

WSR 19-21-012**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed October 4, 2019, 7:26 a.m.]

Subject of Possible Rule Making: WAC 260-70-720
Posterior digital neurectomy.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: The Washington horse racing
commission is contemplating prohibiting horses that have
been "heel nerved" from being allowed on the grounds.

Process for Developing New Rule: Negotiated rule mak-
ing.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication by contacting Douglas L. Moore, 6326 Martin Way,
Suite 209, Olympia, WA 98516, phone 360-450-6462, fax
360-450-6461, TTY 360-450-6462, email doug.moore@
whrc.state.wa.us, website www.whrc.wa.gov; or Amanda
Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516,
phone 360-450-6462, fax 360-450-6461, TTY 360-450-
6462, email amanda.benton@whrc.state.wa.us, website
www.whrc.wa.gov.

October 4, 2019
Douglas L. Moore
Executive Secretary

industry. Additionally, the commission's experience in
administering EIA rules since 2015 has provided insight into
opportunities for improving those processes.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: The commission will coordinate with the state of Wash-
ington department of commerce by sharing drafts, communi-
cating informally, and attending commerce workshops on the
same subject.

Process for Developing New Rule: The utilities and
transportation commission employs a collaborative rule-
making process that may consist of stakeholder workshops,
formal comments, and draft rule reviews.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication by contacting Executive Director and Secretary, P.O.
Box 47250, Olympia, WA 98504-7250, phone 360-664-
1234, email records@utc.wa.gov, website https://www.utc.
wa.gov/e-filing.

October 4, 2019
Mark L. Johnson
Executive Director
and Secretary

WSR 19-21-016**PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION**

[Docket UE-190652—Filed October 4, 2019, 11:16 a.m.]

Subject of Possible Rule Making: This rule making will
address changes to chapter 480-109 WAC. These changes
include amendments to clarify or streamline the rules, incor-
porate changes to the Energy Independence Act (EIA) found
in chapter 288, Laws of 2019, which were passed as E2SSB
5116, portions of which are now codified in chapter 19.405
RCW, and changes from chapter 315, Laws of 2017, which
were found in ESB 5128. This notice includes an initial set of
draft rule language to most efficiently consider these statu-
tory and select other changes.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 80.01.040, 80.04.160, 19.285.080, and
19.405.100.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: The commission adopted its
existing EIA rules on March 12, 2015, by General Order R-
578 in Docket UE-131723, promulgated as chapter 480-109
WAC. Since that time the legislature amended the EIA statu-
te in the 2017 and 2019 legislative sessions, and the statute
now includes provisions and legislative intent that are not
explicitly addressed in the commission's rules. Furthermore,
regulated companies' changing resource portfolios have iden-
tified areas of the rules needing revision to better address
recent advances and needs within the Washington energy

WSR 19-21-017**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH**

[Filed October 4, 2019, 1:56 p.m.]

The Washington state board of health (board) is with-
drawing the CR-101 for WAC 246-203-130 Keeping of ani-
mals. The notice was filed as WSR 09-17-132 on August 19,
2009.

The preproposal statement of inquiry identified potential
changes to "improve clarity, update requirements according
to current best animal management practices, and assure
there is no conflict with newer and more specific statutory
authorities and rules of other state and federal agencies
regarding the keeping of animals and the management of
manure from those animals." Since the filing, board staff
have periodically worked on the rule and are again in the pro-
cess of drafting rule language. At board direction, the scope
of this work has evolved slightly to include waste (excreta)
from all domestic animals. As such, the board has decided the
best approach is to withdraw the original CR-101 and to file
a new CR-101 that better describes the current scope and
direction of this rule making.

Michelle A. Davis
Executive Director

WSR 19-21-018**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH**

[Filed October 4, 2019, 1:56 p.m.]

Subject of Possible Rule Making: WAC 246-203-130 Keeping of animals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing rule is hard to interpret and apply to today's needs and practices for the handling and disposal of domestic animal excreta, commonly called animal waste. The state board of health (board) will assess the state regulatory structure and will explore and consider minimum standards for the handling and disposal of domestic animal waste as it pertains to public health, sanitation, and nuisance.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of ecology regulates and permits waste discharges to state waters from concentrated animal feeding operations (CAFO). The agency also has authority to regulate nonpoint waste discharges to state waters and air emissions from certain large animal feeding operations. The Washington state department of agriculture regulates licensed cow dairies to protect state waters and assists the Washington state department of ecology with regulation of permitted CAFOs. The United States Environmental Protection Agency provides oversight of federal authority delegated to and administered by the Washington state department of ecology. The board will coordinate with the state agencies in revising the rule to help determine the scope and relationship of these laws, rules, and programs with the board's rule.

