

# Washington State Register

May 5, 1999

OLYMPIA, WASHINGTON

ISSUE 99-09



## IN THIS ISSUE

Agriculture, Department of  
Beef Commission  
Child Support, Division of  
Columbia River Gorge Commission  
Community and Technical Colleges,  
State Board for  
Community Economic Revitalization Board  
Convention and Trade Center  
County Road Administration Board  
Ecology, Department of  
Economic Services Administration  
Employment Security Department  
Energy Facility Site Evaluation Council  
Fish and Wildlife, Department of  
Forest Practices Board  
Gambling Commission  
Health, Department of  
Highline Community College  
Judicial Conduct, Commission on  
Labor and Industries, Department of

Licensing, Department of  
Liquor Control Board  
Management Services Administration  
Marine Employees' Commission  
Medical Assistance Administration  
Nursing Care Quality Assurance Commission  
Public Disclosure Commission  
Public Employees Benefits Board  
Public Instruction, Superintendent of  
Public Works Board  
Retirement Systems, Department of  
Revenue, Department of  
Social and Health Services, Department of  
Tacoma Community College  
Utilities and Transportation Commission  
Walla Walla Community College  
Washington State Patrol  
Washington State University  
Workforce Training and Education Coordinating  
Board

(Subject/Agency index at back of issue)  
This issue contains documents officially  
filed not later than April 21, 1999

## CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: the 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

## PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

## REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

## CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month May 1999 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

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# WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following nine sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (d) **EXPEDITED ADOPTION**-includes the full text of rules being changed using the expedited adoption process. Expedited adoptions are not consistently filed and may not appear in every issue of the Register.
- (e) **PERMANENT**-includes the full text of permanently adopted rules.
- (f) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (g) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (h) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (i) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

### 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
  - (i) underlined material is new material;
  - (ii) ~~deleted material is ((lined out between double parentheses))~~;
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

### 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

### 4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

### 5. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

1998 - 1999

**DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION**

Issue Number	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>	Expedited Adoption <sup>4</sup>
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS			
<i>For Inclusion in -</i>	<i>File no later than 12:00 noon -</i>			<i>Count 20 days from -</i>	<i>For hearing on or after</i>	<i>First Agency Adoption Date</i>
98 - 16	Jul 7, 98	Jul 21, 98	Aug 5, 98	Aug 18, 98	Sep 7, 98	Oct 2, 98
98 - 17	Jul 22, 98	Aug 5, 98	Aug 19, 98	Sep 2, 98	Sep 22, 98	Oct 17, 98
98 - 18	Aug 5, 98	Aug 19, 98	Sep 2, 98	Sep 16, 98	Oct 6, 98	Oct 31, 98
98 - 19	Aug 26, 98	Sep 9, 98	Sep 23, 98	Oct 7, 98	Oct 27, 98	Nov 21, 98
98 - 20	Sep 9, 98	Sep 23, 98	Oct 7, 98	Oct 21, 98	Nov 10, 98	Dec 5, 98
98 - 21	Sep 23, 98	Oct 7, 98	Oct 21, 98	Nov 4, 98	Nov 24, 98	Dec 19, 98
98 - 22	Oct 7, 98	Oct 21, 98	Nov 4, 98	Nov 18, 98	Dec 8, 98	Jan 2, 99
98 - 23	Oct 21, 98	Nov 4, 98	Nov 18, 98	Dec 2, 98	Dec 22, 98	Jan 16, 99
98 - 24	Nov 4, 98	Nov 18, 98	Dec 2, 98	Dec 16, 98	Jan 5, 99	Jan 30, 99
99 - 01	Nov 25, 98	Dec 9, 98	Dec 23, 98	Jan 6, 99	Jan 26, 99	Feb 20, 99
99 - 02	Dec 9, 98	Dec 23, 98	Jan 6, 99	Jan 20, 99	Feb 9, 99	Mar 6, 99
99 - 03	Dec 23, 98	Jan 6, 99	Jan 20, 99	Feb 3, 99	Feb 23, 99	Mar 20, 99
99 - 04	Jan 6, 99	Jan 20, 99	Feb 3, 99	Feb 17, 99	Mar 9, 99	Apr 3, 99
99 - 05	Jan 20, 99	Feb 3, 99	Feb 17, 99	Mar 3, 99	Mar 23, 99	Apr 17, 99
99 - 06	Feb 3, 99	Feb 17, 99	Mar 3, 99	Mar 17, 99	Apr 6, 99	May 1, 99
99 - 07	Feb 24, 99	Mar 10, 99	Mar 24, 99	Apr 7, 99	Apr 27, 99	May 22, 99
99 - 08	Mar 10, 99	Mar 24, 99	Apr 7, 99	Apr 21, 99	May 11, 99	Jun 5, 99
99 - 09	Mar 24, 99	Apr 7, 99	Apr 21, 99	May 5, 99	May 25, 99	Jun 19, 99
99 - 10	Apr 7, 99	Apr 21, 99	May 5, 99	May 19, 99	Jun 8, 99	Jul 3, 99
99 - 11	Apr 21, 99	May 5, 99	May 19, 99	Jun 2, 99	Jun 22, 99	Jul 17, 99
99 - 12	May 5, 99	May 19, 99	Jun 2, 99	Jun 16, 99	Jul 6, 99	Jul 31, 99
99 - 13	May 26, 99	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 27, 99	Aug 21, 99
99 - 14	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 10, 99	Sep 4, 99
99 - 15	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 24, 99	Sep 18, 99
99 - 16	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 7, 99	Oct 2, 99
99 - 17	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 21, 99	Oct 16, 99
99 - 18	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 15, 99	Oct 5, 99	Oct 30, 99
99 - 19	Aug 25, 99	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 26, 99	Nov 20, 99
99 - 20	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 9, 99	Dec 4, 99
99 - 21	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 23, 99	Dec 18, 99
99 - 22	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 7, 99	Jan 1, 00
99 - 23	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 21, 99	Jan 15, 00
99 - 24	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 15, 99	Jan 4, 00	Jan 29, 00

<sup>1</sup>All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

<sup>2</sup>A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

<sup>3</sup>At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

<sup>4</sup>A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230, as amended by section 202, chapter 409, Laws of 1997.

## **REGULATORY FAIRNESS ACT**

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

### **Small Business Economic Impact Statements (SBEIS)**

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

### **Mitigation**

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

### **When is an SBEIS Required?**

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

### **When is an SBEIS Not Required?**

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

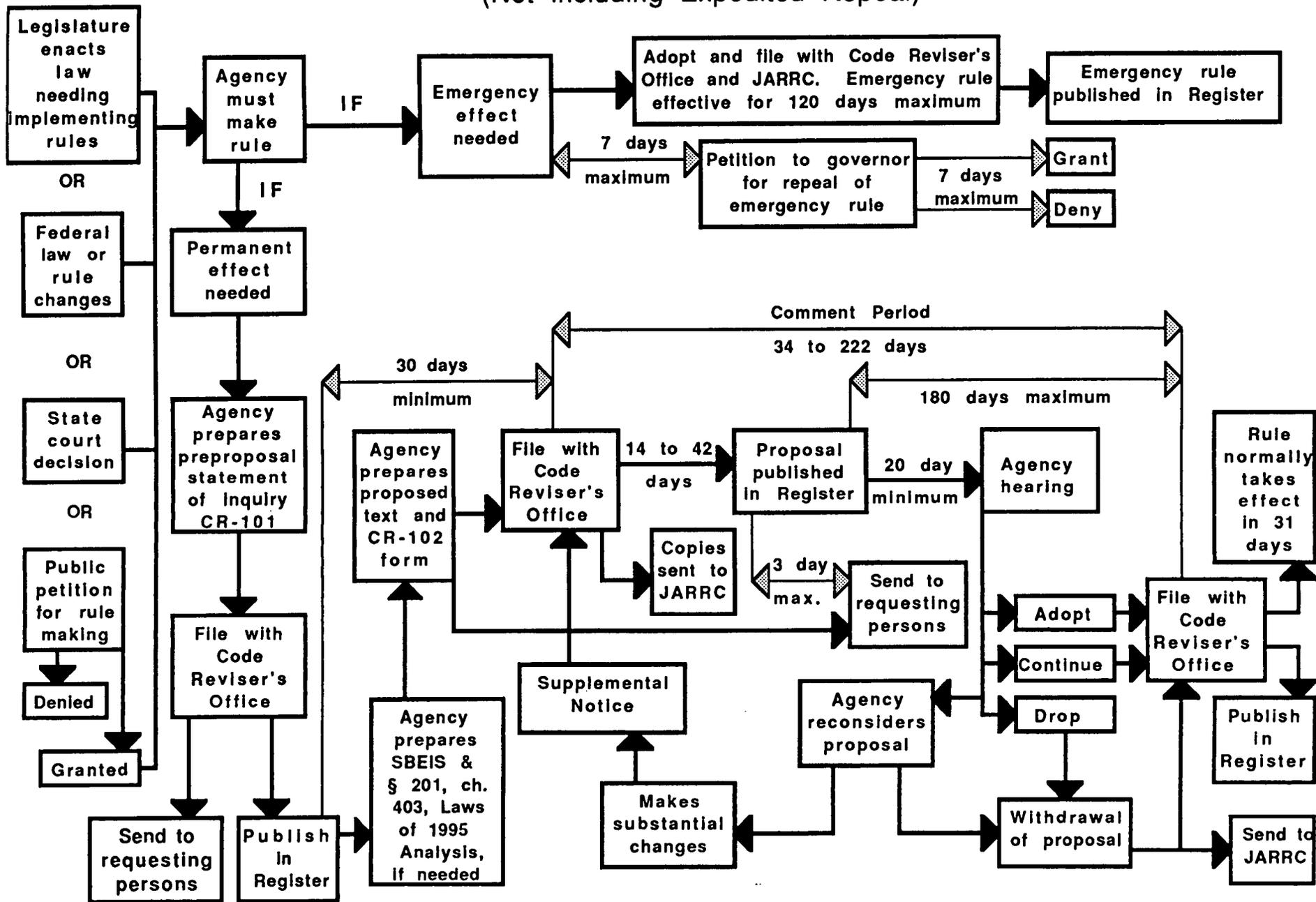
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS

(Not including Expedited Repeal)



**WSR 99-09-003**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 (Division of Child Support)  
 [Filed April 9, 1999, 11:02 a.m.]

Subject of Possible Rule Making: WAC 388-14-420  
 Case closure.

Statutes Authorizing the Agency to Adopt Rules on this  
 Subject: RCW 74.20A.310, 45 C.F.R. 303.11.

Reasons Why Rules on this Subject may be Needed and  
 What They Might Accomplish: This rule deals with the  
 requirements for case closure. The federal regulations gov-  
 erning case closure have been amended. DCS also will be  
 reviewing the rule under the criteria of Executive Order 97-  
 02.

Process for Developing New Rule: The Department of  
 Social and Health Services, Division of Child Support (DCS)  
 encourages the public to participate in the development of  
 new rules. You can find information on DCS rule making at  
[www.wa.gov/dshs/esarules/dcs.htm](http://www.wa.gov/dshs/esarules/dcs.htm). You can contact the  
 DCS Rules Coordinator, Nancy Koptur, at (360) 664-5065  
 for more details. DCS encourages public participation by  
 means of the Internet and by public meetings to discuss rule  
 making. See our website for details.

Interested parties can participate in the decision to adopt  
 the new rule and formulation of the proposed rule before pub-  
 lication by contacting Nancy Koptur, DCS Rules Coordina-  
 tor, Division of Child Support Headquarters, P.O. Box 9162,  
 Mailstop 45860, Olympia, WA 98507-9162, phone (360)  
 664-5065 or 1-800-457-6202, fax (360) 664-5055, e-mail  
[nkoptur@dshs.wa.gov](mailto:nkoptur@dshs.wa.gov), TDD/TTY (360) 664-5011; or see  
 Process for Developing New Rule above.

April 7, 1999

Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

**WSR 99-09-006**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
 [Filed April 9, 1999, 2:23 p.m.]

Subject of Possible Rule Making: Law enforcement  
 officers and fire fighters retirement system (LEOFF) disabil-  
 ity and general definition rules.

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

Reasons Why Rules on this Subject may be Needed and  
 What They Might Accomplish: Statutory changes have made  
 some rules obsolete. Others are unclear.

Other Federal and State Agencies that Regulate this Sub-  
 ject and the Process Coordinating the Rule with These Agen-  
 cies: None.

Process for Developing New Rule: Because the depart-  
 ment already has existing rules on this subject in place and

the amendments do not change such subject matter, the  
 department did not seek input on the preliminary draft prior  
 to filing the CR-101. Copies of the draft rule will be circu-  
 lated to interested parties for comment. Interested parties  
 include those persons known to the department, such as state  
 employees, and any other person who requests a copy and/or  
 opportunity to comment.

Interested parties can participate in the decision to adopt  
 the new rule and formulation of the proposed rule before pub-  
 lication by contacting Leah Wilson, LEOFF Plan Adminis-  
 trator, Elyette M. Weinstein, Rules Coordinator, Legal Ser-  
 vices, Department of Retirement Systems, Mailstop 48380,  
 P.O. Box 48380, Olympia, WA 98504-8380, phone (360)  
 664-7049 or (360) 664-7307, fax (360) 753-3166.

April 9, 1999

Elyette M. Weinstein  
 Rules Coordinator

**WSR 99-09-008**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Filed April 12, 1999, 3:47 p.m.]

Subject of Possible Rule Making: Special service pro-  
 grams running start program, chapter 392-169 WAC.

Statutes Authorizing the Agency to Adopt Rules on this  
 Subject: RCW 28A.600.390, 28A.600.300, 28A.600.380,  
 28A.150.260, and 28A.150.290.

Reasons Why Rules on this Subject may be Needed and  
 What They Might Accomplish: Changes in tuition and clar-  
 ifying language related to administration of the program.

Other Federal and State Agencies that Regulate this Sub-  
 ject and the Process Coordinating the Rule with These Agen-  
 cies: This is a jointly-administered program involving the  
 SBCTC, the Higher Education Coordinating Board and the  
 Superintendent of Public Instruction.

Process for Developing New Rule: Any hearings and  
 subsequent emergency rule filings, and permanent rule adop-  
 tions will be jointly collaborated and agreed upon by the three  
 agencies involved.

Interested parties can participate in the decision to adopt  
 the new rule and formulation of the proposed rule before pub-  
 lication by sending written comments to Rules Coordinator,  
 Legal Services, Office of Superintendent of Public Instruc-  
 tion, P.O. Box 47200, Olympia, WA 98504-7200, fax (360)  
 753-4201, TDD (360) 664-3631. For telephone assistance  
 contact Michael L. Bigelow, Assistant Superintendent, (360)  
 753-1718.

April 12, 1999

Dr. Terry Bergeson  
 Superintendent of  
 Public Instruction

**WSR 99-09-009****PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed April 13, 1999, 11:44 a.m.]

Subject of Possible Rule Making: House banked card games.

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: Procedures for internal control evaluations of operators of house-banked card games.

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 Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Sherri Winslow, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 301; or Susan Arland, Public Information Officer, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 374.

Meetings at the Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-6100, on May 13 and 14, 1999; at the DoubleTree Inn, 252 North 20th Avenue, Pasco, WA 99301, (360) 371-2000, on June 10 and 11, 1999; and at the Best Western Icicle Inn, 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on July 8 and 9, 1999.

April 13, 1999

Susan Arland

Rules Coordinator

**WSR 99-09-010****PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed April 13, 1999, 11:45 a.m.]

Subject of Possible Rule Making: Qualifications for a gambling license.

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: Rule change would require a business to have been open to the public for at least ninety days in order to qualify for a gambling license.

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 Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Sherri Winslow, Deputy Director, P.O. Box 42400, Olympia,

WA 98504-2400, (360) 438-7654, ext. 301; or Susan Arland, Public Information Officer, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 374.

Meetings at the Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-6100, on May 13 and 14, 1999; at the DoubleTree Inn, 252 North 20th Avenue, Pasco, WA 99301, (360) 371-2000, on June 10 and 11, 1999; and at the Best Western Icicle Inn, 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on July 8 and 9, 1999.

April 13, 1999

Susan Arland

Rules Coordinator

**WSR 99-09-011****PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed April 13, 1999, 11:45 a.m.]

Subject of Possible Rule Making: Promotional contests of chance.

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: Changes will be made to clarify what methods of entry will be allowable with promotional contests of chance.

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 Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Sherri Winslow, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 301; or Susan Arland, Public Information Officer, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 374.

Meetings at the Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-6100, on May 13 and 14, 1999; at the DoubleTree Inn, 252 North 20th Avenue, Pasco, WA 99301, (360) 371-2000, on June 10 and 11, 1999; and at the Best Western Icicle Inn, 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on July 8 and 9, 1999.

April 13, 1999

Susan Arland

Public Information Officer

**WSR 99-09-012****PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed April 13, 1999, 11:46 a.m.]

Subject of Possible Rule Making: Public disclosure.

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: Changes will be made to maintain consistency with chapter 10.97 RCW.

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 Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Sherri Winslow, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 301; or Susan Arland, Public Information Officer, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 374.

Meetings at the Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-6100, on May 13 and 14, 1999; at the DoubleTree Inn, 252 North 20th Avenue, Pasco, WA 99301, (360) 371-2000, on June 10 and 11, 1999; and at the Best Western Icicle Inn, 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on July 8 and 9, 1999.

April 13, 1999

Susan Arland

Public Information Officer

### WSR 99-09-021

#### PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed April 14, 1999, 11:13 a.m.]

Subject of Possible Rule Making: Amending WAC 204-32-020 Standards for signal lamps, 204-32-040 Mounting and activation of warning devices, and 204-32-060 Warning sign.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005 and 46.37.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 204-32-020 changes the "state commission on equipment" reference to the "Washington State Patrol."

WAC 204-32-040 and 204-32-060 add: "EXCEPTION: Buses that do not stop upon the roadway to load or discharge passengers are exempt from the requirements of this section."

Process for Developing New Rule: The private bus operators requested the change as many private buses do not load or discharge passengers on public roadways.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ms. Carol Morton, Washington State Patrol, P.O. Box 42635, Olympia, WA 98504, phone (360) 412-8934, fax (360) 493-9090.

April 13, 1999

Annette M. Sandberg

Chief

### WSR 99-09-017

#### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

[Filed April 13, 1999, 4:49 p.m.]

Subject of Possible Rule Making: Retirement rule revisions, WAC 131-16-021(1).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules may be changed to delete language that is no longer applicable.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: These particular retirement rules pertain to higher education faculty and (exempt) administrators only.

Process for Developing New Rule: Normal rule-making process including filing of CR-101, CR-102, etc.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Boesenberg, Director of Human Resources, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, fax (360) 586-6440, (360) 753-3661.

April 12, 1999

Claire C. Krueger

Executive Assistant and  
Agency Rules Coordinator

AMENDATORY SECTION (Amending Order 7001, filed 6/10/70, effective 7/15/70)

**WAC 204-32-020 Standards for signal lamps.** The signal lamps required on private carrier buses shall be constructed in conformance with the society of automotive engineers standard for "school bus red signal lamps," in effect at the time of manufacture of such lamps. All lamps used as signal lamps shall be of a type approved by the (~~state commission on equipment~~) Washington state patrol.

AMENDATORY SECTION (Amending Order 7001, filed 6/10/70, effective 7/15/70)

**WAC 204-32-040 Mounting and activation of warning devices.** (1) Stop signal

(a) The stop signal shall be mounted on the left side of the bus just below the window line and adjacent to the driver of the bus.

(b) The stop signal shall be hinged at the front edge of the sign.

(c) The stop signal shall be manually controlled by the driver of the bus and shall be so constructed as to lock in an extended position perpendicular to the side of the bus and to also lock in the closed position parallel to the side of the bus.

(2) Signal lamps

(a) The signal lamps shall be mounted on the front and rear of the bus, above the windows, as high and as widely spaced laterally as practicable but in no case shall the lateral spacing of these lamps be less than 40 inches.

(b) Signal lamps shall be mounted so that the vision of front signals to the front and rear signals to the rear shall be unobstructed by any part of the vehicle from 5 degrees above to 10 degrees below the horizontal and from 30 degrees to the right to 30 degrees to the left of the center line of the bus.

(c) The switch which activates the signal lamps shall be actuated by movement of the stop signal to the extended position.

(d) There shall be no switch between the signal lamps and the switch which activates these lamps when the stop signal is extended.

(e) There shall be a flashing red indicator lamp on the instrument panel of the vehicle which will indicate to the driver that the signal lamps are operating.

(f) The signal lamps shall operate through a flasher unit which will cause the front signal lamps to flash alternately and the rear signal lamps to flash alternately at a rate no slower than 60 nor faster than 120 times per minute. The "on" period of the flasher shall be long enough to permit the bulb filament to come up to a full brightness.

(g) Signal lamps shall be aimed 2 inches below level at 25 feet and straight ahead. An aiming tolerance of from 3 inches up to 7 inches down and 10 inches right or left will be allowed.

EXCEPTION: Buses that do not stop upon the roadway to load or discharge passengers are exempt from the requirements of this section.

AMENDATORY SECTION (Amending Order 7001, filed 6/10/70, effective 7/15/70)

**WAC 204-32-060 Warning sign.** Every private carrier bus shall be equipped with a sign on the rear of the bus which shall bear the words "**unlawful to pass bus when red lights flash.**" The sign shall be 16 inches vertically and 32 inches horizontally. The sign shall have a background of silver retrodirective-reflex reflective sheeting. The lettering shall all be size 3 inch B. Line one shall have the letters "**unlawful to**" in black. Line two shall have the letters "**pass bus when**" in black. Line three shall have the letters "**red lights flash**" in red.

EXCEPTION: Buses that do not stop upon the roadway to load or discharge passengers are exempt from the requirements of this section.

### WSR 99-09-027

#### PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Filed April 15, 1999, 12:54 p.m.]

Subject of Possible Rule Making: Rules relating to regulated telephone companies will be reviewed for content and readability pursuant to Executive Order 97-02, with attention to the rules' need; effectiveness and efficiency; clarity; intent and statutory authority; coordination; cost; and fairness. All provisions currently codified in chapter 480-120 WAC might be affected. The review, under Docket No. UT-990146, will

include consideration of whether substantive changes or additional rules are required for telecommunications regulation generally, and in concert with the Federal Telecommunications Act of 1996 and potential actions by the Washington legislature during its 1999 session

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Executive Order 97-02 requires agencies to review significant rules with attention to the standards set out above. This includes reviewing whether current rules provide the results that they were originally intended to achieve and whether the rules are consistent with laws and with appropriate and lawful policies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State Departments of Transportation and the Federal Communication Commission. The commission will invite those agencies to participate actively in the rule making.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments. The commission will schedule one or more workshops with representatives of affected constituencies in a manner designed to develop consensus among affected interests regarding any rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, fax (360) 586-1150.

**WRITTEN COMMENTS:** Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. UT-990146, not later than **May 12, 1999**. All commenters are asked, but not required, to file an original and ten copies of the written comments. The commission also requests, but does not require, that comments be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect version 5.1 or later, labeled with the docket number of this proceeding and the commenter's name and type of software used. The commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation. Interested persons may also attend and participate in the workshop described below and in any other workshop that may be scheduled. The commission will provide written notice of any additional preproposal workshops to all commenters and to any other persons specifically asking to receive notice in this rule-making proceeding.

**NOTICE OF WORKSHOP:** A workshop will be held on **May 21, 1999**, beginning at 9:00 a.m., in the Commission's Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA. The commission's teleconference bridge line will be available for this workshop. A limited number of teleconference ports will be available and will be assigned one to an organization, first come first served. Persons wishing to attend via the teleconference bridge line must contact Jennifer Watsek at (360) 664-1139 no later than 5:00 p.m., Tuesday, May 18, 1999.

Questions may be addressed to Sondra Walsh at (360) 664-1286 or e-mail at [sondra@wutc.wa.gov](mailto:sondra@wutc.wa.gov).

#### NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. UT-990146, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. UT-990146, and the words "Please keep me on the mailing list" to [records@wutc.wa.gov](mailto:records@wutc.wa.gov). Please note that all information in the mailings will be accessible through the commission's Internet web site at <http://www.wutc.wa.gov/>. THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.

April 15, 1999  
Terrence Stapleton  
for Carole Washburn  
Secretary

**WSR 99-09-028**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Filed April 15, 1999, 12:56 p.m.]

**Subject of Possible Rule Making:** Rules relating to budgets regulated utilities are required to file with the commission will be reviewed for content and readability pursuant to Executive Order 97-02, with attention to the rules' need; effectiveness and efficiency; clarity; intent and statutory authority; coordination; cost; and fairness. All provisions currently codified in chapter 480-140 WAC might be affected. The review, under Docket No. A-990298, will include consideration of whether substantive changes or additions are required.

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

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Executive Order 97-02 requires agencies to review significant rules with attention to the standards set out above. This includes reviewing whether current rules provide the results that they are originally intended to achieve and whether the rules are consistent with laws and with appropriate and lawful policies.

**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 the commission will ask for initial written comments, and

will provide the opportunity for additional comments. The commission will schedule one or more workshops with representatives of affected constituencies in a manner designed to develop consensus among affected interests regarding any rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, fax (360) 586-1150.

**WRITTEN COMMENTS:** Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. A-990298, not later than **May 14, 1999**. All commenters are asked, but not required, to file an original and ten copies of their written comments. The commission also requests, but does not require, that comments be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect version 5.1, 6.0 or 6.1, labeled with the docket number of this proceeding and the commenter's name and type of software used. The commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation. Interested persons may also attend and participate in the workshop the commission will schedule. The commission will provide written notice of the workshop to all commenters and to any other persons specifically asking to receive notice in this rule-making proceeding.

**NOTICE OF WORKSHOP:** A workshop will be held on **June 4, 1999**, beginning at 9:30 a.m., in the Commission's Hearing Room, **Room 206**, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA. The commission's teleconference bridge line will be available for this workshop. A limited number of teleconference ports are available and will be assigned one to an organization, on a first come first served basis. Persons wishing to attend via the teleconference bridge line must contact Jennifer Watsek at (360) 664-1139 no later than 5:00 p.m., June 2, 1999. Questions may be addressed to Fred Ottavelli at (360) 664-1297 or e-mail at [fottavel@wutc.wa.gov](mailto:fottavel@wutc.wa.gov).

#### NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. A-990298, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. A-990298, and the words "Please keep me on the mailing list" to [records@wutc.wa.gov](mailto:records@wutc.wa.gov). Please note that all information in the mailings will be accessible through the commission's Internet web site at <http://www.wutc.wa.gov/>. THOSE PARTIES WHO DO NOT

RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.

April 15, 1999  
Terrence Stapleton  
for Carole Washburn  
Secretary

**WSR 99-09-039**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed April 16, 1999, 12:00 p.m.]

Subject of Possible Rule Making: Rules that are applicable to specific, retail liquor licensees. Rules that will be reviewed are contained in the following chapters of the Washington Administrative Code: Chapter 314-12 WAC, General—Applicable to all licensees; chapter 314-15 WAC, Motel license; and chapter 314-16 WAC, Retail licensees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.010, 66.24.012, 66.24.025, 66.24.320, 66.24.330, 66.24.350, 66.24.354, 66.24.360, 66.24.371, 66.24.375, 66.24.400, 66.24.410, 66.24.420, 66.24.425, 66.24.440, 66.24.455, 66.24.481, 66.24.540, 66.24.550, 66.24.570, 66.24.580, 66.28.010, 66.28.030, 66.28.040, 66.28.042, 66.28.043, 66.28.070, 66.28.080, 66.28.090, 66.28.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Liquor Control Board is currently undergoing a review of all of its rules to make them clear and usable, per Governor Locke's Executive Order 97-02. This notice concerns the board's intent to review its rules that are applicable to specific, retail liquor licensees.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 586-1641, fax (360) 704-4920, e-mail teb@liq.wa.gov.

April 16, 1999  
Eugene Prince  
Chair

**WSR 99-09-040**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed April 16, 1999, 12:06 p.m.]

Subject of Possible Rule Making: Funding enhancement accounts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.32.440.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature has directed the department to fund enhancement accounts equal to the participation of licensees. The rules will reflect 1998 participation.

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 Dave Brittell, Management Services Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2206. Contact by June 22, 1999. Proposal filing June 23, 1999.

April 16, 1999  
Evan Jacoby  
Rules Coordinator

**WSR 99-09-048**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**

[Filed April 19, 1999, 11:10 a.m.]

Subject of Possible Rule Making: New WAC 204-96-010 Vehicle impounds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.55.113 and 46.55.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 46.55.113 requires an agency rule to make impounding DUI and suspended driver vehicles mandatory in the agency.

RCW 46.55.120 requires an agency rule to allow for hardship cases when impounding a suspended drivers' vehicle.

Process for Developing New Rule: Involved Washington State Patrol, Washington Tow Truck Association, Department of Licensing, and Attorney General's Office to ensure compliance to the new state law.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lt. Glen Cramer, P.O. Box 42600, Olympia, WA 98504, phone (360) 586-2340, fax (360) 586-1628.

April 15, 1999  
Annette M. Sandberg  
Chief

**Chapter 204-96 WAC**  
**VEHICLE IMPOUNDS**

NEW SECTION

**WAC 204-96-010 Vehicle impounds.** When a driver of a vehicle is arrested for a violation of:

RCW 46.61.502	Driving under the influence
RCW 46.61.504	Physical control of vehicle under the influence
RCW 46.20.342	Driving while license suspended or revoked
RCW 46.20.420	Operation of motor vehicle under other license/permit prohibited while suspended or revoked,

the arresting officer shall cause the vehicle to be impounded.

If the driver is arrested for a violation of RCW 46.20.342 (1)(c) (3rd degree suspended/revoked) and has no convictions for violations of RCW 46.20.342 in the past five years, the vehicle shall be impounded, but no suspended driver hold shall be placed on the vehicle. If the driver is also the registered owner then the vehicle shall be held until all outstanding penalties, fines, and forfeitures owed by him/her are satisfied. The driver/registered owner must present proof from a court of law that he/she has no outstanding penalties, fines, or forfeitures.

