

WSR 19-16-003
PREPROPOSAL STATEMENT OF INQUIRY
ARTS COMMISSION

[Filed July 24, 2019, 1:42 p.m.]

Subject of Possible Rule Making: Amendment to WAC 30-02-010 Definitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.46.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The creative districts program is a new program that recently identified a need to make it clearer in the creative district definition that additional entities as approved may qualify for land areas designees.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry J. West, 711 Capitol Way South, Suite 600, Olympia, WA 98504, phone 360-586-5350, fax 360-586-5351, email terry.west@arts.wa.gov, web site www.arts.wa.gov.

Additional comments: Public rule-writing session to be held on September 3, at 3:00 - 3:30 p.m., at 711 Capitol Way South, Suite 600, Olympia. Participants may attend in person, send in written comments to address above or attend by conference call. Conference call attendees must notify the agency the day before to allow time for conference call logistics.

July 24, 2019
 Karen Hanan
 Executive Director

WSR 19-16-012
PREPROPOSAL STATEMENT OF INQUIRY
NOXIOUS WEED
CONTROL BOARD

[Filed July 25, 2019, 10:33 a.m.]

Subject of Possible Rule Making: WAC 16-750-004, 16-750-005, 16-750-011, 16-750-015, and 16-750-100 - 16-750-185.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state noxious weed control board (WSNWCB) is charged with updating the state noxious weed list on an annual basis to ensure it accurately reflects the noxious weed control priorities and noxious weed distribution as well as updating its bylaws that are codified in chapter 16-750 WAC. WSNWCB may also consider other updates to chapter 16-750 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state agency regulates this subject. Federal agencies are subject to federal noxious weed laws that require

them to coordinate with state regulations. Federal agencies in Washington are invited to participate in all stages of noxious weed rule making.

Process for Developing New Rule: WSNWCB annually solicits proposed changes to the noxious weed list from county weed boards, weed districts, state agencies, federal agencies, interest groups, and the general public. The noxious weed committee of the board (which includes representation from the Washington native plant society, county weed boards, the nursery industry and several scientific advisors) meets at least twice to review and research these suggestions. A public hearing is scheduled, and a press release and information regarding the proposed changes are widely distributed to newspapers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Fee, 1111 Washington Street S.E., phone 360-902-2053, fax 360-902-2094, TTY 800-833-6388, email mfee@agr.wa.gov, web site www.nwcb.wa.gov.

July 25, 2019
 Mary Fee
 Executive Secretary

WSR 19-16-018
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Dental Quality Assurance Commission)

[Filed July 26, 2019, 8:00 a.m.]

Subject of Possible Rule Making: WAC 246-817-460 Sexual misconduct, the dental quality assurance commission (commission) is considering amending the rule to exempt certain types of sexual misconduct from the patient notification requirement established in SHB 1198 (chapter 69, Laws of 2019).

Statutes Authorizing the Agency to Adopt Rules on this Subject: SHB 1198 (chapter 69, Laws of 2019); RCW 18.32.0365, 18.260.120, 18.350.050, 18.130.050, and 18.130.062.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On June 7, 2019, the commission considered a petition for rule making from the Washington State Dental Association to consider certain types of sexual misconduct exempt from the patient notification requirement established in SHB 1198 (chapter 69, Laws of 2019). Section 1(4) of the bill allows a disciplining authority to adopt rules to exempt certain types of sexual misconduct from the requirements of patient notification. The commission determined the list of sexual misconduct acts listed in the rule could be evaluated to determine if any acts meet the need for patient notification exemption.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4893, fax 360-236-2901, TTY 360-833-6388 or 711, email jennifer.santiago@doh.wa.gov, web site www.doh.wa.gov.

Additional comments: Notice will be sent to the commission['s] interested parties GovDelivery list, bulk email service, and to the Washington State Dental Association. Stakeholders will be invited to rule drafting workshops and commission meetings through the dental commission['s] interested parties GovDelivery list. Interested parties can be added to the GovDelivery list by subscribing at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

July 25, 2019
Trina Crawford
Executive Director

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Gragg, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4941, fax 360-236-2901, TTY 360-833-6388 or 711, email susan.gragg@doh.wa.gov, web site www.doh.wa.gov, <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

Additional comments: Interested parties may join our mailing list by visiting <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

July 25, 2019
Renee Fullerton
Executive Director

WSR 19-16-019

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Podiatric Medical Board)

[Filed July 26, 2019, 8:03 a.m.]

Subject of Possible Rule Making: WAC 246-922-675 Patient notification, secure storage, and disposal, the podiatric medical board (board) is considering amending WAC 246-922-675 to establish patient notification, documentation, and counseling requirements when prescribing opioid drugs, as directed by SSB 5380. The board may also consider exemptions, as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5380 (chapter 314, Laws of 2019) and chapter 18.22 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5380 requires the board, along with the dental quality assurance commission, board of osteopathic medicine and surgery, Washington medical commission, and nursing care quality assurance commission to adopt or amend rules establishing patient notification, documentation, and counseling requirements.

Section 3 of SSB 5380 directs the board to adopt or amend the opioid prescribing rules by January 1, 2020, to establish the requirement for podiatric physicians and surgeons to notify patients of their right to refuse an opioid prescription or order and to document any refusal.