Process for Developing New Rule: The board will use a collaborative rule-making approach. The board will work with partner health and natural resource agencies in drafting the rule and will convene a stakeholder group for additional input. The board will keep stakeholders and interested parties informed of the rule making through email, the board's list-serve and rule-making website, and notices in the Washington State Register. Stakeholders and interested parties will have opportunity to provide comments throughout the rule-making process, including informal review of the draft rule, formal review and comment on the proposed rule, and at the board's public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stuart Glasoe, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-236-4111, fax 360-236-4088, TTY 360-833-6388 or 711, email stuart.glasoe@sboh.wa.gov, website www.sboh.wa.gov.

October 4, 2019
Michelle A. Davis
Executive Director

WSR 19-21-037**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed October 8, 2019, 1:24 p.m.]

Subject of Possible Rule Making: Commercial whale watching licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 77.65 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Southern resident killer whales (SRKW) are listed as endangered under the Endangered Species Act, and the species' decline led to an executive order from Governor Inslee to establish the SRKW task force. The task force produced a report that emphasized the importance of the SRKW, stating:

"The extinction of these orcas would be an unacceptable loss. They are an essential component of our broader marine ecosystem, serving as an indicator of the health of our waters. If these creatures - the mammals who inhabit the top of the food chain - are unable to survive, it portends trouble for the rest of the inhabitants of this region. Their extinction would also be an irreplaceable cultural loss as these orcas are beloved and hold significant value as an iconic and treasured species in Washington and throughout the Pacific Northwest. The orcas have vital cultural and spiritual importance to many sovereign tribal nations. Inaction is not an option. Swift and bold near-term actions and effective long-term actions are urgently needed to not only help secure a healthy and sustained Southern Resident orca population, but also the entire ecosystem we depend upon."

Some of the task force recommendations were incorporated into legislation passed during the 2019 session. Included was SSB [2SSB] 5577, an act relating to the protection of SRKW from vessels. Quoting the task force report, "vessels transiting near Southern Resident orcas can produce underwater noise that masks or impairs orca communication and echolocation (the method orcas use to find their prey). This makes it harder for orcas to find food and reduces the time orcas devote to foraging by almost 20 percent, reducing their potential prey intake and increasing their energy expenditure."

The purpose of rule making on this topic is to establish requirements for a commercial whale watching licensing program pursuant to 2019 legislation (codified as RCW 77.65.-620). The purpose of such rules would be to enable sustainable whale watching while reducing the impacts of vessel noise and disturbance so whales can effectively forage, rest, and socialize.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of fish and wildlife is the sole state agency with authority to regulate this activity. The United States Coast Guard also has the authority to regulate maritime transportation, and the National Oceanic and Atmospheric Administration oversees conservation and management of marine mammals such as the SRKW. A government-to-government work group will be established that will include coordination of the rules with these agencies.

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 Julie Watson, P.O. Box 43200, Olympia, WA 98504-3200, phone 360-902-2580, email killerwhales@dfw.wa.gov, website <https://wdfw.wa.gov/species-habitats/at-risk/species-recovery/orca/rule-making>.

October 8, 2019
Jacalyn M. Hursey
Rules Coordinator

WSR 19-21-038

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed October 8, 2019, 3:50 p.m.]

Subject of Possible Rule Making: WAC 182-532-510 Family planning only programs—Eligibility, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021 and 41.05.160 and ESHB 1109, section 211(47), chapter 415, Laws of 2019, operating budget.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is intending to establish rules to comply with ESHB 1109, section 211(47), which provides funding for services identical to those services covered by the Washington state family planning waiver program to individuals who: (1) Are age twenty and older; (2) are at or below two hundred sixty percent of the federal poverty level; (3) are not covered by public or private insurance; and (4) need family planning services and are not currently covered by or eligible for another medical assistance program for family planning. During the course of this review, the agency may identify additional related 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 (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Melissa Rivera, P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-1713, fax 360-586-9727, TRS 711, email melissa.rivera@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

October 8, 2019
Wendy Barcus
Rules Coordinator

WSR 19-21-044

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed October 9, 2019, 10:09 a.m.]