If the driver is arrested for a violation of RCW 46.20.342 (1)(c) (1st degree suspended/revoked-habitual offender) and has any prior convictions for violations of RCW 46.20.342 in the past five years, the vehicle shall be held for thirty days.

If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) (1st or 2nd degree suspended/revoked) and has no convictions for violations of RCW 46.20.342 in the past five years, the vehicle shall be held for thirty days.

If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) and has been convicted of a violation of RCW 46.20.342 (1)(a) or (b) in the past five years, the vehicle shall be held for sixty days.

If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) and has been convicted of a violation of RCW 46.20.342 (1)(a) or (b) two or more times in the past five years, the vehicle shall be held for ninety days.

The release of all vehicles impounded under this WAC shall be governed by RCW 46.55.120. Commercially rented vehicles may be impounded, however no suspended driver holds shall be placed upon the vehicle. The rental company shall be notified by phone.

A vehicle may be released prior to the mandated hold period if the spouse of the arrested driver establishes economic or personal hardship with the district commander of the district in which the vehicle was impounded. In making a hardship determination, the district commander shall consider public safety factors, including the driver's criminal history and driving record. All hardship release requests shall be in writing. Any denial or approval of a hardship release shall be in writing and shall include factors considered by the district commander in reaching the decision.

#### WSR 99-09-049

#### PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed April 19, 1999, 11:11 a.m.]

Subject of Possible Rule Making: Amends WAC 204-10-020 Lighting devices and 204-90-140 Electrical system requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005 and 46.37.320.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Canadian standard listed in the current WAC 204-10-020 no longer exist and needs to be deleted.

Headlamps with a slight blue tint are being marketed by Sylvania and Phillips that meet the Federal Motor Vehicle Safety Standard and SAE standards therefore the restriction that headlamps "shall be white only" needs to be deleted from both WACs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: National Highway Traffic Safety Association, NHTSA, recommends approval of these headlamps.

Process for Developing New Rule: Upon recommendation NHTSA.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ms. Carol Morton, Washington State Patrol, P.O. Box 42635, Olympia, WA 98504, phone (360) 412-8934, fax (360) 493-9090.

April 15, 1999

Annette M. Sandberg  
Chief

AMENDATORY SECTION (Amending WSR 98-19-040, filed 9/11/98, effective 10/12/98)

**WAC 204-10-020 Lighting devices.** Aftermarket neon lighting devices may not be used on motor vehicles while they are in motion on public roadways.

(1) Federal Motor Vehicle Safety Standard (FMVSS) 108 ~~((is))~~ and Society of Automotive Engineers (SAE) J 578 are hereby adopted by reference as the standards for the following aftermarket lighting devices:

- (a) Headlamps ~~((shall be white only) (SAE J578))~~
- (b) Taillamps
- (c) Stoplamps
- (d) License plate lamps
- (e) Turn signal lamps
- (f) Side marker lamps
- (g) Intermediate side marker lamps
- (h) Backup lamps
- (i) Identification lamps
- (j) Clearance lamps
- (k) Parking lamps
- (l) Reflex reflectors
- (m) Intermediate reflex reflectors
- (n) Intermediate side reflex reflectors
- (o) Intermediate side marker reflectors
- (p) Turn signal operating units
- (q) Turn signal flashers
- (r) Vehicular hazard warning signal operating units
- (s) Vehicular hazard warning signal flashers

~~((2) Canadian Standards Association Standard D106.2 is hereby adopted by reference as the standard for the following lighting devices:~~

- ~~(a) Aftermarket headlamps (quartz-halogen nonsealed beam shall be white only):~~

~~(i) Motorcycle headlamps may comply with either Federal Motor Vehicle Safety Standard 108 or Canadian Standard D106.2.~~

~~(b) Fog lamps. Fog lamps may comply with either Standard D106.2 or SAE Standard J583 as set forth in subsection (3)(a) of this section.~~

(3)) (2) Society of Automotive Engineers standards are hereby adopted by reference as the standard for the following lighting devices:

(a) Fog lamps (SAE J583), aftermarket fog lamps shall be white to amber only

(b) Fog tail lamps (SAE J1319)

(c) Auxiliary driving lamps (SAE J581), shall be white only and are not intended to be used alone or with the lower beam of a standard headlamp system

(d) Auxiliary low beam lamps (or auxiliary passing lamps) (SAE J582)

(e) Spot lamps (SAE J591)

(f) Cornering lamps (SAE J852)

(g) Supplemental high-mounted stop and rear turn signal lamps (SAE J1957 and J2068)

(h) Side turn signal lamps (SAE J914)

(i) 360 degree emergency warning lamps (SAE J845)

(j) Flashing warning lamps for agricultural equipment (SAE J974)

(k) Flashing warning lamps for authorized emergency, maintenance, and service vehicles (SAE J595)

(l) Flashing warning lamp for industrial equipment (SAE J96)

(m) Warning lamp alternating flashers (J1054)

(n) Green lamp for use on volunteer fireman's private vehicle (SAE J595) - flashing warning lamps for authorized emergency, maintenance, and service vehicles.

(i) Color of the lens shall be green as that color is described in SAE Standard J578 (Color specifications for electric signal lighting devices) rather than red or amber as specified in SAE J595.

(o) Side cowl, fender, or running board courtesy lamps (SAE J575)

((4)) (3) Standards promulgated by the commission on equipment for the following lighting devices shall be as set forth in the Washington Administrative Code chapters as indicated:

(a) Deceleration alert lamp system (chapter 204-62 WAC)

(b) Headlamp modulator (chapter 204-78 WAC)

(c) Headlamp flashing system (chapter 204-80 WAC)

(d) School bus warning lamps (chapter 204-74 WAC)

(e) Additional hazard strobe lamp. Municipal transit vehicles (as defined in RCW 46.04.355) may be equipped with a single additional hazard strobe lamp. Such lamps must meet the Class I requirements of SAE Standard J1318

(i) A clear lens strobe lamp, less than eight inches in height, may be mounted on the centerline of the roof in the rear one-half of the bus

(ii) The hazard strobe lamp will be activated by a switch independent of all other lamp switches. The hazard strobe lamp switch shall be plainly labeled and have a pilot lamp that shall indicate when the lamp is in operation

(iii) The use of a hazard strobe lamp is permitted only when the bus is occupied with passengers and one or more of the following conditions exist:

(A) The bus is in motion in inclement, sight obscuring conditions, including, but not limited to rain, fog, snow, and smoke;

(B) There is a need to improve the visibility of the bus when stopping, standing, or starting onto a highway or there is limited visibility caused by geographic hazards, such as winding roadways, hills, trees, etc.

The strobe lamp shall not be activated solely because of darkness.

AMENDATORY SECTION (Amending WSR 98-04-052, filed 1/30/98, effective 3/2/98)

**WAC 204-90-140 Electrical system requirements.**

NOTE: The lamps on special motor vehicles shall comply with standards contained in chapter 204-72 WAC.

(1) Dimmer switch: The headlamp circuit shall be equipped with a driver-controlled high and low beam selector switch unless the vehicle is equipped with single beam headlamps.

(2) Hazard warning switch: A Type II special motor vehicle shall be equipped with a hazard warning switch causing all turn signal lamps to flash simultaneously.

(3) Headlamp switch: The headlamp switch shall activate the headlamps, tail lamps, license plate lamp, and when required, marker lamps simultaneously.

(4) Headlamp system: Aftermarket headlamps shall ~~((be white only))~~ comply with Federal Motor Vehicle Safety Standard (FMVSS) 108 and Society of Automotive Engineer (SAE) J578. A special motor vehicle shall be equipped with two headlamp units or two pairs of headlamp units mounted at the same height, equidistant of each side of the vertical centerline, and as far apart as practical. Headlamp systems shall conform to the requirements of chapter 46.37 RCW. The headlamps shall be mounted on the front forward of the windshield in a plane through the longitudinal centerline of the vertical. The headlamps shall be mounted not less than 24 inches nor more than 54 inches (72 inches for trucks) above the road surface when measured to the headlamp center. Lamp sub-body(ies) shall be constructed with adequate adjustments to afford proper aiming of the headlamp(s) in compliance with chapter 204-72 WAC. Alternative headlamp systems shall comply with FMVSS 108.

(5) High beam indicator: An indicator shall be provided which indicates to the driver when the high beams of the headlamp system are energized. The indicator shall emit a light other than white plainly visible to the driver under normal driving conditions.

(6) Horn: A special motor vehicle shall be equipped with an operable horn capable of emitting sound audible under normal conditions from a distance of not less than 200 feet. No horn or other warning device shall emit an unreasonably loud or harsh sound or whistle nor shall a bell or siren be used as a warning device. The device used to actuate the horn shall be easily accessible to the driver when operating the vehicle.

(7) License plate lamp: At least one white lamp shall be provided at the rear license plate which clearly illuminates the license plate to a distance of 50 feet.

(8) A special motor vehicle, if equipped with an automatic transmission, shall be equipped with a safety switch that prevents the starter motor from being actuated except when the gear selector is in the neutral or park position.

(9) Parking lamps: Two white to yellow (amber) parking lamps, in compliance with FMVSS 108, shall be mounted on the front, one on each side and equidistant from the vertical centerline, at the same height, and as far apart as practical. The parking lamps shall be mounted not less than 15 inches nor more than 72 inches above the roadway. Type I vehicles not originally equipped with parking lamps are exempt from this requirement.

(10) Reflex reflectors: Two red Class A reflectors, in compliance with FMVSS 108, shall be mounted on the rear, symmetrically disposed about the vertical centerline. The reflex reflectors shall be mounted not less than 15 inches nor more than 72 inches above the roadway.

(11) Stop lamps: Two red stop lamps, in compliance with FMVSS 108, shall be mounted on the rear, one on each side equidistant from the vertical centerline of the vehicle, at the same height, and as far apart as practical. The stop lamps shall be mounted not less than 15 inches nor more than 72 inches above the roadway. Type I vehicles, which were originally equipped with only one stop lamp, need not be equipped with two lamps, providing the lamp is located in accordance with the original design configuration.

(12) Tail lamp system: Two red lamps, in compliance with FMVSS 108, shall be mounted on the rear, one on each side equidistant from the vertical centerline, at the same height, and as far apart as practical. The tail lamps shall be mounted not less than 15 inches nor more than 72 inches above the roadway. Type I vehicles, which were originally equipped with only one tail lamp, need not be equipped with two tail lamps providing the original lamp is located in accordance with the original design configuration.

(13) Turn signal lamps (combination lighting devices are acceptable.): Two Class A red or yellow (amber) turn signal lamps and two Class A yellow (amber) turn signal lamps, in compliance with FMVSS 108, shall be mounted as follows: At or near the front, one yellow (amber) lamp on each side equidistant from the vertical centerline, at the same height, and as far apart as practical. On the rear, one red or yellow (amber) lamp on each side equidistant from the vertical centerline, at the same height, and as far apart as practical. All turn signal lamps shall be mounted not less than 15 inches nor more than 83 inches above the roadway. Type I vehicles are exempt from turn signal requirements if not originally equipped.

(14) Turn signal switch: A special motor vehicle (if equipped with turn signals) shall be equipped with a switch controlled by the operator of the vehicle which shall cause the turn signal lamps to function. The switch shall be self-cancelling and capable of cancellation by a manually-operated control.

(15) Turn signal indicator: If the front signal lamp(s) are not readily visible to the driver, there shall be an illumination indicator to give the operator a clear, unmistakable indication

that the turn signal system is on. The illumination indicator shall consist of one or more bright lights flashing at the same frequency as the signal lamps, and it shall emit a light other than white.

(16) Aftermarket neon lighting devices may not be used on motor vehicles while they are in motion on public roadways.

### WSR 99-09-051

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

(Aging and Adult Services Administration)

[Filed April 19, 1999, 1:42 p.m.]

Subject of Possible Rule Making: WAC 388-15-202 Long-term care services—Definitions, 388-15-203 Long-term care services—Assessment of task self-performance and determination of required assistance, and 388-15-205 Long-term care services—Service plan development.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.520, 74.08.090, 74.39A.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to rules are necessary to amend the assessment instrument to improve measurement of client's physical, cognitive and supervision needs. This will provide a methodology and criteria for authorizing additional hours of care.

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 may submit verbal or written comments and recommendations to the Aging and Adult Services Administration at any time prior to filing the notice of proposed rule making. Public meetings will be widely publicized in advance in order to promote maximum attendance and participation in the rule development process by interested parties. Interested parties will be invited to attend informal meetings and/or provide oral or written suggestions to the department. At the time the notice of proposed rule making is filed, interested parties will be notified of the scheduled hearing to adopt rules and how to submit comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Krueger, Chief, Home and Community Programs, Aging and Adult Services Administration, P.O. Box 45600, Mailstop 45600, Olympia, WA 98504-5600, (360) 493-2548.

April 16, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

## WSR 99-09-082

PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE

[Filed April 20, 1999, 11:39 a.m.]

Subject of Possible Rule Making: WAC 458-20-192 Indians—Indian reservations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rule, WAC 458-20-192, needs updating and revision. Portions of it are inaccurate. Also, since the last revision, this area of law has expanded, with many new issues, such as Indian gaming, that need to be discussed in the rule, and with changes in other areas, such as treaty fishery, that need to be reflected in the rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state excise taxes are primarily administered by the Department of Revenue. The Department of Licensing administers the motor vehicle excise tax and fuel taxes. The Liquor Control Board enforces the cigarette excise tax and the tobacco products tax. These agencies will be included in this rule-making process.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. An initial public meeting was held June 1, 1998, to describe the rule-adoption process and to receive preliminary input. On October 1, 1998, a preliminary draft was circulated to interested parties. The purpose of these scheduled meetings is to receive additional comments from interested parties, gather more information regarding specific areas of concern, and discuss the October 1, 1998, preliminary rule draft.

Written comments on and/or requests for copies of the rule may be directed to Leslie Cushman, Legislation and Policy Division, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 664-0057, fax (360) 664-0693, leslic@dor.wa.gov.

Location and Date of Public Meeting: Wednesday, June 2nd, 1 p.m., Sea-Tac, Washington State Training and Conference Center, Room C-142, 19010 1st Avenue South, Burien, call (206) 439-3722 for directions; and Thursday, June 10th, 1 p.m., Ellensburg, Central Washington State University, Student Union Building, 2nd Floor, Rooms 206 and 207, 400 East 8th Avenue, Ellensburg, call (509) 963-1321 for directions.

Assistance for Persons with Disabilities: Contact Ginny Dale by May 20th, TDD 1-800-451-7985 or (360) 586-0721.

April 19, 1999

Claire Hesselholt  
Rules Manager

Legislation and Policy Division

## WSR 99-09-083

PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING

[Filed April 20, 1999, 2:21 p.m.]

Subject of Possible Rule Making: Professional boxing and martial arts exceptions for Washington rules for contests.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.08.017(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional athletics program regulates boxing including martial arts events. Professional safety rules for these professions are developed by national and international sanctioning bodies. This proposed rule allows the Department of Licensing to use the rules developed by these sanctioning bodies for title boxing contests or any martial arts contest.

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 Michael Schneider, Manager, P.O. Box 9026, Olympia, WA 98507-9026, phone (360) 753-3713, fax (360) 664-2550.

April 16, 1999

Michael Schneider  
Manager

## WSR 99-09-085

PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE

[Filed April 20, 1999, 4:34 p.m.]

Subject of Possible Rule Making: WAC 458-16-280 Art, scientific, and historical collections and 458-16-282 Musical, dance, artistic, dramatic, and literary associations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.36.865 grants the Department of Revenue the authority to adopt rules and regulations as may be necessary or desirable to permit the effective administration of the statutes contained in chapter 84.36 RCW, Exemptions.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 1995, the legislature amended RCW 84.36.060, the statute that grants the exemptions explained in WAC 458-16-280 and 458-16-282. The statutory change (contained in section 1, chapter 302, laws of 1995) expanded the exemption to include property under construction or soon to be used for an exempt purpose. The proposed changes to WAC 458-16-280 and 458-16-282 describe the new statutory provisions and will provide taxpayers and other interested parties with up-to-date information about the two exemptions authorized by RCW 84.36.060.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No federal agencies or other state agencies regulate

these exemptions. The proposed revisions to the rules will be coordinated with local taxing officials and all parties affected by the rule changes.

**Process for Developing New Rule:** Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Kim M. Qually, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 664-0086, fax (360) 664-0693.

**Location and Date of Public Meeting:** On May 26, 1999, at 10:00 a.m., Evergreen Plaza Building, 711 Capitol Way South, Audit Division Conference Room, 3rd Floor, Olympia, WA.

**Assistance for Persons with Disabilities:** Contact Ginny Dale by May 15, 1999, TDD 1-800-451-7985, or (360) 586-0721.

April 19, 1999  
Claire Hesselholt  
Rules Manager  
Legislation and Policy Division

#### WSR 99-09-086

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Management Services Administration)

[Filed April 21, 1999, 9:51 a.m.]

**Subject of Possible Rule Making:** The language interpretation services and translations (LIST) section of DSHS is proposing rules that incorporate LIST policies regarding examinations, fees and Code of Professional Conduct into rule. The proposed rules will also bring the section into compliance with a federal court decision regarding certification and qualification criteria for interpreters and translators providing services to the department. Finally, by establishing clear LIST regulations, the proposed rules will ensure equal access and due process requirements for the department's limited-English proficient clients. The proposed rules will be written in a "plain English" style.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.08.090 Rule-making authority and enforcement, 74.04.025 Bilingual services for non-English speaking applicants and recipients, chapter 49.60 RCW, Discrimination—Human Rights Commission, and chapter 2.43 RCW, Interpreters for non-English-speaking persons.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Rules on this subject are needed to comply with the stipulation, agreement of settlement and consent order handed down in *Reyes v. Thompson*, United States District Court for Western District of Washington, 1991. Also, these proposed rules are a result of the

department's Executive Order 97-02 regulatory improvement effort to incorporate policies into rules when appropriate, to develop new rules and regulations where necessary and write all policies and rules in clear, concise, easily understood language. Finally, DSHS has a legal obligation to provide equal access to department services to all of its clients, customers and vendors, especially LEP clients.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The Office for Civil Rights of the United States Department of Health and Human Services, Washington State Department of Health, Washington State Department of Licensing and the Washington State Office of the Administrator of the Courts are other federal and state agencies that regulate this subject. Representatives from these agencies and offices will be contacted and invited to participate in the rule-making process. They will be given an opportunity to review and comment upon any proposed rules and will be given notice of the public hearing so that they can testify on the record if they wish.

**Process for Developing New Rule:** The department will develop, propose and adopt rules according to the Administrative Procedure Act process in chapter 34.05 RCW. LIST staff and stakeholders will develop the content of the proposed rules. Public comment and participation will be welcomed throughout the rule adoption process, especially during the public hearing and comment period.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. See Process for Developing New Rule above. For specific information regarding the proposed rules and the development/adoption process, contact Hungling Fu, Ph.D., Manager, Language Interpreter Services and Translations, Department of Social and Health Services, P.O. Box 45820, Olympia, WA 98504-5820, phone (360) 902-8113, e-mail FUHX@dshs.wa.gov, fax (360) 902-8128.

April 14, 1999  
Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

#### WSR 99-09-093

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 99-06—Filed April 21, 1999, 10:12 a.m.]

**Subject of Possible Rule Making:** This action focuses on two air quality programs located in chapter 173-400 WAC: The prevention of significant deterioration or PSD program which addresses major new air pollution sources; and the best available retrofit technology provisions, as well as the PSD provisions, of the visibility protection program.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 70.94.331 and 70.94.510.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The present state prevention of significant deterioration program is outdated and incomplete, resulting in dual regulation by both ecology and EPA. The intent of this rule amendment is to update our state pro-

gram and to clarify the process. Ecology will correct administrative inconsistencies in the state visibility protection program and determine if the state program should be adjusted to mirror the less inclusive federal one. Once the revisions are complete, ecology will request program approval or full delegation from EPA.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The EPA, local air agencies, and EFSEC regulate sources of air emissions. Ecology has a partial delegation of the PSD program from EPA. Ecology issues the PSD permits throughout the state. Local air agencies have responsibility for minor new source review. Ecology will establish three different external work groups to provide advice on changes to both programs. EPA and local air agencies will be represented on those work groups. These changes will apply state-wide.

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 Elena Guilfoil, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, e-mail [egui461@ecy.wa.gov](mailto:egui461@ecy.wa.gov), phone (360) 407-6855, fax (360) 407-6802.

April 9, 1999  
Mary E. Burg  
Program Manager

lication by contacting Terry J. West, Program Manager, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, phone (360) 664-4207, fax (360) 586-2165.

December 28, 1998  
Paula Q. Meyer  
Executive Director

### WSR 99-09-098

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed April 21, 1999, 11:28 a.m.]

Subject of Possible Rule Making: Define when alcohol in the system rises to the level of unprofessional conduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110, 18.130.180(23).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Uniform Disciplinary Act, RCW 18.130.180 (23)(a) currently makes it illegal to misuse alcohol. The Nursing Commission feels that it will assist nurses to have a clear definition of when alcohol in the system rises to the level of unprofessional conduct. By clearly defining this level all nurses will be adequately informed and put on notice. This should reduce the confusion that currently exists with the misuse of alcohol.

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 public rules writing workshop will be held with interested members of the public. An invitation will be mailed to all persons who have asked to be on the interested person mailing list. In addition, other identified individuals will be added to the mailing and all will receive an invitation to participate in rule writing.

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

**WSR 99-09-038**  
**EXPEDITED REPEAL**  
**LIQUOR CONTROL BOARD**

[Filed April 16, 1999, 11:58 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 314-04-010.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, e-mail rules@liq.wa.gov, fax (360) 704-4920.

Reason the Expedited Repeal of the Rule is Appropriate: The Liquor Control Board is currently undergoing a review of all its rules, per Executive Order 97-02. The agency is in the process of adopting a revised rule and new rules that will make WAC 314-04-010 redundant.

April 16, 1999  
 Eugene Prince  
 Chair

**WSR 99-09-056**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF LICENSING**

[Filed April 19, 1999, 2:03 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 308-32-015 Nonparticipating creditors—Terms to be included in contract, 308-32-020 Blind advertising, 308-32-030 Deceptive advertising, 308-32-040 Advertising—Rates of charge, 308-32-050 Maintenance of advertising copy, 308-32-060 Return of license, 308-32-070 Application—Fingerprints required, 308-32-080 Application and fees, and 308-32-090 Fees.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; and rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Department of Licensing, Business and Professions Division, Debt Adjuster Section, P.O. Box 9649, Olympia, WA 98507-9649.

Reason the Expedited Repeal of the Rule is Appropriate: The passage of SHB 1251 abolishes the regulation requiring debt adjusters to be licensed by the state and transfers authority for inspection and investigation of debt adjusters to the Office of the Attorney General. It also repeals RCW

18.28.170, which gave the director the authority to promulgate rules. The effective date of SHB 1251 is July 1, 1999.

April 15, 1999

Harumi Tucker Tolbert  
 WMS Manager

EXPEDITED REPEAL



**WSR 99-08-072**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 5, 1999, 10:12 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 97-10-071.

Title of Rule: Safety standards for logging operations chapter 296-54 WAC.

Purpose: This rule proposal was developed over a year-and-a-half effort by the Logging Advisory Committee, with members representing management, labor, equipment suppliers, other government entities, and the department. As a part of the Governor's Executive Order (97-02) on Regulatory Reform, chapter 296-54 WAC, Safety standards for logging operations, is being proposed in order to:

- Be consistent with current local industry practice and technology.
- Reorganize the contents to make it easier to find specific requirements.
- Rewrite for plain language.
- Update rules to be identical to or consistent with OSHA logging rules.

Following are the specific state-initiated proposed changes made in each section:

**REPEALED SECTIONS:**

**WAC 296-54-525 Railroad construction and maintenance.**

- Requirements on railroad construction and maintenance moved to WAC 296-54-59710.

**WAC 296-54-599 Truck and equipment maintenance shops.**

- Requirements on truck and equipment maintenance shops moved to WAC 296-54-705.

**NEW SECTIONS:**

**WAC 296-54-51110 PPE—Head protection.**

- Requirements for head protection moved from WAC 296-54-511.

**WAC 296-54-51120 PPE—Eye and face protection.**

- Requirements for eye and face protection moved from WAC 296-54-511.

**WAC 296-54-51130 PPE—Hearing protection.**

- Requirements for hearing protection moved from WAC 296-54-511.

**WAC 296-54-51140 PPE—Hand protection.**

- Requirements for hand protection moved from WAC 296-54-511.
- Deleted requirement for employers to provide gloves.

**WAC 296-54-51150 PPE—Respiratory protection.**

- Requirements for respiratory protection moved from WAC 296-54-511.

**WAC 296-54-51160 PPE—Leg protection.**

- Requirements for leg protection moved from WAC 296-54-511

**WAC 296-54-51170 PPE—Foot protection.**

- Requirements for foot protection moved from WAC 296-54-511.
- Added rubber pacs and rubber boots with protection as examples of acceptable footwear.

**WAC 296-54-51180 PPE—Personal flotation devices.**

- Requirements for personal flotation devices moved from WAC 296-54-511 and 296-54-585.

**WAC 296-54-51190 PPE—Highly visible clothing.**

- Requirements for highly visible clothing moved from WAC 296-54-511.

**WAC 296-54-51510 Safety and health meetings.**

- Requirements for safety and health meetings moved from WAC 296-54-513.
- Meeting documentation requirements incorporated from chapter 296-24 WAC.

**WAC 296-54-51520 First-aid training.**

- Requirements for first-aid training moved from WAC 296-54-513.
- List the specific topics that training must cover to be identical to OSHA rules.

**WAC 296-54-51530 First-aid kits.**

- Requirements for first-aid kits moved from WAC 296-54-513.
- Added requirement to provide first-aid kits on log trucks and speeders.
- Deleted references to requirements in chapter 296-24 WAC and incorporated the necessary specifics.

**WAC 296-54-53910 Falling and bucking—Falling.**

- Falling requirements moved from WAC 296-54-529.
- Clarified requirements on warning before falling.
- Clarified requirements on matchcutting.
- Changed undercut requirement to only apply to trees over six inches DBH.

**WAC 296-54-53920 Falling and bucking—Bucking.**

- Bucking requirements moved from WAC 296-54-529.

**WAC 296-54-53930 Falling and bucking—Danger trees.**

- Danger tree requirements moved from WAC 296-54-529.

**WAC 296-54-53940 Falling and bucking—Springboards and tree jacking.**

- Requirements on springboards and tree jacking moved from WAC 296-54-529.
- Added new work practice requirements from Oregon's logging rules.
- Deleted requirement for two workers being present when using springboards.

**WAC 296-54-54710 Rigging—Inspection.**

- Moved rigging inspection requirements from WAC 296-54-543.

**PROPOSED**

**WAC 296-54-54720 Rigging—Molles.**

- Moved molles requirements from WAC 296-54-543.
- Added requirements that clarify how to use molles.

**WAC 296-54-54730 Rigging—Shackles.**

- Moved shackles requirements from WAC 296-54-543.
- Added requirements on how to properly attach shackles.

**WAC 296-54-54740 Rigging—Straps.**

- Moved straps requirements from WAC 296-54-543.
- Proposed requirements from Oregon's logging rules that provide more options for strap use.

**WAC 296-54-54750 Rigging—Blocks.**

- Moved blocks requirements from WAC 296-54-543.

**WAC 296-54-54760 Rigging—Hanging blocks.**

- Moved hanging blocks requirements from WAC 296-54-543 and 296-54-555.
- Provide instructions on and allow for more flexibility in the use of hanging blocks.

**WAC 296-54-55710 Wire rope—Cutting.**

- Moved cutting wire rope requirements from WAC 296-54-543.

**WAC 296-54-55720 Wire rope—Splicing.**

- Moved splicing wire rope requirements from WAC 296-54-543.

**WAC 296-54-55730 Wire rope—Attaching end fastenings.**

- Moved requirements for attaching end fastenings to wire rope from WAC 296-54-543.
- Added clarifications on attaching end fastenings.

**WAC 296-54-573 Logging machines—General.**

- Moved general requirements for logging machines from WAC 296-54-551, 296-54-557, 296-54-561, and 296-54-563.
- Added a requirement to prevent logging machines from running over or rubbing lines.
- Eliminated the prohibition against drums being attached to any part of a towing unit.
- Moved requirements for machine stabilization from WAC 296-54-553.
- Moved requirements for line drums from WAC 296-54-551.
- Added an exception to the requirement for two means of exit on machines manufactured before July 1, 1980.
- Deleted the requirement for quick-release type seatbelts.

**WAC 296-54-57310 Logging machines—Chipping in woods locations.**

- Moved requirements on in-woods chipping from WAC 296-54-551.

**WAC 296-54-57315 Logging machines—Exhaust pipes.**

- Moved requirements on exhaust pipes for logging machines from WAC 296-54-551.

**WAC 296-54-57320 Logging machines—Glass.**

- Moved requirements on glass for logging machines from WAC 296-54-551.
- Moved safety glass requirements from WAC 296-54-557.

**WAC 296-54-57325 Logging machines—Brakes.**

- Moved requirements on brakes for logging machines from WAC 296-54-551, 296-54-557, and 296-54-563.
- Added the requirement to protect brakes from direct exposure to the elements.
- Added more comprehensive service brake requirements to be consistent with OSHA requirements.
- Proposed requirements for the brake systems of self-propelled logging machines from Oregon's logging rules.

**WAC 296-54-57330 Logging machines—Outriggers.**

- Moved requirements on outriggers for logging machines from WAC 296-54-551.

**WAC 296-54-57335 Logging machines—Hydraulics.**

- Hydraulics requirements moved from WAC 296-54-515.
- Moved requirements on hydraulics for logging machines from WAC 296-54-551.
- Moved requirements for hydraulic outriggers from WAC 296-54-553.

**WAC 296-54-57340 Logging machines—A-frames.**

- Moved requirements for A-frames from WAC 296-54-543 and 296-54-553.

**WAC 296-54-57345 Logging machines—Moving.**

- Moved requirements on moving logging machines from WAC 296-54-551 and 296-54-557.
- Eliminated requirements for sled yarders.
- Added a requirement for a device to prevent unintentional disengaging of a manual transmission.