Section 17 of SSB 5380 adds a new section to chapter 69.50 RCW requiring the prescribing practitioner, prior to the first opioid prescription, to discuss with the patient risks of opioids, pain management alternatives to opioids, and provide the patient a written copy of the warning. Board rules may be amended to include pain management alternatives in the patient notification.

The board will engage in the rule-making process to implement the requirements of SSB 5380 as directed by the legislation. The board is filing for standard rule making because it may also consider exemptions which may be required for certain providers in certain setting[s] where prior notification is not possible.

WSR 19-16-020

PREPROPOSAL STATEMENT OF INQUIRY

HEALTH CARE AUTHORITY

[Filed July 26, 2019, 8:27 a.m.]

Subject of Possible Rule Making: The agency is amending the following emergency medical transportation rule, WAC 182-546-0001 through 182-546-4600; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021; SHB 1721, chapter 157, Laws of 2015; ESSHB [E2SHB] 1358, chapter 273, Laws of 2017; ESSHB [E2SHB] 1713, chapter 29, Laws of 2016.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is revising these sections to update ambulance program policies, clarify existing policies and coverage, remove outdated information, update erroneous rule citations, and perform other house-keeping fixes. The agency began this process under WSR 14-03-080, but the project was placed on hold several times to allow for other related ambulance transportation rule makings to occur within this chapter, such as ground emergency medical transportation program, Ricky Garcia Act, treat and refer. The agency is now restarting this project and wants to make sure that our interested stakeholder list is current.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Smith, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-

9727, telecommunication relay services 711, email valerie.smith@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking; or Shauna James, P.O. Box 45510, Olympia, WA 98504-2716 [98504-5510], phone 360-725-5243, fax 253-350-6512, telecommunication relay services 711, email shauna.james@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

July 26, 2019
Wendy Barcus
Rules Coordinator

WSR 19-16-024
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed July 26, 2019, 11:18 a.m.]

Subject of Possible Rule Making: Juvenile rehabilitation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.05.405; chapter 72.05 RCW; chapter 468, Laws of 2019.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 2 of SSB 5815 (concerning individuals placed in minimum security status by the department of children, youth, and families (DCYF)), effective July 28, 2019, amends RCW 72.05.405: (1) To provide that the unlawful use or possession of a controlled substance or an alcoholic beverage while in a community facility are excluded from a list of serious infractions requiring mandatory return to an institution; and (2) to direct DCYF to adopt and implement rules based on empirically validated best practices to appropriately address offenses involving unlawful use or possession of a controlled substance and unlawful use or possession of alcohol committed by individuals placed in juvenile community facilities. The department intends to adopt and implement rules based on empirically validated best practices to appropriately address these offenses by individuals placed in juvenile community facilities.

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

Process for Developing New Rule: Agency study; and collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Rosen, 1115 Washington Street S.E., P.O. Box 45720, Olympia, WA 98504, phone 360-902-7504, email mark.rosen@dcyf.wa.gov, web site www.dcyf.wa.gov, <https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate>; or Daniel Schaub, 1115 Washington Street S.E., P.O. Box 45720, Olympia, WA 98504, phone 360-902-7752, email daniel.schaub@dcyf.wa.gov, web site www.dcyf.wa.gov, <https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate>.

July 26, 2019
Brenda Villarreal
Rules Coordinator

WSR 19-16-026
PREPROPOSAL STATEMENT OF INQUIRY
BELLINGHAM TECHNICAL COLLEGE

[Filed July 26, 2019, 1:11 p.m.]

Subject of Possible Rule Making: Revise sections of chapter 495B-305 WAC to be in compliance with assistant attorney general recommendations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide students, staff and community members with clear language and direction on college, federal and state processes.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ronda Laughlin, Rules Coordinator, 3028 Lindbergh Avenue, Bellingham, WA 98225, phone 360-752-8334, fax 360-752-7134, TTY 360-752-8515, email rlaughlin@btc.edu, web site www.btc.edu.

July 26, 2019
Kimberly Perry
President

WSR 19-16-028
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
FINANCIAL MANAGEMENT

[Filed July 26, 2019, 4:47 p.m.]

Subject of Possible Rule Making: Definitions of part-time and temporary employees of higher education institutions, and standards governing part-time and temporary employees of higher education institutions in chapters 357-04 and 357-19 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.06.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 41.06.070 formerly exempted both part-time and temporary employees, as defined by the office of financial management (OFM), from state civil service laws. In 2018, the legislature amended RCW 41.06.070 by removing part-time employees from the exemption; only temporary employees, as defined by OFM, are now exempt from civil service laws (section 1, chapter 246, Laws of 2018). OFM's current rules do not distinguish between part-time and temporary employees of higher education institutions. Rule making is needed to bring our rules into alignment with the new law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: All state higher education institutions. The process for coordinating this rule with the relevant stakeholders is described below.

Process for Developing New Rule: Draft rules will be posted on the OFM web site under "Rule-making activities" with information about how to submit comments. Draft rules will also be sent to a list of stakeholders as well as presented

for discussion at stakeholder meetings to solicit comments and recommendations prior to publication of the rules for the rule-making hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brandy Chinn, OFM State Human Resources, P.O. Box 47500, Olympia, WA 98501, phone 360-407-4141, fax 360-586-4694, TTY 711 or 1-800-833-6384, email brandy.chinn@ofm.wa.gov, web site <https://ofm.wa.gov/about/rule-making-activities>.

