm	0.3 ppm	—	—
Dibrom (see Naled)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
1, 2-Dibromo-3-chloropropane (DBCP) (see WAC 296-62-07342)	96-12-8	0.001 ppm	—	0.005 ppm	—
2-N-Dibutylamino ethanol	102-81-8	2 ppm	4 ppm	—	X
Dibutyl phosphate	107-66-4	1 ppm	2 ppm	—	—
Dibutyl phthalate	84-74-2	5 mg/m ³	10 mg/m ³	—	—
Dichloroacetylene	7572-29-4	—	—	0.1 ppm	—
o-Dichlorobenzene	95-50-1	—	—	50 ppm	—
p-Dichlorobenzene	106-46-7	75 ppm	110 ppm	—	—
3, 3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	—	—	—	—

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Dichlorodiphenyltri-chloroethane (DDT)	50-29-3	1 mg/m ³	3 mg/m ³	—	X
Dichlorodifluoromethane	75-71-8	1,000 ppm	1,250 ppm	—	—
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	0.2 mg/m ³	0.4 mg/m ³	—	—
1, 1-Dichloroethane (Ethylidene chloride)	75-34-3	100 ppm	150 ppm	—	—
1, 2-Dichloroethane (Ethylene dichloride)	107-06-2	1 ppm	2 ppm	—	—
1, 1-Dichloroethylene (Vinylidene chloride)	75-35-4	1 ppm	3 ppm	—	—
1, 2-Dichloroethylene (Acetylene dichloride)	540-59-0	200 ppm	250 ppm	—	—
Dichloroethyl ether	111-44-4	5 ppm	10 ppm	—	X
Dichlorofluoromethane	75-43-4	10 ppm	20 ppm	—	—
Dichloromethane (Methylene chloride) (See chapter 296-859 WAC)	75-09-2	25 ppm	125 ppm	—	—
1, 1-Dichloro-1-nitroethane	594-72-9	2 ppm	10 ppm	—	—
Dichlorophenoxyacetic acid (2, 4-D)	94-75-7	10 mg/m ³	20 mg/m ³	—	—
1, 2-Dichloropropane (Propylene dichloride)	78-87-5	75 ppm	110 ppm	—	—
Dichloropropene	542-75-6	1 ppm	3 ppm	—	X
2, 2-Dichloropropionic acid	75-99-0	1 ppm	3 ppm	—	—
Dichlorotetrafluoroethane	76-14-2	1,000 ppm	1,250 ppm	—	—
Dichlorvos (DDVP)	62-73-7	0.1 ppm	0.3 ppm	—	X
Dicrotophos	141-66-2	0.25 mg/m ³	0.75 mg/m ³	—	X
Dicyclopentadiene	77-73-6	5 ppm	10 ppm	—	—
Dicyclopentadienyl iron	102-54-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Dieldrin	60-57-1	0.25 mg/m ³	0.75 mg/m ³	—	X
Diethanolamine	111-42-2	3 ppm	6 ppm	—	—
Diethylamine	109-89-7	10 ppm	25 ppm	—	—
2-Diethylaminoethanol	100-37-8	10 ppm	20 ppm	—	X
Diethylene triamine	111-40-0	1 ppm	3 ppm	—	X
Diethyl ether (Ethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Diethyl ketone	96-22-0	200 ppm	250 ppm	—	—
Diethyl phthalate	84-66-2	5 mg/m ³	10 mg/m ³	—	—
Difluorodibromomethane	75-61-6	100 ppm	150 ppm	—	—
Difolatan (Captafol)	2425-06-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Diglycidyl ether (DGE)	2238-07-5	0.1 ppm	0.3 ppm	—	—
Dihydroxybenzene (Hydroquinone)	123-31-9	2 mg/m ³	4 mg/m ³	—	—
Diisobutyl ketone (2, 6-Dimethylheptanone)	108-83-8	25 ppm	38 ppm	—	—
Diisopropylamine	108-18-9	5 ppm	10 ppm	—	X
Dimethoxymethane (Methylal)	109-87-5	1,000 ppm	1,250 ppm	—	—
Dimethyl acetamide	127-19-5	10 ppm	20 ppm	—	X
Dimethylamine	124-40-3	10 ppm	20 ppm	—	—
4-Dimethylaminoazo benzene (see WAC 296-62-073)	60-11-7	—	—	—	—

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Dimethylaminobenzene (Xylidene)	1300-73-8	2 ppm	4 ppm	—	X
Dimethylaniline (N, N-Dimethylaniline)	121-69-7	5 ppm	10 ppm	—	X
Dimethylbenzene (Xylene)	1300-73-8	100 ppm	150 ppm	—	—
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (Naled)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
Dimethylformamide	68-12-2	10 ppm	20 ppm	—	X
2, 6-Dimethylheptanone (Diisobutyl ketone)	108-83-8	25 ppm	38 ppm	—	—
1, 1-Dimethylhydrazine	57-14-7	0.5 ppm	1.5 ppm	—	X
Dimethyl phthalate	131-11-3	5 mg/m ³	10 mg/m ³	—	—
Dimethyl sulfate	77-78-1	0.1 ppm	0.3 ppm	—	X
Dinitolmide (3, 5-Dinitro-o-toluamide)	148-01-6	5 mg/m ³	10 mg/m ³	—	—
Dinitrobenzene (all isomers - alpha, meta and para)	528-29-0; 99-65-0; 100-25-4	0.15 ppm	0.45 ppm	—	X
Dinitro-o-cresol	534-52-1	0.2 mg/m ³	0.6 mg/m ³	—	X
3, 5-Dinitro-o-toluamide (Dinitolmide)	148-01-6	5 mg/m ³	10 mg/m ³	—	—
Dinitrotoluene	25321-14-6	1.5 mg/m ³	3 mg/m ³	—	X
Dioxane (Diethylene dioxide)	123-91-1	25 ppm	38 ppm	—	X
Dioxathion	78-34-2	0.2 mg/m ³	0.6 mg/m ³	—	X
Diphenyl (Biphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Diphenylamine	122-39-4	10 mg/m ³	20 mg/m ³	—	—
Diphenylmethane diisocyanate (Methylene bisphenyl isocyanate (MDI))	101-68-8	—	—	0.02 ppm	—
Dipropylene glycol methyl ether	34590-94-8	100 ppm	150 ppm	—	X
Dipropyl ketone	123-19-3	50 ppm	75 ppm	—	—
Diquat	85-00-7	0.5 mg/m ³	1.5 mg/m ³	—	—
Di-sec, Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	5 mg/m ³	10 mg/m ³	—	—
Disulfam	97-77-8	2 mg/m ³	4 mg/m ³	—	—
Disulfoton	298-04-4	0.1 mg/m ³	0.3 mg/m ³	—	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	10 mg/m ³	20 mg/m ³	—	—
Diuron	330-54-1	10 mg/m ³	20 mg/m ³	—	—
Divinyl benzene	1321-74-0	10 ppm	20 ppm	—	—
Emery	12415-34-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Endosulfan (Thiodan)	115-29-7	0.1 mg/m ³	0.3 mg/m ³	—	X
Endrin	72-20-8	0.1 mg/m ³	0.3 mg/m ³	—	X
Epichlorhydrin (1-Chloro-2, 3-epoxypropane)	106-89-8	2 ppm	4 ppm	—	X
EPN	2104-64-5	0.5 mg/m ³	1.5 mg/m ³	—	X
1, 2-Epoxypropane (Propylene oxide)	75-56-9	20 ppm	30 ppm	—	—
2, 3-Epoxy-1-propanol (Glycidol)	556-52-5	25 ppm	38 ppm	—	—
Ethane	—	Simple asphyxiant	—	—	—