**WAC 296-54-57350 Logging machines—Tractors and skidders.**

- Moved requirements on tractors and skidders from WAC 296-54-557.
- Added requirement for a turnaround every five hundred feet on skidding roads.

**WAC 296-54-57355 Logging machines—Protective structures for operators.**

- Moved requirements on protective structures for logging machine operators from WAC 296-54-551.
- Eliminated the specification requirements for barrier design.
- Modified ROPS requirements to be consistent with OSHA requirements.

**WAC 296-54-58110 Helicopter logging—Landing.**

- Moved requirements for landings for helicopter logging from WAC 296-54-559.
- Added the requirement to notify landing personnel when chokers are picked up.

**WAC 296-54-58120 Helicopter logging—Yarding.**

- Moved requirements for yarding with helicopters from WAC 296-54-559.

**WAC 296-54-58130 Helicopter logging—Fueling area.**

- Moved requirements for helicopter fueling areas from WAC 296-54-559.
- Updated fire extinguisher requirements to be consistent with current technology.
- Deleted requirements related to refueling in hot weather.

**WAC 296-54-58910 Log trucks—Brakes.**

- Requirements for log truck air lines moved from WAC 296-54-567.
- Requirements for log truck brakes moved from WAC 296-54-569.
- Deleted requirements related to defective equipment that are covered in WAC 296-54-589.

**WAC 296-54-58920 Log trucks—Trailer hitches and safety chains.**

- Moved requirements on trailer hitches and safety chains from WAC 296-54-571.

**WAC 296-54-58930 Log trucks—Reaches and bunks.**

- Moved requirements on reaches and bunks from WAC 296-54-573.
- Deleted rule that allowed welding of reaches in some circumstances.
- Moved requirements on trip stakes to WAC 296-54-58940.

**WAC 296-54-58940 Log trucks—Stakes, stake extensions and chock blocks.**

- Moved requirements on trip stakes from WAC 296-54-573.
- Moved requirements on stakes, stake extensions and chock blocks to WAC 296-54-575.
- Added prohibition against stake extensions made of brittle materials.

**WAC 296-54-58950 Log trucks—Wrappers and binders.**

- Moved requirements on wrappers and binders from WAC 296-54-577.

**WAC 296-54-58960 Log trucks—Miscellaneous requirements.**

- Moved miscellaneous requirements related to log trucks from WAC 296-54-579.

**WAC 296-54-58970 Log trucks—Steered trailers.**

- Moved requirements on steered trailers from WAC 296-54-581.

**WAC 296-54-59310 Log unloading, booms, and rafting grounds—Water dumps.**

- Moved requirements for water dumps from WAC 296-54-587.

**WAC 296-54-59320 Log unloading, booms, and rafting grounds—Boom and rafting grounds.**

- Moved requirements for boom and rafting grounds from WAC 296-54-589.

**WAC 296-54-59330 Log unloading, booms, and rafting grounds—Boats and mechanical devices on waters.**

- Moved requirements for boats and mechanical devices on water from WAC 296-54-591.

**WAC 296-54-59340 Log unloading, booms, and rafting grounds—Dry land sorting and storage.**

- Moved requirements for dry land sorting and storage from WAC 296-54-593.
- Moved PPE requirements to WAC 296-54-51190.

**WAC 296-54-59510 Speeders used to transport crews.**

- Requirements for transporting crews on speeders moved from WAC 296-54-521.

**WAC 296-54-59520 Trailers used to transport crews.**

- Requirements for transporting crews on trailers moved from WAC 296-54-521.

**WAC 296-54-59710 Railroad construction and maintenance.**

- Requirements on railroad construction and maintenance moved from WAC 296-54-525.

**WAC 296-54-59720 Railroad operations.**

- Moved requirements for railroad operations from WAC 296-54-595.
- Deleted requirements that only require following other rules.

**WAC 296-54-59730 Railroad maintenance—Loading or unloading.**

- Moved railroad loading and unloading requirements from WAC 296-54-597.

**WAC 296-54-604 Radio signaling permits.**

- Made it easier for radio signaling permit holders to find the appropriate department contact address.

**WAC 296-54-701 Wood spar trees.**

- General requirements on wood spar trees moved from WAC 296-54-539, 296-54-545, and 296-54-701.
- Moved dummy tree requirements from WAC 296-54-541.

**WAC 296-54-70110 Wood spar trees—Guylines.**

- Requirements for rigging guylines to wood spar trees moved from WAC 296-54-545.

**WAC 296-54-70120 Wood spar trees—passlines.**

- Requirements on passlines in wood spar trees moved from WAC 296-54-539.

**WAC 296-54-70130 Wood spar trees—Straps.**

- Moved requirements on wood spar tree straps from WAC 296-54-543.

**WAC 296-54-703 Tongs, hooks, grapples.**

- Added new work practice requirements related to the use of tongs, hooks, and grapples.

**WAC 296-54-705 Truck and equipment maintenance shops.**

- Moved reference to truck and equipment maintenance shops from WAC 296-54-599.

**WAC 296-54-707 Labor camps.**

- Added a reference about labor camps to see the requirements in WAC 296-24-125.

**WAC 296-54-99013 Appendix 4—Various types of cable logging systems.**

- Moved cable logging system illustrations to the appendix for easy reference.

**WAC 296-54-99014 Appendix 5—Wooden tree yarding and loading systems.**

- Moved wooden tree yarding and loading system illustrations to the appendix for easy reference.

**AMENDED SECTIONS:****WAC 296-54-501 Scope and application.**

- Scope expanded to cover "log road construction and other forest activities using logging machinery and power saws."
- Moved reference to SAE standards to Appendix 3.
- Deleted reference to chapter 296-61 WAC, which has been repealed.

**WAC 296-54-503 Variance.**

- Provided the department address for requesting a variance.

**WAC 296-54-505 Definitions applicable to this chapter.**

- Change section title to "Definitions."
- Added definitions for the following terms: Back-line, cable tree thinning, chunking, cold deck, cutter, dapped, DBH, deadman, directional falling, donkey, drop zone, haywire, high visibility colors, hot deck, intermediate support system, double tree support, single tree support, kerf, landing chute, lay, log bronco, mainline block, mechanized logging machine, molle, new jobsite, rub tree, skidding line, snorkel, spike, standing line, strap socket, swede connection, tie back, tug, twister, V-lead, within the stakes and work areas.
- Modified definitions for the following terms: Bight of the line, dutchman, guyline, in the clear, logging machine, logging operations, mechanized feller, hay rack, mobile log loader, mobile yarder, new area or setting, running line, strawline, tail block and tail tree.
- Deleted definitions for the following terms: Receding line and lift tree.
- Added an exception for helicopters to the definition of "logging machine."

**WAC 296-54-507 Management's responsibility.**

- Change section title to "Employer's responsibilities."
- Increased the time period after which employees must have visual or audible signal contact with another employee.
- Moved safety meeting requirements to WAC 296-54-51510.
- Moved requirements about working in hazardous conditions to WAC 296-54-513.

**WAC 296-54-509 Employee's responsibility.**

- Change section title to "Employee's responsibilities."

**WAC 296-54-511 Personal protective equipment.**

- Change section title to "Personal protective equipment—PPE."
- Moved requirements for specific types of PPE into their own sections.

**WAC 296-54-513 Safety education, training and first-aid requirements.**

- Change section title to "Arrangement of work areas and emergency contact."
- Requirements on working in hazardous conditions moved from WAC 296-54-507.
- Requirements on the arrangement of work areas moved from WAC 296-54-515.
- Require each worksite to have at least one serviceable and operable two-way radio, phone, or radio/phone combination available to reach emergency service.
- Require each worksite to have an emergency medical plan and meet certain specifications.
- Move accident prevention program requirements to WAC 296-54-515.
- Move first-aid training requirements to WAC 296-54-51520.
- Move safety and health meeting requirements to WAC 296-54-51510.
- Move first-aid kit requirements to WAC 296-54-51530.

**WAC 296-54-515 General requirements.**

- Change section title to "Accident prevention program."
- Added specific accident prevention program requirements to replace the reference to chapter 296-24 WAC formerly found in WAC 296-54-513.
- Delete some training requirements that were redundant and confusing.
- Move work areas requirements to WAC 296-54-513.
- Move lockout/tagout requirements to WAC 296-54-517.
- Move metal objects, fueling, explosives and fire protection requirements to WAC 296-54-519.
- Move equipment and vehicle inspection requirements to WAC 296-54-521.
- Move powered tools requirements to WAC 296-54-523.
- Move power lines requirements to WAC 296-54-527.
- Move seat belts requirements to WAC 296-54-529.
- Move logging machinery requirements to WAC 296-54-573.
- Move hydraulics requirements to WAC 296-54-57335.
- Move signaling requirements to WAC 296-54-601.

**WAC 296-54-517 Camps.**

- Change section title to "Lockout/tagout procedures."

- Provided specific lockout/tagout requirements that apply to logging to replace the reference to chapter 296-24 WAC.
- Moved reference to rules on temporary labor camps to WAC 296-54-707.

#### **WAC 296-54-519 Motor vehicles.**

- Change section title to "Miscellaneous requirements."
- Motor vehicles requirements moved to WAC 296-54-531.
- Vehicle inspection requirements moved to WAC 296-54-521.
- Requirements for fueling, explosives, flammable and combustible liquids moved from WAC 296-54-515.
- Requirements for metal objects moved from WAC 296-54-515.

#### **WAC 296-54-521 Transportation of crews by use of speeders and trailers.**

- Change section title to "Inspection and repair of equipment and vehicles."
- Requirements for transporting crews by speeders and trailers moved to WAC 296-54-59510 and 296-54-59520.
- Inspection requirements moved from WAC 296-54-515.

#### **WAC 296-54-523 Methods of crew transportation other than those specified.**

- Change section title to "Maintenance and storage of hand and portable powered tools."
- Power tools requirements moved from WAC 296-54-515.
- Deleted requirements on other methods of transporting crews.

#### **WAC 296-54-527 Truck roads.**

- Change section title to "Overhead electrical lines clearance."
- Requirements on working near overhead power lines moved from WAC 296-54-515 and 296-54-557.
- Requirements on truck roads moved to WAC 296-54-533.

#### **WAC 296-54-529 Falling and bucking—General.**

- Change section title to "Seat belts."
- Seat belt requirements moved from WAC 296-54-515.
- Added an exemption for retrofitting.
- Added an exemption for road construction.
- Deleted requirements that no longer apply.
- General falling and bucking requirements moved to WAC 296-54-539.
- Specific falling requirements moved to WAC 296-54-53910.
- Specific bucking requirements moved to WAC 296-54-53920.
- Danger tree requirements moved to WAC 296-54-53930.

- Requirements on springboards and tree jacking moved to WAC 296-54-53940.
- Requirements on log decks moved to WAC 296-54-579.
- Requirements on chainsaws moved to WAC 296-54-537.

#### **WAC 296-54-531 Power saws and power equipment.**

- Change section title to "Motor vehicles."
- Requirements for motor vehicles moved from WAC 296-54-519.
- Moved seat belt requirements to WAC 296-54-529.
- Eliminated redundant first-aid kit requirements.
- Moved chainsaw requirements to WAC 296-54-537.

#### **WAC 296-54-533 Falling and bucking—Springboards and tree jacking.**

- Change section title to "Truck roads."
- Moved requirements on springboards and tree jacking to WAC 296-54-53940.
- Requirements on truck roads moved from WAC 296-54-527.
- Added requirement to provide a flagger when moving lines or other hazards are created across roadways.
- Provided more flexibility in flagging options.

#### **WAC 296-54-535 Tree pulling.**

- Change section title to "Road pioneering and earthwork."
- Added requirements for using borrow pits to replace requirements formerly found in chapter 296-61 WAC, Metal and nonmetallic mines, quarries, pits and crushing operations, which was repealed.
- Moved tree pulling requirements to WAC 296-54-541.

#### **WAC 296-54-537 Mechanized falling.**

- Change section title to "Chain saws."
- Moved mechanized falling requirements to WAC 296-54-543.
- Chainsaw requirements moved from WAC 296-54-529 and 296-54-531.
- Deleted reference to manufacturer's recommendations.
- Deleted requirement for hand-held files to be equipped with a handle.
- Deleted the requirement to start a saw with the chain brake engaged.

#### **WAC 296-54-539 Climbing equipment and passline.**

- Change section title to "Falling and bucking—General."
- Requirements on assigning work areas repealed from WAC 296-54-515.
- Deleted specification requirements on wedges.
- Moved requirements on climbing equipment and passline to WAC 296-54-545.
- Moved requirements on wood spar trees to WAC 296-54-701.

- Danger tree requirements moved to WAC 296-54-53930.
- Moved requirements on passlines in wood spar trees to WAC 296-54-70120.

**WAC 296-54-541 Selection of spar, tail and intermediate trees.**

- Change section title to "Tree pulling."
- Moved selection requirements to WAC 296-54-549.
- Moved dummy tree requirements to WAC 296-54-701.
- Moved tree pulling requirements from WAC 296-54-535.

**WAC 296-54-543 General requirements.**

- Change section title to "Mechanized falling."
- Moved mechanized falling requirements from WAC 296-54-537.
- Eliminated the option of using warning signs for hazardous falling conditions and requires flagger, but is only required where hazardous conditions are created, rather than at all times.
- Moved general rigging requirements to WAC 296-54-547.
- Moved rigging inspection requirements to WAC 296-54-54710.
- Moved molles requirements to WAC 296-54-54720.
- Moved shackles requirements to WAC 296-54-54730.
- Moved straps requirements to WAC 296-54-54740.
- Moved blocks requirements to WAC 296-54-54750.
- Moved hanging blocks requirements to WAC 296-54-54760.
- Moved requirements on inspecting spars to WAC 296-54-553.
- Moved requirements on spar guyline safety straps to WAC 296-54-555.
- Moved wire rope requirements to WAC 296-54-557.
- Moved cutting wire rope requirements to WAC 296-54-55710.
- Moved splicing wire rope requirements to WAC 296-54-55720.
- Moved requirements for attaching end fastenings to wire rope to WAC 296-54-55730.
- Moved requirements on chokers and butt rigging to WAC 296-54-559.
- Moved guyline requirements to WAC 296-54-561.
- Moved requirements on guying tail/lift trees to WAC 296-54-563.
- Moved skyline rigging requirements to WAC 296-54-567.
- Moved anchoring requirements to WAC 296-54-569.
- Moved requirements on releasing spiked guylines and skylines from anchors to WAC 296-54-571.
- Moved requirements on A-frames to WAC 296-54-57340.
- Moved requirements on wood spar tree straps to WAC 296-54-70130.

**WAC 296-54-545 Rigging—Wood spar trees.**

- Change section title to "Climbing equipment and passline."
- Moved requirements on rigging wood spar trees to WAC 296-54-701.
- Moved requirements on rigging guylines for wood spar trees to WAC 296-54-70110.
- Requirements on climbing equipment and passline moved from WAC 296-54-539.
- Deleted requirements for saws weighing over thirty pounds.

**WAC 296-54-547 Rigging—Tail tree.**

- Change section title to "Rigging."
- Requirements for rigging tail trees moved to WAC 296-54-561.
- Requirements for skyline rigged in a tail/lift tree moved to WAC 296-54-567.
- Moved general rigging requirements from WAC 296-54-543.
- Moved requirements on swinging tongs, grapples, and logs from WAC 296-54-551.
- Moved the prohibition against riding on a turn of logs or rigging from WAC 296-54-555.

**WAC 296-54-549 Lines, straps and guyline attachments—Steel spars.**

- Change section title to "Selecting spar, tail, and intermediate support trees."
- Moved requirements for steel spar attachments to WAC 296-54-555.
- Moved selection requirements from WAC 296-54-541.

**WAC 296-54-551 Yarding, loading, skidding and chipping machines—General requirements.**

- Change section title to "Raising and lowering portable spars or towers."
- Moved requirements on swinging tongs, grapples, and logs to WAC 296-54-547.
- Moved requirements on making modifications to logging machines to WAC 296-54-573.
- Moved general requirements for logging machines to WAC 296-54-57305.
- Moved requirements on in-woods chipping to WAC 296-54-57310.
- Moved requirements on exhaust pipes for logging machines to WAC 296-54-57315.
- Moved requirements on glass for logging machines to WAC 296-54-57320.
- Moved requirements on brakes for logging machines to WAC 296-54-57325.
- Moved requirements on outriggers for logging machines to WAC 296-54-57330.
- Moved requirements on hydraulics for logging machines to WAC 296-54-57335.
- Moved requirements on moving logging machines to WAC 296-54-57345.
- Moved requirements on protective structures for logging machine operators to WAC 296-54-57355.
- Moved requirements on yarding and skidding to WAC 296-54-577.

- Moved requirements for raising and lowering portable spars from WAC 296-54-553.

**WAC 296-54-553 Yarding, loading and skidding machines—Mobile towers and boom-type yarding and loading machines.**

- Change section title to "Metal spars."
- Moved requirements on inspecting spars from WAC 296-54-543.
- Moved requirements for raising and lowering portable spars to WAC 296-54-551.
- Moved requirements on guyline attachments to WAC 296-54-569.
- Moved requirements for machine stabilization to WAC 296-54-57305.
- Moved requirements for hydraulic outriggers to WAC 296-54-57335.
- Moved requirements for A-frames to WAC 296-54-57340.
- Allow more options for the range of capacity of use for metal spars.

**WAC 296-54-555 Yarding—General requirements.**

- Change section title to "Metal spar guyline safety straps."
- Moved requirements on spar guyline safety straps from WAC 296-54-543.
- Moved requirements for steel spar attachments from WAC 296-54-549.
- Moved the prohibition against riding on a turn of logs or rigging to WAC 296-54-547.
- Moved hanging block requirements to WAC 296-54-54760.
- Moved requirements for line drums to WAC 296-54-57305.
- Moved requirements for landing area maintenance to WAC 296-54-575.
- Moved general yarding requirements to WAC 296-54-577.
- Moved signaling requirements to WAC 296-54-601.
- Moved requirements for wood spar trees to WAC 296-54-701.

**WAC 296-54-557 Yarding—Tractors, skidders and rough terrain log loaders (to include feller bunchers and tree shears).**

- Change section title to "Wire rope."
- Moved wire rope requirements from WAC 296-54-543.
- Moved requirements on working near electrical lines to WAC 296-54-527.
- Moved general logging machine requirements to WAC 296-54-573.
- Moved safety glass requirements to WAC 296-54-57320.
- Moved brakes requirements to WAC 296-54-57325.
- Moved requirements on moving logging machines to WAC 296-54-57345.
- Moved requirements on tractors and skidders to WAC 296-54-57350.
- Moved requirement to stay clear of turns to WAC 296-54-577.

**WAC 296-54-559 Yarding—Helicopters and helicopter cranes.**

- Change section title to "Chokers and butt rigging."
- Moved requirements on chokers and butt rigging from WAC 296-54-543.
- Moved general helicopter logging requirements to WAC 296-54-581.
- Moved requirements for landings for helicopter logging to WAC 296-54-58110.
- Moved requirements for yarding with helicopters to WAC 296-54-58120.
- Moved requirements for helicopter fueling areas to WAC 296-54-58130.

**WAC 296-54-561 Log loading—General requirements.**

- Change section title to "Guylines."
- Requirements for rigging tail trees moved from WAC 296-54-547.
- Moved guyline requirements from WAC 296-54-543.
- Moved general log loading requirements to WAC 296-54-583.
- Moved general logging machines requirements to WAC 296-54-573.
- Proposed more specific and more flexible guyline use requirements from Oregon's logging rules.
- Added requirement to use sleeve safety pin shackles when hanging a block or jack on a guyline.

**WAC 296-54-563 Log loading—Special requirements.**

- Change section title to "Guying tail/lift trees."
- Moved requirements on guying tail/lift trees from WAC 296-54-543.
- Moved general logging machine requirements to WAC 296-54-573.
- Moved requirements for logging machine brakes to WAC 296-54-57325.

**WAC 296-54-565 Log loading—Self-loading log trucks.**

- Change section title to "Rigging intermediate support trees."
- Proposed requirements on rigging intermediate support trees from Oregon's logging rules to cover current logging practice.
- Moved requirements for self-loading log trucks to WAC 296-54-587.

**WAC 296-54-567 Motor truck log transportation—General requirements.**

- Change section title to "Rigging skylines."
- Moved skyline rigging requirements from WAC 296-54-543.
- Requirements for skyline rigged in a tail/lift tree moved from WAC 296-54-547.
- General log truck requirements moved to WAC 296-54-589.
- Requirements for log truck air lines moved to WAC 296-54-58910.
- Proposed skyline rigging requirements and clarifications from Oregon's logging rules.
- Provide more options on anchoring skylines.

**WAC 296-54-569 Motor truck log transportation—Brake requirements.**

- Change section title to "Anchoring."
- Requirements for log truck brakes moved to WAC 296-54-58910.
- Moved anchoring requirements from WAC 296-54-543.
- Moved requirements on guyline attachments from WAC 296-54-553.

**WAC 296-54-571 Motor truck log transportation—Trailer hitches and safety chains.**

- Change section title to "Releasing spiked guylines and spiked skylines from anchors."
- Moved requirements on releasing spiked guylines and skylines from anchors from WAC 296-54-543.
- Moved requirements on trailer hitches and safety chains to WAC 296-54-58920.
- Eliminated requirement to use powder to release the last wrap on skylines.

**WAC 296-54-573 Motor truck log transportation—Reaches and bunks.**

- Change section title to "Logging machines—General."
- General requirements moved from WAC 296-54-515.
- Moved requirements on making modifications to logging machines from WAC 296-54-551.
- Moved requirements on reaches and bunks to WAC 296-54-58930.

**WAC 296-54-575 Motor truck log transportation—Stakes, stake extensions and chock blocks.**

- Change section title to "Landing area."
- Moved requirements for landing area from WAC 296-54-555.
- Moved requirements on stakes, stake extensions and chock blocks to WAC 296-54-58940.
- Added more information about specific work practices in landing areas.
- Provided more flexibility for the size of landing areas.

**WAC 296-54-577 Motor truck log transportation—Wrappers and binders.**

- Change section title to "Yarding, skidding, landing."
- Moved requirements on wrappers and binders to WAC 296-54-58950.
- Moved requirements on yarding and skidding from WAC 296-54-551.
- Moved general yarding requirements from WAC 296-54-555.
- Moved requirement to stay clear of turns from WAC 296-54-557.
- Added requirement to keep employees in the clear when tail/lift tree lines are tensioned.
- Provided more flexibility for when it is necessary to work in the bight of a line.
- Added more specifics on landing area work practices.

- Repeated the requirements for when flaggers must be provided.

**WAC 296-54-579 Motor truck log transportation—Miscellaneous requirements.**

- Change section title to "Log decks."
- Requirements on log decks moved from WAC 296-54-529.
- Moved miscellaneous requirements related to log trucks to WAC 296-54-58960.

**WAC 296-54-581 Motor truck log transportation—Steered trailers.**

- Change section title to "Helicopter logging."
- Moved general helicopter logging requirements from WAC 296-54-559.
- Moved requirements on steered trailers to WAC 296-54-58970.
- Deleted FAA requirements that the department has no authority to enforce.
- Proposed more comprehensive briefing requirements.
- Provided more flexibility in determining the location of drop zones and other work areas.
- Added more comprehensive requirements for employees approaching or leaving a support helicopter.
- Moved cable logging signals to the appendix.

**WAC 296-54-583 Stationary log truck trailer loading.**

- Change section title to "Loading logs."
- Moved general log loading requirements from WAC 296-54-561.
- Moved requirements on stationary log truck trailer loading to WAC 296-54-591.

**WAC 296-54-585 Log unloading, booms, and rafting grounds—Storage and sorting areas—General requirements.**

- Change section title to "Cross-haul systems."
- Moved requirements for personal flotation devices to WAC 296-54-51180.
- Moved general requirements for booms and rafting grounds to WAC 296-54-593.
- Added new work practice requirements for using cross-haul systems.

**WAC 296-54-587 Water dumps.**

- Change section title to "Self-loading log trucks."
- Moved requirements for self-loading log trucks from WAC 296-54-565.
- Moved requirements for water dumps to WAC 296-54-59310.

**WAC 296-54-589 Boom and rafting grounds.**

- Change section title to "Log trucks—General."
- General log truck requirements moved from WAC 296-54-567.
- Moved requirements for boom and rafting grounds to WAC 296-54-59320.

**WAC 296-54-591 Boats and mechanical devices on waters.**

- Change section title to "Stationary log truck trailer loading."
- Moved requirements on stationary log truck trailer loading from WAC 296-54-583.
- Moved requirements for boats and mechanical devices on water to WAC 296-54-59330.

**WAC 296-54-593 Dry land sorting and storage.**

- Change section title to "Log unloading, booms, and rafting grounds—Storage and sorting areas—General."
- Moved requirements related to log unloading methods from WAC 296-54-58930.
- Moved general requirements for booms and rafting grounds from WAC 296-54-585.
- Moved requirements for dry land sorting and storage to WAC 296-54-59340.

**WAC 296-54-595 Railroad operations.**

- Change section title to "Transporting crews."
- Moved requirements for railroad operations to WAC 296-54-59720.

**WAC 296-54-597 Railroad maintenance—Loading or unloading.**

- Change section title to "Railroads."
- Moved railroad loading and unloading requirements to WAC 296-54-59730.

**WAC 296-54-599 Truck and equipment maintenance shops.**

- Rewrote section for clarity.

**WAC 296-54-601 Signals and signal systems.**

- Requirements on unacceptable signaling methods moved from WAC 296-54-515.
- Moved signaling requirements from WAC 296-54-555.
- Allow voice communications under specific circumstances.
- Deleted FCC requirements that the department has no authority to enforce.

**WAC 296-54-603 Electric signal systems.**

- Rewrote section for clarity.

**WAC 296-54-605 Radio systems used for voice communication, activation of audible signals, or equipment.**

- Change section title to "Radio systems used for voice communication, activation of audible signals, or control of equipment."
- Deleted a rule that merely requires following other rules.

**WAC 296-54-607 Radio signal systems—Specifications and test procedures.**

- Deleted outdated requirements that no longer apply.
- Deleted testing specifications that do not apply to the employer.

**WAC 296-54-99002 Appendix 1—Signals.**

- Moved signaling illustrations to the appendix for easy reference.

**WAC 296-54-99003 Appendix 2—Sample minimum lockout/tagout procedure.**

- Added a sample lockout/tagout program that an employer can use to develop a program for the specific workplace.

**WAC 296-54-99004 Appendix 3—Industry consensus standards.**

- Added a list of contact addresses for industry consensus standards.

Statutory Authority for Adoption: RCW 49.17.040.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting:

Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

**INTRODUCTION:** The Department of Labor and Industries sets and maintains safety standards for the logging industry in chapter 296-54 WAC, Safety standards—Logging operations. The department is proposing changes to chapter 296-54 WAC by incorporating new definitions and requirements and deleting selected previous definitions and requirements. A labor-management industry advisory group worked to develop consensus-based changes to the safety standards for logging operations.

**SUMMARY OF PROPOSED RULE CHANGES:** The proposed amendments to chapter 296-54 WAC require that:

1. A work site must have at least one serviceable and operable two-way radio or phone available to reach emergency services.

2. An employer's written emergency medical plan must provide for an emergency vehicle to enter a locked gate area. This is an addition to current emergency medical plan requirements.

3. Each employer must provide first-aid kits on log trucks and speeders, in addition to current first-aid requirements.

4. Each employer must assign a flagger on roads or provide other equivalent protection, if logging hazards exist such as:

- a. Running wire rope lines, or rigging across road grades. This excludes guylines and standing skylines if the lines

remain a safe distance above the road to allow vehicles to pass under; or

b. The movement of logs, chunks or debris across or suspended over road grades.

5. Sleeve safety pin shackles must be utilized when hanging a block or jack on a guyline. The shackle must have at least two and one half times the diameter bearing on the guyline.

6. If needed, a turnaround for skidders must be provided every 500 feet on all skidding roads.

**SMALL BUSINESS ECONOMIC IMPACT STATEMENT:** The Regulatory Fairness Act, chapter 19.85 RCW, requires that the economic impact of proposed regulations on small businesses be examined relative to their impact on large businesses. The act outlines the requirements for a small business economic impact statement (SBEIS). For the purposes of an SBEIS the term small business is defined as a business entity that has the purpose of making a profit and has fifty or fewer employees. The agency must prepare an SBEIS when a proposed rule, or rule amendments, has the potential of placing a more than minor economic impact on business. For the logging industry and local trucking industries, SIC 2411 and 4212, the threshold amounts for what are considered a more than minor impact, and therefore necessitating an SBEIS, are 226.46 and 52.10 dollars respectively. These values are calculated as 0.1% of profits for a business of fifty employees (Guide for Facilitating Regulatory Fairness, 1993).

The number and type of businesses potentially impacted by changes to chapter 296-54 WAC are shown in Table 1 below:

Table 1: Businesses potentially impacted by chapter 296-54 WAC:

Parameter	SIC 2411: Logging	SIC 4212: Local trucking*
Number of businesses potentially impacted	814	844
Total number of employees	7549	7856
Number of large businesses (>50 employees)	24	28
Total number of employees in large business	2582 (35%)	2386 (30%)
Number of small businesses (<51 employees)	790	814
Total number of employees in small business	4877 (65%)	5470 (70%)

\* Note, log trucking is only a component of local trucking, no specific numbers were available for just log trucking operations.

**Cost of Compliance:** To assess the financial impact of the proposed amendments to chapter 296-54 WAC, the agency conducted a mail cost survey. Draft surveys were sent to the logging and log trucking industry advisory committees for comment. The cost survey asked the recipients to estimate the financial impact the six major changes to chapter 296-54 WAC would have on their business. The agency mailed a total of three hundred and eighty eight surveys to randomly selected businesses in the logging industry and two hundred and thirty three surveys to businesses within the log

trucking industry. The number of surveys returned and sufficiently complete to be used in the cost analysis was thirty-eight, or 10% for the logging industry (SIC 2411) and eleven, or 5% for the log trucking industry. For both the logging and log trucking industries, total costs in addition to large and small business costs were estimated. For comparative purposes costs are presented in a per employee format. The survey results are presented in Table 2 below. The last row contains the small to large business (per employee basis) cost ratio. A value of less than one indicates costs created by the regulation are higher for large business, while a value greater than one indicates costs are higher for small businesses.