July 26, 2019
Roselyn Marcus
Assistant Director of
Legal and Legislative Affairs

WSR 19-16-037
PREPROPOSAL STATEMENT OF INQUIRY
NOXIOUS WEED
CONTROL BOARD

[Filed July 29, 2019, 11:36 a.m.]

Subject of Possible Rule Making: Chapter 16-750 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.10.010, 17.10.070, 17.10.080, 17.10.350.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state noxious weed control board (WSNWCBC) is charged with updating the state noxious weed list on an annual basis to ensure it accurately reflects the noxious weed control priorities and noxious weed distribution as well as updating its bylaws that are codified in chapter 16-750 WAC. WSNWCBC may also consider other updates to chapter 16-750 WAC.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Fee, 1111 Washington Street S.E., phone 360-902-2053, fax 360-902-2094, TTY 800-833-6388, email mfee@agr.wa.gov, web site www.nwcb.wa.gov.

July 29, 2019
Mary Fee
Executive Secretary

WSR 19-16-050

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 30, 2019, 9:45 a.m.]

Subject of Possible Rule Making: Chapter 246-337 WAC, Residential treatment facility and chapter 246-341 WAC, Behavioral health administrative requirements, the department of health (department) is considering establishing rules to create standards for licensure or certification of intensive behavioral health treatment facilities and community behavioral health agencies to provide mental health peer respite center services to implement 2SHB 1394 (chapter 324, Laws of 2019).

Statutes Authorizing the Agency to Adopt Rules on this Subject: 2SHB 1394 (chapter 324, Laws of 2019); RCW 71.24.037.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SHB 1394 instructs the department to establish standards for the licensure and certification of two new behavioral health facilities. The department envisions one type of facility to be considered intensive behavioral health treatment facilities, a type of residential treatment facility. The department is considering establishing licensing or certification standards for the intensive behavioral health treatment type facilities that will provide inpatient behavioral health services to individuals on a voluntary basis whose care needs can't be met in other community-based placement settings. The department envisions the other facility type to be mental health peer respite centers, a type of behavioral health agency. The department is considering licensing or certification standards that will provide a twenty-four hour peer-run support program. Peer respite centers would serve individuals in need of voluntary, short-term, non-crisis support services that focus on recovery and wellness. The department is considering the national peer respite center model in order to establish minimum requirements, including providing these services in a house-like setting, in a way that meets the intent of the bill.

The bill also requires review of relevant regulations to identify potential changes to address care delivery for adults on ninety- or one hundred eighty-day commitment orders.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of social and health services (DSHS), health care authority (HCA), and department of commerce. The department is coordinating closely with partners to enable the licensing or certification of these new facilities to coincide with allocations granted by the 2019 legislature.

Process for Developing New Rule: The department will participate in collaborative rule making and will notify interested stakeholders about rule-development meetings and rule notices and related activities through email and on the department web site at doh.wa.gov/BHI. A public hearing on proposed rules will be held at a later date.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Tomaro, P.O. Box 47843, Olympia, WA 98504, phone 360-236-2937, fax 360-236-2321, TTY 360-833-6388 or 711, email julie.tomaro@doh.wa.gov, web site www.doh.wa.gov/BHI.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting rule workshops. The department will use existing GovDelivery lists and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit doh.wa.gov/BHI and to be included on an interested parties [list] select the "Subscribe" button at the bottom of that page.

July 26, 2019
John Wiesman, DrPH, MPH
Secretary

WSR 19-16-054
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed July 30, 2019, 10:32 a.m.]

Subject of Possible Rule Making: WAC 182-501-0200 Third-party resources; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; 42 U.S.C. 1396a (a)(25)(E) as amended by Section 53102 (a)(1) of the Bipartisan Budget Act of 2018, Third Party Liability in Medicaid and CHIP.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is revising this section to strike subsection (2)(a) to align with changes in 42 U.S.C. 1396a (a)(25)(E) which removed prenatal care from the list of medical services that the agency pays and then seeks reimbursements from a liable third party. State medic-aid agencies must use standard coordination of benefits cost avoidance when processing prenatal services claims. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Smith (Rulewriter), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication relay services 711, email valerie.smith@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking; or Mark Benya (Program Questions), P.O. Box 45565, Olympia, WA 98504-5565, phone 360-725-1891, fax 360-586-3005, telecommunication relay services 711, email mark.benya@hca.wa.gov.

July 30, 2019
Wendy Barcus
Rules Coordinator

WSR 19-16-056
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed July 30, 2019, 11:00 a.m.]

Subject of Possible Rule Making: Licensing requirements for foster family homes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Public Law 115-123; RCW 74.15.030; chapter 74.15 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to comply with federal requirements, including new model licensing standards developed by the United States Department of Health and Human Services (HHS).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: HHS released final licensing model rules on February 9, 2019. The department of children, youth, and families is coordinating its rule changes with HHS to ensure consistency with the model rules as required by 42 U.S.C. § 671 (a)(36) (A).

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ernest Blackwell, 1949 South State Street, Tacoma, WA 98405, phone 253-260-0355, email ernest.blackwell@dcyf.wa.gov, web site www.dcyf.wa.gov, <https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>.

July 30, 2019
Brenda Villarreal
Rules Coordinator

WSR 19-16-057
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed July 30, 2019, 11:01 a.m.]