Subject of Possible Rule Making: WAC 182-531-1550 Sterilization physician-related services; and other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending WAC 182-531-550 to remove coverage of hysteroscopic sterilizations. The Federal Drug Administration restricted the sale and distribution of the Class III contraceptive device used in this procedure. During the course of this review, the agency may identify additional related 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 (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Melissa Kundur, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-5297, fax 360-586-9727, TRS 711, email melissa.kundur@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

October 9, 2019
Wendy Barcus
Rules Coordinator

WSR 19-21-051

PREPROPOSAL STATEMENT OF INQUIRY CASCADIA COLLEGE

[Filed October 10, 2019, 12:33 p.m.]

Subject of Possible Rule Making: Cascadia College intends to adopt rules establishing a general code of conduct applicable to students, faculty/staff, visitors, and the general public.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140 and Administrative Procedure Act (APA), chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed rules will establish general standards of conduct that apply on college grounds or in college facilities, as well as enforcement authority and appeal procedures.

Process for Developing New Rule: Internal campus review, APA notice and public comment procedures, final approval by the college's board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vicki Newton, Rules Coordinator, Office of the President, Cascadia College, 18345 Campus Way N.E., Bothell, WA 98011-8205, phone 425-352-8252, fax 425-352-8265, email vnewton@cascadia.edu, website www.cascadia.edu.

October 10, 2019
Vicki L. Newton
Executive Assistant
to the President
and Rules Coordinator

WSR 19-21-063

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed October 11, 2019, 1:49 p.m.]

Subject of Possible Rule Making: WAC 182-100-0200 Single bed certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; 2ESHB 1388 (chapter 201, Laws of 2018).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is required to comply with the requirements in 2ESHB 1388 which changed the designation of the state behavioral health services, effective July 1, 2018. The single bed certification rules were previously filed under preproposal statement of inquiry WSR 18-14-080 and emergency rule-making order WSR 19-13-057, as WAC 182-538D-0526.

The rule making under WSR 18-14-080 has progressed to a public hearing under WSR 19-20-125. Rule making for single bed certification will be continued through a separate rule-making progress [process] as the agency has additional work to do to develop the program. Single bed certification has also been renumbered from WAC 182-538D-0526 to WAC 182-100-0200 to reflect that it is not solely a service under medicaid.

During the course of this review, the agency may identify additional related 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 Amy Emerson, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1348, fax 360-586-9727, telecommunication relay services (TRS) 711, email amy.emerson@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or David Reed, P.O. Box 42730, Olympia, WA 98504-2730, phone 360-725-9419, fax 360-586-9727, TRS 71 [711], email david.reed@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

October 11, 2019

Wendy Barcus
Rules Coordinator

WSR 19-21-074

PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed October 14, 2019, 7:52 a.m.]

Subject of Possible Rule Making: Clarifying the definition of "conditional payment" in WAC 192-100-070.

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.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: If a claimant receives a conditional payment of unemployment benefits, the claimant must repay the benefits that were conditionally paid if it is determined the claimant should not have received those benefits. The commissioner has issued a precedential decision (*In re Del Mundo*, Empl. Sec. Comm'r Dec.2d 1023 (2018)) that holds that the definition of "conditional payment" only applies to "eligibility" issues, such as whether the claimant was able to work, and does not apply to "disqualification" issues, such as whether the claimant voluntarily quit without good cause. Rule making is necessary to clarify the department's intention that the definition of "conditional payments" applies to any issue concerning whether the claimant is legally entitled to benefits, including both "eligibility" and "disqualification" issues.

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 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 Josh Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/benefits>.

October 14, 2019
Dan Zeitlin
Employment Security
Policy Director

WSR 19-21-077
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed October 14, 2019, 10:49 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-446-0015 What is an intentional program violation (IPV) and administrative disqualification hearing (ADH) for basic food?, 388-446-0020 What penalties will I receive if I break a food assistance rule on purpose?; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.770, 74.08.090, 74.08.580, 74.12.260, 9.91.142; 7 C.F.R. § 271.2, 7 C.F.R. § 273.16.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to rule language are needed based on recent findings from the United States Department of Agriculture, Food and Nutrition Services and will support accurate administration of the basic food program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture, Food and Nutrition Services.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in developing 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 Carolyn Horlor, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4610, fax 360-725-4904, email Carolyn.Horlor@dshs.wa.gov.

October 14, 2019
 Katherine I. Vasquez
 Rules Coordinator

WSR 19-21-078
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed October 14, 2019, 10:55 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-452-0005 Do I have to be interviewed in order to get cash and basic food benefits?; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will clarify who may be exempt from basic food recertification interviews if they meet requirements of the federally authorized elderly simplified application project.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal Supplemental Nutrition Assistance Program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will amend rules that are consistent with the act, federal regulations, and FNS administrative notices and formal guidance.