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Ethanethiol (Ethyl mercaptan)	75-08-1	0.5 ppm	1.5 ppm	—	—
Ethanol (Ethyl alcohol)	64-17-5	1,000 ppm	1,250 ppm	—	—
Ethanolamine (2-Aminoethanol)	141-43-5	3 ppm	6 ppm	—	—
Ethion	563-12-2	0.4 mg/m ³	1.2 mg/m ³	—	X
2-Ethoxyethanol (Glycol monoethyl ether)	110-80-5	5 ppm	10 ppm	—	X
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5 ppm	10 ppm	—	X
Ethyl acetate	141-78-6	400 ppm	500 ppm	—	—
Ethyl acrylate	140-88-5	5 ppm	25 ppm	—	X
Ethyl alcohol (ethanol)	64-17-5	1,000 ppm	1,250 ppm	—	—
Ethylamine	75-04-07	10 ppm	20 ppm	—	—
Ethyl amyl ketone (5-Methyl-3-heptanone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl benzene	100-41-4	100 ppm	125 ppm	—	—
Ethyl bromide	74-96-4	200 ppm	250 ppm	—	—
Ethyl butyl ketone (3-Heptanone)	106-35-4	50 ppm	75 ppm	—	—
Ethyl chloride	75-00-3	1,000 ppm	1,250 ppm	—	—
Ethylene	74-85-1	Simple asphyxiant	—	—	—
Ethylene chlorohydrin (2-Chloroethanol)	107-07-3	—	—	1 ppm	X
Ethylenediamine (1,2-Diaminoethane)	107-15-3	10 ppm	20 ppm	—	X
Ethylene dibromide	106-93-4	0.1 ppm	0.5 ppm	—	—
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylene glycol	107-21-1	—	—	50 ppm	—
Ethylene glycol dinitrate	628-96-6	—	0.1 mg/m ³	—	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	—	5 ppm	10 ppm	—	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	—	—	—	X
Ethylene oxide (see chapter 296-855 WAC)	75-21-8	1 ppm	5 ppm	—	—
Ethyl ether (Diethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Ethyl formate	109-94-4	100 ppm	125 ppm	—	—
Ethylidene chloride (1, 1-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylidene norbornene	16219-75-3	—	—	5.0 ppm	—
Ethyl mercaptan (Ethanethiol)	75-08-1	0.5 ppm	1.5 ppm	—	—
n-Ethylmorpholine	100-74-3	5 ppm	10 ppm	—	X
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl silicate	78-10-4	10 ppm	20 ppm	—	—
Fenamiphos	22224-92-6	0.1 mg/m ³	0.3 mg/m ³	—	X
Fensulfothion (Dasanit)	115-90-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Fenthion	55-38-9	0.2 mg/m ³	0.6 mg/m ³	—	X
Ferbam	—	—	—	—	—
Total particulate	14484-64-1	10 mg/m ³	20 mg/m ³	—	—
Ferrovandium dust	12604-58-9	1 mg/m ³	3 mg/m ³	—	—
Fluorides (as F)	Varies with compound	2.5 mg/m ³	5 mg/m ³	—	—

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Fluorine	7782-41-4	0.1 ppm	0.3 ppm	—	—
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	—	—	1,000 ppm	—
Fonofos	944-22-9	0.1 mg/m ³	0.3 mg/m ³	—	X
Formaldehyde (see chapter 296-856 WAC)	50-00-0	0.75 ppm	2 ppm	—	—
Formamide	75-12-7	20 ppm	30 ppm	—	—
Formic acid	64-18-6	5 ppm	10 ppm	—	—
Furadon (carbofuran)	1563-66-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Furfural	98-01-1	2 ppm	4 ppm	—	X
Furfuryl alcohol	98-00-0	10 ppm	15 ppm	—	X
Gasoline	8006-61-9	300 ppm	500 ppm	—	—
Germanium tetrahydride	7782-65-2	0.2 ppm	0.6 ppm	—	—
Glass, fibrous or dust	—	10 mg/m ³	20 mg/m ³	—	—
Glutaraldehyde	111-30-8	—	—	0.2 ppm	—
Glycerin mist	56-81-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Glycidol (2, 3-Epoxy-1-propanol)	556-52-5	25 ppm	38 ppm	—	—
Glycol monoethyl ether (2-Ethoxyethanol)	110-80-5	5 ppm	10 ppm	—	X
Grain dust (oat, wheat, barley)	—	10 mg/m ³	20 mg/m ³	—	—
Graphite, natural	7782-42-5	—	—	—	—
Respirable particulate	—	2.5 mg/m ³	5 mg/m ³	—	—
Graphite, synthetic	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Guthion (Azinphosmethyl)	86-50-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Gypsum	13397-24-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Hafnium	7440-58-6	0.5 mg/m ³	1.5 mg/m ³	—	—
Helium	—	Simple asphyxiant	—	—	—
Heptachlor	76-44-8	0.5 mg/m ³	1.5 mg/m ³	—	X
Heptane (n-heptane)	142-82-5	400 ppm	500 ppm	—	—
2-Heptanone (Methyl n-amyl ketone)	110-43-0	50 ppm	75 ppm	—	—
3-Heptanone (Ethyl butyl ketone)	106-35-4	50 ppm	75 ppm	—	—
Hexachlorobutadiene	87-68-3	0.02 ppm	0.06 ppm	—	X
Hexachlorocyclopentadiene	77-47-4	0.01 ppm	0.03 ppm	—	—
Hexachloroethane	67-72-1	1 ppm	3 ppm	—	X
Hexachloronaphthalene	1335-87-1	0.2 mg/m ³	0.6 mg/m ³	—	X
Hexafluoroacetone	684-16-2	0.1 ppm	0.3 ppm	—	X
Hexane	—	—	—	—	—
n-hexane	110-54-3	50 ppm	75 ppm	—	—
other isomers	Varies with compound	500 ppm	1,000 ppm	—	—