Subject of Possible Rule Making: Background checks.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.97.020, 43.43.830 through 43.43.838, 43.216.525, 43.216.555, and 74.15.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to implement chapter 9.97 RCW, specifically application of certificates of restoration of opportunity and the exceptions thereto. RCW 9.97.020.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Health and Human Services (HHS) requires certain individuals to undergo background checks in order to participate in federally funded programs administered by the department of children, youth, and families (DCYF). DCYF will consult with HHS staff during rule development.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chris Parvin, P.O. Box 40975, Olympia, WA 98504-0975, phone 360-407-5501, email chris.parvin@dcyf.wa.gov, web site dcyf.wa.gov.

July 29, 2019
Brenda Villarreal
Rules Coordinator

WSR 19-16-060

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF ECOLOGY

[Order 19-04—Filed July 30, 2019, 2:22 p.m.]

Subject of Possible Rule Making: The department of ecology (ecology) is beginning permanent rule making for chapter 173-443 WAC, Hydrofluorocarbons (HFCs), to establish a program to implement and enforce the requirements of chapter 284, Laws of 2019 (E2SHB 1112) related to reducing greenhouse gasses by transitioning to the use of less damaging HFCs or suitable substitutes.

The rule making will address the law's requirements for manufacturers, importers, and distributors to submit to ecology information about the use of various products and equipment containing HFCs, in a manner similar to the Environmental Protection Agency's (EPA) significant new alternatives policy (SNAP). The rule making will also address other requirements and provisions of the law including the requirements on product labelling. In addition, the rule making will consider changes adopted or planned for adoption by other states and countries.

We adopted an emergency rule at the same time that we began this permanent rule-making process.

Please visit our web site for more information and to participate in the rule-making process <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-443>.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 284, Laws of 2019 (E2SHB 1112) Hydrofluorocarbons Greenhouse Gas Emissions; chapter 70.235 RCW, Limiting greenhouse gas emissions; chapter 70.94 RCW, Washington Clean Air Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 284, Laws of 2019 (E2SHB 1112) was signed into law on May 7, 2019. This legislation establishes restriction deadlines for various products and equipment containing HFCs. It requires manufacturers, importers, and distributors to submit to ecology, in a manner determined by rule, information about the use of HFCs and other substitutes used in products and equipment sold, leased, rented, or installed in Washington.

It is the intent of the law to transition to the use of less damaging HFCs or suitable substitutes in various products and equipment, in a manner similar to the regulations that were adopted by EPA and subsequently adopted or proposed for adoption in other states and countries.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The law is modeled after EPA's SNAP program. The law specifically addresses former SNAP rules number 20 and 21, which were partially vacated by the District of Columbia Circuit Court of Appeals in 2017 and 2019. See *Mexichem Fluor, Inc. v. EPA*, 866 F.3d 451 (D.C. Cir. 2017); *Mexichem Fluor, Inc. v. EPA*, No. 17-1024 (D.C. Cir. Apr. 5, 2019) (unpublished). SNAP implements section 612 of the amended federal Clean Air Act of 1990, which requires EPA to evaluate substitutes for the ozone-depleting substances to reduce overall risk to human health and the environment. Specifics on SNAP can be found at <https://www.epa.gov/snap/snap-regulations>.

California, New York, Maryland, Vermont, and Connecticut are joining Washington to phase out use of HFCs. They are in various stages of rule making.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Linda Kildahl, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-407-7655, people with speech disability may call TTY at 877-833-6341, people with impaired hearing may call Washington relay service at 711, sign up to receive email notices <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A0=ECY-AQ-RULE-AND-SIP-UPDATES>, web site <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-443>.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

July 30, 2019
Maia D. Bellon
Director
by Polly Zehm

WSR 19-16-073

PREPROPOSAL STATEMENT OF INQUIRY

BOARD OF ACCOUNTANCY

[Filed July 31, 2019, 10:54 a.m.]

Subject of Possible Rule Making: WAC 4-30-056 What are the limitations regarding individual and firm names?, 4-30-110 What are the allowable legal forms of organization and ownership requirements for a CPA firm?, 4-30-112 Must a firm holding a license from another state apply and maintain a Washington state license to hold out and practice in Washington state?, and 4-30-114 How do I apply for and maintain a firm license?

Statutes Authorizing the Agency to Adopt Rules on this Subject: For each WAC is RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of accountancy

proposes amending WAC 4-30-056, 4-30-110, 4-30-112, and 4-30-114 to: (1) Accommodate the changes to chapter 18.04 RCW brought about by the passage of HB 1208; and (2) rename the rule sections.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kirsten Donovan, Rules Coordinator, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone 360-664-9191, fax 360-664-9190, TTY 1-800-833-6388, email Kirsten.donovan@acb.wa.gov, web site <https://acb.wa.gov/>.

July 31, 2019

Charles E. Satterlund, CPA
Executive Director

WSR 19-16-085

PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed August 1, 2019, 9:34 a.m.]

Subject of Possible Rule Making: The employment security department is seeking to implement public disclosure and privacy rules in accordance with requirements determined by ESB 5439 (chapter 81, Laws of 2019). This rule making is not intended to implement SHB 1399 (2019) or update the existing procedures governing public records requests made to the department and the operation of the department's public records office under the Public Records Act, chapter 42.56 RCW, as that will be implemented through a separate rule making.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department. Section 2, chapter 81, Laws of 2019, and RCW 50.13.030 provides the department with specific rule-making authority regarding the privacy of the department's records.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The employment security department must implement ESB 5439 as directed by the legislature. As part of that implementation, this rule making seeks to provide clear and usable guidance for the public regarding program operations including data-sharing, privacy, and other topics related to session law implementation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: The proposed rule will be shared with stakeholders as identified through the

standard rule-making process. The employment security department will solicit input and consider all comments in the development of the final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joshua Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email rules@esd.wa.gov, web site <https://esd.wa.gov/newsroom/rulemaking/other>.