The state legislature authorizes the department to administer SNAP and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

The department of social and health services (DSHS) incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington basic food program.

Process for Developing New Rule: DSHS welcomes the public to take part in developing 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 Carolyn Horlor, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4610, fax 360-725-4904, email Carolyn.Horlor@dshs.wa.gov.

October 14, 2019
 Katherine I. Vasquez
 Rules Coordinator

WSR 19-21-097
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed October 16, 2019, 8:20 a.m.]

Subject of Possible Rule Making: WAC 260-40-460 Cancellation of claims.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend language to expand the circumstances under which a claim of a horse may be voided.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax

360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, website www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, website www.whrc.wa.gov.

October 16, 2019
Douglas L. Moore
Executive Secretary

WSR 19-21-106

PREPROPOSAL STATEMENT OF INQUIRY BOARD OF PILOTAGE COMMISSIONERS

[Filed October 17, 2019, 8:07 a.m.]

Subject of Possible Rule Making: WAC 363-116-082 Limitations on new pilots.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88 [88.16] RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to limited training opportunities in the Puget Sound pilotage district, the board of pilotage commissioners (board) is considering limitations for first year pilots in the Duwamish Waterway. The restriction would prohibit first year pilots from piloting on vessels greater than 3,000 GT in the Duwamish Waterway. The restriction would then be lifted through the license upgrade program developed by the board's trainee evaluation committee (TEC) for second year pilots.

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

Process for Developing New Rule: Discussion regarding this proposed revision will occur at regular TEC and board meetings. Upon committee review and consensus, and consultation with the board's assistant attorney general, a recommendation will be presented to the board. Tribe and stakeholder comments are welcome throughout the process. Upon review and consideration of recommended revisions, a public hearing will be scheduled pursuant to formal notice requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jaimie C. Bever, Executive Director, 2901 3rd Avenue, Suite 500, Seattle, WA 98121, phone 206-515-3887, fax 206-515-3906, email BeverJ@wsdot.wa.gov, website www.pilotage.wa.gov.

October 17, 2019
Jaimie C. Bever
Executive Director

WSR 19-21-120

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed October 18, 2019, 11:47 a.m.]

Subject of Possible Rule Making: Motorcycle subsidy program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.81A.020, 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To establish basic requirements governing the administration of the motorcycle operator subsidy program.

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 internal review and stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bryan Jackson, Department of Licensing, P.O. Box 9030, Olympia, WA 98507-9030, phone 360-902-3664, fax 360-586-8351, email BrJackson@DOL.WA.GOV.

October 18, 2019
Damon Monroe
Rules Coordinator

WSR 19-21-121

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed October 18, 2019, 12:07 p.m.]

Subject of Possible Rule Making: WAC 308-96A-057 Purple Heart license plates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.18.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 6254 (2016) and HB 2058 (2019) changed the number of Purple Heart license plates that could be obtained and what licensing fees are paid by the qualified applicants. This amendment updates agency rules to reflect these changes in the law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will coordinate with the department of veteran affairs on any changes to this rule.

Process for Developing New Rule: Internal review and stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jill Johnson, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, phone 360-902-0183, email jijohnson@dol.wa.gov.

October 18, 2019
Damon Monroe
Rules Coordinator

WSR 19-21-122**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed October 18, 2019, 12:22 p.m.]

Subject of Possible Rule Making: WAC 308-96A-545 Gold Star license plate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.18.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 5085 (2015) and SHB 1197 (2019) expanded the qualified applicants for a Gold Star license plate to include siblings and modified what licensing fees are paid by the qualified applicants, based on the applicant's relationship. This amendment updates agency rules to reflect these changes in the law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will coordinate with the department of veteran affairs on any changes to this rule.

Process for Developing New Rule: Internal review and stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jill Johnson, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, phone 360-902-0183, email jjjohnson@dol.wa.gov.

October 18, 2019
Damon Monroe
Rules Coordinator

WSR 19-21-123**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 19-08—Filed October 18, 2019, 1:39 p.m.]

Subject of Possible Rule Making: The Washington department of ecology (ecology) is beginning rule making for chapter 173-444 WAC, Clean energy transformation rule, to implement parts of the Washington Clean Energy Transformation Act (CETA, chapter 19.405 RCW), which was passed into law in 2019.

We will address the following in this rule:

- Establishing a process for determining what types of energy transformation projects may be eligible for compliance with CETA.
- Establishing a process and requirements for developing the standards, methodologies, and procedures for evaluating energy transformation projects.
- Providing greenhouse gas emission factors for electricity.