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5 ppm	10 ppm	—	—
Hexone (Methyl isobutyl ketone)	108-10-1	50 ppm	75 ppm	—	—
sec-Hexyl acetate	108-84-9	50 ppm	75 ppm	—	—
Hexylene glycol	107-41-5	—	—	25 ppm	—
Hydrazine	302-01-2	0.1 ppm	0.3 ppm	—	X
Hydrogen	—	Simple asphyxiant	—	—	—
Hydrogenated terphenyls	61788-32-7	0.5 ppm	1.5 ppm	—	—
Hydrogen bromide	10035-10-6	—	—	3.0 ppm	—
Hydrogen chloride	7647-01-0	—	—	5.0 ppm	—
Hydrogen cyanide	74-90-8	—	4.7 ppm	—	X
Hydrogen fluoride	7664-39-3	—	—	3 ppm	—
Hydrogen peroxide	7722-84-1	1 ppm	3 ppm	—	—
Hydrogen selenide (as Se)	7783-07-5	0.05 ppm	0.15 ppm	—	—
Hydrogen sulfide	7783-06-4	10 ppm	15 ppm	—	—
Hydroquinone (Dihydroxybenzene)	123-31-9	2 mg/m ³	4 mg/m ³	—	—
4-Hydroxy-4-methyl-2-pentanone (Diacetone alcohol)	123-42-2	50 ppm	75 ppm	—	—
2-Hydroxypropyl acrylate	99-61-1	0.5 ppm	1.5 ppm	—	X
Indene	95-13-6	10 ppm	20 ppm	—	—
Indium and compounds (as In)	7440-74-6	0.1 mg/m ³	0.3 mg/m ³	—	—
Iodine	7553-56-2	—	—	0.1 ppm	—
Iodoform	75-47-8	0.6 ppm	1.8 ppm	—	—
Iron oxide dust and fume (as Fe) Total particulate	1309-37-1 —	5 mg/m ³	10 mg/m ³	—	—
Iron pentacarbonyl (as Fe)	13463-40-6	0.1 ppm	0.2 ppm	—	—
Iron salts, soluble (as Fe)	Varies with compound	1 mg/m ³	3 mg/m ³	—	—
Isoamyl acetate	123-92-2	100 ppm	150 ppm	—	—
Isoamyl alcohol (primary and secondary)	123-51-3	100 ppm	125 ppm	—	—
Isobutyl acetate	110-19-0	150 ppm	188 ppm	—	—
Isobutyl alcohol	78-83-1	50 ppm	75 ppm	—	—
Isooctyl alcohol	26952-21-6	50 ppm	75 ppm	—	X
Isophorone	78-59-1	4 ppm	—	5 ppm	—
Isophorone diisocyanate	4098-71-9	0.005 ppm	0.02 ppm	—	X
Isopropoxyethanol	109-59-1	25 ppm	38 ppm	—	—
Isopropyl acetate	108-21-4	250 ppm	310 ppm	—	—
Isopropyl alcohol	67-63-0	400 ppm	500 ppm	—	—
Isopropylamine	75-31-0	5 ppm	10 ppm	—	—
N-Isopropylaniline	768-52-5	2 ppm	4 ppm	—	X
Isopropyl ether	108-20-3	250 ppm	313 ppm	—	—
Isopropyl glycidyl ether (IGE)	4016-14-2	50 ppm	75 ppm	—	—
Kaolin Total particulate	— —	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Ketene	463-51-4	0.5 mg/m ³	1.5 mg/m ³	—	—
Lannate (Methomyl)	16752-77-5	2.5 mg/m ³	5 mg/m ³	—	—

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Lead, inorganic (as Pb) (see WAC 296-62-07521 and 296-155-176)	7439-92-1	0.05 mg/m ³	—	—	—
Lead arsenate (as Pb) (see WAC 296-62-07521, 296-155-176, and chapter 296-848 WAC)	3687-31-8	0.05 mg/m ³	—	—	—
Lead chromate (as Pb) (see WAC 296-62-08003, 296-62-07521, and 296-155-176)	7758-97-6	0.05 mg/m ³	—	—	—
Limestone	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Lindane	58-89-9	0.5 mg/m ³	1.5 mg/m ³	—	X
Lithium hydride	7580-67-8	0.025 mg/m ³	0.075 mg/m ³	—	—
L.P.G. (liquified petroleum gas)	68476-85-7	1,000 ppm	1,250 ppm	—	—
Magnesite	546-93-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Magnesium oxide fume	1309-48-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Malathion	121-75-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	X
Maleic anhydride	108-31-6	0.25 ppm	0.75 ppm	—	—
Manganese and compounds (as Mn)	7439-96-5	—	—	5 mg/m ³	—
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Manganese tetroxide and fume (as Mn)	7439-96-5	1 mg/m ³	3 mg/m ³	—	—
Marble	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
MBOCA (4, 4'-Methylene bis (2-chloro-aniline)) (see WAC 296-62-073)	101-14-4	—	—	—	X
MDA (4, 4-Methylene dianiline) (see WAC 296-62-076 and 296-155-173)	101-77-9	0.01 ppm	0.1 ppm	—	X
MDI (Methylene bisphenyl isocyanate) (Diphenylmethane diisocyanate)	101-68-8	—	—	0.02 ppm	—
MEK (Methyl ethyl ketone) (2-Butanone)	78-93-3	200 ppm	300 ppm	—	—
MEKP (Methyl ethyl ketone peroxide)	1338-23-4	—	—	0.2 ppm	—
Mercury (as Hg)	7439-97-6	—	—	—	—
Aryl and inorganic	—	0.1 mg/m ³	0.3 mg/m ³	—	X
Organo-alkyl compounds	—	0.01 mg/m ³	0.03 mg/m ³	—	X

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Vapor	—	0.05 mg/m ³	0.15 mg/m ³	—	X
Mesityl oxide	141-79-7	15 ppm	25 ppm	—	—
Methacrylic acid	79-41-4	20 ppm	30 ppm	—	X
Methane	—	Simple asphyxiant	—	—	—
Methanethiol (Methyl mercaptan)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methanol (Methyl alcohol)	67-56-1	200 ppm	250 ppm	—	X
Methomyl (Iannate)	16752-77-5	2.5 mg/m ³	5 mg/m ³	—	—
Methoxychlor	72-43-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5 ppm	10 ppm	—	X
2-Methoxyethyl acetate (Methyl cellosolve acetate)	110-49-6	5 ppm	10 ppm	—	X
4-Methoxyphenol	150-76-5	5 mg/m ³	10 mg/m ³	—	—
Methyl acetate	79-20-9	200 ppm	250 ppm	—	—
Methyl acetylene (propyne)	74-99-7	1,000 ppm	1,250 ppm	—	—
Methyl acetylene-propadiene mixture (MAPP)	—	1,000 ppm	1,250 ppm	—	—
Methyl acrylate	96-33-3	10 ppm	20 ppm	—	X
Methylacrylonitrile	126-98-7	1 ppm	3 ppm	—	X
Methylal (Dimethoxy-methane)	109-87-5	1,000 ppm	1,250 ppm	—	—
Methyl alcohol (methanol)	67-56-1	200 ppm	250 ppm	—	X
Methylamine	74-89-5	10 ppm	20 ppm	—	—
Methyl amyl alcohol (Methyl isobutyl carbinol)	108-11-2	25 ppm	40 ppm	—	X
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50 ppm	75 ppm	—	—
N-Methyl aniline (Monomethyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Methyl bromide	74-83-9	5 ppm	10 ppm	—	X
Methyl-n-butyl ketone (2-Hexanone)	591-78-6	5 ppm	10 ppm	—	—
Methyl cellosolve (2-Methoxyethanol)	109-86-4	5 ppm	10 ppm	—	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5 ppm	10 ppm	—	X
Methyl chloride	74-87-3	50 ppm	100 ppm	—	—
Methyl chloroform (1, 1, 1-trichloroethane)	71-55-6	350 ppm	450 ppm	—	—
Methyl chloromethyl ether (chloromethyl methyl ether) (see WAC 296-62-073)	107-30-2	—	—	—	—
Methyl 2-cyanoacrylate	137-05-3	2 ppm	4 ppm	—	—
Methylcyclohexane	108-87-2	400 ppm	500 ppm	—	—
Methylcyclohexanol	25639-42-3	50 ppm	75 ppm	—	—
Methylcyclohexanone	583-60-8	50 ppm	75 ppm	—	X
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	0.2 mg/m ³	0.6 mg/m ³	—	X
Methyl demeton	8022-00-2	0.5 mg/m ³	1.5 mg/m ³	—	X
Methylene bisphenyl isocyanate (MDI) (Diphenylmethane diisocyanate)	101-68-8	—	—	0.02 ppm	—