Table 2: Per employee costs for large and small businesses: SIC 2411 and 4212:

Parameter	SIC 2411: Logging	SIC 4212: Log trucking
Small business cost/employee	\$194.94	\$181.60
Total small business cost	\$950,722 (87%)	*
Number of surveys returned	34	10
Average number employees	10.6	4.7
Average cost per small business	\$2,134	\$854
Large business cost/employee	\$55.00	\$566.67
Total large business cost	\$142,010 (13%)	*
Number of surveys returned	4	1
Average number employees	64.5	30
Average cost per large business	\$2,466	\$17,000
Overall business cost/employee	\$136.71	\$368.15
Total industry cost	\$1,092,732	*
Number of surveys returned	38	11
Average number of employees	16.3	7.0
Average cost per business	\$2,166	\$2,321
Small/Large business costs	3.54	0.32

\* Industry costs cannot be calculated, as the exact number of log trucking operations are not available.

**Analysis of survey cost data:** The results in Table 2 above were used to assess if the costs created by proposed changes to chapter 296-54 WAC exceeded the minor cost thresholds and if the cost disproportionately impacted small businesses.

1. Log trucking industry (SIC 4212): The survey results for the log trucking industry reveal that the cost per business (cost per employee times the number of employees per business) exceeds the minor regulatory cost threshold. Table 2 reveals that the costs per employee are higher for large business, indicating no disproportionate impact on the small trucking businesses. Because of the low survey response rate (5%) and the fact that only one large business responded, caution must be exhibited when interpreting these results.

2. Logging industry (SIC 2411): The survey results presented in Table 2 for the logging industry reveal that the cost per business (cost per employee times the number of employees per business) exceeds the minor regulatory cost threshold. The comparative analysis reveals that changes to chapter 296-54 WAC create a more than minor and a disproportionate impact for small business. Further inspection of the cost data for the logging industry revealed that more than half of the costs associated with the proposed rule change were attributable to the turnaround requirement for skidders

PROPOSED

(requirement number 6 on page 2). However, it was noted that of the six surveys returned by logging advisory committee members, all reported zero cost for the skidder turnaround requirement. Table 3 presents the costs (per employee) for the emergency gate access, skidder turnaround and flagger provisions of the rule amendments to chapter 296-54 WAC. Costs for the provisions are reported by large and small business groupings, as well as for the logging advisory committee.

Table 3: Reported large and small business annual costs per employee for emergency gate access, skidder turnaround and flagger provisions:

Rule provision	Large businesses (\$)	Small businesses (\$)	Advisory group (\$)
emergency gate access	21.90	10.98	3.15
skidder turnaround	7.75 (14%)	105.80 (54%)	0 (0%)
flagger	24.81	38.53	6.99
<b>*all provisions</b>	<b>55.00</b>	<b>194.94</b>	<b>22.67</b>

\* Includes costs for three other provisions not shown in the table.

The skidder turnaround costs reported by the logging advisory committee, which included several small business representatives, differed dramatically from the turnaround costs reported by a sizable minority of the small business respondents. This raised concern in the department that the respondents may have misinterpreted the questions in the survey pertaining to the turnaround provisions of the rule amendments. Some potential reasons for the respondents misinterpreting the survey turnaround question are:

- a. Respondents may not [have] been aware of the discretionary nature of the skidder requirement.
- b. Respondents may have confused the skidder turnaround requirement with logging truck turnarounds.
- c. Respondents may have been reporting current cost and not new costs imposed by the rule changes.

Reanalysis of the survey cost results, excluding the costs reported on the skidder turnaround question, result in a small to large business cost ratio of 1.89: Small business average annual costs of 89.14 dollars per employee and large business average annual costs of 47.25 dollars per employee. A statistical analyses of these two averages was conducted using the t test technique for independent sample means (averages) with unequal variances. The results of the statistical analysis revealed that we could not conclude that the annual cost averages for large and small business were statistically different numbers. While the small business costs appear to be higher than the large business costs, statistical analysis indicates that we cannot make such a determination. Therefore the department is of the opinion that the proposed changes to chapter 296-54 WAC will not cause a disproportionate impact for small business.

**Conclusions:** Based on the returned survey data, the proposed rule imposes a more than minor cost on the log trucking industry (SIC 4212). Analysis of the survey data indicates there will not be a disproportionate impact on small business within the log trucking industry.

For the logging industry (SIC 2411) the returned survey data, indicates that the proposed rule imposes a more than

minor cost. Initial analysis of the survey data indicated that there would be a disproportionate impact on small business. However, due to certain inconsistencies in the survey data, we believe that some of the costs reported by small business in the logging industry probably are not accurate. In particular the survey question on the proposed skidder turnaround requirement was apparently misconstrued by the respondents. It is my view that the costs of the proposed changes to chapter 296-54 WAC, when reanalyzed without the costs reported for the skidder turnaround question, will not have a disproportionate impact on small businesses in the logging industry.

Please contact (360) 902-6805 if you have further questions regarding this analysis.

A copy of the statement may be obtained by writing to Department of Labor and Industries, WISHA Services Division, Attn: Tracy Spencer, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5530, fax (360) 902-5529.

RCW 34.05.328 applies to this rule adoption. This rule is a significant legislative rule that does not meet exempt criteria outlined in RCW 34.05.328(5).

Hearing Location: Department of Labor and Industries Building, S 118 and S 119, 7273 Linderson Way, Tumwater, WA, on May 25, 1999, at 9:30 a.m.; and at Cavanaugh's Inn at the Park, Ballroom B, 303 West North River Drive, Spokane, WA, on May 26, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Josh Swanson by May 11, 1999, at (360) 902-5484.

Submit Written Comments to: Tracy Spencer, Standards Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA, 98507-4620, by 5:00 p.m., June 2, 1999. In addition to written comments, the department will accept comments submitted to fax (360) 902-5529. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: August 18, 1999.

April 6 [5], 1999

Gary Moore  
Director

**AMENDATORY SECTION** (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-501 Scope and application.** ((This standard establishes safety practices, means, methods and operations for all types of logging, regardless of the end use of the wood. These types of activities include, but are not limited to, pulpwood and timber harvesting and the logging of sawlogs, veneer bolts, poles, pilings and other forest products. The requirements herein contained do not apply to log handling at sawmills, plywood mills, pulp mills or other manufacturing operations governed by their own specific safety standards.

These requirements are minimum safety requirements and shall augment other safety standards developed by the department which are of a general nature and apply to all industrial operations such as those contained in the general safety standards, chapter 296-24 WAC; occupational health standards, chapter 296-62 WAC; or others which may be applicable. Regulations adopted by the department concerning certain types of equipment or conditions, such as metal and nonmetallic mines, quarries, pits and crushing opera-

PROPOSED

tions, chapter 296-61 WAC, and possession, handling and use of explosives, chapter 296-52 WAC shall be complied with when applicable.

Copies of all society of automotive engineers reports (SAE) referred to in these standards are on file in all regional offices of the department of labor and industries, and may be reviewed by any interested person. Individuals desiring to obtain copies of such material shall arrange to do so directly from the publishers or from other sources. The department of labor and industries will not assume the responsibility of acquiring such material for uses other than its own needs.) This chapter establishes safety practices for all types of logging, log road construction and other forest activities using logging machinery and/or power saws regardless of the end use of the wood. This chapter does not apply to log handling at sawmills, plywood mills, pulp mills, or other manufacturing operations governed by specific safety standards. This chapter provides minimum safety requirements for the logging industry. The logging industry is also covered by the general safety standards, chapter 296-24 WAC; occupational health standards, chapter 296-62 WAC; or others that may apply. Chapter 296-52 WAC, which covers the possession, handling and use of explosives, applies when explosives are used in logging operations.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-503 Variance. ((The assistant director may, upon receipt of application and after adequate investigation by the department, permit a variation from these requirements when an approved alternate means or manner of protection is provided, which affords an equivalent measure of safety as required by the rule from which a variance is requested-)) If an employer finds it impractical to comply with specific requirements of this chapter, the department may permit a variation from the requirements. However, the employer must still provide equal protection by substitute means. To request a variance, write to:

WISHA Services Division—Variance Request  
Department of Labor Industries  
P.O. Box 44648  
Olympia, WA 98504-4648

AMENDATORY SECTION (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

WAC 296-54-505 Definitions ((~~applicable to this chapter~~)). A-frame - a structure made of two independent columns fastened together at the top and separated by a reasonable width at the bottom to stabilize the unit from tipping sideways.

An operation - any place where logging or log related activities are taking place.

Approved - approved by the department of labor and industries.

Arch - any device attached to the back of a vehicle and used for raising one end of logs to facilitate movement.

Authorized person - a person approved or assigned by the employer to perform a specific type of duty(s) or to be at a specific location at a certain time(s).

Backcut (felling cut) - the cut in a felling operation made on the opposite side from the undercut.

Backline - the portion of the haulback that runs between the spar/spar tree and the corner block.

Ballistic nylon - a nylon fabric of high tensile properties designed to provide protection from lacerations.

Barrier - a fence, wall or railing to prevent passage or approach.

Base of tree - that portion of a natural tree not more than three feet above ground level.

Bight of the line - ((any area where a person is exposed to a controlled or uncontrolled moving line)) a hazardous zone created by running lines under tension. Any section of a line between the ends.

Binder - a hinged lever assembly for connecting the ends of a wrapper to tighten the wrapper around the load of logs or materials.

Boomboat - any boat used to push or pull logs, booms, bundles, or bags, in booming ground operations.

Boomscooter - a small boat, usually less than fourteen feet in length, equipped with an outboard motor, having directional pushing capabilities of 360 degrees.

Brailing - when tiers of logs, poles, or piles are fastened together with a type of dogline and the ends of the side members are then fastened together for towing.

Brow log - a log or a suitable substitute placed parallel to any roadway at a landing or dump to protect the carrier and facilitate the safe loading or unloading of logs, timber products, or materials.

Buck - means the process of severing a tree into sections (logs or bolts).

Butt - the bottom of the felled part of a tree.

Butt welding - the practice of welding something end to end.

Cable tree thinning - the selective thinning of a timber stand using mobile yarding equipment specifically designed or adapted for the purpose. Cable tree thinning includes skyline, slackline, or modified slackline, overhead cable systems.

Cable yarding - the movement of felled trees or logs from the area where they are felled to the landing on a system composed of a cable suspended from spars and/or towers. The trees or logs may be either dragged across the ground on the cable or carried while suspended from the cable.

Chock - a block, often wedge shaped, which is used to prevent movement; e.g., a log from rolling, a wheel from turning.

Choker - a length of wire rope with attachments for encircling the end of a log to be yarded.

Chunking - to clear nonusable material from a specified area.

Cold deck - a pile of yarded logs left for future removal.

Competent person - one who is capable of identifying hazards in the surroundings or working conditions which are unsanitary, hazardous or dangerous.

Corner block - the first block the haulback passes through on its way to the tail block.

Crotch line - two short lines attached to the same ring or shackle, used for loading or unloading.

Cutter - an employee whose primary job is to fall, buck, or limb trees before they are moved to the landing area.

Danger trees - any tree of any height, dead or alive, that presents a hazard to workers because of rot, root, stem or limb damage, lean, or any other observable condition created by natural process or man-made activity.

Dapped - a notch in a timber for receiving part of another timber.

DBH - diameter at breast height.

Deadman - buried log or other object used as an anchor.

Debark - to remove bark from trees or logs. Debark generally denotes mechanical means as opposed to manual peeling.

Deck - a stack of trees or logs.

Designated person - an employee who has the requisite knowledge, training, and experience to perform specific duties.

Directional falling - a mechanical means to control the direction of falling timber.

Dog line - type of line used to fasten logs or timber products together by the use of dogs.

Domino felling - the partial cutting of multiple trees which are left standing and then pushed over with a pusher tree.

Donkey - any machine with a series of drums used to yard logs.

Double ended logs - two logs end to end on the same lay.

Drop zone - the area where the helicopter delivers logs from the logging site.

Droplines - a short line attached to the carriage or carriage block which is used as an extension to the main line.

Drum - a mechanical device on which line is spooled or unspooled.

Dry land storage - decks of logs stored for future removal or use.

Dutchman -

• a block used to change direction of line lead (sideblocking).

• a method (~~(of falling timber consisting of inserting a piece of material into one side of the undercut to assist in pulling a tree against the lean or a section of the undercut can be left in a corner to accomplish the same purpose))~~ used to pull a tree against its lean by leaving a section of the undercut on one corner of the face. The portion left consists of a single saw kerf in one side of the face, with the face completely removed on the opposite side of the face cut. A single saw kerf must never extend completely across the stump.

Experienced person - a person who has been trained and has participated in the subject process for a period of time long enough to thoroughly acquaint the person with all facets of the process.

F.O.P.S. - falling object protective structure.

Fair lead - sheaves, rolls, or a combination thereof arranged to receive a line coming from any direction for proper line spooling on to a drum.

Fell (fall) - to cut down trees.

Feller (faller) - an employee who fells trees.

Front end loader - a mobile machine mounted on a wheeled or tracked chassis, equipped with a grapple, tusk, bucket, or fork-lift device, and employed in the loading, unloading, stacking, or sorting of logs or materials.

Grounded - the placement of a component of a machine on the ground or on a device where it is firmly supported. Grounded may also relate to the placement of a tree on the ground or a method to dissipate static or electrical charges.

Guarded - covered, shielded, fenced, enclosed, or otherwise protected by means of suitable enclosures, covers, casings, shields, troughs, railings, screens, mats, or platforms, or by location, to prevent injury.

Guard rail - a railing to restrain a person.

Guyline - a line used to support or stabilize a spar, tail/lift tree, intermediate support tree or equipment. A guyline is considered a standing line.

Gypsy drum - a mechanical device wherein the line is not attached to the drum and is manually spooled to control the line movement on and off the drum.

Haulback - a line used to pull the buttrigging and mainline to the logs to be yarded.

Haulback block - any block the haulback line passes through including the corner block and tailblock.

Hay rack -

• a type of loading boom where two tongs are used and logs are suspended.

• a transporting vehicle with multiple sets of bunks attached to a rigid frame usually used for hauling logs.

Haywire - see strawline.

Hazardous falling area - the area within a circle centered on the tree being felled and having a radius not less than twice the height of that tree.

Head tree - the tree where yarding and/or loading takes place. (See spar)

Heel boom - a type of loading boom where one tong is used and one end of the log is pulled up against the boom.

High lead - a system of logging wherein the main line is threaded through the main line block, which is attached near the top of the spar, to obtain a lift of the logs being yarded.

High visibility colors - white, bright, or fluorescent colors that stand out from the surrounding background color so they are easily seen.

Hobo log and/or hitchhiker - a free or unattached log that is picked up by a turn and is transported with the turn.

Hooktender - the worker that supervises the method of moving the logs from the woods to the landing.

Hot deck - a landing where logs are being moved.

Hydraulic jack - a mechanical device, powered by internal pressure, used to control the direction in which a tree is to be felled.

In the clear - ((being in a position where the possibility of harmful physical contact is minimized)) a position within the work area where the probability of hazardous contact with falling trees, moving logs, rootwads, chunks, material, rigging and equipment is minimized by distance from the hazards and/or use of physical barriers, such as stumps, trees, terrain or other objects providing protection.

Intermediate support system - a system for supporting a loaded skyline in a support jack by one of the two following methods:

• Double tree support - the skyline is suspended on a single piece of wire rope supported by two trees so that the load is shared between the two trees.

• Single tree support - the skyline is suspended on a single piece of wire rope, single-eyed choker or double-eyed strap supported by a single tree. The support tree may be vertical or leaning.

Jackstrawed - trees or logs piled in an disorderly manner.

Jaggers - any projecting broken wire in a strand of cable.

Kerf - the part of timber products taken out by the saw teeth.

Knob - a metal ferrule attached to the end of a line.

Landing - any place where logs are laid after being yarded, awaiting subsequent handling, loading, and hauling.

~~((Lift tree - an intermediate support for skylines:))~~

Landing chute - the head of the skid trail or road where the logs are temporarily placed before handling, loading and hauling.

Lay -

• the straight-line distance it takes a strand of wire rope to make one complete spiral around the core of a rope.

• the position of a log in a pile, on a load, or in the fell and bucked.

Limbing - to cut branches off felled or standing trees.

Loading boom - any structure projecting from a pivot point to guide a log when lifted.

Lodged tree (hung tree) - a tree leaning against another tree or object which prevents it from falling to the ground.

~~((Logging operations - operations associated with felling and moving trees and logs from the stump to the point of delivery, such as, but not limited to, marking, felling, bucking, limbing, debarking, chipping, yarding, loading, unloading, storing, and transporting machines, equipment and personnel from one site to another.~~

~~Log dump - a place where logs are removed from transporting equipment. It may be either dry land or water, par-bucked over a brow log or removed by machine.~~

~~Logging machine - a machine used or intended for use to yard, move, or handle logs, trees, chunks, trailers, and related materials or equipment. This shall include self-loading log trucks only during the loading and unloading process.~~

~~Log - a tree segment suitable for subsequent processing into lumber, pulpwood, or other wood products, including but not limited to poles, piling, peeler blocks, sections and/or bolts.~~

~~Log stacker - a mobile machine mounted on a wheeled or tracked chassis, equipped with a frontally mounted grapple, tusk, or forklift device, and employed in the loading, unloading, stacking, or sorting of logs:))~~ Log - a tree segment suitable for subsequent processing into lumber, pulpwood, or other wood products, including, but not limited to, poles, piling, peeler blocks, sections and/or bolts.

Log bronco - a sturdily built boat usually from twelve to twenty feet in length, used to push logs or bundles of logs in a generally forward direction in booming and rafting operations.

Log dump - a place where logs are removed from transporting equipment. It may be either dry land or water, par-bucked over a brow log or removed by machine.

Log stacker - a mobile machine mounted on a wheeled or tracked chassis, equipped with a frontally mounted grapple, tusk, or forklift device, and employed in the loading, unloading, stacking, or sorting of logs.

Logging machine - a machine used or intended for use to yard, move, or handle logs, trees, chunks, trailers, and related materials or equipment.

Note: A self-loading log truck is only considered a logging machine when in use for loading and unloading.

Note: A helicopter is not considered a logging machine.

Logging operations - operations associated with felling and/or moving trees, logs, veneer bolts, poles, pilings, and other forest products from the stump to the point of delivery, such as, but not limited to, marking, felling, bucking, limbing, debarking, chipping, yarding, loading, unloading, storing, and transporting machines, equipment and personnel from one site to another.

Long sticks - an overlength log that creates a hazard by exceeding the safe perimeters of the landing.

Machine - a piece of stationary or mobile equipment having a self-contained power plant, that is operated off-road and used for the movement of material. Machines include but are not limited to tractors, skidders, front-end loaders, scrapers, graders, bulldozers, swing yarders (rough terrain logging shovels), log stackers and mechanical felling devices, such as tree shears and feller-bunchers.

Mainline - the line attached to the buttrigging used to pull logs to the landing.

Mainline block - the block hung in the portable spar or tower through which the mainline passes.

Matchcutting - the felling of trees without using an undercut.

Mechanized falling - falling of standing timber by a self-propelled mobile wheeled or tracked machine equipped with a shear or other powered cutting device.

Mechanized feller - any such machine as described in WAC ((296-54-535 and 296-54-537)) 296-54-541 and 296-54-543, and includes feller/bunchers and similar machines performing multiple functions.

Mechanized logging machine - a feller-buncher, single-grip harvester, processor, forwarder, clambunk, or log loader.

Mobile log loader - a self-propelled log loading machine mounted on wheels or tracks, incorporating a boom and employed in the loading or unloading of logs by means of grapples or tongs.

Mobile yarder - a logging machine mounted on wheels, tracks, or skids, incorporating a vertical or inclined spar, tower, or boom, employed in skyline, slackline, high lead or grapple overhead cable logging systems.

Molle - a single strand of wire rope rolled into a circle with six wraps. A molle can be used as a temporary method of connecting the eye splices of two lines. A molle is used in most pin shackles in place of a cotter key.

Must - the same as "shall" and is mandatory.

~~((New area or setting - a location of operations when both the loading station and the yarder are moved:))~~

New job site - a location of operations when the loading station and/or the yarder are moved to a new area outside of the current sale or contracted unit.

Pass line - a small line threaded through a block at the top of the spar to assist the high climber.

Permissible (as applied to any device, equipment or appliance) - such device, equipment, or appliance has the formal approval of the United States Bureau of Mines, American Standards Association, or National Board of Fire Underwriters.

Portable spar or tower - a movable engineered structure designed to be used in a manner similar to which a wood spar tree would be used.

Qualified person - a person, who by possession of a recognized degree, certificate, professional standing, or by extensive knowledge, training, and experience, has successfully demonstrated ability to solve or resolve problems relating to the subject matter, the work, or the project.

Rated capacity - the maximum load a system, vehicle, machine or piece of equipment was designed by the manufacturer to handle.

Reach - a steel tube or wood timber or pole connected to the truck and inserted through a tunnel on the trailer. It steers the trailer when loaded and pulls the trailer when empty.

~~((Reeving line - the line on a skidder or slackline comparable to the haulback line on a yarder.))~~

Reload - an area where logs are dumped and reloaded or transferred as a unit to another mode of transportation.

Rollway - any place where logs are dumped and they roll or slide to their resting place.

Root wad - the ball of a tree root and dirt that is pulled from the ground when a tree is uprooted.

R.O.P.S. - roll over protection structure.

Rub tree - a tree used to guide a turn around an area.

Running line/running rope - any line which moves.

Safety factor - the ratio of breaking strength to a safe working strength or loading.

Safety glass - a type of glass that will not shatter when broken.

Sail block - a block hung inverted on the sail guy to hold the tong block in proper position.

Scaler - the person who measures the diameter and length of the logs, determines specie and grade, and makes deductions for footage calculations.

Serviceable condition - a state or ability of a tool, machine, vehicle or other device to operate as it was intended by the manufacturer to operate.

Shall - a requirement that is mandatory.

Shear log - a log placed in a strategic location to divert passage of objects.

Shore skids - any group of timbers spaced a short distance apart on which logs are rolled.

Signal person - the person designated to give signals to the machine operator.

Siwash - to change the lead of a line with a physical object such as a stump or tree instead of a block.

Skidder - a machine or animal used to move logs or trees to a landing.

Skidding - movement of logs or trees on the surface of the ground to the place where they are to be loaded.

Skidding line - the main haulage line from a carriage to which chokers are attached. Sometimes referred to a mainline.

Skyline - the line suspended between two points on which a block or carriage travels.

Slackline - a form of skyline where the skyline cable is spooled on a donkey drum and can be raised or lowered.

Slack puller - any weight or mechanical device used to increase the movement of a line when its own weight is inadequate.

Slope (grade) - the increase or decrease in altitude over a horizontal distance expressed as a percentage. For example, change of altitude of 20 feet (6 m) over a horizontal distance of 100 feet (30 m) is expressed as a 20 percent slope.

Snag - a dead standing tree or a portion thereof. (See Danger tree)

Snorkel - a loading boom modified to extend its limitations for yarding.

Spar/spar tree - a device rigged for highlead, skyline or slackline yarding.

Speeder - a small self-powered vehicle that runs on a railroad track.

Spike - a long heavy nail similar to a railroad spike.

Springboard - a board with an iron tip used by fallers to stand on while working above ground level.

Spring pole - a tree, segment of a tree, limb, or sapling which is under stress or tension due to the pressure or weight of another object.

Square lead - the angle of 90 degrees.

Squirrel - a weight used to swing a boom when the power unit does not have enough drums to do it mechanically.

Squirrel tree - a topped tree, guyed if necessary, near the spar tree in which the counter balance (squirrel) of a tree rigged boom is hung.

Standing line -

• guyline

• a nonoperating rope with end terminations to support a boom or mast.

Stiff boom - two or more boom sticks wrapped together on which boom persons walk or work.

Strap - any short piece of line with an eye or "D" in each end.

Strap socket - a socket with a closed loop arranged to be attached to the end of a line by the molten zinc, or an equivalent method. It is used in place of a spliced eye.

Strawline - a ~~((small line used for miscellaneous purposes-))~~ light cable used in rigging up, or in moving other cables or blocks. The smallest line on the yarder. (Mainline - haulback line - strawline.)

Strip - a definite location of timber on which one or more cutting crews work.

Swamping - the falling or cutting of brush around or along a specified place.

Swede connection - a line configuration made by wrapping two choker lines in the same direction around a tree or log connecting the line knobs to opposite line bells.

Swifter - a piece of equipment used to tie the side sticks of a log raft together to keep the raft from spreading.

Swing cut - a back cut in which the holding wood on one side is cut through.

Tail block - ~~((the haulback block at the back end of the show))~~ a block used to guide the haulback line at the back corner of the yarding area.

Tail hold - an anchor used for making fast any line or block.

Tail/lift tree - the tree at the opposite end from the head tree on which the skyline or other type rigging is hung.

Tie back - to use a twister (or similar system/device) that has a breaking strength equal to fifty percent of the breaking strength of the mainline or skyline whichever is greater.

Tie down - a chain, cable, steel strips or fiber webbing and binders attached to a truck, trailer or other conveyance as a means to secure loads and to prevent them from shifting or moving when they are being transported.

Tight line - when either the mainline or haulback are held and power is exerted on the other or when power is exerted on both at the same time.

Tong line block - the block hung in a boom through which the tong line operates.

Tongue - a device used to pull and/or steer a trailer.

Topping - cutting off the top section of a standing tree.

Tower - (see portable spar or tower).

Tractor - a machine of wheel or track design used in logging.

Tractor logging - the use of any wheeled or tracked vehicle in the skidding or yarding of logs.

Transfer (as used in loading) - changing of logs in a unit from one mode of transportation to another.

Tree jack - a grooved saddle of wood or metal rollers contained within two steel plates, attached to a tree with a strap, used as a guide for skyline, sail guy, or similar static line. It is also formed to prevent a sharp bend in the line.

Tree plates - steel bars sometimes shaped as elongated J's, which are fastened near the top of a tree to hold guylines and prevent them from cutting into the tree when tightened. The hooks of the J are also used to prevent the mainline block strap from sliding down the tree.

Tree pulling - a method of falling trees in which the tree is pulled down with a line.

Tug - a boat, usually over twenty feet in length, used primarily to pull barges, booms of logs, bags of debris, or log rafts.

Turn - any log or group of logs attached by some means to power and moved from a point of rest to a landing.

Twister - a line (usually small diameter wire rope "hay-wire") that supports a tailhold stump, guyline stump, or tree that does not appear to be strong enough. This is done by connecting the tailhold to another stump or tree opposite by wrapping the two with a line. This line is then tightened by placing a piece of large-diameter limb between the wrappings and twisting them together.

Undercut - a notch cut in a tree to guide the direction of the tree fall and to prevent splitting or kickback.

V-lead - a horizontal angle of less than ninety degrees formed by the projected lines of the mainline from the drum of the logging machine through the block or fairlead and the yarding log or turn.

Vehicle/crew bus - a car, bus, truck, trailer or semi-trailer owned, leased, or rented by the employer that is used for transportation of employees or movement of material.

WAC - Washington Administrative Code.

Waistline - that portion of the haulback running between the corner block and the tail block.

Winching - the winding of cable or rope onto a spool or drum.

Within the stakes - when one-half the log diameter is below the stake top.

Work areas - any area frequented by employees in the performance of assigned or related duties.

Wrapper - a cable assembly or chain used to contain a load of logs.

Wrapper rack - barrier used to protect a person while removing binders and wrappers from a loaded logging truck.

Yarder (donkey) - a machine with a series of drums used to yard logs.

Yarding - the movement of logs from the place they are felled to a landing.

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

WAC 296-54-507 ((Management's responsibility)) Employer's responsibilities. ((In addition to observance of the general safety and health standards:

(1) ~~The employer shall assume the responsibility of safety training for new employees.~~

(2) ~~The employer shall develop and maintain a hazard communication program as required by chapter 296-62 WAC, Part C, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.~~

(3) ~~The employer shall assume the responsibility of work assignments so that no employee shall be allowed to work in a position or location so isolated that he/she is not within ordinary calling distance of another employee who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these duties is carried on, there shall be a minimum of two employees who shall work as a team and shall be in visual or hearing contact with one another to allow prompt awareness of injury or cessation of work activity of one employee by the other. No employee shall be left alone for a period of time to exceed fifteen minutes without visual or hearing contact. In addition, there shall be some system of back-up communication in the near proximity to enable an employee to call for assistance in case of emergency.~~

**Note:** ~~This does not apply to operators of motor vehicles, watch persons or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.~~

(4) ~~The employer shall establish a method of checking the employees in from the woods at the end of each shift. Each immediate supervisor shall be responsible for his/her crew being accounted for. This standard also includes operators of all movable equipment.~~

(5) ~~Prior to the commencement of logging operations in a new area or setting, a safety meeting shall be held and a plan~~

PROPOSED

shall be developed and implemented whereby management shall ascertain by direct supervision that the work is being carried out with special emphasis on safety and safe work practices.

(6) ~~When extreme weather or other extreme conditions are such that additional hazards arise, additional precautions shall be taken to assure safe operations. If the operation cannot be made safe because of the aforementioned conditions, the work shall be discontinued until safe to resume.~~

(7) ~~Danger trees within reach of landings, roads, rigging, buildings or work areas shall be either felled before regular operations begin or work shall be arranged so that employees shall not be exposed to hazards involved.~~

(8) ~~Management shall ensure that intoxicating beverages and narcotics are not permitted or used by employees on or in the vicinity of the work site. Management shall cause employees under the influence of alcohol or narcotics to be removed from the work site. This requirement does not apply to employees taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the employee or others.)~~ The employer must comply with the requirements of all safety and health regulations and must:

(1) Provide safety training for new employees.