This new rule will affect electric utilities covered by CETA, and be of interest to energy-related project developers and parties interested in the implementation of CETA.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.405 RCW, Washington CETA.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: CETA directs ecology to adopt rules, by January 1, 2021, that:

- Establish requirements for energy-related projects that reduce greenhouse gas emissions and fossil fuel consumption, referred to as energy transformation projects, in consultation with the utilities and transportation commission (UTC) and the department of commerce (commerce). Electric utilities may use these energy transformation projects as an alternative compliance option to meet the greenhouse gas neutral standard under CETA.
- Determine greenhouse gas emission factors for electricity, in consultation with commerce.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Commerce and UTC are the primary agencies implementing CETA. Ecology will consult with commerce and UTC periodically to meet the goal of CETA.

Process for Developing New Rule: Ecology will follow the standard process for 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 Debebe Dererie, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-407-7558, people with speech disability may call TTY at 877-833-6341, people with impaired hearing may call Washington relay service at 711, email debebe.dererie@ecy.wa.gov, website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rule-making/WAC-173-444>, to receive email notices on this rule making, sign up here <http://listserv.ecology.wa.gov/scripts/wa-ECOLOG.Y.exe?SUBED1=ECOLOG.Y-CLEAN-ENERGY-UPDATES&A=1>.

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.

October 18, 2019
Cullen D. Stephenson
for Kathy Taylor
Air Quality Program Manager

WSR 19-21-130**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed October 21, 2019, 9:37 a.m.]

Subject of Possible Rule Making: WAC 468-38-073 Measurement exclusive devices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Measurement exclusive devices at the rear of a vehicle for the purposes of loading and unloading grant an additional two feet beyond legal length.

This rule needs clarification to not limit the exclusion to loading and unloading devices of two feet or less. This change clarifies the intent of the existing rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state patrol.

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 Kevin Zeller, P.O. Box 47367, Olympia, WA 98504-7367, phone 360-704-6342, fax 360-704-6391, email ZellerK@wsdot.wa.gov, website www.wsdot.wa.gov/commercialvehicle; or Justin Heryford, P.O. Box 47367, Olympia, WA 98504-7367, phone 360-705-7987, fax 360-704-6391, email heryfoj@wsdot.wa.gov, website www.wsdot.wa.gov/commercialvehicle.

October 21, 2019
Kara Larsen, Director
Risk Management
and Legal Services

WSR 19-21-132
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed October 21, 2019, 10:53 a.m.]

Subject of Possible Rule Making: The gambling commission is considering repealing certain fee and reporting rules under its old licensing and reporting structure that are no longer in effect, including the following: Prorating or refunding of fees; fees for review of gambling equipment, supplies, services, or games; returned payments; two-part payment plan for license fees; exceeding license class; failing to apply for license class upgrade; partial refund of license fees if gambling receipts limit not met; charitable or non-profit organization fees; commercial stimulant fees; fees for other businesses; individuals license fees; all licensed organizations report activity quarterly beginning with the July 1, 2018, through September 30, 2018, quarter; online filing required with waivers available upon request for good cause; defining "gross gambling receipts"; defining "net win"; reporting annual activity for raffles, enhanced raffles, amusement games, Class A, B, or C bingo, or combination licenses; reporting annual activity for agricultural fairs; activity reports for fundraising events; activity reports for Class D and above bingo licensees; activity reports for linked bingo prize providers; annual activity reports for commercial amusement game licensees; activity reports for punchboard and pull-tab licensees; reporting card game activity; activity reports by manufacturers and distributors; recordkeeping requirements for licensees with gross gambling receipts of fifty thousand dollars or less in their previous license year and unlicensed raffles.

The gambling commission is also considering amending some current fee and reporting rules, including the following: Denying, suspending, or revoking an application, license or permit; applying for a card room employee license; defining

"gross gambling receipts"; returned payments; fees for review of gambling equipment, supplies, services, or games; keeping and depositing all gambling funds separate from other funds; recordkeeping requirements for licensees with gross gambling receipts over fifty thousand dollars in their previous license year and raffles using alternative drawing formats.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission amended its rules in 2018 to simplify its reporting and licensing fee structures. All licensees have now transitioned to the new structure and therefore many rules related to the old structures are no longer relevant and should be repealed. Additionally, staff have identified proposed rules and topics that need amendment to better facilitate reporting of revenues and payment of licensing fees in the current system.