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
4, 4'-Methylene bis (2-chloro-aniline) (MBOCA) (see WAC 296-62-073)	101-14-4	—	—	—	X
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	—	—	0.01 ppm	—
Methylene chloride (Dichloromethane) (see chapter 296-859 WAC)	75-09-2	25 ppm	125 ppm	—	—
4, 4-Methylene dianiline (MDA) (see WAC 296-62-076 and 296-155-173)	101-77-9	0.01 ppm	0.1 ppm	—	X
Methyl ethyl ketone (MEK) (2-Butanone)	78-93-3	200 ppm	300 ppm	—	—
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	—	—	0.2 ppm	—
Methyl formate	107-31-3	100 ppm	150 ppm	—	—
5-Methyl-3-heptanone (Ethyl amyl ketone)	541-85-5	25 ppm	38 ppm	—	—
Methyl hydrazine (Monomethyl hydrazine)	60-34-4	—	—	0.2 ppm	X
Methyl iodide	74-88-4	2 ppm	4 ppm	—	X
Methyl isoamyl ketone	110-12-3	50 ppm	75 ppm	—	—
Methyl isobutyl carbinol (Methyl amyl alcohol)	108-11-2	25 ppm	40 ppm	—	X
Methyl isobutyl ketone (Hexone)	108-10-1	50 ppm	75 ppm	—	—
Methyl isocyanate	624-83-9	0.02 ppm	0.06 ppm	—	X
Methyl isopropyl ketone	563-80-4	200 ppm	250 ppm	—	—
Methyl mercaptan (Methanethiol)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methyl methacrylate	80-62-6	100 ppm	150 ppm	—	—
Methyl parathion	298-00-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Methyl propyl ketone (2-Pentanone)	107-87-9	200 ppm	250 ppm	—	—
Methyl silicate	684-84-5	1 ppm	3 ppm	—	—
alpha-Methyl styrene	98-83-9	50 ppm	100 ppm	—	—
Mevinphos (Phosdrin)	7786-34-7	0.01 ppm	0.03 ppm	—	X
Metribuzin	21087-64-9	5 mg/m ³	10 mg/m ³	—	—
Mica (Silicates) Respirable fraction	12001-26-2	3 mg/m ³	6 mg/m ³	—	—
Molybdenum (as Mo)	7439-98-7	—	—	—	—
Soluble compounds	—	5 mg/m ³	10 mg/m ³	—	—
Insoluble compounds	—	10 mg/m ³	20 mg/m ³	—	—
Monochlorobenzene (Chlorobenzene)	108-90-7	75 ppm	113 ppm	—	—
Monocrotophos (Azodrin)	6923-22-4	0.25 mg/m ³	0.75 mg/m ³	—	—
Monomethyl aniline (N-Methyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Monomethyl hydrazine	—	—	—	0.2 ppm	—
Morpholine	110-91-8	20 ppm	30 ppm	—	X
Naled (Dibrom)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
Naphtha	8030-30-6	100 ppm	150 ppm	—	X
Naphthalene	91-20-3	10 ppm	15 ppm	—	—
alpha-Naphthylamine (see WAC 296-62-073)	134-32-7	—	—	—	—

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
beta-Naphthylamine (see WAC 296-62-073)	91-59-8	—	—	—	—
Neon	7440-01-9	Simple asphyxiant	—	—	—
Nickel carbonyl (as Ni)	13463-39-3	0.001 ppm	0.003 ppm	—	—
Nickel (as Ni)	7440-02-0	—	—	—	—
Metal and insoluble compounds	—	1 mg/m ³	3 mg/m ³	—	—
Soluble compounds	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Nicotine	54-11-5	0.5 mg/m ³	1.5 mg/m ³	—	X
Nitrapyrin (2-Chloro-6 trichloromethyl pyridine)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Nitric acid	7697-37-2	2 ppm	4 ppm	—	—
Nitric oxide	10102-43-9	25 ppm	38 ppm	—	—
p-Nitroaniline	100-01-6	3 mg/m ³	6 mg/m ³	—	X
Nitrobenzene	98-95-3	1 ppm	3 ppm	—	X
4-Nitrobiphenyl (see WAC 296-62-073)	92-93-3	—	—	—	—
p-Nitrochlorobenzene	100-00-5	0.5 mg/m ³	1.5 mg/m ³	—	X
4-Nitrodiphenyl (see WAC 296-62-073)	—	—	—	—	—
Nitroethane	79-24-3	100 ppm	150 ppm	—	—
Nitrogen	7727-37-9	Simple asphyxiant	—	—	—
Nitrogen dioxide	10102-44-0	—	1 ppm	—	—
Nitrogen oxide (Nitrous oxide)	10024-97-2	50 ppm	75 ppm	—	—
Nitrogen trifluoride	7783-54-2	10 ppm	20 ppm	—	—
Nitroglycerin	55-63-0	—	0.1 mg/m ³	—	X
Nitromethane	75-52-5	100 ppm	150 ppm	—	—
1-Nitropropane	108-03-2	25 ppm	38 ppm	—	—
2-Nitropropane	79-46-9	10 ppm	20 ppm	—	—
N-Nitrosodimethylamine (see WAC 296-62-073)	62-75-9	—	—	—	—
Nitrotoluene	—	—	—	—	—
o-isomer	88-72-2	2 ppm	4 ppm	—	X
m-isomer	98-08-2	2 ppm	4 ppm	—	X
p-isomer	99-99-0	2 ppm	4 ppm	—	X
Nitrotrichloromethane (Chloropicrin)	76-06-2	0.1 ppm	0.3 ppm	—	—
Nitrous oxide (Nitrogen oxide)	10024-97-2	50 ppm	75 ppm	—	—
Nonane	111-84-2	200 ppm	250 ppm	—	—
Nuisance dusts (see Particulates not otherwise regulated)	—	—	—	—	—
Octachloronaphthalene	2234-13-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Octane	111-65-9	300 ppm	375 ppm	—	—
Oil mist mineral (particulate)	8012-95-1	5 mg/m ³	10 mg/m ³	—	—
Osmium tetroxide (as Os)	20816-12-0	0.0002 ppm	0.0006 ppm	—	—
Oxalic acid	144-62-7	1 mg/m ³	2 mg/m ³	—	—