(2) Take additional precautions to ensure safe logging operations when extreme weather or other extreme conditions create hazards. If the logging operation cannot be made safe, the work must be discontinued until safe to resume.

(3) Ensure that danger trees within reach of landings, rigging, buildings, or work areas are either felled before regular logging operations begin, or arrange work so that employees are not exposed to the related hazards.

(4) Develop and maintain a hazard communication program as required by chapter 296-62 WAC, Part C. The program must provide information to all employees about hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(5) Ensure that intoxicating beverages and narcotics are prohibited on or near the worksite. The employer must remove from the worksite any employee under the influence of alcohol or narcotics.

Note: Narcotics do not include prescription drugs taken under a doctor's direction if the use does not endanger any employee.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-509 Employee's responsibility.** ((1) Employees shall coordinate and cooperate with management and other employees in an attempt to eliminate accidents:

(2) Employees shall study and observe all safe work practices governing their work.

(3) They should offer safety suggestions, wherein such suggestions may contribute to a safer work environment.

(4) Intoxicating beverages and narcotics shall not be permitted or used by employees in or around the work sites. Employees under the influence of alcohol or narcotics shall not be permitted on the work site. This rule does not apply to employees taking prescription drugs and/or narcotics as

directed by a physician providing such use shall not endanger the employee or others:

(5) ~~Employees shall conduct themselves in a workman-like manner while on the work site.)~~ (1) Employees must coordinate and cooperate with the employer and other employees in an attempt to eliminate accidents.

(2) Employees must be aware of and follow all safe practices that apply to their work.

(3) Employees should offer safety suggestions that may contribute to a safer work environment.

(4) Intoxicating beverages and narcotics must not be permitted or used by employees in or around the worksites. Employees under the influence of alcohol or narcotics must not be permitted on the worksite.

**EXCEPTION:** This rule does not apply to employees taking prescription drugs and/or narcotics as directed by a physician if the use does not endanger the employee or others.

(5) Employees must conduct themselves in a workman-like manner while on the worksite.

**AMENDATORY SECTION** (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-511 Personal protective equipment (PPE).** ((1) General requirements:

(a) ~~Protective equipment, including personal protective equipment for eyes, face, head, hearing and extremities, protective clothing, respiratory devices and protective shields and barriers, shall be used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.~~

(b) ~~The employer shall assure that personal protective equipment, including any personal protective equipment provided by an employee, is maintained in a serviceable condition.~~

(c) ~~Design. All personal protective equipment shall be of safe design and construction for the work to be performed. All safety belts and attachments shall meet the requirements of section 3 of ANSI A10.14-1975.~~

(d) ~~The employer shall assure that personal protective equipment, including any personal protective equipment provided by an employee, is inspected before initial use during each workshift. Defects or damage shall be repaired or the unserviceable personal protective equipment shall be replaced before work is commenced.~~

(2) ~~Eye and face protection. The employer shall provide, at no cost to the employee, and assure that each employee wears the following:~~

(a) ~~Eye protection meeting the requirements of chapter 296-24 WAC, Part A-2 where there is potential for eye injury due to falling or flying objects; and~~

(b) ~~Face protection meeting the requirements of chapter 296-24 WAC, Part A-2 where there is potential for facial injury such as, but not limited to, operating a chipper. Logger-type mesh screens may be worn by employees perform-~~

PROPOSED

ing chain-saw operations and yarding. Note to subsection (2): The employee does not have to wear a separate eye protection device where face protection covering both the eyes and face is worn.

(3) ~~Respiratory protection. The respiratory protection requirements of the general occupational health standards, chapter 296-62 WAC, shall apply.~~

(4) ~~Occupational head protection. The employer shall provide, at no cost to the employee, and assure that all employees involved in the logging operation or any of its related activities wears head protection, unless such employees are protected by F.O.P.S., cabs or canopies, meeting the requirements of this chapter. Protective helmets shall be maintained in serviceable condition.~~

(a) ~~Protective helmets purchased after February 20, 1995, shall comply with ANSI Z89.1-1986, "American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements," which is incorporated by reference, or shall be demonstrated to be equally effective.~~

(b) ~~Protective helmets purchased before February 20, 1995, shall comply with the ANSI standard "American National Standard Safety Requirements for Industrial Head Protection," ANSI Z89.1-1969, or shall be demonstrated by the employer to be equally effective.~~

(5) ~~Personal flotation devices. Employees working on, over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices in accordance with General safety and health standards, WAC 296-24-086.~~

(6) ~~Occupational footwear. The employer shall assure that each employee wears foot protection, such as heavy-duty logging boots that are waterproof or water-repellent, cover and provide support to the ankle. The employer shall assure that each employee who operates a chain saw wears foot protection that is constructed with cut-resistant material which will protect the employee against contact with a running chain saw. Example: The traditional heavy-duty logging boot will meet the cut-resistant requirements of this subsection.~~

(a) ~~All employees whose duties require them to walk on logs or boomsticks, shall wear sharp-calked (boots) shoes, or the equivalent, except when conditions such as ice, snow, etc., render calks ineffective. When calks are ineffective and other footwear does not afford suitable protection, workers shall not be required to work on logs or boomsticks.~~

(b) ~~When non-slip type shoes or boots afford a greater degree of employee protection than calk (boots) shoes, such as at sealing stations, log-sorting yards, etc., then this type footwear may be worn in lieu of calk shoes providing firm ankle support and secure footing are maintained.~~

(7) ~~Leg protection. The employer shall provide, at no cost to the employee, and assure that each employee who operates a chain saw wears leg protection constructed with cut-resistant material, such as ballistic nylon. The leg protection shall cover the full length of the thigh to the top of the boot on each leg to protect against contact with a moving chain saw.~~

~~Exception: This requirement does not apply when an employee is working as a climber if the employer demon-~~

~~strates that a greater hazard is posed by wearing leg protection in the particular situation, or when an employee is working from a vehicular-mounted elevating and rotating work platform meeting the requirements of chapter 296-24 WAC, Part J-2, Vehicle-mounted elevating and rotating work platforms.~~

(8) ~~Hand protection. The employer shall provide, at no cost to the employee, and assure that each employee handling wire rope or other rough materials wears hand protection which provides adequate protection from puncture wounds, cuts and lacerations.~~

(9) ~~Hearing protection. The hearing protection requirements of the general occupational health standards, chapter 296-62 WAC, shall apply.~~

(10) ~~Protective clothing. Employees working on landings or in log-sorting yards, when working on or from the ground, shall wear highly visible hard hats and/or yellow or orange vests, or similarly colored garments, to enable equipment operators to readily see them. It is recommended that such hard hats and vests or outer garments be of a luminous or reflectorized material. Employees performing duties of a flagperson shall wear a hard hat and vest or garment of contrasting colors. Warning vests and hard hats worn at night shall be of a reflectorized material.~~

Note: See chapter 296-24 WAC, Part A-2, for additional personal protective equipment requirements.)

(1) Protective equipment, including personal protective equipment for eyes, face, head, hearing and extremities, protective clothing, respiratory devices and protective shields and barriers, must be used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(2) Personal protective equipment, including any personal protective equipment provided by an employee, must be maintained in a serviceable condition.

(3) Design. All personal protective equipment must be of safe design and construction for the work to be performed. All safety belts and attachments must meet the requirements of section 3 of ANSI A10.14-1975.

(4) Personal protective equipment, including any personal protective equipment provided by an employee, must be inspected before initial use during each workshift. Defects or damage must be repaired or the unserviceable personal protective equipment must be replaced before work is commenced.

## NEW SECTION

**WAC 296-54-51110 Head protection.** The employer must provide, at no cost to the employee, and ensure that all employees involved in the logging operation or any of its related activities wear head protection, unless the employees are protected by FOPS, cabs, or canopies meeting the requirements of this chapter.

(1) Hard hats purchased after February 20, 1995, must meet the requirements of ANSI Z89.1-1986, "American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements," or the employer must demonstrate that they are equally effective.

(2) Hard hats purchased before February 20, 1995, must meet the requirements of ANSI Z89.1-1969, "American National Standard Safety Requirements for Industrial Head Protection," or the employer must demonstrate that they are equally effective.

(3) Hard hats must be maintained in serviceable condition.

#### NEW SECTION

**WAC 296-54-51120 Eye and face protection.** The employer must provide, at no cost to the employee, and ensure that each employee wears:

(1) Eye protection meeting the requirements of chapter 296-24 WAC, Part A-2, where there is potential for eye injury from falling or flying objects; and

(2) Face protection meeting the requirements of chapter 296-24 WAC, Part A-2, where there is potential for facial injury such as, but not limited to, operating a chipper. An employee using a chain saw may use either eye or face protection.

Note: The employee does not have to wear separate eye protection when the face protection also covers the eyes.

#### NEW SECTION

**WAC 296-54-51130 Hearing protection.** The employer must provide hearing protection when required by the general occupational health standards, chapter 296-62 WAC.

#### NEW SECTION

**WAC 296-54-51140 Hand protection.** Each employee handling wire rope or other rough materials must wear hand protection that provides adequate protection from puncture wounds, cuts, and lacerations.

#### NEW SECTION

**WAC 296-54-51150 Respiratory protection.** The employer must provide respiratory protection when required by the general occupational health standards, chapter 296-62 WAC.

#### NEW SECTION

**WAC 296-54-51160 Leg protection.** The employer must provide, at no cost to the employee, and ensure that each employee who operates a chain saw wears leg protection constructed with cut-resistant material, such as ballistic nylon. The leg protection must cover the full length of the thigh to the top of the boot on each leg to protect against contact with a moving chain saw.

EXCEPTION: This requirement does not apply to an employee working aloft in trees when supported by climbing

spurs and climbing belt, or when an employee is working from a vehicle-mounted elevating and rotating work platform meeting the requirements of chapter 296-24 WAC, Part J-2, Vehicle-mounted elevating and rotating work platforms.

#### NEW SECTION

**WAC 296-54-51170 Foot protection.** (1) Each employee must wear waterproof or water-repellent foot protection that covers and supports the ankle, such as heavy-duty logging boots.

(2) Each employee who operates a chain saw must wear foot protection that will protect the employee from penetration by chain saws.

For example:

Leather logging boots, insulated rubber pacs, and rubber boots with cut protection will meet the cut-resistant requirement of this section.

(3) All employees whose duties require them to walk on logs or boomsticks must wear sharp-calked boots, or the equivalent.

EXCEPTION 1: When calks are ineffective because of ice, snow, or other conditions and other footwear does not provide suitable protection, employees must be prohibited from working on logs or boomsticks.

EXCEPTION 2: The employer may allow employees to wear nonslip boots instead of calks when the nonslip boots provide greater employee protection than calks (such as at scaling stations, log sorting yards, etc.). The nonslip boots must still provide firm ankle support and secure footing.

#### NEW SECTION

**WAC 296-54-51180 Personal flotation devices.** (1) Employees working on, over, or along water, where there is a danger of drowning, must be provided with and wear approved personal flotation devices.

(2) Employees are not considered exposed to the danger of drowning when:

(a) The water depth is known to be less than chest deep on the exposed individual;

(b) Employees work behind standard height and strength guardrails;

(c) Employees work inside operating cabs or stations that will prevent accidentally falling into the water; or

(d) Employees wear approved safety belts with lifeline attached to prevent falling into the water.

(3) Before and after each use, personal flotation devices must be inspected for defects that would reduce their designed effectiveness. Using a defective personal flotation device is prohibited.

(4) An approved personal flotation device must be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, as required in 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices). Ski belt or inflatable personal flotation devices are prohibited.

**NEW SECTION**

**WAC 196-54-51190 Highly visible clothing.** (1) Employees working on landings or in log sorting yards on or from the ground, must wear highly visible hard hats, yellow or orange vests, or other similarly colored garments, to make employees more visible to equipment operators.

Note: The department recommends that hard hats and vests or outer garments be luminous or reflective.

(2) An employee working as flagger must wear a hard hat and vest or other garment of contrasting colors. Warning vests and hard hats worn at night must be reflective.

Reviser's note: The section above was filed by the agency as WAC 196-54-51190. However, the other rules for the Department of Labor and Industries are found in Title 296 WAC. The section above appears to be WAC 296-54-51190, but pursuant to the requirements of RCW 34.08.040, it is published in the same form as filed by the agency.

**AMENDATORY SECTION** (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-513 ((Safety education, training and first aid requirements.)) Arrangement of work areas and emergency contact.** ((The general safety and health standards, WAC 296-24-040 through 296-24-055 accident prevention program requirements are applicable to this chapter.

(1) Training. The employer shall provide training for each employee, including supervisors, at no cost to the employee.

(2) Frequency. Training shall be provided as follows:

(a) Before an employee is assigned to work independently on new tasks, tools, equipment, machines or vehicles; and

(b) Whenever an employee demonstrates unsafe job performance.

(3) Content. At a minimum, training shall consist of the following elements:

(a) Safe performance of assigned work tasks;

(b) Safe use, operation and maintenance of tools, machines and vehicles the employee uses or operates, including emphasis on understanding and following the manufacturer's operating and maintenance instructions, warnings and precautions;

(c) Recognition of safety and health hazards associated with the employee's specific work tasks, including the use of measures and work practices to prevent or control those hazards;

(d) Recognition, prevention and control of other safety and health hazards in the logging industry;

(e) Procedures, practices and requirements of the employer's work site; and

(f) The requirements of this chapter.

(4) Training of an employee due to unsafe job performance, or assignment of new work tasks, tools, equipment, machines, or vehicles, may be limited to those elements in subsection (3) of this section which are relevant to the circumstances giving rise to the need for training.

(5) Portability of training:

(a) Each current employee who has received training in the particular elements specified in subsection (3) of this section shall not be required to be retrained in those elements.

(b) Each new employee who has received training in the particular elements specified in subsection (3) of this section shall not be required to be retrained in those elements prior to initial assignment.

~~(c) The employer shall train each current and new employee in those elements for which the employee has not received training.~~

~~(d) The employer is responsible for ensuring that each current and new employee can properly and safely perform the work tasks and operate the tools, equipment, machines, and vehicles used in their job.~~

~~(e) Each new employee and each employee who is required to be trained as specified in subsection (2) of this section, shall work under the close supervision of a designated person until the employee demonstrates to the employer the ability to safely perform their new duties independently.~~

~~(7) First-aid training.~~

~~(a) The employer shall assure that each employee, including supervisors, receives or has received first-aid and CPR training.~~

~~(b) First-aid and CPR training shall comply with the requirements of this section and WAC 296-24-060 (3)(e), Part A-1.~~

~~(c) The employer shall assure that each employee's first-aid and CPR training and/or certificate of training remain current.~~

Note: First-aid trained personnel at sorting yards may be provided as prescribed in WAC 296-24-060 "First-aid training and certification."

~~(8) All training shall be conducted by a designated person.~~

~~(9) The employer shall assure that all training required by this standard is presented in a manner that the employee is able to understand. The employer shall assure that all training materials used are appropriate in content and vocabulary to the educational level, literacy, and language skills of the employees being trained.~~

~~(10) Certification of training.~~

~~(a) The employer shall verify compliance with subsection (1) of this section by preparing a written certification record. The written certification record shall contain the name or other identity of the employee trained, the date(s) of the training, and the signature of the person who conducted the training or the signature of the employer.~~

~~(b) The most recent training certification shall be maintained.~~

~~(11) Safety and health meetings.~~

~~The employer shall hold safety and health meetings as necessary and at least each month for each employee. Safety and health meetings may be conducted individually, in crew meetings, in larger groups, or as part of other staff meetings.~~

~~(12) First-aid kits. The employer shall provide first-aid kits at each work site where trees are being cut (e.g., felling, bucking, limbing), at each active landing, and on each employee transport vehicle. The number of first-aid kits and the content of each kit shall reflect the degree of isolation, the number of employees, and the hazards reasonably anticipated at the work site.~~

(13) First-aid kits shall meet the requirements of WAC 296-24-065 of the general safety and health standard. The size and quantity of first-aid kits can be determined by the following table:

Number of employees assigned to worksite	Minimum first-aid supplies required at worksite
1-5	10 package kit*
6-15	16 package kit*
16-50	24 package kit*

\*Refer to WAC 296-24-065(7) for a list of required contents:

(14) When required by the department, there shall be available within the closest practicable distance from the operations (not to exceed 1/2 mile) the following items:

- 1 set of arm and leg splints.
- 2 all-wool blankets or blankets equal in strength and fire resistance (properly protected and marked).
- 1 stretcher. (For crew and emergency vehicles, see WAC 296-54-519(11).)

(15) The employer shall maintain the contents of each first-aid kit in a serviceable condition.

(16) First-aid kits shall also be equipped with the following items:

- (a) Latex gloves (1 pr.).
- (b) Resuscitation equipment such as resuscitation bag, airway, or pocket mask. (1) Employee work areas must be spaced and employee duties organized so the actions of one employee do not create a hazard for any other employee.

(2) Work areas must be assigned so that:

(a) Trees cannot fall into an adjacent occupied work area;

(b) The distance between work areas is at least two tree lengths of the trees being fell;

(c) The distance between work areas reflects the degree of slope, the density of the growth, the height of the trees, the soil structure and other hazards reasonably anticipated at the worksite; and

(d) A distance of more than two tree lengths is maintained between work areas on any slope where rolling or sliding of trees or logs is reasonably foreseeable.

(3) Each employee must be within visual, audible, or radio/telephone contact with another person who can assist in case of emergency.

(4) In any logging operation where cutting, yarding, or loading are performed, there must be at least two employees working as a team.

(5) Each employee must have visual or audible signal contact with another employee as often as this schedule requires:

(a) Cutters - 30 minutes.

(b) All other employees - 2 hours, which allows for making layouts, notching guyline stumps, etc., during normal work hours.

EXCEPTION: The requirements for a two-person team and check-in schedule do not apply to operators of motor vehicles, mechanized logging machines, watchpersons or certain other jobs which, by their nature, are singular employee

assignments. However, a definite procedure for checking the welfare of all employees during their working hours must be instituted and all employees so advised.

(6) The employer must establish a method of checking the employees in from the woods at the end of each shift, including operators of all movable equipment. Each immediate supervisor must account for their crew.

(7) Each worksite must have at least one serviceable and operable two-way radio, phone, or radio/phone combination available to reach emergency service. Citizen band radios are permitted only as a secondary means of communication.

(8) Each worksite must have an emergency medical plan to ensure rapid emergency medical care for employees with major illnesses and injuries. The plan must be in writing and include the following:

(a) Township, range, and section numbers or latitude and longitude or UMS Grid System coordinates;

(b) Directions by road, or escort provisions to the site;

(c) Telephone number of emergency medical services; and

(d) Provision for an emergency vehicle to enter a locked gate.

AMENDATORY SECTION (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

WAC 296-54-515 ((General requirements.)) **Accident prevention program.** ((1) Emergency stops. Speed limiting devices, safety stops or emergency shut down devices or shut off valves shall be provided, with the controls so located that in the event of an emergency, the prime mover may be shut down from a safe place.

(2) Machine operators. Machine operators shall be experienced in operating the equipment they are using, except that inexperienced persons may operate the equipment to gain experience while in training and may do so only while working under immediate supervision of an experienced authorized person.

(3) Refueling vehicles. Each machine, vehicle, and portable powered tool shall not be fueled while the motors are running with the exception of helicopters, which is permitted under certain conditions. (See WAC 296-54-559(36).)

(4) Hydraulic lines. If failure of hydraulic lines would create a hazard to an equipment operator while at the operating station, safeguards shall be installed in such a manner as to eliminate the hazard. All hydraulic lines shall be maintained free of leaks and shall be shielded from damage wherever possible.

(5) Defective equipment.

(a) Equipment in need of repair shall be reported to management in writing as soon as possible and such equipment shall not be used until repairs are completed if there is a possible hazard to safety of the operator or other employees.

(b) The employer shall assure that each vehicle used to perform any logging operation is maintained in serviceable condition.

(c) The employer shall assure that each vehicle used to perform any logging operation is inspected before initial use during each workshift. Defects or damage shall be repaired or

the unserviceable vehicle shall be replaced before work is commenced.

~~(6) Lock out—tag out. Procedures for lock out—tag out shall be established and implemented to prevent the accidental starting of equipment that is shut down for repairs, maintenance or adjustments.~~

~~(7) Control marking. The controls of all machines shall be marked as to their purpose in the operation of the machine.~~

~~(8) Metal objects. Metal objects driven into trees or logs shall be removed immediately after serving their intended purpose.~~

~~(9) Fire protection. The employer shall provide and maintain portable fire extinguishers on each machine and vehicle in accordance with the requirements of chapter 296-24 WAC, Part G-3, Fire suppression equipment.~~

~~(10) Hand and portable powered tools.~~

~~(a) The employer shall assure that each hand and portable powered tool, including any tool provided by an employee, is maintained in serviceable condition.~~

~~(b) The employer shall assure that each tool, including any tool provided by an employee, is inspected before initial use during each workshift. At a minimum, the inspection shall include the following:~~

~~(i) Handles and guards, to assure that they are sound, tight-fitting, (properly shaped, free of splinters and sharp edges, and in place);~~

~~(ii) Controls, to assure proper function;~~

~~(iii) Chain saw chains, to assure proper adjustment;~~

~~(iv) Chain saw mufflers, to assure that they are operational and in place;~~

~~(v) Chain brakes and/or nose shielding devices, to assure that they are in place and function properly;~~

~~(vi) Heads of shock, impact driven and driving tools, to assure that there is no mushrooming.~~

~~(c) The employer shall assure that each tool is used only for purposes for which it has been designed.~~

~~(d) When the head of any shock, impact driven or driving tool begins to chip, it shall be repaired or removed from service.~~

~~(e) The cutting edge of each tool shall be sharpened in accordance with manufacturer's specifications whenever it becomes dull during the workshift.~~

~~(f) Each tool shall be stored in the provided location when not being used at a work site.~~

~~(g) Hand and portable powered tools and other hand-held equipment not addressed by this chapter shall be maintained and used in accordance with the general safety and health standards, WAC 296-24-650.~~

~~(11) Flammable and combustible liquids shall be stored, handled, transported and used in accordance with the requirements of chapter 296-24 WAC, Part E, and the following:~~

~~(a) Flammable and combustible liquids shall not be transported in the driver compartment or in any passenger-occupied area of a machine or vehicle.~~

~~(b) Flammable or combustible liquids, including chain-saw and diesel fuel, may be used to start a fire, provided the employer assures that in the particular situation its use does not create a hazard for an employee.~~

~~(12) Smoking prohibited. Smoking shall be prohibited in battery charging areas and within fifty feet of all refueling~~

~~operations. Precautions shall be taken to prevent open flames, sparks or electric arcs in battery charging or refueling areas.~~

~~(13) Charging batteries. When charging batteries, the vent caps shall be kept in place to avoid electrolyte spray. Care shall be taken to ensure caps are functioning. The battery (or compartment) cover(s) shall be open to dissipate heat.~~

~~(14) Uncovered batteries. Tools and other metallic objects shall be kept away from the tops of uncovered batteries.~~

~~(15) Work areas.~~

~~(a) Employees shall be spaced and the duties of each employee shall be organized so the actions of one employee will not create a hazard for any other employee.~~

~~(b) Work areas shall be assigned so that trees cannot fall into an adjacent occupied work area. The distance between adjacent occupied work areas shall be at least two tree lengths of the trees being felled. The distance between adjacent occupied work areas shall reflect the degree of slope, the density of the growth, the height of the trees, the soil structure and other hazards reasonably anticipated at that work site. A distance of greater than two tree lengths shall be maintained between adjacent occupied work areas on any slope where rolling or sliding of trees or logs is reasonably foreseeable.~~

~~(16) Signaling and signal equipment. Engine noise, such as from a chain saw, is not an acceptable means of signaling. Signaling and signal equipment shall comply with the requirements of this chapter.~~

~~(17) Overhead electric lines.~~

~~(a) Logging operations near overhead electric lines shall be done in accordance with the requirements of WAC 296-54-557(25).~~

~~(b) Special precautions shall be taken to prevent trees from falling into power lines. The employer shall notify the power company immediately if a felled tree makes contact with any power line. If it appears that a tree will hit a power line, the power company shall be notified before it is attempted to fall the tree. If an unsuspected tree does contact a power line, each employee shall remain clear of the area until the power company advises that there are no electrical hazards.~~

~~(18) Explosives and blasting agents. Explosives and blasting agents shall be stored, handled, transported, and used in accordance with the requirements of chapter 296-52 WAC, Possession and handling of explosives.~~

~~(19) Seat belts. For each vehicle or machine (equipped with ROPS/FOPS or overhead guards), including any vehicle or machine provided by an employee, the employer shall assure:~~

~~(a) That a seat belt is provided for each vehicle or machine operator;~~

~~(b) That each employee uses the available seat belt while the vehicle or machine is being operated;~~

~~(c) That each employee securely and tightly fastens the seat belt to restrain the employee within the vehicle or machine cab;~~

~~(d) That each machine seat belt meets the requirements of the Society of Automotive Engineers Standard SAE J386, June 1985, "Operator Restraint Systems for Off-Road Work Machines." Prior to February 9, 1995, seat belts and assem-~~

blies shall be designed, constructed and maintained to conform to the requirements specified in the society of automotive engineers technical report J386 or J333a. Seat belts need not be provided for equipment which is designed for stand-up operations;

~~(e) That seat belts are not removed from any vehicle or machine. The employer shall replace each seat belt which has been removed from any vehicle or machine that was equipped with seat belts at the time of manufacture; and~~

~~(f) That each seat belt is maintained in a serviceable condition.~~

~~(20) The rated capacity of any vehicle transporting a machine shall not be exceeded.~~

~~(21) Machines shall be loaded, secured and unloaded in a manner so that it will not create a hazard for any employee.))~~

(1) The employer must develop a formal accident prevention program, tailored to the needs of the particular logging operation and to the type of hazards involved.

(2) The accident prevention program must be in writing.

(3) The accident prevention program must cover at least the following elements:

A safety training program that describes the employer's total safety program.

(a) How and when to report injuries;

(b) The location of first aid supplies;

(c) How to report unsafe conditions and practices;

(d) The use and care of required personal protective equipment;

(e) An on-the-job review of the practices necessary to perform job assignments safely;

(f) Recognition of safety and health hazards associated with the employee's specific work tasks, including using measures and work practices to prevent or control those hazards; and

(g) Requirements of this chapter as applicable to the employees job duties.

(4) The employer must document and maintain current records of required training, including:

• Who was trained;

• The date(s) of the training; and

• The signature of the trainer or the employer.

## NEW SECTION

### **WAC 296-54-51510 Safety and health meetings.** (1)

The employer must hold safety and health meetings at the following intervals:

(a) Each time the employer moves to a new jobsite; and

(b) Monthly after the initial jobsite meeting.

(2) Safety and health meetings may be conducted individually, in crew meetings, in larger groups, or as part of other staff meetings.

(3) Attendance and subject(s) shall be documented.

Note: When moving to a new jobsite, site specific hazards should be identified and discussed during the prejob safety meeting.

## NEW SECTION

**WAC 296-54-51520 First-aid training.** (1) Each employee, including supervisors, must receive or have received first-aid and CPR training. New employees not holding a valid first-aid card must be trained within a reasonable time, not to exceed six months from hiring.

EXCEPTION: Log truck drivers are not required to receive first-aid and CPR training if they are not involved with falling, yarding, loading, or processing logs.

(2) Each employee's first-aid and CPR training and/or certificate of training must be current.

(3) At least two persons holding a valid certificate of first aid training must be present or available at all times in sorting yard operations.

(4) First-aid and CPR training must cover at least the following:

(a) The definition of first aid.

(b) Legal issues of applying first aid (Good Samaritan Laws).

(c) Basic anatomy.

(d) Patient assessment and first aid for the following:

• Respiratory arrest.

• Cardiac arrest.

• Hemorrhage.

• Lacerations/abrasions.

• Amputations.

• Musculoskeletal injuries.

• Shock.

• Eye injuries.

• Burns.

• Loss of consciousness.

• Extreme temperature exposure (hypothermia/hyperthermia).

• Paralysis.

• Poisoning.

• Loss of mental functioning (psychosis/hallucinations, etc.).

• Artificial ventilation.

• Drug overdose.

(e) CPR.

(f) Applying dressings and slings.

(g) Treating strains, sprains, and fractures.

(h) Immobilizing injured persons.

(i) Handling and transporting injured persons.

(j) Treating bites, stings, or contact with poisonous plants or animals.

## NEW SECTION

**WAC 296-54-51530 First-aid kits.** (1) The employer must provide first-aid kits:

(a) At each worksite where trees are being cut (e.g., falling, bucking, limbing);

(b) At each active landing/logging site; and

(c) In the absence of readily accessible first-aid supplies such as first-aid kits, first-aid stations, first-aid rooms or their equivalent, all transport vehicles, log trucks, speeders, road graders and similar equipment must be equipped with not less than a ten package first-aid kit; and

(d) The number of first-aid kits and the content of each kit must reflect the degree of isolation, the number of employees, and the hazards reasonably anticipated at the worksite.

(2) Following is the minimally acceptable number and type of required first-aid supplies to meet the requirements of subsection (1)(a) and (b) of this section.

Note: The contents of the first-aid kit listed should be adequate for small worksites of two or three employees. For larger or multiple logging operations conducted at the same location, the employer should provide additional first-aid kits or additional quantities of supplies in the first-aid kits.

- (a) Gauze pads (at least 4 x 4 inches).  
 (b) Two large gauze pads (at least 8 x 10 inches).  
 (c) Box adhesive bandages (band-aids).  
 (d) One package gauze roller bandage at least 2 inches wide.  
 (e) Two triangular bandages.  
 (f) Wound cleaning agent such as sealed moistened tow-elettes.  
 (g) Scissors.  
 (h) At least one blanket.  
 (i) Tweezers.  
 (j) Adhesive tape.  
 (k) Latex gloves.  
 (l) Resuscitation equipment such as resuscitation bag, airway, or pocket mask.  
 (m) Two elastic wraps.  
 (n) Splint.  
 (o) Stretcher.  
 (3) Transport vehicles, log trucks, speeders and road graders must have at least the following number and type of first-aid supplies:  
 10 package kit.  
 1 pkg. adhesive bandages, 1" (16 per pkg.).  
 1 pkg. bandage compress, 4" (1 per pkg.).  
 1 pkg. scissors and tweezers (1 each per pkg.).  
 1 pkg. triangular bandage, 40" (1 per pkg.).  
 1 pkg. antiseptic soap or pads (3 per pkg.).  
 5 pkgs. employer's choice.  
 (4) When six or more employees are generally being transported on any one trip, the first-aid kit must be increased in size following the requirements of subsection (2) of this section. Subsection (2)(h), (n) and (o) are optional.  
 (5) The employer must maintain the contents of each first-aid kit in a serviceable condition.