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

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 Ashlie Laydon, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3473, fax 360-486-3624, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

October 21, 2019
Ashlie Laydon
Rules Coordinator

WSR 19-21-133
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed October 21, 2019, 10:54 a.m.]

Subject of Possible Rule Making: The gambling commission is looking to create a self-exclusion program that will allow a person to voluntarily exclude themselves from gambling at authorized gambling establishments that offer house-banked social card games. Possible topics included, but not limited to, this rule making: How to register for the program; how to determine if someone is registered; how the program prohibits someone from participating in gambling activities; how a person forfeits all moneys and things of value obtained by the individual or owed to the individual by an authorized gambling establishment once registered with the program; what information is required to register with the program; distribution of forfeited property pursuant to this program; how a person is removed from the program; and information provided to person and operators once person is registered with the program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.071.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission

has been directed by the legislature to draft rules establishing a statewide self-exclusion program. The gambling commission has discretion in establishing the scope, process, and requirements of the self-exclusion program, however it must comply with the following requirements: The program must allow persons to voluntarily exclude themselves from gambling at authorized gambling establishments that offer house-banked social card games and any individual registered with the self-exclusion program is prohibited from participating in gambling activities associated with this program and forfeits all moneys and things of value obtained by the individual or owed to the individual by an authorized gambling establishment as a result of prohibited wagers or gambling activities. The gambling commission may adopt rules for forfeiture of any moneys or things of value, including wagers, obtained by an authorized gambling establishment while an individual is registered with the self-exclusion program. Individuals and families impacted by a gambling problem or gambling disorder will benefit from the availability of a uniform self-exclusion program where people may voluntarily exclude themselves from gambling at multiple gambling establishments by submitting one self-exclusion form to the state from one location for all gambling activities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State lottery commission was directed to adopt rules establishing a self-exclusion program by June 30, 2021, for lottery-related activities. The gambling commission will coordinate with the state lottery commission and keep them apprised of all rule making on this matter.

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 Ashlie Laydon, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3473, fax 360-486-3624, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

Additional comments: SHB 1302, effective July 28, 2019, amended RCW 9.46.071 directing the Washington state gambling commission to establish a statewide self-exclusion program for all licensees. The gambling commission must adopt rules establishing such program by June 30, 2021.

October 21, 2019
Ashlie Laydon
Rules Coordinator

WSR 19-21-136
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed October 21, 2019, 11:42 a.m.]

Subject of Possible Rule Making: Foundational quality standards for early learning programs, to include WAC 110-300-0185 Menus, milk, and food.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.216.250; chapter 43.216 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of children, youth, and families (DCYF) is engaging in rule making in response to a petition for repeal of WAC 110-300-0185(2).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The office of the superintendent of public instruction (OSPI), child nutrition services, administers the United States Department of Agriculture, Food and Nutrition Services Child Nutrition program. DCYF will seek OSPI child nutrition services' input 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 DCYF Rules Coordinator, P.O. Box 40975, phone 360-902-7956, fax 360-902-7903, email dcyf.rulescoordinator@dcyf.wa.gov, website www.dcyf.wa.gov, https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online.

October 21, 2019
Brenda Villarreal
Rules Coordinator

WSR 19-21-146
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Dental Quality Assurance Commission)

[Filed October 22, 2019, 9:59 a.m.]

The department of health, dental quality assurance commission (commission), is withdrawing the CR-101 for WAC 246-817-460 Sexual misconduct. The CR-101 was filed on July 26, 2019, and published as WSR 19-16-018.

The commission filed a CR-101 to consider amending the rule to exempt certain types of sexual misconduct from the patient notification requirement established in SHB 1198 (chapter 69, Laws of 2019). On September 13, 2019, the commission evaluated the list of sexual misconduct acts current in rule and determined that they would not be moving forward with any changes to the patient notification requirement. Because there are so many factors that determine a charge of sexual misconduct, the commission felt there would likely not be a situation where patient notification would not be appropriate.

Individuals requiring information on this rule should contact Jennifer Santiago, dental quality assurance commission program manager, at 360-236-4893.

Tami M. Thompson
Regulatory Affairs Manager

WSR 19-21-153
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 22, 2019, 11:25 a.m.]