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Oxygen	—	—	—	—	—
See requirements in other chapters such as: Chapter 296-809 WAC, Confined spaces; chapter 296-843 WAC, Hazardous waste operations; chapter 296-824 WAC, Emergency response; WAC 296-62-100, Oxygen deficient atmospheres					
Oxygen difluoride	7783-41-7	—	—	0.05 ppm	—
Ozone	10028-15-6	0.1 ppm	0.3 ppm	—	—
Paper fiber (Cellulose)	9004-34-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Paraffin wax fume	8002-74-2	2 mg/m ³	4 mg/m ³	—	—
Paraquat	—	—	—	—	—
Respirable fraction	4685-14-7 1910-42-5 2074-50-2	0.1 mg/m ³	0.3 mg/m ³	—	X
Parathion	56-38-2	0.1 mg/m ³	0.3 mg/m ³	—	X
Particulate polycyclic aromatic hydrocarbons (see coal tar pitch volatiles)				—	—
Particulates not otherwise regulated	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pentaborane	19624-22-7	0.005 ppm	0.015 ppm	—	—
Pentachloronaphthalene	1321-64-8	0.5 mg/m ³	1.5 mg/m ³	—	X
Pentachlorophenol	87-86-5	0.5 mg/m ³	1.5 mg/m ³	—	X
Pentaerythritol	115-77-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pentane	109-66-0	600 ppm	750 ppm	—	—
2-Pentanone (methyl propyl ketone)	107-87-9	200 ppm	250 ppm	—	—
Perchloroethylene (tetrachloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Perchloromethyl mercaptan	594-42-3	0.1 ppm	0.3 ppm	—	—
Perchloryl fluoride	7616-94-6	3 ppm	6 ppm	—	—
Perlite	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Petroleum distillates (Naptha, rubber solvent)	—	100 ppm	150 ppm	—	—
Phenacyl chloride (a-Chloroacetophenone)	532-21-4	0.05 ppm	0.15 ppm	—	—
Phenol	108-95-2	5 ppm	10 ppm	—	X
Phenothiazine	92-84-2	5 mg/m ³	10 mg/m ³	—	X
p-Phenylene diamine	106-50-3	0.1 mg/m ³	0.3 mg/m ³	—	X
Phenyl ether (vapor)	101-84-8	1 ppm	3 ppm	—	—
Phenyl ether-diphenyl mixture (vapor)	—	1 ppm	3 ppm	—	—
Phenylethylene (Styrene)	100-42-5	50 ppm	100 ppm	—	—

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Phenyl glycidyl ether (PGE)	122-60-1	1 ppm	3 ppm	—	—
Phenylhydrazine	100-63-0	5 ppm	10 ppm	—	X
Phenyl mercaptan	108-98-5	0.5 ppm	1.5 ppm	—	—
Phenylphosphine	638-21-1	—	—	0.05 ppm	—
Phorate	298-02-2	0.05 mg/m ³	0.2 mg/m ³	—	X
Phosdrin (Mevinphos)	7786-34-7	0.01 ppm	0.03 ppm	—	X
Phosgene (carbonyl chloride)	75-44-5	0.1 ppm	0.3 ppm	—	—
Phosphine	7803-51-2	0.3 ppm	1 ppm	—	—
Phosphoric acid	7664-38-2	1 mg/m ³	3 mg/m ³	—	—
Phosphorus (yellow)	7723-14-0	0.1 mg/m ³	0.3 mg/m ³	—	—
Phosphorous oxychloride	10025-87-3	0.1 ppm	0.3 ppm	—	—
Phosphorus pentachloride	10026-13-8	0.1 ppm	0.3 ppm	—	—
Phosphorus pentasulfide	1314-80-3	1 mg/m ³	3 mg/m ³	—	—
Phosphorus trichloride	12-2-19	0.2 ppm	0.5 ppm	—	—
Phthalic anhydride	85-44-9	1 ppm	3 ppm	—	—
m-Phthalodinitrile	626-17-5	5 mg/m ³	10 mg/m ³	—	—
Picloram	1918-02-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Picric acid (2, 4, 6-Trinitrophenol)	88-89-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Pindone (2-Pivalyl-1, 3-indandione, Pival)	83-26-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Piperazine dihydrochloride	142-64-3	5 mg/m ³	10 mg/m ³	—	—
Pival (Pindone)	83-26-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Plaster of Paris	26499-65-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Platinum (as Pt)	7440-06-4	—	—	—	—
Metal	—	1 mg/m ³	3 mg/m ³	—	—
Soluble salts	—	0.002 mg/m ³	0.006 mg/m ³	—	—
Polychlorobiphenyls (Chlorodiphenyls)	—	—	—	—	—
42% Chlorine (PCB)	53469-21-9	1 mg/m ³	3 mg/m ³	—	X
54% Chlorine (PCB)	11097-69-1	0.5 mg/m ³	1.5 mg/m ³	—	X
Portland cement	65997-15-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Potassium hydroxide	1310-58-3	—	—	2 mg/m ³	—
Propane	74-98-6	1,000 ppm	1,250 ppm	—	—
Propargyl alcohol	107-19-7	1 ppm	3 ppm	—	X
beta-Propiolactone (see WAC 296-62-073)	57-57-8	—	—	—	—
Propionic acid	79-09-4	10 ppm	20 ppm	—	—
Propoxur (Baygon)	114-26-1	0.5 mg/m ³	1.5 mg/m ³	—	—
n-Propyl acetate	109-60-4	200 ppm	250 ppm	—	—
n-Propyl alcohol	71-23-8	200 ppm	250 ppm	—	X
n-Propyl nitrate	627-13-4	25 ppm	40 ppm	—	—
Propylene	—	Simple asphyxiant	—	—	—
Propylene dichloride (1, 2-Dichloropropane)	78-87-5	75 ppm	110 ppm	—	—
Propylene glycol dinitrate	6423-43-4	0.05 ppm	0.15 ppm	—	X

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Propylene glycol monomethyl ether	107-98-2	100 ppm	150 ppm	—	—
Propylene imine	75-55-8	2 ppm	4 ppm	—	X
Propylene oxide (1,2-Epoxypropane)	75-56-9	20 ppm	30 ppm	—	—
Propyne (Methyl acetylene)	74-99-7	1,000 ppm	1,250 ppm	—	—
Pyrethrum	8003-34-7	5 mg/m ³	10 mg/m ³	—	—
Pyridine	110-86-1	5 ppm	10 ppm	—	—
Pyrocatachol (Catechol)	120-80-9	5 ppm	10 ppm	—	X
Quinone (p-Benzoquinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
RDX (Cyclonite)	—	1.5 mg/m ³	3 mg/m ³	—	X
Resorcinol	108-46-3	10 ppm	20 ppm	—	—
Rhodium (as Rh)	7440-16-6	—	—	—	—
Insoluble compounds, metal fumes and dusts	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Soluble compounds, salts	—	0.001 mg/m ³	0.003 mg/m ³	—	—
Ronnel	299-84-3	10 mg/m ³	20 mg/m ³	—	—
Rosin core solder, pyrolysis products (as formaldehyde)	8050-09-7	0.1 mg/m ³	0.3 mg/m ³	—	—
Rotenone	83-79-4	5 mg/m ³	10 mg/m ³	—	—
Rouge	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Rubber solvent (naphtha)	8030-30-6	100 ppm	150 ppm	—	—
Selenium compounds (as Se)	7782-49-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Selenium hexafluoride (as Se)	7783-79-1	0.05 ppm	0.15 ppm	—	—
Sesone (Crag herbicide)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Sevin (Carbaryl)	63-25-2	5 mg/m ³	10 mg/m ³	—	—
Silane (see Silicon tetrahydride)	7803-62-5	5 ppm	10 ppm	—	—
Silica, amorphous, precipitated and gel	112926-00-8	6 mg/m ³	12 mg/m ³	—	—
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Silica, crystalline cristobalite	—	—	—	—	—
Respirable fraction	14464-46-1	0.05 mg/m ³	0.15 mg/m ³	—	—
<u>Applies where the exposure limit in chapter 296-840 WAC is not in effect.</u>					
Silica, crystalline quartz	—	—	—	—	—
Respirable fraction	14808-60-7	0.1 mg/m ³	0.3 mg/m ³	—	—
<u>Applies where the exposure limit in chapter 296-840 WAC is not in effect.</u>					
Silica, crystalline tripoli (as quartz)	—	—	—	—	—
Respirable fraction	1317-95-9	0.1 mg/m ³	0.3 mg/m ³	—	—
Silica, crystalline tridymite	—	—	—	—	—
Respirable fraction	15468-32-3	0.05 mg/m ³	0.15 mg/m ³	—	—
<u>Applies where the exposure limit in chapter 296-840 WAC is not in effect.</u>					