**AMENDATORY SECTION** (Amending Order 80-15, filed 8/20/80)

**WAC 296-54-517 ((Camps)) Lockout/tagout procedures.** ((Rules, regulations and standards for camps shall be in accordance with WAC 296-24-125.)) The employer must establish and implement written procedures for lockout/tagout to prevent the accidental start up or release of stored energy of logging machinery that is shut down for repairs, maintenance, or adjustments.

(1) Lockout/tagout procedures must contain specific steps for:

(a) Shutting down, blocking, and securing machines to control hazardous energy;

(b) Locking and/or tagging out machinery; and

(c) Release from lockout/tagout.

(2) Lockout/tagout procedure details must include at least the following:

(a) Employees performing maintenance, repairs, or adjustments have knowledge of the hazardous energy to be controlled and the means to control the energy.

(b) Logging machine shutdown.

• Apply brakes, swing locks, etc.

• Place the transmission in the manufacturer's specified park position.

• Lower to the ground or secure each moving element such as, but not limited to, blades, booms, grapples, buckets, saws, and shears to prevent a release of stored energy.

• Shut down machinery and ensure that a responsible person removes and maintains possession of the ignition/master key.

• Engage hydraulic safety locks when applicable.

• Before working on hydraulic or air systems, relieve pressure by bleeding tanks or lines and operate controls to dissipate residual stored energy (pressure).

• Place lockout and/or tagout device.

(3) Release from lockout/tagout. Before lockout or tagout devices are removed and machinery is started, the work area must be inspected to ensure that all tools have been removed, guards are replaced, and employees are in the clear.

(4) The employer must provide padlocks and/or tags for locking and/or tagging out logging machinery that are durable enough to withstand the environment.

(5) Tags must have a legend such as "do not start" or "do not operate." Tags must be placed so they are obvious to anyone attempting to operate the machinery.

Note: In lockout, padlocks are commonly used to prevent access to ignition/master switches or battery disconnects.

(6) Energy sources. Stored or residual energy such as that in elevated machine members, rotating saws, hydraulic systems, air pressure and springs, must be dissipated or restrained by methods such as grounding, repositioning, blocking, chaining, bleeding down, etc.

(7) The employer must provide training to ensure that the purpose and function of the lockout/tagout program are understood by employees performing maintenance, repairs, or adjustments covered by this section. This program must be reviewed at least annually and training provided as needed. This training may be accomplished through safety meetings.

Note: See appendix 2 for a sample lockout/tagout program (energy control program).

**AMENDATORY SECTION** (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-519 ((Motor vehicles)) Miscellaneous requirements.** ((1) Seats. The seats of each vehicle shall be securely fastened.

(2) Seat belts. The driver of a crew vehicle shall be provided with and shall wear a seat belt according to the provisions of WAC 296-54-515(19).

(3) **Barriade.** After May 1, 1980, a substantial barricade shall be provided behind the driver of a crew bus or vehicle that will transport nine or more passengers. The barricade shall extend from the floor to at least a level even with the top of the driver's head.

(4) **Safe entrance and exits.** Adequate provisions shall be made for safe entrance and exits. Mounting steps and handholds shall be provided for each vehicle wherever it is necessary to prevent an employee from being injured when entering or leaving the vehicle.

(5) **Enclosed racks.** When equipment or tools are carried inside the vehicle, racks, boxes, holsters or other means shall be provided, arranged and used for the transportation of tools so that a hazard is not created for any vehicle operator or passenger.

(6) **Vehicle to be stopped.** Persons shall not enter or exit from any vehicle until the vehicle is completely stopped.

(7) **Keep within vehicle.** Persons shall keep all parts of the body within the vehicle.

(8) **Stoves prohibited.** Provisions shall be made for heat and light in the passenger portion of the vehicle. Use of stoves in vehicles is prohibited.

(9) **Emergency exit.** On vehicles designed to transport nine or more passengers, an emergency exit not less than six and one-half square feet in area, with the smaller dimension being not less than 18 inches, shall be placed at the back of the vehicle or near the back on the side opposite the regular entrance. The route to and egress from the exit must be unobstructed at all times.

(10) **Fire extinguisher.** When no fuel is transported in the crew vehicle, a minimum rated 5/BC dry chemical fire extinguisher shall be kept in the passenger compartment. When fuel is transported on the crew vehicle in accordance with subsection (14) of this section, a minimum rated 10/BC dry chemical fire extinguisher shall be kept in the passenger compartment. The extinguishing agent shall be nontoxic and preferably a noncorrosive type.

(11) **Crew and emergency vehicles.** Vehicles designed to transport five or more passengers shall be equipped with stretchers, two blankets, and first aid kits. If used as a means of transporting injured persons, it shall be designed to enable persons to pass a loaded stretcher into the vehicle. Provisions shall be made for proper securing of the stretcher.

(12) **Exhaust systems.** Exhaust systems shall be designed and maintained to eliminate the exposure of passengers to toxic agents.

(13) The employer shall assure that operating and maintenance instructions are available in each vehicle. Each vehicle operator and maintenance employee shall comply with the operating and maintenance instructions.

(14) **Limitation of transportation of fuels.** Fuels shall be transported or stored only in approved safety containers. Enclosed areas where fuels are carried or stored shall be vented in such a manner that a hazardous concentration of fumes cannot accumulate. All containers or drums shall be properly secured to the vehicle while being transported. Commercially built vehicles of the pick-up or flatbed type with a seating capacity of not to exceed six persons may be used to carry fuels in or on the bed of such vehicles, providing such fuels are not carried in the crew compartment. Van-

type vehicles may be used to carry fuels only when a vapor-proof bulkhead is installed between the passenger compartment and storage compartment. Not more than forty-two gallons of gasoline may be carried or stored in the compartment and each container shall have a capacity not exceeding seven gallons.

(15) **Motor vehicle laws.** Motor vehicles used as crew vehicles regularly for the transportation of workers shall be covered against the weather and equipped and operated in conformity with applicable state of Washington motor vehicle laws.

(16) **Operator's license.** The employer shall assure that all operators of crew vehicles are experienced drivers and have a valid operator's license for the class of vehicle being operated.

(17) **Daily vehicle check.** Operators of crew vehicles shall check brakes and lights daily and shall keep windshields and mirrors clean.

(18) **Good repair.** Crew vehicles shall be maintained in good repair and safe condition.

(19) **Dump trucks.** Dump trucks shall only be used in an emergency to transport workers and shall be equipped with adequate safety chains or locking devices which will eliminate the possibility of the body of the truck being raised while employees are riding in the truck. Emergency shall mean any unforeseen circumstances which calls for immediate action when danger to life or danger from fire exists.

(20) **Means of signaling.** An effective means of signaling shall be provided for communication between the driver and the passengers being transported when they are in separate compartments.

(21) **Load limit.** The passenger load limit of a crew vehicle shall not exceed the seating capacity of the vehicle.

(22) **Vehicle check.** Crew vehicles shall be thoroughly inspected by a mechanic for defects which could create a hazardous condition for operation. Such inspections shall be carried out at least every month. Defects known to the operator shall be reported in writing to the mechanic or person in charge. If defects are found, they shall be corrected before the vehicle is used for the transportation of crews.)) (1) Spikes, drift bolts, nails, or other metal must not be left in any recoverable log.

(2) The employer must provide and maintain portable fire extinguishers on each machine and vehicle.

(3) Machines, vehicles, and portable powered tools (unless diesel powered) must not be fueled while the motors are running.

Note: See WAC 296-54-58130(3) for exceptions related to helicopters.

(4) Flammable and combustible liquids must be stored, handled, transported, and used according to the requirements of chapter 296-24 WAC, Part E, and the following:

(a) Flammable and combustible liquids must not be transported in the driver compartment or in any passenger-occupied area of a machine or vehicle.

(b) Flammable or combustible liquids, including chain-saw and diesel fuel, may be used to start a fire, if the employer ensures that in the particular situation its use does not create a hazard for an employee.

(5) Smoking is prohibited in battery charging areas and within fifty feet of all refueling operations. Precautions must be taken to prevent open flames, sparks, or electric arcs in battery charging or refueling areas.

(6) When charging batteries:

(a) The vent caps must be kept in place to avoid electrolyte spray;

(b) Caps must be functioning; and

(c) The battery (or compartment) cover(s) must be open to dissipate heat.

(7) Tools and other metallic objects must be kept away from the tops of uncovered batteries.

(8) Explosives and blasting agents must be stored, handled, transported, and used according to the requirements of chapter 296-52 WAC, Possession and handling of explosives.

AMENDATORY SECTION (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

WAC 296-54-521 ((~~Transportation of crews by use of speeders and trailers.~~) **Inspection and repair of equipment and vehicles.** ((1) Braking systems. All speeders shall be equipped with two separate and independently operated braking systems either of which shall be of sufficient capacity to lock all wheels when speeder is fully loaded.

(2) Sanding methods. All speeders used for transporting crews shall be equipped with methods for sanding tracks, operative for both directions of travel.

(3) Lights, windshield wipers. Electric lights of sufficient candle power and range so that vehicle can be stopped within the range of the beam, and which will shine in the direction of travel, shall be provided on all speeders. Adequate tail lights shall be installed and maintained in good order. Automatic windshield wipers of sufficient capacity to maintain clear visibility shall be installed on all speeders.

(4) Trailers. When trailers are coupled behind speeders, they shall be equipped with two separate and independent braking systems, either shall be of sufficient capacity to lock all wheels when the trailer is fully loaded. One of these shall be power operated and shall be controlled from the speeder; the other manually operated from the trailer. One person shall be designated to operate this brake in case of emergency.

(5) Trailer coupling. All trailers shall be coupled to speeders with metal couplings and safety chains or straps of sufficient strength to withstand the impact caused by a broken coupling.

(6) Trailer not to coast. No trailer shall coast or be used as a crew car without being attached to a speeder.) **Defective equipment.**

(1) Equipment in need of repair must be reported to management in writing as soon as possible and such equipment must not be used until repairs are completed if there is a possible hazard to safety of the operator or other employees.

(2) Each vehicle used to perform any logging operation must be inspected before initial use during each workshift. Defects or damage must be repaired or the unserviceable vehicle must be replaced before work is commenced.

(3) Each vehicle, machine and piece of equipment used to perform any logging operation must be maintained in serviceable condition.

AMENDATORY SECTION (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

WAC 296-54-523 ((~~Methods of crew transportation other than those specified.~~) **Hand and portable powered tools.** ((Special approval. Persons or firms desiring to transport crews by methods other than those specified in these rules shall so inform the department of labor and industries, so that an evaluation of that method may be made. Should the proposed method be found to afford a measure of safety acceptable to the department of labor and industries, a written order stating that finding shall be issued to the person or firm concerned by the department of labor and industries and the proposed method may be utilized.)) (1) Each hand and portable powered tool, including any tool provided by an employee, must be maintained in serviceable condition.

(2) Each tool, including any tool provided by an employee, must be inspected before initial use during each workshift. The inspection must include at least the following:

(a) Handles and guards, to ensure that they are sound and tight-fitting, (properly shaped, free of splinters and sharp edges, and in place);

(b) Controls, to ensure proper function;

(c) Chain saw chains, to ensure proper adjustment;

(d) Chain saw mufflers, to ensure that they are operational and in place;

(e) Chain brakes and/or nose shielding devices, to ensure that they are in place and function properly;

(f) Heads of shock, impact-driven and driving tools, to ensure that there is no mushrooming.

(3) Each tool must be used and maintained according to the following requirements:

(a) Each tool is used only for purposes for which it was designed.

(b) Any shock, impact-driven or driving tool is repaired or removed from service when the head begins to chip.

(c) The cutting edge of each tool is sharpened according to manufacturer's specifications whenever it becomes dull during the workshift.

(d) Each tool is stored in the provided location when not being used at a worksite.

Note: See WAC 296-24-650 for rules on the use and maintenance of tools and other equipment not covered by this chapter.

AMENDATORY SECTION (Amending Order 80-15, filed 8/20/80)

WAC 296-54-527 ((~~Truck roads.~~) **Overhead electrical lines clearance.** ((1) Truck road grades. Truck road grades shall not be too steep for safe operation of logging or work trucks which operate over them and shall not exceed twenty percent in any case unless a positive means of lowering trucks is provided.

(2) Truck road surfaces.

(a) Truck roads shall be of sufficient width and evenness to insure the safe operation of equipment.

(b) Hazards such as broken planking, deep holes, large rocks, logs, etc., which prevent the safe operation of equipment, shall be immediately corrected.

(c) Road width. On blind curves, truck roads shall be of sufficient width for two trucks to pass, or some type of signal system shall be maintained or speed limited to such that the vehicle can be stopped in one half the visible distance.

(3) Safe roadways. All danger trees shall be felled a safe distance back from the roadway. Rocks, which present a hazard, shall be cleared from banks. Brush and other materials that obstruct the view at intersections or on sharp curves shall be cleared. (This subsection is applicable only to those portions of roads under direct control of the employer.)

(4) Bridges. All structures shall be adequate to support the maximum imposed loads without exceeding the maximum safe working unit stresses. All bridges shall have an adequate number of reflectors to clearly define the entrance to the bridge. All structures shall be maintained in good condition and repair and shall be inspected at least annually by a qualified authorized person and a record maintained of each inspection, which shall be made available to the division of industrial safety and health, department of labor and industries on request.

(5) Shear rails. Shear rails shall be installed on both outside edges of bridges. The shear rails must be securely fastened and made of material capable of withstanding the impact generated by contact with the wheels of a loaded vehicle. The top of shear rails shall be not less than fifteen inches above the bridge surface. Bridges in use prior to the effective date of these regulations with outside shear rails of a minimum of ten inches high or center type shear rails of not less than five inches high are permissible until such time repairs are needed.

(6) Control of dust on logging roads. Measures shall be instituted which will minimize dust to such degree that visibility will not be reduced beyond the point where an operator can safely operate a vehicle. Vehicle operators shall govern the speed of vehicles by road conditions.

(7) Fenders. Pneumatic tired equipment shall be equipped with fenders as described in the Society of Automotive Engineers Technical Report J321a.)) One of the following conditions must exist in work areas where equipment or machines are operated near electrical distribution and transmission lines:

- (1) The lines have been de-energized and visibly grounded at the point of work;
- (2) Insulating barriers that are not a part of or an attachment to the equipment or machinery are erected to prevent physical contact with the lines; or
- (3) All of the following requirements are met:

	<u>Line Voltage</u>	<u>Required minimum clearance between lines and any part of equipment or machine</u>
(a)	50 kV or below	ten feet
(b)	over 50 kV	ten feet plus 0.4 inch for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet
<u>For equipment or machinery in transit with no load and any boom or extended equipment lowered:</u>		

	<u>Line Voltage</u>	<u>Required minimum clearance between lines and any part of equipment or machine</u>
(c)	50 kV or below	four feet
(d)	50-345 kV	ten feet
(e)	345-750 kV	sixteen feet

(4) Someone must be designated to observe proper clearance and to give timely warning for all operations where it is difficult for the operator to see well enough to maintain the clearance.

(5) All overhead wires shall be considered energized unless the line owner or the electrical utility authorities ensure that it is not an energized line and has been visibly grounded.

(6) Special precautions must be taken to prevent trees from falling into power lines. The employer must notify the power company immediately if a felled tree makes contact with any power line. Before falling any tree that appears will hit a power line, the employer must notify the power company. If a tree does contact a power line, all employees must remain clear of the area until the power company ensures that there is no electrical hazard.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

WAC 296-54-529 ((Felling and bucking—General))  
Seat belts. ~~((1) Before starting to fall or buck any tree or snag, conditions such as, but not limited to, snow and ice accumulation, the wind, the lean of tree, dead limbs, and the location of other trees, shall be evaluated by the feller and precautions taken so a hazard is not created for an employee. Accumulations of snow and ice that may create a hazard for an employee shall be removed before felling is commenced in the area or the area shall be avoided. Snags which are unsafe to cut shall be blown down with explosives or felled by other safe methods.~~

(2) ~~No employee shall approach a feller closer than two tree lengths of trees being felled until the feller has acknowledged that it is safe to do so, unless the employer demonstrates that a team of employees is necessary to manually fell a particular tree.~~

(3) ~~Before falling or bucking any tree:~~  
~~(a) A sufficient work area shall be swamped;~~  
~~(b) The feller shall plan and clear a retreat path; and~~  
~~(i) The retreat path shall extend diagonally away from the expected felling line unless the employer demonstrates that such a retreat path poses a greater hazard than an alternate retreat path; and~~

~~(ii) An escape path shall be used as soon as the tree or snag is committed to fall, roll, or slide.~~

(4) Warning to be given. ~~Fallers shall give timely and adequate warning prior to falling each tree; such warning shall be given with the saw motor at idle or shut off. Persons~~

PROPOSED

in the area shall give response to the faller and shall also notify faller(s) when they are in the clear.

(5) A competent person, properly experienced in this type of work, shall be placed in charge of falling and bucking operations. Inexperienced workers shall not be allowed to fall timber or buck logs unless working under the direct supervision of an experienced worker.

(6) Each danger tree shall be carefully checked for signs of loose bark, broken branches and limbs or other damage before they are felled or removed. Accessible loose bark and other damage that may create a hazard for an employee shall be removed or held in place before felling or removing the tree. When a danger tree has elevated loose bark which cannot be removed, the buddy system shall be used to watch for and give warning of falling bark or other hazards.

(7) Tools of fallers and buckers, such as axes, sledges, wedges, saws, spring boards, etc., must be maintained in safe condition. Case hardened or battered sledges and wedges shall not be used.

(8) Trees shall not be felled if the falling tree can endanger any worker or strike any line or any unit in the operation.

(9) When practical, strips shall be laid out so cutters face out into opening when starting strip, and all trees shall be felled into the open whenever conditions permit.

(10) Trade leaners. Cutters shall not fall into another strip; leaners on the line shall be traded.

(11) When there is danger from kickback of a sapling, the same must be either undercut or felled.

(12) Cutters shall place an adequate undercut and leave sufficient holding wood to insure the tree will fall in the intended direction. When required, mechanical means shall be used to accomplish this objective.

(13) Cutters shall be careful their chopping range is unobstructed.

(14) Cutters shall confer with their supervisor regarding a safe manner of performing the work and in unusually hazardous situations shall not proceed with the work until their method has been approved by their supervisor.

(15) The person in charge of cutting crews shall regularly inspect the work of the cutting crews and shall be responsible for seeing the work is performed in a proper and safe manner.

(16) Domino felling of trees, including danger trees, is prohibited. The definition of domino felling does not include the felling of a single danger tree by felling another single tree into it.

(17) Cutters shall be assigned to work in locations where they are in contact with others or their welfare shall be checked on as provided for by WAC 296-54-507(3).

(18) Persons in charge of cutting crews shall account for all persons in their crews being on hand when work ceases as provided for by WAC 296-54-507(4).

(19) All fallers and buckers shall have a current first aid card.

(20) All fallers and buckers shall carry or have with them in near proximity at all times, an axe, a minimum of two wedges, a whistle and a first aid kit. The whistle shall be carried on their person.

(21) While manual felling is in progress, no yarding machine shall be operated within two tree lengths of trees

being manually felled. Exception: This provision does not apply to yarding machines performing tree pulling operations or grounding of hazard trees according to WAC 296-54-557(24).

(22) Wedges shall be of soft metal, hardwood or plastic.

(23) Wedges shall be driven with a hammer or other suitable tool. Double-bitted axes or pulaskies shall not be used for this purpose.

(24) While wedging, fallers shall watch for falling limbs or other material that might be jarred loose. Cutting of holding wood in lieu of using wedges is prohibited.

(25) Undercuts are required except in matchcutting, and shall be large enough to safely guide trees and eliminate the possibility of splitting. Trees with no perceptible lean having undercuts to a depth of one fourth of the diameter of the tree with a face opening equal to one fifth of the diameter of the tree, will be assumed to be within reasonable compliance with this rule. Swing cuts are prohibited except by an experienced person.

(26) Undercuts shall be completely removed except when a dutehman is required on either side of the cut.

(27) Backcuts.

(a) All backcuts shall be as level as possible and shall leave sufficient hinge wood to hold the tree to the stump until the tree is committed to the path of fall in the intended direction.

(i) The backcut alignment on larger trees shall be approximately two inches above the undercut hinge point to provide a platform to help prevent kickback when the holding wood breaks off.

(ii) On moderate or smaller size trees the backcut alignment shall be above the undercut but can be less than two inches.

(b) In tree-pulling operations the backcut may be at or below the undercut hinge point.

(c) A backcut shall be made in each tree being felled.

(28) Trees with face cuts or backcuts shall not be left standing. When a tree is not completely felled, the faller shall clearly mark the tree, shall discontinue work in the hazardous area and notify the immediate supervisor. The supervisor shall be responsible for notifying all workers who might be endangered and shall take appropriate measures to ensure that the tree is safely felled before other work is undertaken in the hazardous area.

(29) To avoid use of wedges, which might dislodge loose bark or other material, snags shall be felled in the direction of lean unless other means (mechanical or dynamite) are used.

(30) Lodged trees shall be clearly marked and identified by a predetermined method and all persons in the area shall be instructed not to pass or work within two tree lengths of such trees except to ground them.

(31) Work areas shall be assigned so that a tree cannot fall into an adjacent occupied work area. The distance between work areas shall be at least twice the height of the trees being felled. A greater distance may be required on downhill slopes depending on the degree of the slope and on the type of trees and other considerations.

(32) Where felled trees are likely to roll and endanger workers, cutting shall proceed from the bottom toward the

top of the slope, and performed uphill from previously felled timber.

(33) Cutters shall not be placed on a hillside immediately below each other or below other operations where there is probable danger.

(34) Fallers shall be informed of the movement and location of buckers or other cutters placed, passing or approaching the vicinity of trees being felled.

(35) A flagperson(s) shall be assigned on roads where hazardous conditions are created from falling trees. Where there is no through traffic, such as on a dead end road, warning signs or barricades shall be used.

(36) No tree or danger tree shall be felled by one cutter where and when the assistance of a fellow cutter is necessary to minimize the dangers or hazards involved.

(37) Cutters shall be in the clear as the tree falls.

(38) Undercuts and backcuts shall be made at a height above the highest ground level to enable the cutter to safely begin the cut, control the tree, and have freedom of movement for a quick escape to be in the clear from a falling tree.

(39) When falling, a positive means, method or procedure that will prevent accidental cutting of necessary holding wood shall be established and followed. Particular care shall be taken to hold enough wood to guide the tree or snag and prevent it prematurely slipping or twisting from the stump.

(40) The undercut shall not be made while buckers or other workers are in an area into which the tree could fall.

(41) Matchcutting should not be permitted and shall be prohibited for trees larger than six inches in diameter breast high.

(42) The tree (and root wad if applicable) shall be carefully examined to determine which way the logs (and root wad) will roll, drop, or swing when the cut is completed. No worker shall be allowed in this danger zone during cutting.

(43) Logs shall be completely bucked through whenever possible. If it becomes hazardous to complete a cut, then the log shall be marked and identified by a predetermined method. Rigging crews shall be instructed to recognize such marks and when possible, cutters shall warn the rigging crew of locations where such unfinished cuts remain.

(44) Cutters shall give timely warning to all persons within range of any log which may have a tendency to roll after being cut off.

(45) Propping of logs or trees as a means to protect workers downslope from the logs or trees, shall be prohibited.

(46) Logs shall not be jackstrawed when being bucked in piles or decks at a landing.

(47) The chain saw shall not be used to cut directly over head.

(48) The chain saw operator shall be certain of footing before starting to cut. The chain saw shall not be used in a position or at a distance that could cause the operator to become off-balance, to have insecure footing, or to relinquish a firm grip on the saw.)) Each machine equipped with ROPS and each vehicle (whether provided by the employee or the employer) must meet the following requirements:

(1) A seat belt is provided for each vehicle, vehicle occupant, and all machines equipped with ROPS.

Note: An employer is not required to retrofit a machine or vehicle that was not equipped with seat belts at the time of manufacture.

(2) Each employee uses the available seat belt while the vehicle or machine is being operated.

EXCEPTION: During road construction operations ONLY, when road building machine operators are faced with a significant steep and deep cliff on the side, a seat belt is not required to be worn, if the employee's immediate supervisor approves of such action.

(3) Each employee securely and tightly fastens the seat belt to restrain the employee within the vehicle or machine cab.

(4) Each machine seat belt meets the requirements of the Society of Automotive Engineers Standard SAE J386, June 1985, "Operator Restraint Systems for Off-Road Work Machines." Seat belts need not be provided for equipment that is designed for stand-up operations.

(5) Seat belts are not removed from any vehicle or machine. The employer must replace each seat belt that was removed from any vehicle or machine that was equipped with seat belts at the time of manufacture.

(6) Each seat belt is maintained in a serviceable condition.

AMENDATORY SECTION (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

WAC 296-54-531 ((~~Power saws and power equipment~~)) **Motor vehicles.** (((1) Operators shall inspect chain saws daily to ensure that handles and guards are in place, and controls and other moving parts are functional.

(a) Each chain saw placed into initial service after February 9, 1995, shall be equipped with a chain brake and, shall otherwise meet the requirements of the ANSI B175.1 1991 "Safety Requirements for Gasoline Powered Chain Saws" and the requirements of this chapter; and

(b) Each chain saw placed into service before February 9, 1995, shall be equipped with a protective device that minimizes chain saw kickback i.e., reduced kick back bar, chains, bar tip guard or chain brake; and

(c) No chain saw kick back device shall be removed or otherwise disabled.

(2) Fuel outdoors. The chain saw shall be fueled outdoors at least fifty feet (15.2 meters) from persons smoking or from other potential sources of ignition.

(3) Chain saws shall not be operated unless equipped with a muffler.

(4) Chain saws shall be operated and adjusted in accordance with the manufacturer's instructions and the requirements of this chapter.

(5) Combustion engine type power saws shall be equipped with a positive means of stopping the engine.

(6) Electric power saws shall be equipped with an automatic (deadman type) control switch. Saws with faulty switches shall not be used.

(7) Unless the carburetor is being adjusted, the saw shall be shut off before any adjustments or repairs are made to the saw, chain or bar.

(8) Combustion engine type power saws shall be equipped with a clutch.

~~(9) The chain saw clutch shall be properly adjusted to prevent the chain from moving when the engine is at idle speed.~~

~~(10) Power chain saws with faulty clutches shall not be used.~~

~~(11) The bar shall be handled only when the power chain saw motor is shut off.~~

~~(12) Power chain saws shall have the drive end of the bar guarded.~~

~~(13) Combustion engine driven power saws shall be equipped with an automatic throttle control (deadman type), which will return the engine to idle speed upon release of the throttle (idle speed is when the engine is running and the chain does not rotate on the bar).~~

~~(14) When falling of tree is completed, the power saw motor shall be at idle or shutoff. The power saw motor shall also be shutoff while fueling.~~

~~(15) Saw pinching and subsequent chain saw kickback shall be prevented by using wedges, levers, guidelines, and saw placement, or by undercutting.~~

~~(16) The chain saw shall be started at least 10 feet (3 m) from the fueling area.~~

~~(17) Reserve fuel shall be handled and stored in accordance with WAC 296-54-515(11).~~

~~(18) Hand held files shall be equipped with a handle.~~

~~(19) Only experienced cutters shall buck windfalls.~~

~~(20) The chain saw shall be started on the ground or where otherwise firmly supported. Drop starting a chain saw is prohibited.~~

~~(21) Chain saws equipped with chain brakes shall be started with the chain brake engaged.~~

~~(22) The chain saw shall be held with the thumbs and fingers of both hands encircling the handles during operation unless the employer demonstrates that a greater hazard is posed by keeping both hands on the chain saw in that particular situation.~~

~~(23) The chain saw shall be carried in a manner that will prevent operator contact with the cutting chain and muffler.~~

~~(24) The chain saw shall be shut off or at idle before the feller starts to retreat.~~

~~(25) The chain saw shall be shut down or the chain brake shall be engaged whenever a saw is carried further than 50 feet (15.2 m). The chain saw shall be shut down or the chain brake shall be engaged when a saw is carried less than 50 feet if conditions such as, but not limited to, the terrain, underbrush and slippery surfaces, may create a hazard for an employee.)~~ (1) The seats of each vehicle must be securely fastened.

(2) Each crew bus or vehicle that will transport nine or more passengers must have a substantial barricade behind the driver. The barricade must extend from the floor to at least a level even with the top of the driver's head.

(3) Adequate provision must be made for safe entrance and exits. Each vehicle must have mounting steps and handholds wherever it is necessary to prevent an employee injury when entering or leaving the vehicle.

(4) When equipment or tools are carried inside the vehicle, the employer must provide and use racks, boxes, holsters or other means to transport tools so that a hazard is not created for any vehicle operator or passenger.

(5) No one may enter or exit any vehicle until the vehicle is completely stopped.

(6) Employees must keep all parts of the body within the vehicle.

(7) Heat and light must be available in the passenger area of the vehicle. Use of stoves in vehicles is prohibited.

(8) Vehicles designed to transport nine or more passengers must have an emergency exit that:

(a) Is at least six and one-half square feet in area, with the smallest dimension being at least 18 inches;

(b) Is placed at the back of the vehicle or near the back on the side opposite the regular entrance; and

(c) Has an unobstructed route to and from the exit.

(9) When no fuel is transported in the crew vehicle, a minimum rated 5/BC dry chemical fire extinguisher must be kept in the passenger compartment. When fuel is transported on the crew vehicle according to subsection (12) of this section, a minimum rated 10/BC dry chemical fire extinguisher must be kept in the passenger compartment. The extinguishing agent must be nontoxic and preferably noncorrosive.