August 1, 2019

Dan Zeitlin

Director of

Employment System Policy

WSR 19-16-087

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

(Funeral and Cemetery Board)

[Filed August 1, 2019, 10:14 a.m.]

The department of licensing, funeral and cemetery board requests the withdrawal of the preproposal statement of inquiry for Title 98 WAC, Licensing, department of (cemetery board); chapters 308-47, 308-48, and 308-49 WAC filed as WSR 19-15-052 on July 12, 2019.

Damon Monroe
Rules Coordinator

WSR 19-16-088

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed August 1, 2019, 11:34 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 18-17-167 on August 21, 2018 (chapter 388-106 WAC), regarding private duty nursing.

Katherine I. Vasquez
Rules Coordinator

WSR 19-16-091

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed August 1, 2019, 12:23 p.m.]

Subject of Possible Rule Making: Title 98 WAC, Department of licensing (cemetery board) and Title 308 WAC, Department of licensing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 68.05.105, 18.39.175.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The funeral and cemetery board is promulgating rule making to incorporate ESSB 5001 (passed during the 2019 legislative session). In addition to ESSB 5001 changes, the board is reviewing and considering all funeral and cemetery rules for updates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of health, vital records section.

Process for Developing New Rule: The department of licensing will do internal review and seek stakeholder input for consideration.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Konnersman, P.O. Box 9020, phone 360-664-1507, fax 360-570-7098, TTY 711, email jkonnersma@dol.wa.gov, web site www.dol.wa.gov/business/funeralcemetery.

August 1, 2019
Damon Monroe
Rules Coordinator

WSR 19-16-098

PREPROPOSAL STATEMENT OF INQUIRY EASTERN WASHINGTON UNIVERSITY

[Filed August 1, 2019, 4:05 p.m.]

Subject of Possible Rule Making: Revising chapter 172-121 WAC, Student conduct code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions are needed to update university processes and procedures to better reflect current practices.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joseph Fuxa, 314 Showalter Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-7496, fax 509-359-2874, email jfuxa@ewu.edu, web site <https://inside.ewu.edu/policies/>.

August 1, 2019
Joseph Fuxa
Labor Relations Manager

WSR 19-16-099

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 19-07—Filed August 2, 2019, 8:22 a.m.]

Subject of Possible Rule Making: Chapter 173-303 WAC, Dangerous waste regulations, these regulations set standards for safely managing state dangerous wastes. Chapter 173-303 WAC implements chapter 70.105 RCW and Sub-

title C of the federal Resource Conservation and Recovery Act. Washington uses the term dangerous waste while the federal government uses the term hazardous waste. The term dangerous waste includes more waste than are [is] in the federal hazardous waste definition because Washington's rules are more protective. The department of ecology (ecology) plans to amend specific sections of chapter 173-303 WAC, Dangerous waste regulations, to incorporate new federal hazardous waste rules including, but not limited to:

(1) Management Standards for Hazardous Waste Pharmaceuticals and Amendments to the P075 Listing for Nicotine. 84 F.R. 5816; February 22, 2019.

(2) Safe Management of Recalled Airbags. 83 F.R. 61552; November 30, 2018.

(3) Hazardous Waste Management System: User Fees for the Electronic Hazardous Waste Manifest System and Amendments to Manifest Regulations. 83 F.R. 420; January 3, 2018.

State-initiated amendments will also include:

(1) Corrections and clarifications to the generator improvements rule and other dangerous waste rules adopted January 28, 2019.

(2) Updating Biological Testing Methods for the Designation of Dangerous Waste Publication 80-12.

(3) Other clarifications and corrections as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Hazardous waste management, chapter 70.105 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating the state dangerous waste regulations to clarify requirements, streamline compliance, and ensuring [ensure] that state dangerous wastes are properly and safely managed is a critical priority. Washington state adoption of these federal regulations will help promote compliance and safe management practices.

Under federal law, ecology is required to adopt certain federal hazardous waste rules to maintain its authorization by the United States Environmental Protection Agency (EPA) and remain consistent with EPA regulations. Other new federal hazardous waste rules are optional for the state to adopt, for example, the recalled airbag rule and portions of the pharmaceutical rule. We are considering adopting some of the federal optional rules into the state rule as part of this rule making. Adopting the required as well as the optional federal rules will promote better waste management, environmental protection, and consistency with the federal rules.

Washington state's health care stakeholders requested that we adopt the new federal pharmaceutical waste rules as soon as possible, in order to help them better manage their waste streams, reduce confusion and simplify compliance with the dangerous waste regulations.

These changes are:

(1) Hazardous waste pharmaceutical rule and amendments to the P075 Listing for Nicotine:

(a) Sets consistent, mandatory standards for health care facilities and reverse distributors across the nation.

(b) Prohibits disposal of pharmaceuticals down the drain, resulting in fewer toxic chemicals in our waterways.

(c) Removes over-the-counter nicotine replacement therapies, including nicotine-containing patches, gums and loz-

enges, from being listed as P075 acutely hazardous waste when discarded. Because only a small amount of P-listed waste causes a generator to be regulated as a large quantity generator, the effect of delisting these discarded products may mean that some retail stores and pharmacies would be at a lower generator status.