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Silica, fused	—	—	—	—	—
Respirable fraction	60676-86-0	0.1 mg/m ³	0.3 mg/m ³	—	—
Silicates (less than 1% crystalline silica)	—	—	—	—	—
Mica	—	—	—	—	—
Respirable fraction	12001-26-2	3 mg/m ³	6 mg/m ³	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Talc (containing asbestos) (as asbestos) (see WAC 296-62-07705 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Talc (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m ³	4 mg/m ³	—	—
Tremolite (asbestiform) (as asbestos) (see WAC 296-62-07705 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Silicon	7440-21-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Silicon carbide	409-21-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Silicon tetrahydride (Silane)	7803-62-5	5 ppm	10 ppm	—	—
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	0.01 mg/m ³	0.03 mg/m ³	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Sodium azide (as HN ₃ or NaN ₃)	26628-22-8	—	—	0.1 ppm	X
Sodium bisulfite	7631-90-5	5 mg/m ³	10 mg/m ³	—	—
Sodium-2,4-dichloro-phenoxyethyl sulfate (Crag herbicide)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Sodium fluoroacetate	62-74-8	0.05 mg/m ³	0.15 mg/m ³	—	X
Sodium hydroxide	1310-73-2	—	—	2 mg/m ³	—
Sodium metabisulfite	7681-57-4	5 mg/m ³	10 mg/m ³	—	—
Starch	9005-25-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Stibine	7803-52-3	0.1 ppm	0.3 ppm	—	—
Stoddard solvent	8052-41-3	100 ppm	150 ppm	—	—
Strychnine	57-24-9	0.15 mg/m ³	0.45 mg/m ³	—	—
Styrene (Phenylethylene, Vinyl benzene)	100-42-5	50 ppm	100 ppm	—	—
Subtilisins	9014-01-1	—	0.00006 mg/m ³ (60 min.)	—	—
Sucrose	57-50-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Sulfotep (TEDP)	3689-24-5	0.2 mg/m ³	0.6 mg/m ³	—	X
Sulfur dioxide	7446-09-5	2 ppm	5 ppm	—	—
Sulfur hexafluoride	2551-62-4	1,000 ppm	1,250 ppm	—	—
Sulfuric acid	7664-93-9	1 mg/m ³	3 mg/m ³	—	—
Sulfur monochloride	10025-67-9	—	—	1 ppm	—
Sulfur pentafluoride	5714-22-1	—	—	0.01 ppm	—
Sulfur tetrafluoride	7783-60-0	—	—	0.1 ppm	—
Sulfuryl fluoride	2699-79-8	5 ppm	10 ppm	—	—
Sulprofos	35400-43-2	1 mg/m ³	3 mg/m ³	—	—
Systox (Demeton)	8065-48-3	0.01 ppm	0.03 ppm	—	X
2, 4, 5-T (2, 4, 5- trichlorophenoxyacetic acid)	93-76-5	10 mg/m ³	20 mg/m ³	—	—
Talc (containing asbestos) (as asbestos) (see WAC 296-62-07705 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Talc (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m ³	4 mg/m ³	—	—
Tantalum	—	—	—	—	—
Metal and oxide dusts	7440-25-7	5 mg/m ³	10 mg/m ³	—	—
TDI (Toluene-2, 4-diisocyanate)	584-84-9	0.005 ppm	0.02 ppm	—	—
TEDP (Sulfotep)	3689-24-5	0.2 mg/m ³	0.6 mg/m ³	—	X
Tellurium and compounds (as Te)	13494-80-9	0.1 mg/m ³	0.3 mg/m ³	—	—
Tellurium hexafluoride (as Te)	7783-80-4	0.02 ppm	0.06 ppm	—	—
Temephos (Abate)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
TEPP	107-49-3	0.004 ppm	0.012 ppm	—	X
Terphenyls	26140-60-3	—	—	0.5 ppm	—
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloroethane	79-34-5	1 ppm	3 ppm	—	X
Tetrachloroethylene (Perchloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Tetrachloromethane (Carbon tetrachloride)	56-23-5	2 ppm	4 ppm	—	X
Tetrachloronaphthalene	1335-88-2	2 mg/m ³	4 mg/m ³	—	X
Tetraethyl lead (as Pb)	78-00-2	0.075 mg/m ³	0.225 mg/m ³	—	X
Tetrahydrofuran	109-99-9	200 ppm	250 ppm	—	—
Tetramethyl lead (as Pb)	75-74-1	0.075 mg/m ³	0.225 mg/m ³	—	X
Tetramethyl succinonitrile	3333-52-6	0.5 ppm	1.5 ppm	—	X
Tetranitromethane	509-14-8	1 ppm	3 ppm	—	—
Tetrasodium pyrophosphate	7722-88-5	5 mg/m ³	10 mg/m ³	—	—
Tetryl (2, 4, 6-trinitrophenyl-methylnitramine)	479-45-8	1.5 mg/m ³	3 mg/m ³	—	X
Thallium (soluble compounds) (as Tl)	7440-28-0	0.1 mg/m ³	0.3 mg/m ³	—	X
4, 4-Thiobis (6-tert-butyl-m-cresol)	96-69-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Thiodan (Endosulfan)	115-29-7	0.1 mg/m ³	0.3 mg/m ³	—	X
Thioglycolic acid	68-11-1	1 ppm	3 ppm	—	X
Thionyl chloride	7719-09-7	—	—	1 ppm	—
Thiram (see WAC 296-62-07519)	137-26-8	5 mg/m ³	10 mg/m ³	—	—
Tin (as Sn)	—	—	—	—	—
Inorganic compounds	7440-31-5	2 mg/m ³	4 mg/m ³	—	—
Tin (as Sn)	—	—	—	—	—
Organic compounds	7440-31-5	0.1 mg/m ³	0.3 mg/m ³	—	X
Tin oxide (as Sn)	21651-19-4	2 mg/m ³	4 mg/m ³	—	—
Titanium dioxide	13463-67-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
TNT (2, 4, 6-Trinitrotoluene)	118-96-7	0.5 mg/m ³	1.5 mg/m ³	—	X
Toluene	108-88-3	100 ppm	150 ppm	—	—
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005 ppm	0.02 ppm	—	—
m-Toluidine	108-44-1	2 ppm	4 ppm	—	X
o-Toluidine	95-53-4	2 ppm	4 ppm	—	X
p-Toluidine	106-49-0	2.0 ppm	4 ppm	—	X
Toxaphene (Chlorinated camphene)	8001-35-2	0.5 mg/m ³	1 mg/m ³	—	X
Tremolite (asbestiform) (as asbestos) (see WAC 296-62-07705 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Tributyl phosphate	126-73-8	0.2 ppm	0.6 ppm	—	—
Trichloroacetic acid	76-03-9	1 ppm	3 ppm	—	—
1, 2, 4-Trichlorobenzene	120-82-1	—	—	5 ppm	—
1, 1, 1-Trichloroethane (Methyl chloroform)	71-55-6	350 ppm	450 ppm	—	—
1, 1, 2-Trichloroethane	79-00-5	10 ppm	20 ppm	—	—
Trichloroethylene	79-01-6	50 ppm	200 ppm	—	—
Trichlorofluoromethane (Fluorotrichloromethane)	75-69-4	—	—	1,000 ppm	—
Trichloromethane (Chloroform)	67-66-3	2 ppm	4 ppm	—	—
Trichloronaphthalene	1321-65-9	5 mg/m ³	10 mg/m ³	—	X
1, 2, 3-Trichloropropane	96-18-4	10 ppm	20 ppm	—	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000 ppm	1,250 ppm	—	—
Tricyclohexyltin hydroxide (Cyhexatin)	13121-70-5	5 mg/m ³	10 mg/m ³	—	—
Triethylamine	121-44-8	10 ppm	15 ppm	—	—
Trifluorobromomethane	75-63-8	1,000 ppm	1,250 ppm	—	—
Trimellitic anhydride	552-30-7	0.005 ppm	0.015 ppm	—	—
Trimethylamine	75-50-3	10 ppm	15 ppm	—	—
Trimethyl benzene	25551-13-7	25 ppm	38 ppm	—	—
Trimethyl phosphite	121-45-9	2 ppm	4 ppm	—	—
2, 4, 6-Trinitrophenol (Picric acid)	88-89-1	0.1 mg/m ³	0.3 mg/m ³	—	X
2, 4, 6-Trinitrophenyl-methylnitramine (Tetryl)	479-45-8	1.5 mg/m ³	3 mg/m ³	—	X
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	0.5 mg/m ³	1.5 mg/m ³	—	X