Subject of Possible Rule Making: Fee increase under consideration for the following factory assembled structures (FAS) rules: WAC 296-150C-3000 Commercial coach fees, 296-150F-3000 Factory-built housing and commercial structure fees, 296-150M-3000 Manufactured/mobile home fees, 296-150P-3000 Recreational park trailer fees, 296-150R-3000 Recreational vehicle fees, 296-150T-3000 Factory-built temporary worker housing fees, and 296-150V-3000 Conversion vendor units and medical units—Fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.22 RCW, Department of labor and industries.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to consider a fee increase of 5.08 percent to support operating expenses for inspections and other public safety activities for the FAS program. This is the office of financial management's maximum allowable fiscal growth rate for fiscal year 2020.

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

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed, by providing written comments and testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, Department of Labor and Industries, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, website www.Lni.wa.gov.

October 22, 2019

Joel Sacks
Director

WSR 19-21-154
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 22, 2019, 11:26 a.m.]

Subject of Possible Rule Making: The department of labor and industries (L&I) is considering changes and a fee increase in the elevator rules, chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.87 RCW, Elevators, lifting devices, and moving walks.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: L&I is considering changes to the elevator rules to improve public safety, based on a review of the rules and proposals from stakeholders. The changes under consideration would update and clarify existing rules, increase fees, make housekeeping and other rule changes.

During 2018, L&I engaged in rule making that adopted new safety codes and made changes to the licensing rules. During the past 2018 process, L&I received proposals from stakeholders for additional potential rule revisions.

On January 22, 2019, L&I filed a preproposal statement of inquiry (CR-101) to initiate rule making to address requests from stakeholders held over from the past 2018 rule-making process and to further update and clarify the existing rules (WSR 19-03-162). The CR-101 listed specific sections of chapter 296-96 WAC under consideration for possible changes.

Washington's elevator stakeholders were invited to participate in the review of the existing rules, submit proposals for changes to the rules, and provide recommendations to the department regarding possible rule changes.

In April and May 2019, a technical advisory committee (TAC) of industry experts and the elevator safety advisory committee (ESAC) reviewed proposals and provided recommendations to the department on adoption of the rules.

Since some of the recommended changes were [were] outside the scope of the CR-101 filed on January 22, 2019, the CR-101 was withdrawn. L&I is filing this new CR-101 to expand the scope of the rule making to include consideration of the department, TAC, and ESAC 2019 recommended changes and other possible changes to chapter 296-96 WAC that may be identified during this rule-development process. This rule making will also consider increasing fees by 5.08 percent to support operating expenses for inspections and other public safety activities for the elevator program. This is the office of financial management's maximum allowable fiscal growth factor rate for fiscal year 2020.

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

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, Field Services and Public Safety Division, Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, website <http://www.Lni.wa.gov>.

October 22, 2019

Joel Sacks
Director

WSR 19-21-158
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed October 22, 2019, 1:02 p.m.]

Subject of Possible Rule Making: Chapter 246-916 WAC, Suicide prevention education for athletic trainers, the department of health is considering creating a new section of rule to establish continuing education requirements on suicide prevention education for athletic trainers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 5688 (chapter 358, Laws of 2019); RCW 18.250.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5688 amends RCW 43.70.442 directing the secretary of health to adopt rules to establish a one-time continuing education and training requirement for athletic trainers on suicide prevention education. The department may determine in rule a three or six hour requirement for suicide prevention education. If it is determined that only screening and referral elements are necessary, then the requirement will be three hours of training. If the department determines that the training must include the assessment of issues related to imminent harm by lethal means, then six hours of training will be required.

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 Bruce Bronoske, Jr., P.O. Box 47852, Olympia, WA 98504, phone 360-236-4843, fax 360-236-2901, TTY 360-833-6388 or 711, email bruce.bronoske@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties may receive rule writing updates and rules workshop notices by signing up for the athletic training GovDelivery email list. To be added to the interested parties list, visit the department of health website at www.doh.wa.gov and click the green "subscribe" button at the bottom of the page.

October 21, 2019
 John Weisman, DrPH, MPH
 Secretary

WSR 19-21-171
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY

[Filed October 23, 2019, 8:31 a.m.]

Subject of Possible Rule Making: The university is updating the rules regarding standards of conduct for students, chapter 504-26 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments modify, clarify, and update the university's standards of conduct for students.

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Deborah L. Bartlett, Director, Office of Procedures, Records, and Forms and University Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, phone 509-335-2005, fax 509-335-3969, email prf.forms@wsu.edu, website <http://policies.wsu.edu/prf/index/wac/>.

Additional comments: A public hearing will be held to permit comment to all proposed rules and revisions. There will also be an opportunity to provide written comments to the proposed rules.

October 23, 2019
 Deborah L. Bartlett, Director
 Office of Procedures, Records, and Forms
 and University Rules Coordinator

WSR 19-21-172
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed October 23, 2019, 8:31 a.m.]