(2) Safe management of recalled airbags:

(a) Provides regulatory relief to generators and transporters of airbag modules and inflators.

(b) Facilitates a more expedited removal of defective Takata airbag inflators from vehicles by Washington state dealerships, salvage yards, and other locations for safe and environmentally sound disposal.

(3) User fees and amendments for the electronic hazardous waste manifest system:

(a) Sets standards for determining electronic manifest user fees.

(b) Modifies some existing manifest regulations.

(c) Improves generator and state regulator access to the hazardous waste manifest system for tracking dangerous waste shipments.

(d) Is a required rule ecology must adopt to remain equivalent with federal regulations.

This rule making will also address state-initiated amendments that we believe will clarify and improve the existing regulations, including:

(1) Corrections and clarifications to the recent state dangerous waste rule amendments adopted January 28, 2019. As the new rules are being implemented, inspectors and the public have noted mistakes and unclear language needing correction.

(2) Updating the biological test methods publication will improve the static acute fish toxicity test, making it more usable and cost effective for how dangerous waste is identified. We also plan to remove the obsolete acute oral rat toxicity test method from the publication.

(3) Other clarifications and corrections will improve the usability of the rules. One change ecology is proposing would modify a final facility permit rule (WAC 173-303-806(4)) to clarify certification requirements for submitted engineering documents.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: EPA has authority to regulate generators of dangerous waste within Washington state. Ecology will keep EPA informed about our rule-making efforts, and provide drafts and formal rule proposals for their review. We will communicate and coordinate with EPA throughout the process. Ecology will work closely with other interested state and local government agencies and encourage them to provide input throughout the rule-making process.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert Rieck, Department of Ecology, Hazardous Waste and Toxics Reduction Program, P.O. Box 47600, Olympia, WA 98504, phone 360-407-6751, people with [a] speech disability may call TTY at 877-833-6341,

people with [a] impaired hearing may call Washington relay service at 711, email hwtrulemaking@ecy.wa.gov, web site <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-303>, join the rule-making listserv <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?SUBED1=DW-RULES&A=1>.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. For answers to frequently asked questions, visit the rule-making web site. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

August 2, 2019

Darin Rice

Program Manager

Hazardous Waste and

Toxics Reduction Program

WSR 19-16-101

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed August 2, 2019, 8:30 a.m.]

Subject of Possible Rule Making: The department is considering amending chapter 388-829R WAC, Overnight planned respite services; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120; SSB 5883 (2017).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is considering amending chapter 388-829R WAC to establish a certification and evaluation process for overnight planned respite services. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

August 1, 2019
Katherine I. Vasquez
Rules Coordinator

WSR 19-16-103

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF CORRECTIONS**

[Filed August 2, 2019, 9:28 a.m.]

Subject of Possible Rule Making: Chapter 137-80 WAC, Correctional industries and programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.01.090 and 72.09.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To rebalance stakeholders' concerns regarding the assumption of liability for incarcerated individuals' worker injury claims with stakeholders' stated need for the low cost services provided by those same incarcerated individuals while adhering to the agency's fundamental responsibility for the safety and security of the public.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: In 2015 revisions to this rule were closely coordinated with the Washington state department of labor and industries (L&I). L&I is aware that portions of the revised rule, implemented January 1, 2016, created difficulty for some recipients of work crew services. L&I has expressed to the department of corrections (DOC) that it is able to support DOC's position regarding liability either way and has asked to be notified by DOC of any changes made to the current WAC.

Process for Developing New Rule: Pilot rule making; and DOC implemented revisions to chapter 137-80 WAC, effective January 1, 2016. Some previous recipients of worker services did not contract for continued services under the revised WAC. DOC implemented a pilot program to see if certain changes would result in use of services by recipients who had ceased to utilize work crew programs. In only a few cases did the changes result in new agreements with previous recipients. Nevertheless, DOC, in an effort to satisfy all recipients of work crew services, is adopting changes from the pilot program into chapter 137-80 WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Williams, Rules Coordinator, DOC, Contracts and Legal Affairs, P.O. Box 41114, Olympia, WA 98504-1114, phone 360-725-8364, email Jennifer.williams1@doc1.wa.gov.

August 2, 2019
Stephen D. Sinclair
Secretary

WSR 19-16-106

**PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY**

[Filed August 2, 2019, 11:09 a.m.]

Subject of Possible Rule Making: WAC 172-122-310 Use of tobacco, electronic cigarettes, and related products.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions are needed to update the locations where the use of tobacco, electronic cigarettes and related products are prohibited.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of health, Smoking in Public Places Act. No coordination is needed, as Eastern Washington University's (EWU) rule will reflect the requirements of chapter 70.160 RCW.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joseph Fuxa, 314 Showalter Hall, EWU, Cheney, WA 99004, phone 509-359-7496, fax 509-359-2874, email jfuxa@ewu.edu, web site <https://inside.ewu.edu/policies/>.

August 2, 2019
Joseph Fuxa
Labor Relations Manager

WSR 19-16-114

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed August 5, 2019, 9:43 a.m.]