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Triorthocresyl phosphate	78-30-8	0.1 mg/m ³	0.3 mg/m ³	—	X
Triphenyl amine	603-34-9	5 mg/m ³	10 mg/m ³	—	—
Triphenyl phosphate	115-86-6	3 mg/m ³	6 mg/m ³	—	—
Tungsten (as W)	7440-33-7	—	—	—	—
Soluble compounds	—	1 mg/m ³	3 mg/m ³	—	—
Insoluble compounds	—	5 mg/m ³	10 mg/m ³	—	—
Turpentine	8006-64-2	100 ppm	150 ppm	—	—
Uranium (as U)	7440-61-1	—	—	—	—
Soluble compounds	—	0.05 mg/m ³	0.15 mg/m ³	—	—
Insoluble compounds	—	0.2 mg/m ³	0.6 mg/m ³	—	—
n-Valeraldehyde	110-62-3	50 ppm	75 ppm	—	—
Vanadium (as V ₂ O ₅)	—	—	—	—	—
Respirable fraction	1314-62-1	0.05 mg/m ³	0.15 mg/m ³	—	—
Vegetable oil mist	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Vinyl acetate	108-05-1	10 ppm	20 ppm	—	—
Vinyl benzene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Vinyl bromide	593-60-2	5 ppm	10 ppm	—	—
Vinyl chloride (Chloroethylene) (see WAC 296-62-07329)	75-01-4	1 ppm	5 ppm	—	—
Vinyl cyanide (Acrylonitrile) (see WAC 296-62-07336)	107-13-1	2 ppm	10 ppm	—	—
Vinyl cyclohexene dioxide	106-87-6	10 ppm	20 ppm	—	X
Vinyl toluene	25013-15-4	50 ppm	75 ppm	—	—
Vinylidene chloride (1, 1-Dichloroethylene)	75-35-4	1 ppm	3 ppm	—	—
VM & P Naphtha	8032-32-4	300 ppm	400 ppm	—	—
Warfarin	81-81-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Welding fumes (total particulate)	—	5 mg/m ³	10 mg/m ³	—	—
Wood dust	—	—	—	—	—
Nonallergenic; (All woods except allergenic)	—	5 mg/m ³	10 mg/m ³	—	—
Allergenic (e.g. cedar, mahogany and teak)	—	2.5 mg/m ³	5 mg/m ³	—	—
Xylenes (ortho, meta, and para isomers) (Dimethylbenzene)	1330-20-7	100 ppm	150 ppm	—	—
m-Xylene alpha, alpha-diamine	1477-55-0	—	—	0.1 mg/m ³	X
Xylidine (Dimethylaminobenzene)	1300-73-8	2 ppm	4 ppm	—	X
Yttrium	7440-65-5	1 mg/m ³	3 mg/m ³	—	—
Zinc chloride fume	7646-85-7	1 mg/m ³	2 mg/m ³	—	—
Zinc chromate (as Cr) (see WAC 296-62-08003)	Varies with compound	0.005 mg/m ³	—	0.1 mg/m ³	—
Zinc oxide	1314-13-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Zinc oxide fume	1314-13-2	5 mg/g ³	10 mg/m ³	—	—

Airborne contaminant	CAS	TWA ₈	STEL	Ceiling	Skin
Zinc stearate	557-05-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Zirconium compounds (as Zr)	7440-67-2	5 mg/m ³	10 mg/m ³	—	—

WSR 18-07-102**PERMANENT RULES****DEPARTMENT OF HEALTH**

[Filed March 20, 2018, 6:25 p.m., effective April 20, 2018]

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

Purpose: WAC 246-310-715, 246-310-720, 246-310-725 and 246-310-745, the adopted rules amend existing certificate of need percutaneous coronary intervention (PCI) program volume standards for institutions from three hundred to two hundred, and for individual practitioners from seventy-five to fifty to promote safe and effective elective PCI programs based on the most recent clinical research and literature.

Citation of Rules Affected by this Order: Amending WAC 246-310-715, 246-310-720, 246-310-725, and 246-310-745.

Statutory Authority for Adoption: RCW 70.38.135.

Other Authority: RCW 70.38.115.

Adopted under notice filed as WSR 18-01-097 on December 18, 2017.

A final cost-benefit analysis is available by contacting Katherine Hoffman, 111 Israel Road S.E., P.O. Box 47852, Tumwater, WA 98501, phone 360-236-2979, fax 360-236-2321, TTY 360-833-6388 or 711, email katherine.hoffman@doh.wa.gov, web site <https://www.doh.wa.gov/AboutUs/RuleMaking/RuleMakingActivity>.

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 the Request of a Non-governmental Entity: New 0, Amended 4, 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: March 13, 2018.

John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 09-01-113, filed 12/19/08, effective 12/19/08)

WAC 246-310-715 General requirements. The applicant hospital must:

(1) Submit a detailed analysis of the impact that their new adult elective PCI services will have on the Cardiovascular Disease and Interventional Cardiology Fellowship Training programs at the University of Washington, and allow the university an opportunity to respond. New programs may not reduce current volumes at the University of Washington fellowship training program.