Subject of Possible Rule Making: Chapter 16-160 WAC, Registration of materials for organic food production, the Washington state department of agriculture (WSDA) is considering changes to the registration fee schedules and changes to the registered material logo. Minor updates to definitions, application process or other sections may also be identified and considered if necessary to ensure consistency with current federal rules or to ensure the proper administration of services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.86.130, 15.86.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Over the last decade, the United States Department of Agriculture (USDA) organic regulations and input material evaluation criteria have changed in response to emerging issues and markets; WSDA must implement additional evaluation requirements to ensure market access for organically approved input materials.

Continued growth in the organic industry has also caused a demand for services that are not outlined within the current fee schedules. In addition, program operating costs have changed significantly over the last ten years. The increase in expenses in addition to the inability to adequately charge for services provided has caused operating expenses to exceed the registration program's annual revenue. RCW 15.86.140 allows the department to increase by rule, fees established in this section as necessary to cover costs of providing services. Registration fees have not been adjusted for over ten years.

An update to the WSDA organic program logo is being considered to increase public awareness and assist businesses in the marketing of WSDA certified organic products.

WSDA may consider additional updates to chapter 16-160 WAC to ensure consistency with current federal rules or to ensure the proper administration of quality services to all businesses who wish to register input materials for use in organic production and handling.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA National Organic Program (NOP), WSDA will communicate any rule amendments with NOP.

Process for Developing New Rule: WSDA staff will collaborate with affected stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brenda Book, WSDA Organic Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1805, TTY 800-833-6388 or 711, email organic@agr.wa.gov, website agr.wa.gov/organic.

October 23, 2019

Steve Fuller, Assistant Director
Food Safety and Consumer Services Division

WSR 19-21-173

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed October 23, 2019, 8:40 a.m.]

Subject of Possible Rule Making: Revisions to chapter 16-470 WAC, Quarantine—Agricultural pests, as a result of a petition from the Washington State Tree Fruit Association, the department is considering amending the apple maggot quarantine by adding soil in pots and on root balls of apple maggot host plants, and nonhost plants originating from the quarantine area that have been exposed to fruiting host plants, to the list of regulated commodities under the apple maggot quarantine rule. The department will also consider criteria for whether and how such plants may enter the pest free area if risk is mitigated; whether special compliance agreements or other forms of documentation would allow transport of such plants into the pest free area; and whether fees may be needed to cover department costs when any type of special agreement is allowed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.24.011 and 17.24.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency has identified soil in pots and on root balls of apple maggot host trees, and nonhost plants that have been in the drip line of fruiting hosts, as a potential pathway for the introduction of apple maggot into the pest free area. The growing media of apple maggot host trees that have previously fruited or have fruit present may be infested with apple maggot. Host trees shipped from the quarantine area where apple maggot occurs that have fruited or nonhost trees that have been exposed to fruited hosts could result in apple maggot pupating in the potting media. If those trees move to pest free areas within the state, there is a risk of apple maggot becoming introduced into the pest free area.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to

submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1907, fax 360-902-2094, TTY 800-833-6388 or 711, email bwhite@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>; or Cindy Cooper, Plant Services Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2062, fax 360-902-2094, TTY 800-833-6388 or 711, email ccooper@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>.

October 23, 2019

Brad White
Assistant Director

WSR 19-21-179

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF FINANCIAL MANAGEMENT

[Filed October 23, 2019, 11:18 a.m.]

Subject of Possible Rule Making: The subject of this rule making relates to waiver of interest on past due receivables. WAC 82-06-010 provides the criteria that agencies must use if the agency wants to waive the mandatory one percent per month interest charge on past due receivables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.17.240.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 82-06-010 was enacted in 1991 to implement a new statute that mandated state agencies to charge interest on past due receivables but allowed a waiver of that interest for reasons set forth in rules adopted by the office of financial management. This rule has not been updated since 1991 and is out-of-date. This rule making is to bring the rule up-to-date with current policies and practices.

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

Process for Developing New Rule: A collaborative approach will be used to seek input on proposed updates. Stakeholder meetings and/or email will be used to seek input and share drafts, as appropriate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending an email with your name and contact information (and questions or comments) to Roselyn.Marcus@ofm.wa.gov if you would like to be on the stakeholder list, want to send comments or updates, or be invited to stakeholder meetings.

October 23, 2019

Roselyn Marcus, Assistant Director
Legal and Legislative Affairs
Rule[s] Coordinator