Subject of Possible Rule Making: Chapter 246-08 WAC, Practice and procedure, rules regarding department of health (department) adjudicative proceedings for declaratory orders; public record requests; agency indexes; and general agency administrative processes. The department is reviewing existing rules within the chapter to identify amendments that may be necessary as a result of changes in statutes, changes in internal operations, opportunities to streamline processes to reduce regulatory burden without compromising public health and safety, and to provide clear, concise and reasonable rules. This rule making excludes: WAC 246-08-390 Acquisition, security, disclosure and destruction of health information, and 246-08-400 How much can a health care provider charge for searching and duplicating health care records?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220, 34.05.240, 42.56.070, and 43.70.-040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has statutory authority to adopt rules within chapter 246-08 WAC. The rules are of general applicability adopted as authorized by law, and include statements of general policy or interpreta-

tions of general applicability formulated and adopted by the agency. Most of the rules have not been reviewed for potential changes in over ten years. Over the years some state laws have been updated or changed, internal department processes have been streamlined, and other changes may have been made that will require necessary changes to update and clarify the existing rules. The department will consider amending the rules as a result of the review.

WAC 246-08-390 and 246-08-400 are each excluded from this rule making as they have been updated within the last two years.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tami Thompson, P.O. Box 47890, Olympia, WA 98540-7890 [98504-7890], phone 360-628-0096, TTY 360-833-6388 or 711, email tami.thompson@doh.wa.gov.

Additional comments: Interest[ed] parties may participate by contacting Tami Thompson and requesting being added to the interested parties list.

July 31, 2019

John Wiesman, DrPH, MPH
Secretary

WSR 19-16-115

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed August 5, 2019, 10:18 a.m.]

Subject of Possible Rule Making: Chapter 246-926 WAC, Radiological technologists, the department of health (department) is considering opening rules to clarify, streamline, and modernize the regulations for cardiovascular invasive specialists, radiologic technologists, radiologist assistants, and X-ray technicians. This may include repealing or adding new sections of rules, clarifying competency requirements and identifying authorized duties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.84.040, 43.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During review of chapter 246-926 WAC, in accordance with RCW 43.70.041 which requires the department to review existing rules every five years, it was determined that many of the sections were outdated and needing clarity. This rule making aims to clarify, streamline, and modernize the rules for the benefit of licensees and the public.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debra Mendoza, Program Manager,

P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4841, fax 360-236-2901, TTY 360-833-6388 or 711, email Debra.Mendoza@doh.wa.gov.

Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. Rule-making notices will be emailed via GovDelivery.

Please address questions and/or comments to Debra Mendoza.

August 1, 2019

Jessica Todorovich

Chief of Staff

for John Wiesman, DrPH, MPH

Secretary

WSR 19-16-129

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ENTERPRISE SERVICES

[Filed August 6, 2019, 10:33 a.m.]

Subject of Possible Rule Making: Recycled content purchasing preference.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 39.26.255 Preferences—Purchase of products containing recycled material—Directory of suppliers—Rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Correct and clarify existing rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of ecology and the United States Environmental Protection Agency.

Process for Developing New Rule: Agency staff will provide a discussion draft to anyone interested in providing input or suggestions on the rule draft. An opportunity will also be provided for anyone to submit written comments on the proposed rules during the public comment period and present oral testimony at the public hearings. The public is encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Zeigler, phone 360-407-9209, email jack.zeigler@des.wa.gov, web site <http://www.des.wa.gov/about/LawsRules/Pages/RuleMaking.aspx>; or Christine Warnock, phone 360-407-9398, email Christine.warnock@des.wa.gov.

Additional comments: Anyone interested can participate in the development of a proposed rule. Information about the rule making will be posted on the agency rule-making web site at (<http://www.des.wa.gov/about/LawsRules/Pages/RuleMaking.aspx>).

In addition, you can identify yourself as an interested-party by sending an email to jack.zeigler@des.wa.gov with your contact information and typing "Interested party - recy-

cluded content purchasing preference rulemaking" in the subject line.

August 6, 2019
Jack Zeigler
Policy and Rules Manager

WSR 19-16-131
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 6, 2019, 11:36 a.m.]

Subject of Possible Rule Making: eRules Phase 11, chapter 296-32 WAC, Safety standards for telecommunications.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is part of the division of occupational safety and health (DOSH) eRules project. This rule making will not add or change requirements but will reformat rules to provide consistency in format and design and accessibility via mobile electronic devices. This rule making will accomplish the following:

- Consistent format for all DOSH safety and health rules.
- Ability to use the DOSH web site for safety and health rules.
- Easy to access rules for smart phone and tablet users.
- Bookmarks in the rules allow easy navigation in PDF files.
- Bullets and dashes are removed and replaced with numbers and letters for easier referencing.
- Enhances rule update efficiency for customers by allowing for faster updates through electronic postings.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Osterberg, P.O. Box 44620, Olympia, WA 98504, phone 360-902-5819, fax 360-902-5619, email julie.osterberg@Lni.wa.gov.

August 6, 2019
Joel Sacks
Director

WSR 19-16-133
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 6, 2019, 12:31 p.m.]

The department of health (department) is withdrawing the CR-101 filed as WSR 18-01-076, which was filed on December 15, 2017. At the time the department was considering clarifying within chapter 246-916 WAC who an "authorized volunteer" is.

The department is withdrawing this CR-101 as legislation (E2SHB [ESSB] 5688) was passed in 2019, which removed the authorized volunteer exemption from statute (RCW 18.250.050(5)). This legislation makes rule writing unnecessary as it has addressed any concerns caused by not having the term "authorized volunteer" defined.