(2) Submit a detailed analysis of the projected volume of adult elective PCIs that it anticipates it will perform in years one, two and three after it begins operations. All new elective PCI programs must comply with the state of Washington annual PCI volume standards of ~~(((three)))~~ two hundred by the end of year three. The projected volumes must be sufficient to assure that all physicians working only at the applicant hospital will be able to meet volume standards of ~~(((seventy-five)))~~ fifty PCIs per year. If an applicant hospital fails to meet annual volume standards, the department may conduct a review of certificate of need approval for the program under WAC 246-310-755.

(3) Submit a plan detailing how they will effectively recruit and staff the new program with qualified nurses, catheterization laboratory technicians, and interventional cardiologists without negatively affecting existing staffing at PCI programs in the same planning area.

(4) Maintain one catheterization lab used primarily for cardiology. The lab must be a fully equipped cardiac catheterization laboratory with all appropriate devices, optimal digital imaging systems, life sustaining apparatus, intra-aortic balloon pump assist device (IABP). The lab must be staffed by qualified, experienced nursing and technical staff with documented competencies in the treatment of acutely ill patients.

(5) Be prepared and staffed to perform emergent PCIs twenty-four hours per day, seven days per week in addition to the scheduled PCIs.

(6) If an existing CON approved heart surgery program relinquishes the CON for heart surgery, the facility must apply for an amended CON to continue elective PCI services. The applicant must demonstrate ability to meet the elective PCI standards in this chapter.

AMENDATORY SECTION (Amending WSR 09-01-113, filed 12/19/08, effective 12/19/08)

WAC 246-310-720 Hospital volume standards. (1) Hospitals with an elective PCI program must perform a min-

imum of ~~((three))~~ two hundred adult PCIs per year by the end of the third year of operation and each year thereafter.

(2) The department shall only grant a certificate of need to new programs within the identified planning area if:

(a) The state need forecasting methodology projects unmet volumes sufficient to establish one or more programs within a planning area; and

(b) All existing PCI programs in that planning area are meeting or exceeding the minimum volume standard.

AMENDATORY SECTION (Amending WSR 09-01-113, filed 12/19/08, effective 12/19/08)

WAC 246-310-725 Physician volume standards. Physicians performing adult elective PCI procedures at the applying hospital must perform a minimum of ~~((seventy-five))~~ fifty PCIs per year. Applicant hospitals must provide documentation that physicians performed ~~((seventy-five))~~ fifty PCI procedures per year for the previous three years prior to the applicant's CON request.

AMENDATORY SECTION (Amending WSR 09-01-113, filed 12/19/08, effective 12/19/08)

WAC 246-310-745 Need forecasting methodology. For the purposes of the need forecasting method in this section, the following terms have the following specific meanings:

(1) "Base year" means the most recent calendar year for which December 31 data is available as of the first day of the application submission period from the department's CHARS reports or successor reports.

(2) "Current capacity" means the sum of all PCIs performed on people (aged fifteen years of age and older) by all ~~((CON))~~ certificate of need approved adult elective PCI programs, or department grandfathered programs within the planning area. To determine the current capacity for those planning areas where a new program has operated less than three years, the department will measure the volume of that hospital as the greater of:

(a) The actual volume; or

(b) The minimum volume standard for an elective PCI program established in WAC 246-310-720.

(3) "Forecast year" means the fifth year after the base year.

(4) "Percutaneous coronary interventions" means cases as defined by diagnosis related groups (DRGs) as developed under the Centers for Medicare and Medicaid Services (CMS) contract that describe catheter-based interventions involving the coronary arteries and great arteries of the chest. The department will exclude all pediatric catheter-based therapeutic and diagnostic interventions performed on persons fourteen years of age and younger are excluded. The department will update the list of DRGs administratively to reflect future revisions made by CMS to the DRG to be considered in certificate of need definitions, analyses, and decisions. The DRGs for calendar year 2008 applications will be DRGs reported in 2007, which include DRGs 518, 555, 556, 557 and 558.

(5) "Use rate" or "PCI use rate," equals the number of PCIs performed on the residents of a planning area (aged fifteen years of age and older), per one thousand persons.

(6) "Grandfathered programs" means those hospitals operating a certificate of need approved interventional cardiac catheterization program or heart surgery program prior to the effective date of these rules, that continue to operate a heart surgery program. For hospitals with jointly operated programs, only the hospital where the program's procedures were approved to be performed may be grandfathered.

(7) The data sources for adult elective PCI case volumes include:

(a) The comprehensive hospital abstract reporting system (CHARS) data from the department, office of hospital and patient data;

(b) The department's office of certificate of need survey data as compiled, by planning area, from hospital providers of PCIs to state residents (including patient origin information, i.e., patients' zip codes and a delineation of whether the PCI was performed on an inpatient or outpatient basis); and

(c) Clinical outcomes assessment program (COAP) data from the foundation for health care quality, as provided by the department.

(8) The data source for population estimates and forecasts is the office of financial management medium growth series population trend reports or if not available for the planning area, other population data published by well-recognized demographic firms.

(9) The data used for evaluating applications submitted during the concurrent review cycle must be the most recent year end data as reported by CHARS or the most recent survey data available through the department or COAP data for the appropriate application year. The forecasts for demand and supply will be for five years following the base year. The base year is the latest year that full calendar year data is available from CHARS. In recognition that CHARS does not currently provide outpatient volume statistics but is patient origin-specific and COAP does provide outpatient PCI case volumes by hospitals but is not currently patient origin-specific, the department will make available PCI statistics from its hospital survey data, as necessary, to bridge the current outpatient patient origin-specific data shortfall with CHARS and COAP.

(10) Numeric methodology:

Step 1. Compute each planning area's PCI use rate calculated for persons fifteen years of age and older, including inpatient and outpatient PCI case counts.

(a) Take the total planning area's base year population residents fifteen years of age and older and divide by one thousand.

(b) Divide the total number of PCIs performed on the planning area residents over fifteen years of age by the result of Step 1 (a). This number represents the base year PCI use rate per thousand.

Step 2. Forecasting the demand for PCIs to be performed on the residents of the planning area.

(a) Take the planning area's use rate calculated in Step 1 (b) and multiply by the planning area's corresponding forecast year population of residents over fifteen years of age.

Step 3. Compute the planning area's current capacity.

(a) Identify all inpatient procedures at ~~((CON))~~ certificate of need approved hospitals within the planning area using CHARS data;

(b) Identify all outpatient procedures at ~~((CON))~~ certificate of need approved hospitals within the planning area using department survey data; or

(c) Calculate the difference between total PCI procedures by ~~((CON))~~ certificate of need approved hospitals within the planning area reported to COAP and CHARS. The difference represents outpatient procedures.

(d) Sum the results of (a) and (b) or sum the results of (a) and (c). This total is the planning area's current capacity which is assumed to remain constant over the forecast period.

Step 4. Calculate the net need for additional adult elective PCI procedures by subtracting the calculated capacity in Step 3 from the forecasted demand in Step 2. If the net need for procedures is less than ~~((three))~~ two hundred, the department will not approve a new program.

Step 5. If Step 4 is greater than ~~((three))~~ two hundred, calculate the need for additional programs.

(a) Divide the number of projected procedures from Step 4 by ~~((three))~~ two hundred.

(b) Round the results down to identify the number of needed programs. (For example: ~~((575/300 = 1.916))~~ $375/200 = 1.875$ or 1 program.)