(10) Exhaust systems must be designed and maintained to eliminate the exposure of passengers to toxic agents.

(11) Operating and maintenance instructions must be available in each vehicle. Each vehicle operator and maintenance employee must comply with the operating and maintenance instructions.

(12) Fuel must be transported or stored only in approved safety containers. Enclosed areas where fuels are carried or stored must be vented so that a hazardous concentration of fumes cannot accumulate. All containers or drums must be properly secured to the vehicle while being transported. Commercially built pick-up or flatbed trucks with a maximum seating capacity of six persons may be used to carry fuel in or on the bed of such vehicles, if the fuel is not carried in the crew compartment. Van-type vehicles may be used to carry fuel only when a vapor-proof bulkhead is installed between the passenger compartment and storage compartment. A maximum of forty-two gallons of gasoline may be carried or stored in the compartment and each container must have a maximum capacity seven gallons.

(13) Motor vehicles used regularly to transport employees must be covered against the weather and equipped and operated according to applicable state of Washington motor vehicle laws.

(14) All operators of crew vehicles must be experienced drivers and have a valid operator's license for the class of vehicle being operated.

(15) Dump trucks must only be used in an emergency to transport workers and have adequate safety chains or locking devices that eliminate the possibility of the body of the truck being raised while employees are riding in the truck. "Emergency" means any unforeseen circumstances that call for immediate action when danger to life or danger from fire exists.

(16) An effective means of signaling must be provided for communication between the driver and the passengers being transported when they are in separate compartments.

(17) The passenger load limit of a crew vehicle must not exceed the seating capacity of the vehicle.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-533** (~~(Felling and bucking—Springboards and tree jacking.)~~) **Truck roads.** ((1) Springboards shall be of clear, straight-grained sound stock of sufficient length, width and strength and shall be replaced when they will no longer safely support the expected load at the extreme end.

(2) Springboard irons shall be well lipped and firmly attached with bolts or a means of attachment furnishing equivalent strength.

(3) Two workers shall be present when falling any tree or snag when springboards are used.

(4) Power saw chains shall be stopped while shifting springboards.

(5) Jack plates shall be used with hydraulic tree jacks and the base plate shall be seated on solid wood inside the bark ring as close to level as possible.

(6) Two workers shall be present at all times during the use of tree jacks.

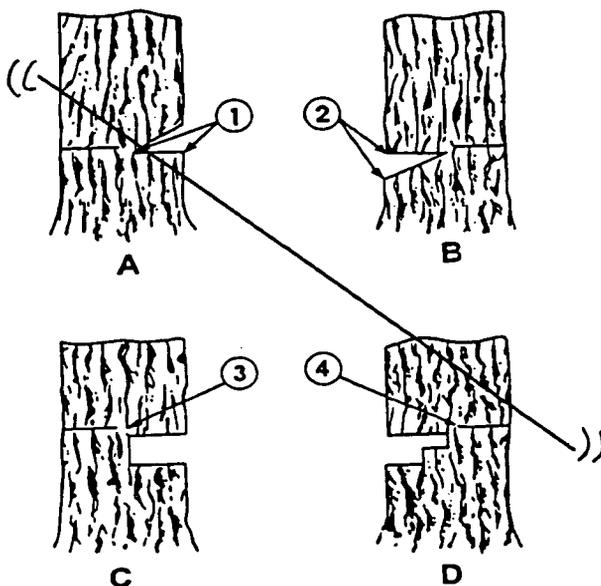
(7) Wedges shall be used as a follow-up method while using tree jacks. The wedges shall be continuously moved in as the tree is jacked.

(8) Effective January 1, 1980, all hydraulic tree jacks shall be equipped with an operable velocity fuse (cheek valve) and the pump shall be equipped with an operable pressure gauge.

(9) When tree jacking, the facecut shall be nominally one-fourth the diameter of the tree.

(10) The vertical height of the facecut shall be not less than one-fifth of the diameter of the tree when tree jacking.

Note: See Figure No. 1, for illustrations of undercuts.



(A) **Conventional undercut.** Can be made with parallel saw cut and axe diagonal cut or both cuts with the saw. Generally used on trees of small diameter.

(B) **Both cuts made with the saw.** Leaves square-end log. Same as (A), except that waste is put on the stump.

(C) **Two parallel cuts with the saw.** The material between the cuts is chipped out with an axe-adz (pulaski) combination. Used on trees over 30 inches in diameter.

(D) **Three parallel cuts with the saw, leaving a step.** Same in principle as (C). Used on trees of very large diameters.

**Item**

- 1 Undercut depth
- 2 Undercut height
- 3 Holding wood
- 4 Backcut))

(1) Haul road grades must not exceed 20 percent unless:

(a) Special equipment and safety measures are used to accommodate the steep grade; or

(b) The logging equipment or truck is specifically designed and approved by the manufacturer for operation on grades over twenty percent.

(2) Truck road surfaces must meet the following requirements:

(a) Truck roads are wide enough and even to ensure the safe operation of equipment.

(b) Hazards such as broken planking, deep holes, large rocks, logs, etc., that make equipment operation unsafe, must be immediately corrected.

(c) On blind curves, one of the following must be implemented:

(i) Truck roads are wide enough for two trucks to pass;

(ii) A signal system is maintained; or

(iii) Speed is limited so that the vehicle can be stopped in one-half the visible distance.

(3) For all portions of roads under the direct control of the employer, the employer must ensure that:

(a) All danger trees are fell a safe distance back from the roadway;

(b) Rocks that present a hazard are cleared from banks; and

(c) Brush and other materials that obstruct the view at intersections or on sharp curves are cleared.

(4) All bridge structures used in the logging operation must meet the following requirements:

(a) Structures are adequate to support the maximum imposed loads without exceeding the maximum safe working unit stresses;

(b) Bridges have an adequate number of reflectors to clearly define the entrance to the bridge;

(c) Structures are maintained in good condition and repair;

(d) Structures are inspected at least annually by a qualified authorized person; and

(e) A record maintained of each inspection must be available to a representative of the department on request.

(5) Shear rails must be installed on both outside edges of bridges. The shear rails must be securely fastened and made

PROPOSED

of material able to withstand the impact generated by contact with the wheels of a loaded vehicle. The top of shear rails must be at least fifteen inches above the bridge surface. Bridges in use before 1980 with outside shear rails a minimum of ten inches high or center shear rails at least five inches high are permissible until repairs are needed.

(6) The employer must implement measures that minimize dust to the degree that visibility is sufficient to allow an operator to safely operate a vehicle. Vehicle operators must travel at a speed consistent with road conditions.

(7) Pneumatic-tired equipment must have fenders as described in the Society of Automotive Engineers Technical Report J321a.

(8) Employee(s) must be assigned to flag on roads or provide other equivalent protection where hazardous conditions are created from logging such as but not limited to:

(a) Running wire rope lines or rigging across road grades, excluding guylines and standing skylines if lines remain a safe distance above the road to allow a vehicle to pass under; or

(b) The movement of logs, chunks, or debris across or suspended over road grades.

EXCEPTION: Where there is no through traffic, such as on a dead end road or where the property owner's permission or proper authority is granted to close a section of road, warning signs and barricades may be used instead of flagger(s).

AMENDATORY SECTION (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

WAC 296-54-535 ((~~Tree pulling~~)) **Road pioneering and earthwork.** ((1) The cutter shall be responsible for determining if a tree can be safely pulled. If, for any reason, the cutter believes the tree pulling cannot be completed safely, the tree shall be conventionally felled.

(2) When using radio positive radio communications shall be maintained at all times between the tree pulling machine and cutter when tree pulling. An audible signal shall be blown when the initial pull is made on the tree and the line is tightened. Hand signals, in lieu of radio communications and an audible signal, may be used only if the cutter is clearly visible to the tree puller operator.

(3) A choker, with bell, or a line and sleeve shackle shall be used as the means of attachment around the tree when tree pulling. The bight on the line shall be only that necessary to hold the choker or line around the tree.

(4) The tree pulling machine shall be equipped with a torque converter, fluid coupler, or an equivalent device to insure a steady even pull on the line attached around the tree.

(5) The tree pulling line shall have as straight and direct path from the machine to the tree as possible. Physical obstructions which prevent a steady even pull on the tree pulling line shall be removed or the line shall be rerouted.

(6) Siwashing, in lieu of a block, in order to change tree pulling lead, is prohibited.)) (1) Banks at the borrow area must be sloped to prevent slides.

(2) Backfill must be firmly compacted.

(3) Roadside banks must be sloped or stabilized to prevent slides.

(4) Overhanging banks, large rocks and debris must be removed or secured.

(5) Where riprap is used, the material and design must ensure containment of material.

(6) Trees or snags that may fall into the road must be fell.

(7) Root wads, logs, and other unstable debris must not be placed against standing timber or otherwise placed so as to create a hazard for timber falling or other logging operations.

AMENDATORY SECTION (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

WAC 296-54-537 ((~~Mechanized falling~~)) **Chain saws.** ((1) When using self-propelled mobile falling devices, a watchman and/or warning signs shall be posted at appropriate locations indicating that devices of this type are being used to fall trees.

(2) Self-propelled mobile falling equipment used for falling trees shall be designed in a manner or shall have auxiliary equipment installed which will cause the tree to fall in the intended direction.

(3) Mechanized falling shall be conducted in such a manner as not to endanger persons or equipment.

(4) Where a mechanized feller incorporates a cab structure having a single entrance door, it shall be equipped with an alternate means of escape from the cab should the door be blocked in the event of vehicle rollover or fire. Cab doors shall be fitted with latches operable from both sides of the door.

(5) No employee shall approach a mechanical felling operation closer than two tree lengths of the trees being felled until the machine operator has acknowledged that it is safe to do so.)) (1) Operators must inspect chain saws daily to ensure that handles and guards are in place, and controls and other moving parts are functional.

(a) Each chain saw placed into initial service after February 9, 1995, must be equipped with a chain brake and, shall otherwise meet the requirements of ANSI B175.1-1991 "Safety Requirements for Gasoline-Powered Chain Saws" and the requirements of this chapter.

(b) Each chain saw placed into service before February 9, 1995, must be equipped with a protective device that minimizes chain saw kickback, i.e., reduced kick back bar, chains, bar tip guard, or chain brake; and

(c) No chain saw kick back device shall be removed or otherwise disabled.

(2) Saw pinching and subsequent chain saw kickback must be prevented by using wedges, levers, guidelines, and saw placement, or by undercutting.

(3) Chain saws must be:

(a) Shutoff while fueling;

(b) Fueled outdoors at least ten feet from anyone smoking or from other potential sources of ignition; and

(c) Started at least 10 feet (3 m) from the fueling area.

(4) Chain saws must have a positive means of stopping the engine.

(5) Unless the carburetor is being adjusted, the chain saw must be shut off before any adjustments or repairs are made to the saw, chain, or bar.

(6) Using a chain saw with a faulty clutch is prohibited.

(7) The bar must be handled only when the chain saw motor is shut off.

(8) The drive end of the chain saw bar must be guarded.

(9) The chain saw must have an automatic throttle control that will return the engine to idle speed when the throttle is released.

Note: Idle speed is when the engine is running and the chain does not rotate on the bar.

(10) The chain saw must be started on the ground, log or where otherwise firmly supported. Drop starting a chain saw is prohibited.

(11) A chain saw must be held with the thumbs and fingers of both hands encircling the handles during operation unless the employer demonstrates that a greater hazard is posed by keeping both hands on the chain saw in a specific situation.

(12) The chain saw must be carried in a manner that will prevent operator contact with the cutting chain and muffler.

(13) The chain saw must be shut off or at idle before the faller starts to retreat.

(14) The chain saw must be shut down or the chain brake engaged whenever a saw is carried:

(a) Further than 50 feet (15.2 m); or

(b) Less than 50 feet if conditions such as, but not limited to, the terrain, underbrush, and slippery surfaces, may create a hazard for an employee.

(15) Using a chain saw to cut directly over head is prohibited.

(16) The chain saw operator must be certain of footing before starting to cut. The chain saw must not be used in a position or at a distance that could cause the operator to become off-balance, to have unsteady footing, or to relinquish a firm grip on the saw.

AMENDATORY SECTION (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-539 ((Climbing equipment and passline.)) Falling and bucking—General. ((1) Standard climbing equipment shall be furnished by the employer; however, this shall not be construed to mean that the climber may not use personal equipment, provided it meets the following standards and is permitted by the employer. The climbing ropes shall be of steelcore type. The climber may fasten climbing rope by passing it through "D" rings fastened to the belt and around his body before tying it to itself. When topping standing trees, it is recommended that a steel chain of 3/16-inch or larger, with appropriate fittings attached, shall be used in addition to the climbing rope. All climbing equipment shall be maintained in good condition. An extra set of climbing equipment shall be kept at the climbing operation and another person with climbing experience shall be present.**

**(2) A person shall ride only the passline to thread lines, oil blocks or to inspect rigging.**

**(3) No one shall work directly under a tree except when directed by the climber. Warning shall be given prior to intentionally dropping any objects or when objects are accidentally dropped.**

~~(4) Running lines shall not be moved while the climber is working in the tree, except such "pulls" as climber directs and are necessary for the work.~~

~~(5) One experienced person shall be dispatched to transmit the climber's signals to the machine operator and shall not otherwise be occupied during the time the climber is in the tree, nor shall the machine operator be otherwise occupied while the climber is using the passline. The designated signal person shall position themselves clear of hazards from falling, flying or thrown objects.~~

~~(6) Long or short splices and knots in passline are not permitted. Chains used in passlines shall be in good condition and shall not contain cold shuts or wire strands.~~

~~(7) The climber shall be an experienced logger with proper knowledge of logging methods and the safety of rigging spar and tail trees.~~

~~(8) Trees shall not be topped during windy weather.~~

~~(9) At no time shall topping, rigging-up, or stripping work be done when visibility is impaired.~~

~~(10) When the friction lever and passline drum is on the opposite side of the machine from the operator, an experienced person shall operate the friction lever while the engineer operates the throttle. While being used, the passline drum shall be properly attended by another person to guide the passline onto the passline drum with a tool suitable for the purpose.~~

~~(11) The use of a gypsy drum for handling persons in the tree is prohibited.~~

~~(12) Danger trees leaning towards and within reach of landings, roads, rigging or work areas shall either be felled before the regular operations begin or work shall be arranged so that workers will not be exposed to hazards involved.~~

~~(13) Noisy equipment such as power saws, tractors and shovels shall not be operated around the area where a climber is working when such noise will interfere with the climber's signals.~~

~~(14) Climbing and passline equipment shall not be used for other purposes.~~

~~(15) Defective climbing equipment shall be immediately removed from service.~~

~~(16) The climber shall be equipped with a climbing equipment assembly having a breaking strength of not less than five thousand four hundred pounds.~~

~~The equipment shall include:~~

~~(a) A safety belt with double "D" rings;~~

~~(b) Steel spurs long and sharp enough to hold in any tree in which they are used; and~~

~~(c) A climbing rope made of wire-core hemp, wire or chain construction.~~

~~(17) When the climber is using a chain saw in the tree, the climbing rope shall be made of material that cannot be severed by the saw.~~

~~(18) Lineman hooks shall not be used as spurs.~~

~~(19) When power saws are used in topping or limbing standing trees, the weight of the saw shall not exceed thirty pounds.~~

~~(20) Tools used by the climber, except the power saw, shall be safely secured to climber's belt when not in use.~~

~~(21) Snaps shall not be used on a climber's rope unless a secondary safety device between the belt and snap is used.~~

PROPOSED

(22) A climber's rope shall encircle the tree before the climber leaves the ground except when the climber is riding the passline.

(23) While the climber is working in the tree, persons shall keep at sufficient distance from the tree to be clear of falling objects.

(24) When used, passline fair leads shall be kept in alignment and free from fouling at all times.

(25) Spikes, used by the climber as a temporary aid in hanging rigging, shall be removed before the tree is used for logging.

(26) Loose equipment, rigging or material shall either be removed from the tree or securely fastened.

(27) All spar trees shall be equipped with passlines that shall:

(a) Be not less than 5/16 inch and not be over 1/2 inch in diameter;

(b) Not be subjected to any sawing on other lines or rigging, and kept clear of all moving lines and rigging;

(c) Be of one continuous length and in good condition with no splices, knots, molles, or eye-to-eye splices between the ends;

(d) Be long enough to provide three wraps on the drum before the climber leaves the ground.

(28) Drums used for passlines shall have sufficient flange depth to prevent the passline from running off the drum at any time.

(29) Passline chains shall:

(a) Be not less than 5/16 inch alloy or 3/8 inch high test chain and shall not contain cold shuts or wire strands;

(b) Be attached to the end of the passline with a screw pin shackle, a slip pin shackle with a nut and molle, or a ring large enough to prevent going through the pass block; and

(c) Be fitted with links or rings to prevent workers from being pulled into the passline block.

(30) Pass blocks shall:

(a) Be inspected before placing in each spar and the necessary replacements or repairs made before they are hung;

(b) Have the shells bolted under the sheaves;

(c) Have the bearing pin securely locked and nuts keyed or the block be of the type which positively secures the nut and pin;

(d) Equipped with sheaves not less than six inches in diameter; and

(e) Comply with applicable portions of WAC 296-54-543(6) pertaining to blocks.

(31) When workers are required to go up vertical metal spars, passlines, chains and blocks shall be provided and used.) (1) The employer must assign work areas so that:

(a) Trees cannot fall into an adjacent occupied work area;

(b) The distance between work areas is at least two tree lengths of the trees being fell (see Figure 1: Distance Between Work Areas);

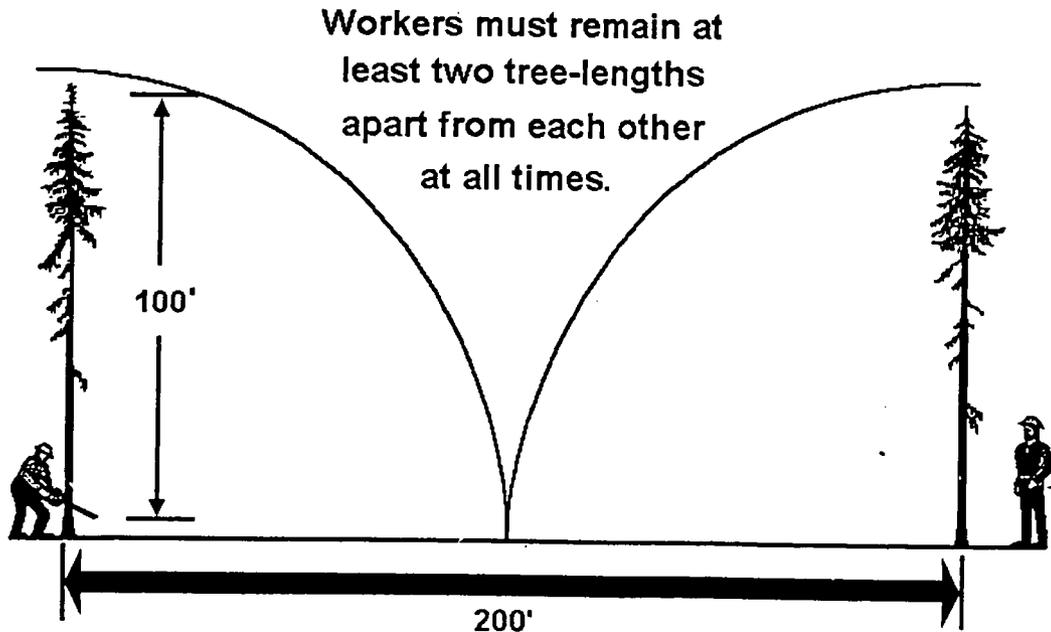


Figure 1: Distance Between Work Area

(c) The distance between work areas reflects the degree of slope, the density of the growth, the height of the trees, the soil structure and other hazards reasonably anticipated at the worksite; and

(d) A distance of more than two tree lengths is maintained between work areas on any slope where rolling or sliding of trees or logs is reasonably foreseeable.

EXCEPTION: This rule does not apply to a team of cutters working on the same tree.

(2) Before falling or bucking, conditions such as, but not limited to, snow and ice accumulation, the wind, the lean of tree, dead limbs, and the location of other trees, must be evaluated by the cutter and precautions taken so a hazard is not created for an employee. Accumulations of snow and ice that

may create a hazard for an employee must be removed before beginning falling in the area, or the area must be avoided.

(3) Employees must not approach a cutter closer than two tree lengths of trees being felled until the cutter has acknowledged that it is safe to do so.

(4) A competent person, properly experienced in this type of work, must be placed in charge of falling and bucking operations. Inexperienced workers must not be allowed to fall timber, buck logs or windfalls unless working under the direct supervision of an experienced cutter.

(5) Trees must not be felled if the falling tree can strike any line in the logging operation and endanger workers.

(6) Before an employee falls or bucks any tree:

(a) A sufficient work area must be swamped;

(b) The cutter must plan and clear an escape path; and

(i) The escape path must extend diagonally away from the expected felling line unless such an escape path poses a greater hazard than an alternate escape path; and

(ii) An escape path must be used as soon as the tree or snag is committed to fall, roll, or slide.

(7) If a cutter has determined a tree cannot be safely felled, the work must stop until the cutter has conferred with a supervisor or an experienced cutter and determined the safest possible work method or procedure.

(8) The person in charge of cutting crews must regularly inspect the work of the cutting crews and is responsible to ensure the work is performed in a proper and safe manner.

(9) All cutters must carry or have in near proximity at all times:

(a) An axe or suitable tool for driving wedges;

(b) A minimum of two wedges;

(c) A whistle carried on the person; and

(d) A first-aid kit.

(i) The first-aid kit must contain at least two trauma bandages or equivalent absorbent gauze material and a means to secure the material in place.

(ii) First aid supplies must be kept clean and dry.

(10) A flagperson(s) must be assigned on roads where hazardous conditions are created from falling trees. Where there is no through traffic, such as on a dead end road, warning signs or barricades may be used instead of a flagperson(s).

(11) A cutter must not fall a tree or danger tree alone when at least two cutters are necessary to minimize hazards.

#### NEW SECTION

##### **WAC 296-54-53910 Falling and bucking—Falling.**

(1) Where felled trees are likely to roll and endanger workers, cutting must proceed from the bottom toward the top of the slope, and uphill from previously felled timber.

(2) A cutter must not be placed on a hillside immediately below another cutter or below other logging operations where there is probable danger.

(3) Cutters must be informed of the movement and location of other employees placed, passing, or approaching the vicinity of trees being felled.

(4) Cutters must give audible warning when falling trees, and:

(a) Indicate the direction of fall;

(b) Ensure that all employees are out of reach of the tree; and

(c) Ensure that all employees are in clear of logs, fallen trees, snags, or other trees that may be struck by the falling tree.

EXCEPTION: Audible warnings are not required when falling trees less than 18 inches DBH, if the cutter has an unobstructed view of the entire area that could be affected by the tree being felled and is assured there is no one within the area.

(5) While manual falling is in progress, all logging machines must be operated at least two lengths away from trees being manually felled.

EXCEPTION: This provision does not apply to logging machines performing tree pulling operations or logging machines called upon by the cutter to ground hazard trees. All cutters must be notified of the logging machine's entrance into the area and all falling within two tree lengths of the logging machine must stop.

(6) Trees must be felled into the open whenever conditions permit.

(7) Cutters must not fall into another strip; trade leaners on the line.

(8) Knocking over trees larger than six inches in diameter in lieu of cutting is prohibited, except as provided in WAC 296-54-53910(9).

(9) Domino falling of trees, including danger trees, is prohibited. Domino falling does not include the falling of a single danger tree by falling another single tree into it.

(10) Undercuts large enough to safely guide trees and eliminate the possibility of splitting must be used on all trees over 6 inches DBH.

FOR EXAMPLE: A tree with no perceptible lean, having an undercut depth of one-fourth of the diameter of the tree and a face opening equal to one-fifth of the diameter of the tree would meet the requirement.

(11) A cutter must place an adequate undercut and leave enough holding wood to ensure the tree will fall in the intended direction.

(12) The two cuts that form the undercut must not cross where they meet, except where a dutchman is required on either side of the cut.

(13) The undercut must not be made while other workers are in an area into which the tree could fall.

(14) A backcut must be made in each tree being felled.

(a) The backcut must leave enough hinge wood to hold the tree to the stump during most of its fall so that the hinge is able to guide the tree's fall in the intended direction.

(b) The backcut must be above the level of the horizontal facecut to provide an adequate platform to prevent kickback.

EXCEPTION: This requirement does not apply to open-faced falling where two angled facecuts are used instead of a horizontal facecut.

(c) In tree-pulling operations the backcut may be at or below the undercut hinge point.

(15) Cutting holding wood instead of using wedges is prohibited. Swing cuts are prohibited except by an experienced person.

(16) Trees with face cuts and/or backcuts must not be left standing unless all the following conditions are met:

(a) The cutter clearly marks the tree;

(b) Discontinues work in the hazardous area;

PROPOSED

(c) Notifies all workers who might be endangered; and

(d) Takes appropriate measures to ensure that the tree is safely fell before other work is undertaken in the hazardous area.

(17) Undercuts and backcuts must be made at a height above the highest ground level to enable the cutter to safely begin the cut, control the tree, and have freedom of movement for a quick escape from a falling tree.

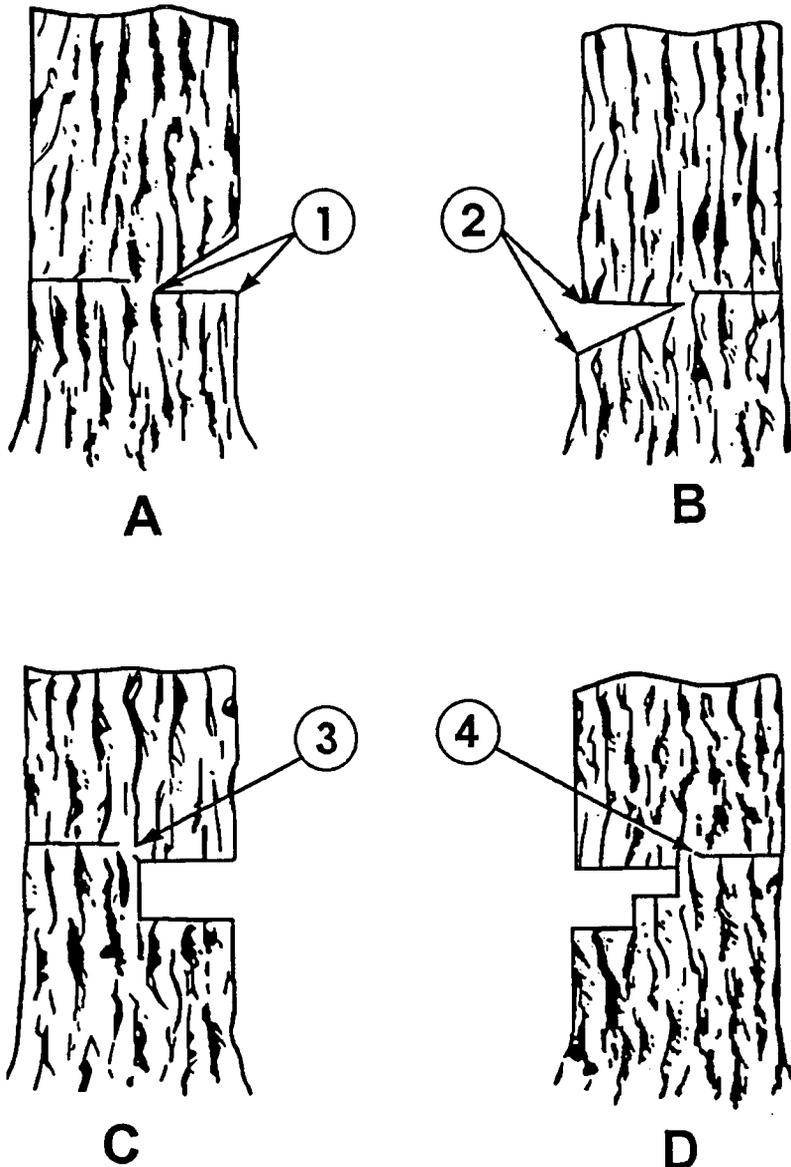
(18) Lodged trees must be clearly marked and identified by a predetermined method and all persons in the area must be instructed not to pass or work within two tree lengths of the trees except to ground them.

Note: See Figure No. 2, for illustrations of undercuts.

PROPOSED

Figure 2: Undercuts

# UNDERCUTS



- (A) *Conventional undercut. Can be made with parallel saw cut and axe diagonal cut or both cuts with the saw. Generally used on trees of small diameter.*
- (B) *Both cuts made with the saw. Leaves square-end log. Same as (A), except that waste is put on the stump.*
- (C) *Two parallel cuts with the saw. The material between the cuts is chipped out with an axe-adz (pulaski) combination. Used on trees over 30 inches in diameter.*
- (D) *Three parallel cuts with the saw, leaving a step. Same in principle as (C). Used on trees of very large diameters.*

**Item**

- 1 Undercut depth
- 2 Undercut height
- 3 Holding wood
- 4 Backcut

PROPOSED

**NEW SECTION****WAC 296-54-53920 Falling and bucking—Bucking.**

(1) The tree (and root wad if applicable) must be carefully examined to determine which way the logs (and root wad) will roll, drop, or swing when the cut is completed. No worker shall be allowed in this danger zone during cutting. The cut must be made from a position that will not expose the cutter to potential injury.

(2) Logs must be completely bucked through whenever possible. If it becomes hazardous to complete a cut, then the log must be marked and identified by a predetermined method. Rigging crews must be instructed to recognize such marks and when possible, cutters must warn the rigging crew of locations where unfinished cuts remain.

(3) Cutters must give timely warning to all persons within range of any log that may have a tendency to roll after being cut off.

**NEW SECTION****WAC 296-54-53930 Falling and bucking—Danger trees.**

(1) Each danger tree must be carefully checked for signs of loose bark, broken branches and limbs, or other damage before they are fell or removed. Accessible loose bark and other damage that may create a hazard for an employee must be removed or held in place before falling or removing the tree. When a danger tree has elevated loose bark that cannot be removed, the buddy system must be used to watch for and give warning of falling bark or other hazards.