Individuals requiring information on this rule should contact Bruce Bronoske, Jr., at 360-236-4843.

Tami M. Thompson
Regulatory Affairs Manager

WSR 19-16-142
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
(School Employees Benefits Board)

[Admin # 2019-02—Filed August 6, 2019, 5:16 p.m.]

Subject of Possible Rule Making: Special open enrollment (SOE) rules within WAC 182-30-090, 182-30-100, 182-31-080, and 182-31-150.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority is considering adding, amending, and repealing SOE rules to support the school employees benefits board program within WAC 182-30-090, 182-30-100, 182-31-080, and 182-31-150.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara Scott, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, telecommunication relay services 711, email Barbara.Scott@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking; or Rob Parkman, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0883, fax 360-586-9727, telecommunication relay services 711, email Rob.Parkman@hca.wa.gov, web site <https://www.hca.wa.gov/about-hca/rulemaking>.

August 6, 2019
Wendy Barcus
Rules Coordinator

WSR 19-16-143
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed August 6, 2019, 5:24 p.m.]

Subject of Possible Rule Making: WAC 182-531-0375 Audiology services; and other rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under E2SSB 5179, the agency restored coverage of hearing instruments for adults effective January 1, 2019. The agency is amending WAC 182-531-0375 to reflect the addition of adult coverage. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication relay services 711, email jason.crabbe@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking; or Krista McClellan, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1611, fax 360-586-9727, telecommunication relay services 711, email krista.mcclellan@hca.wa.gov.

August 6, 2019
 Wendy Barcus
 Rules Coordinator

WSR 19-16-150
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 7, 2019, 9:53 a.m.]

Subject of Possible Rule Making: Based on the mandate provided by the legislature during the 2018 session, the Washington department of fish and wildlife will work to provide rule to administer a training program that provides dog training opportunities, for selected people, using nonlethal pursuit.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.15.245.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency frequently calls upon dog handlers to assist during public safety incidents or property depredation from dangerous wildlife. In these cases, the handlers are acting in the capacity of agents of the state; however, opportunity for handlers to keep dogs trained to be prepared in between calls for service has not been an option in Washington state. This rule making will help to ensure that

working dogs are available during these calls for service and that the dogs used are trained for quick and skilled action. This program will be monitored and administered through the enforcement program. A limited number of individuals will be selected and approved through extensive background checks and agency requirements.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Becky Bennett, Community Outreach Liaison, P.O. Box 43200, Olympia, WA 98504, phone 360-701-7026, fax 360-902-2155, email becky.bennett@dfw.wa.gov, web site wdfw.com/wdfwpolice.

August 7, 2019
 Jacalyn M. Hursey
 Rules Coordinator

WSR 19-16-153
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed August 7, 2019, 10:48 a.m.]

Subject of Possible Rule Making: Chapter 16-201 WAC, Fertilizer bulk storage and operational area containment rules, as a result of a petition for rule making, the department is considering amending WAC 16-201-240 Maintenance and inspection, to include pressure testing of underground piping as an option in the required inspection process for evidence of leaks, spills, cracks, solar decay or wear.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.54.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The secondary containment rules (chapter 16-201 WAC) for fertilizers came into effect in 1997. The objective of these rules were to establish guidelines for the protection of ground and surface water by minimizing the risk of a fertilizer release. As with most businesses in production agriculture, the fertilizer industry has changed significantly over time. Economics within the industry have forced manufacturing and distribution facilities to consolidate operations, thus creating fewer but larger facilities. In the past, facilities were geographically located in a company's service area and typically had storage volumes of fifty thousand to one hundred twenty-five gallons of fertilizer. The service area for those locations was commonly twenty-five to forty-five miles from the facility. In an effort to increase efficiency, companies have been replacing many of the smaller facilities with fewer, much larger facilities with storage capacities ranging from two hundred fifty thousand gallons to several million gallons, and extending their service area to one hundred fifty miles or more.

With larger storage capacity needs, facilities that once held storage containers for five or six products in a location now require the same physical area for one container to store a single product. Consequently, facilities with larger storage capacities and a greater number of products significantly increases the distance from the operational area (where trucks

are filled) to the storage area of the fertilizer. This requires long runs of pipe to be contained in concrete and metal-grated chases or in elevated pipe racks. Above ground piping creates a hazard to a large facility due to the large number of pipes and the distance between tanks and operational area. This above ground piping can be damaged by heavy or over-height machinery.

Currently, WAC 16-201-240 only allows for a visual observation for any evidence of leaks, spills, cracks, solar decay or wear during an inspection process. This requires all piping to be above ground so that it can be visually inspected. Placing the piping underground would allow for a safer, more efficient and more economic operation, but complicates the visual inspection requirement. Adding a pressure test option as a form of inspection to check for leaks in the underground lines would not only preserve the original intent of the rule to minimize the risk of a fertilizer release, but also improves safety and efficiency for fertilizer facilities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other state or federal agencies that regulate the storage of bulk liquid fertilizers.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brent Perry, Fertilizer Compliance Manager, 222 North Havana, Spokane, WA 99202, phone 509-995-2876, fax 509-533-2621, email bperry@agr.wa.gov, web site <https://agr.wa.gov/services/rulemaking>; or Kelle Davis, Program Manager, Registration and Licensing Services, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1851, email kmdavis@agr.wa.gov, web site <https://agr.wa.gov/services/rulemaking>.

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