(2) Danger trees that are unsafe to cut must be blown down with explosives or fell by other safe methods.

(3) To avoid use of wedges, which might dislodge loose bark or other material, danger trees must be fell in the direction of lean unless other means (mechanical or dynamite) are used.

**NEW SECTION****WAC 296-54-53940 Falling and bucking—Springboards and tree jacking.**

(1) Springboards must be:

- Made of clear, straight grained sound stock;
- Long enough, wide enough, and strong enough; and
- Replaced when they will no longer safely support the expected load at the extreme end.

(2) Springboard irons must be well lipped and firmly attached with bolts or other equally strong attachment.

(3) Saw chains must be stopped while shifting springboards.

(4) Jack plates must be used with hydraulic tree jacks and the base plate must be seated on solid wood inside the bark ring as close to level as possible.

(5) When necessary, two workers must be present at the tree during hydraulic tree jacking to lend assistance.

(6) Wedges must be used as a follow-up method while using tree jacks, and continuously moved in as the tree is jacked.

(7) All hydraulic tree jacks must be equipped with a check valve and the pump must be equipped with an operable pressure gauge.

(8) Jacking a tree straight uphill is prohibited when the tree may slide back past the stump.

(9) On slopes over 50% grade, tree(s) must at least be quartered to a degree that prevents employees from being exposed to the possibility of sliding or rolling trees or logs.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-541 ((Selection of spar, tail and intermediate trees.)) Tree pulling.** ~~((1) Douglas fir or spruce shall be used as spar, tail, or intermediate support trees when they are available. If other species must be used, additional guylines, tree plates, or other precautions shall be taken to insure the tree will withstand the strains to be imposed.~~

~~((2) Spar, tail and intermediate support trees shall be examined carefully for defects before being selected. They shall be sound, straight, green and of sufficient diameter to withstand the strains to be imposed.~~

~~((3) Trees having defects that impair their strength shall not be used for spar, tail or intermediate support trees. Raised trees shall be identified and marked as such.~~

~~((4) Before raising spar trees, dummy trees shall be topped and guyed with three guylines equivalent in breaking strength to the mainline.))~~ (1) The cutter must be responsible for determining if a tree can be safely pulled. If, for any reason, the cutter believes the tree pulling cannot be completed safely, the tree must be conventionally fell.

(2) When using a radio, positive radio communications must be maintained at all times between the tree pulling machine and cutter when tree pulling. An audible signal must be blown when the initial pull is made on the tree and the line is tightened. Hand signals, instead of radio communications and an audible signal, may be used only if the cutter is clearly visible to the tree puller operator.

(3) A choker with bell, or a line and sleeve shackle must be used as the means of attachment around the tree when tree pulling. (See also WAC 296-54-54710(4).) The bight on the line must be the minimum necessary to hold the choker or line around the tree.

(4) The tree pulling machine must be equipped with a torque converter, fluid coupler, or an equivalent device to ensure a steady even pull on the line attached around the tree.

(5) The tree pulling line must have as straight and direct path from the machine to the tree as possible. Physical obstructions that prevent a steady even pull on the tree pulling line must be removed or the line must be rerouted.

(6) Siwashing, in lieu of a block, in order to change tree pulling lead, is prohibited.

**AMENDATORY SECTION** (Amending Order 80-15, filed 8/20/80)

**WAC 296-54-543 ((General requirements.)) Mechanized falling.** ~~((1) Rigging.~~

~~((a) Rigging shall be arranged and operated so rigging or loads will not foul, or saw against lines, straps, blocks or other equipment.~~

~~((b) A thorough inspection of all blocks, straps, guylines and other rigging shall be made before they are placed in~~

positions for use. Inspections shall include an examination for damaged, cracked or worn parts, loose nuts and bolts, and of lubrication, and the condition of straps and guylines. All necessary repairs or replacements for safe operation shall be made before the rigging is used.

(e) Rigging equipment, when not in use, shall be stored so as to not present a hazard to employees.

(d) Running lines shall be arranged so workers will not be required to work in the bight. When this is not possible, workers shall move out of the bight of lines before the lines are tightened or moved.

### (2) Shackles:

(a) Shackles with screw pins should have either a molle or cotter key when used to fasten guylines to spar trees.

(b) All shackles used to hang blocks, jacks, or rigging on trees or loading booms shall have the pins fastened by a nut secured with a cotter pin or molle. When used, molles shall be as large as the pin hole will accommodate and with the loose ends rolled in.

(c) The size of the opening between the jaws of shackles used to hang blocks, jacks, rigging, and for joining or attaching lines, shall not be more than one inch greater than the size of the rope, swivel, shackle, or similar device to which it is attached.

(d) All shackles used for mainline or skyline extensions shall be of a type designed for that purpose.

(e) Shackles used other than for mainline extension connections, shall be of the screw pin type or with the pin secured by a nut and cotter pin or molle, except as specified elsewhere for specific purposes.

(f) Shackles, swivels, links and tree plates shall be replaced or repaired when they will not safely support the imposed strains of their intended use.

(g) Shackles shall not be loaded in excess of the working load recommended by the manufacturer.

(h) All shackles must be made of forged steel or material of equivalent strength and one size larger than the line it connects.

### (3) Straps:

(a) Safety straps of appropriate size shall be placed on all high lead blocks, also other blocks whenever practicable. Safety straps shall be shackled, with closed end of shackle up, to a guyline which extends as near as possible at right angles with power unit, but shall not be placed on a guyline having an extension within one hundred feet of the tree. When the top guyline on which the safety strap of the high lead block is fastened is changed, safety strap must be attached to another guyline or loosened guyline tightened after change.

(b) All tree straps shall be at least 1/4 inch larger than the pulling line. If impossible to use safety strap, all tree straps shall be 1/2 inch larger than the pulling line.

(c) All straps in back of show must be as large as the running line.

(d) All blocks other than passline and straw line lead blocks shall be hung in both eyes or "D's" of straps. Threading eye through eye is prohibited.

(e) Skyline jack shall not be hung by double strap through shackle and hanging jack in two eyes.

(f) Tree straps shall initially be made of new wire rope when made up. They shall be replaced when there is evidence of damage or broken wires.

(g) A guyline safety strap or equivalent device shall be installed at the top of metal spars to prevent guylines from falling more than five feet in case of structural or mechanical failure of the guyline attachment.

(h) Metal spar guyline safety straps or equivalent devices shall be equal to the strength of the guyline.

(i) Nylon straps may be used in accordance with manufacturer recommendations.

(j) Nylon straps shall be removed from service when the wear reaches the limits prescribed by the manufacturer. The person responsible for inspecting the condition of rigging shall be aware of these limits.

### (4) Guylines:

(a) All component parts of the guyline system on head tree shall be of equal or greater strength than the mainline and guylines shall be properly spaced to effectively oppose the pull of the mainline.

(b) Guylines on wood spar trees shall be secured to solid stumps with not less than two and one-half complete wraps with at least six staples or eight railroad spikes driven solidly into sound wood on the first and last wrap. The bark shall be removed and the stump adequately notched or other equivalent means shall be used to prevent movement of the line on the stump or tree. Guyline stumps shall be inspected periodically. Guylines may be secured to properly installed "deadmen" when suitable stumps are not available. It is permissible, on the tail tree, to secure the guylines by placing three wraps around a tree or stump and securing them properly by use of clamps.

(c) When a mainline of 7/8 inch or less is used, the spar shall be supported by at least five top guylines or other positive means of supporting the spar.

(d) When tail hold on skyline is choked on stump, there shall be no excessive bight against shackle.

(e) In removing guylines and skylines from stumps, etc.:

(i) A reversed safety wrap shall be put on and secured before loosening the last wrap.

(ii) An experienced person shall be in charge loosening guylines or skylines using proper precautions, and giving warning before lines are released.

(iii) Safety holdbacks shall be used when necessary for the safety of workers.

(iv) Powder or power shall be used for releasing the last wrap on skylines.

(f) Guylines shall be used with any logging equipment when required by the equipment manufacturer.

(g) Guying shall not be less than the minimum recommended by the equipment manufacturer.

(h) Top guys on vertical metal and wooden spars which require five or more guylines shall be so arranged that at least three guys oppose the pull of the load, with at least one guyline anchored adjacent to the yarding quarter.

(i) Guylines shall be of plow steel or better material, and shall be maintained in good condition.

(j) When side blocking or lateral yarding, lateral stability to the head spar tree shall be insured by guylines sufficient in number, breaking strength and spacing.

(k) ~~All guylines shall be kept well tightened while the spar, tree, equipment or rigging they support is in use.~~

(l) ~~All trees that interfere with proper alignment, placement or tightening of guylines shall be felled.~~

(m) ~~Guylines shall be hung in a manner to prevent a bight or fouling when they are tightened.~~

(n) ~~All spliced guyline eyes shall be tucked at least three times.~~

(o) ~~Extensions to guylines shall be:~~

(i) ~~Equal in strength to the guyline to which they are attached; and~~

(ii) ~~Connected only by a shackle connecting two spliced eyes or by double-end hooks. Connections shall have at least one and one-half times the strength of the guyline.~~

(p) ~~Portable metal spars and their appurtenances shall be inspected by a qualified person each time the spar is lowered and at any time its safe condition is in doubt. When damage from over stress is noted or suspected, the part in question shall be inspected by a suitable method and found to be safe, or the part repaired or replaced before the spar is again used.~~

(q) ~~No person shall go up a raised metal spar unless suitable passline equipment is provided and used.~~

(r) ~~Repairs, modifications or additions which affect the capacity or safe operation of metal spars shall be made only under the direction of a registered engineer and within the manufacturer's recommendations.~~

(i) ~~In no case shall the original safety factor of the equipment be reduced.~~

(ii) ~~If such modifications or additions are made, the identification plate required by WAC 296-54-553(1) shall reflect such changes.~~

(s) ~~When using skylines 7/8-inch or smaller, tail trees shall be supported by at least two guylines when the rigging is placed on the tail tree at a height greater than five times the tree diameter (dbh) or higher than ten feet from the highest ground point, whichever is lower.~~

(t) ~~When using skylines one inch or larger, tail trees shall be supported by at least four guylines when the rigging is placed on the tail tree at a height greater than five times the tree diameter (dbh) or higher than ten feet from the highest ground point whichever is lower.~~

(u) ~~Tail trees shall be supported by additional guylines if necessary to insure stability of the tree.~~

(v) ~~Wood head spar trees shall be guyed as follows:~~

(i) ~~All spar trees one hundred ten feet and over in height shall be provided with a minimum of six top guys and three buckle guys, each of which shall be substantially equal in strength to the strength of the mainline. This requirement, however, shall not be construed as applying where more than three buckle guys are specifically required.~~

(ii) ~~Spar trees used for loading and yarding at the same time, or for loading and swinging at the same time, or supporting a skyline yarding system, shall have not less than six top and four buckle guylines each of which shall be substantially equal in strength to the strength of the mainline.~~

(iii) ~~Spar trees under one hundred ten feet high used only for yarding with heavy equipment (over 7/8-inch mainline) shall have not less than six top guys each of which shall be substantially equal in strength to the strength of the mainline.~~

(iv) ~~Spar trees used for yarding with light equipment (7/8-inch or smaller mainline) shall be guyed in such a manner that strains will be imposed on not less than two guylines. If less than five top guys are used, guylines shall be at least 1/4-inch larger than the mainline.~~

(v) ~~More guylines shall be added if there is any doubt as to the stability of any spar tree, raised tree, tail trees and lift trees, or other equipment or rigging they support.~~

(w) ~~Guylines shall alternately be passed around the wood spar in opposite directions to prevent twisting of the spar.~~

(x) ~~Guylines shall be attached to the upper portion of the wood spar by means of shackles.~~

(y) ~~A-frames shall be guyed by at least two quarter-guylines and one snap guyline or equivalent means to prevent A-frame from tipping back.~~

(5) ~~Anchoring:~~

(a) ~~Stump anchors used for fastening guylines and sky-lines shall be carefully chosen as to position, height and strength. When necessary, stump anchors shall be tied back in a manner that will distribute the load.~~

(b) ~~Stump anchors shall be barked where attachments are to be made, or devices designed to accomplish the same purpose shall be used.~~

(c) ~~Stump anchors shall be notched to a depth not greater than one and one-half times the diameter of the line to be attached.~~

(d) ~~Deadman anchors may be used if properly installed. Guylines shall not be directly attached to deadman anchors. Suitable straps or equally effective means shall be used for this purpose.~~

(e) ~~Rock bolts and other types of imbedded anchors may be used if properly designed and installed.~~

(f) ~~Stumps, trees and imbedded type guyline anchors shall be regularly inspected while the operation is in progress. Insecure or hazardous anchors shall be immediately corrected.~~

(g) ~~Workers shall not stand close to the stump, or in the bight of lines as the guyline or wraps are being tightened.~~

(6) ~~Blocks.~~

(a) ~~All blocks shall:~~

(i) ~~Not be used for heavier strains or lines than those for which they are constructed;~~

(ii) ~~Be fitted with line guards and shall be designed and used in a manner that prevents fouling, with the exception of special line blocks not designed with line guards;~~

(iii) ~~Be kept in proper alignment when in use;~~

(iv) ~~Have bearing and yoke pins of a material that will safely withstand the strains imposed and shall be securely fastened;~~

(v) ~~Have sheaves of a size designed for the size of the wire rope used.~~

(b) ~~Blocks with cracked or excessively worn sheaves shall not be used.~~

(c) ~~Lead blocks used for yarding, swinging, loading and unloading used in wood spars shall:~~

(i) ~~Be of the type and construction designed for this purpose;~~

(ii) ~~Be bolted with not less than two bolts through the shells below the sheaves in a manner that will retain the~~

sheave and line in case of bearing pin failure (this does not apply to haulback lead blocks); and

(iii) Mainline blocks shall have a sheave diameter of not less than twenty times the diameter of the mainline.

(d) Block bearing shall be kept well lubricated.

(e) All blocks must be of steel construction or of material of equal or greater strength and so hung that they will not strike or interfere with other blocks or rigging.

(f) All pins in blocks shall be properly secured by "Molle Hogans" or keys of the largest size the pin hole will accommodate. When blocks are hung in trees, threaded pins and nuts shall be used.

(g) Sufficient corner or tail blocks to distribute the stress on anchors and attachments shall be used on all logging systems.

(h) Blocks used to lead lines directly to yarding, loading or unloading machines other than passline or strawline blocks shall be hung by the following method: In both eyes or "D"s of straps; threading eye through eye is prohibited.

(i) Tail, side or corner blocks used in yarding shall be hung in both eyes of straps.

(7) Wire rope.

(a) Wire rope shall be of the same or better grade as originally recommended by the equipment manufacturer.

(b) Wire rope shall be removed from service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one third the original diameter of outside individual wires. Kinking, crushing, bird-caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than 3/64 inch for diameters to and including 3/4 inch, 1/16 inch for diameters 7/8 inch to 1-1/8 inch, inclusive, 3/32 inch for diameters 1-1/4 inches to 1-1/2 inches inclusive;

(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection;

(vi) In standing ropes, when twelve and one-half percent of the wires are broken within a distance of one wrap (lay); and

(vii) Corroded, damaged or improperly applied end connections.

(e) Wire rope shall be kept lubricated as conditions of use require.

(8) Splicing wire rope.

(a) Marlin spikes or needles in good condition and large enough for the size of the line being spliced, shall be used for splicing.

(b) When available, and practical to use, a patented wire cutter shall be used. If using a wire axe to cut cable, the hammer used to strike the axe shall be made of soft nonspalling type material. Eye and face protection shall be worn in accordance with WAC 296-54-511(2).

(c) Short splices, eye-to-eye splices, cat's paws, knots, molles and rolled eyes are prohibited except for use in the moving of slack lines. Knots will be permitted for use on sin-

gle drum tractors and grapple pick-up lines when properly tied.

(d) Wire rope 1/2 inch or less in diameter may be tucked two times provided the rope is used only as straw line.

(e) Splices other than eye splices in lang lay lines are prohibited. Eye splices in lang lay lines shall be tucked at least four times.

(f) Long splices shall be used for permanently joining "regular lay" running lines.

(g) When U-bolt wire rope clips (clamps) are used to form eyes on high strength wire rope, an additional clip (clamp) for each grade of line above improved plow steel shall be used over and above the following table: (See Figure No. 2, following this section, for proper application of wire rope clips.)

Improved Plow-Steel Diameter of Rope	Number of Clips Drop Forged	Required Other- Material	Minimum Space Between Clips
3/8 to			
5/8 inch	3	4	3-3/4 inches
3/4 inch	4	5	4-1/2 inches
7/8 inch	4	5	5-1/4 inches
1 inch	5	6	6 inches
1-1/8 inch	6	6	6-3/4 inches
1-1/4 inch	6	7	7-1/2 inches
1-3/8 inch	7	7	8-1/4 inches
1-1/2 inch	7	8	9 inches

(h) All line eye splices shall be tucked at least three full tucks. D's and knobs are recommended for line ends.

(i) Two lines may be connected by a long splice, or by shackles or patent links of the next size larger than the line being used where practical. Double "Molle Hogans" may be used on drop lines only and single "Molle Hogans" may be used on strawline.

(j) Splicing of two lines together for loading line or pass line is prohibited.

(k) Safe margin of line must be used for making long splices. The following table shows comparative safe lengths as to size of cable in making long splices:

Rope Diameter	To Be Unraveled	Total Length
1/4"	8'	16'
3/8"	8'	16'
1/2"	10'	20'
5/8"	13'	26'
3/4"	15'	30'
7/8"	18'	36'
1 "	20'	40'
1-1/8"	23'	46'
1-1/4"	25'	50'
1-3/8"	28'	56'
1-1/2"	30'	60'
1-5/8"	33'	66'
1-3/4"	35'	70'
1-7/8"	38'	76'

PROPOSED

Rope Diameter	To Be Unraveled	Total Length
2 "	40'	80'

**(9) Miscellaneous requirements.**

(a) All lines, straps, blocks, shackles, swivels, etc., shall be inspected frequently and shall be used only when found to be in good condition. Such items shall be of sufficient size and strength as to safely withstand the stress which can be imposed by the maximum pull of the power unit against such equipment or devices as rigged or used in that particular logging operation.

(b) When used or second-hand cables are purchased, they shall not be used for any purpose until inspection determines they will withstand the maximum imposed strain.

(c) Skyline shall be anchored by placing three full wraps around tail hold and staples or spikes shall be used to securely hold each wrap or choked and secured with a shackle or three wraps and at least three clamps securely tightened.

(d) When using haulback lines greater than 7/8-inch diameter on interlocking drum-type yarders, additional precautions shall be taken to prevent the corner blocks or tail blocks from dislodging the anchors to which the blocks are secured.

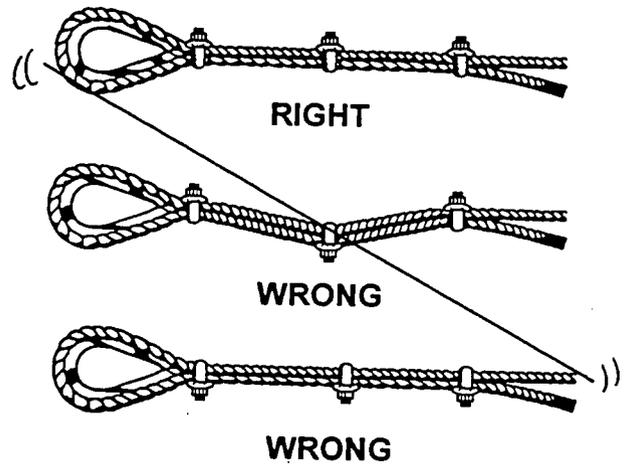
(e) Where "dutchman" is used, either for yarding or on skyline, a block of heavy construction must be used. Regular tree shoe or jaek may be used for "dutchman" on skyline. Cable must be fastened securely.

(f) Choker drops shall be connected to the butt rigging by knobs or shackles. The use of molles or cold shuts is prohibited in all components of the butt rigging. All butt rigging shall be designed to prevent loss of chokers and defective swivels shall not be used. Open hooks shall not be used to connect lines to the butt rigging.

(g) When heel tackle is fastened near machine, safety line must be placed in such manner that in case of breakage, lines shall not strike power unit and endanger operator.

(h) Only in case of necessity shall any metallic object be driven into a log. The metal must be removed immediately when splice or other work is completed. Stumps shall be used whenever possible for splicing.

**PUT CLIPS ON RIGHT**



**Figure No. 2**

Clips should be spaced at least six rope diameters apart to get the maximum holding power and should always be attached with the base or saddle of the clip against the longer or "live" end of the rope. The "U" bolt goes over the dead end. This is the only right way. Do not reverse the clips or stagger them. Otherwise the "U" bolt will cut into the live rope when the load is applied. After the rope has been used and is under tension, the clips should again be tightened to take up any looseness caused by the tension reducing the rope diameter. Remember that even when properly applied, a clip fastening has only about eighty percent of the strength of the rope and far less than that when on wrong.))

(1) A flagger(s) must be assigned on roads where hazardous conditions are created from falling trees. Where there is no through traffic, such as on a dead end road, warning signs or barricades may be used instead of a flagger(s).

(2) Self-propelled mobile falling equipment used for falling trees must be designed, or have auxiliary equipment installed, that will cause the tree to fall in the intended direction.

(3) Until the machine operator has acknowledged that it is safe to do so, no employee shall approach a mechanical falling operation closer than a minimum of two tree lengths of the trees being fell.

(4) Mechanized falling must be conducted in a way that does not endanger people or equipment.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-545 ((~~Rigging—Wood spar trees.~~) Climbing equipment and passline. ((1) Wood spar trees shall be of sound material of sufficient size and strength to withstand any stresses which may be imposed by any equipment used for that specific operation. The top of the tree shall**

PROPOSED

extend not more than sixteen feet above the top guylines on spar trees over fifty feet in height. Spar trees less than fifty feet in height shall extend no more than eight feet above the top guylines. School marms used as spar trees shall be topped at the forks. Spar trees, except cedar, must be barked where guylines, straps, bull blocks and tree plates are placed.

(2) Spar trees must be topped and limbs must be cut off close so that running lines will not foul or saw on protruding knots.

(3) At least four tree plates shall be placed under top guylines on spar trees over fifty feet in height and at least three tree plates shall be used on spar trees less than fifty feet in height.

(4) Tree plates shall be equipped with lugs or other suitable means of holding them in place.

(5) When spar trees are raised, stumps used for snubbing shall be properly notched. Guylines shall be held by some mechanical means. Snubbing by hand is prohibited.

(6) All rub trees shall be limbed and topped.

(7) Guylines:

(a) Wood spar trees using a line greater than 7/8-inch and used as loading and yarding trees shall have at least six top guys and four buckle guys, providing a sail guy is used.

(b) Wood spar trees using a mainline greater than 7/8-inch and used only as yarding trees shall have at least six top guys and, at least three buckle guys shall be used.

(c) Wood spar trees used for loading only with erotch line, spreader bar or swinging boom shall have at least four top guys and, at least three buckle guys shall be used.

(d) Wood spar trees used for any skyline system of logging shall have additional guylines as are necessary to assure rigidity of tree at skyline jack, skidding block, reeving and transfer line blocks, and loading rigging.

(e) Wood spar trees used for transfer shall have at least five top guys and, at least three buckle guys shall be used.

(f) When high lead block is hung below buckle guys, at least three top guys of equal strength to the mainline shall be used to keep the top from swaying.

(g) When buckle guys are required, they shall be installed on the tree where they will provide the maximum effectiveness.

(8) Loose material such as bark, spikes, straps or chains not in use and slabs caused by bumping logs of chafing straps must be removed from the spar tree. Heavy bark shall be removed from trees used for a permanent installation.)) (1) Standard climbing equipment must be furnished by the employer. However, the climber may use personal equipment, if it meets the requirements of this section and is permitted by the employer.

(a) The climber may fasten climbing rope by passing it through "D" rings fastened to the belt and around his body before tying it to itself.

(b) An extra set of climbing equipment must be kept at the jobsite and another person with climbing experience must be present.

(2) The climber must be equipped with a climbing equipment assembly that includes:

(a) A safety belt with double "D" rings;

(b) Steel spurs long and sharp enough to hold in any tree in which they are used; and

(c) A climbing rope made of wire-core hemp, wire or chain construction.

(3) All climbing equipment must be maintained in good condition.

(4) Defective climbing equipment must be immediately removed from service.

(5) Going up a raised portable spar or tower without suitable equipment is prohibited.

(6) Only an employee directed by the climber may work directly under a tree. The climber must give warning before intentionally dropping any objects or when objects are accidentally dropped.

(7) Running lines must not be moved while the climber is working in the tree, except such "pulls" as climber directs and are necessary for the work.

(8) One experienced person must be assigned to transmit the climber's signals to the machine operator.

(a) This signal person must not otherwise be occupied while the climber is in the tree.

(b) The machine operator must not be distracted while the climber is using the passline.

(c) The designated signal person must be positioned clear of hazards from falling, flying, or thrown objects.

(9) The climber must be an experienced logger with proper knowledge of logging methods and the safety of rigging spar and tail trees.

(10) Noisy equipment such as power saws, tractors, and shovels must not be operated near where a climber is working when such noise will interfere with the climber's signals.

(11) Climbing and passline equipment must not be used for other purposes.

(12) Lineman hooks must not be used as spurs.

(13) Tools used by the climber, except the chain saw, must be safely secured to climber's belt when not in use.

(14) Using snaps on a climber's rope is prohibited unless a secondary safety device between the belt and snap is used.

(15) While the climber is working in the tree, persons must keep at sufficient distance from the tree to be clear of falling objects.

(16) When used, passline blocks must be kept in alignment and free from fouling.

(17) Loose equipment, rigging, or material must either be removed from the tree or securely fastened.

(18) Drums used for passlines must have enough flange depth to prevent the passline from running off the drum at any time.

(19) Passlines must:

(a) Be at least 5/16-inch and not over 1/2-inch in diameter;

(b) Not be subjected to sawing on other lines or rigging, and kept clear of all moving lines and rigging;

(c) Be one continuous length and in good condition with no splices, knots, molles, or eye-to-eye splices between the ends;

(d) Long enough to provide three wraps on the drum before the climber leaves the ground.

(20) Passline chains must be:

(a) At least 5/16-inch alloy or 3/8-inch high test chain and must not contain cold shuts or wire strands;

(b) Attached to the end of the passline with a screw-pin shackle, a slip-pin shackle with a nut and molle, or a ring large enough to prevent going through the pass block; and

(c) Fitted with links or rings to prevent workers from being pulled into the passline block.

(21) Pass blocks must:

(a) Be inspected before placing in each spar and the necessary replacements or repairs made before they are hung;

(b) Have the shells bolted under the sheaves;

(c) Have the bearing pin securely locked and nuts keyed, or the block positively secures the nut and pin;

(d) Be equipped with sheaves at least six inches in diameter; and

(e) Comply with WAC 296-54-54750.

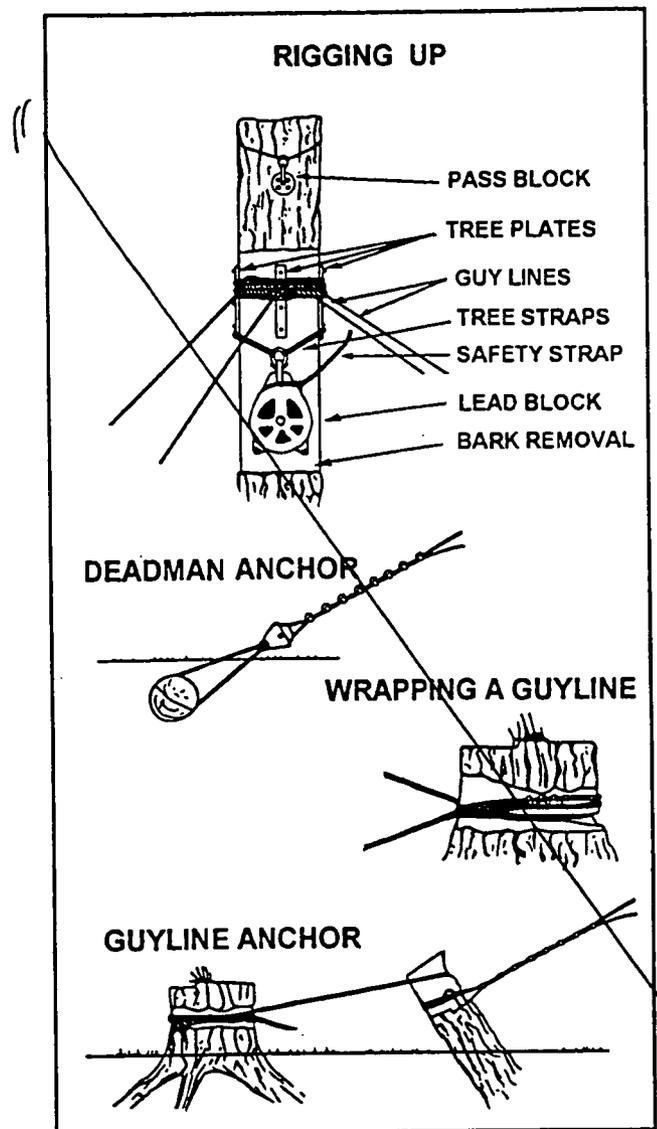
**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-547 Rigging—((Tail tree)) General.**

((1) No work shall continue on tail tree while the climber is working on the head tree or vice-versa, if trees are connected by any line.

(2) Tail trees shall be adequately guyed to withstand any stress to which the tree may be subjected. Live (slackline) or standing skylines may be anchored to the base of standing trees only if no part of the tree will enter the work area (cutting unit) if pulled over. The guyline shall be anchored as low as possible to the base of the tree. If using a live (slackline) standing or running (Grabinski) skyline, the tail tree need not be topped provided the slackline or skyline passes through a jack or block on the tree before being anchored. At least two guylines shall be installed to support the tail tree and may be anchored to the base of standing trees if the above conditions are complied with. Attaching the end of the skyline or slackline to the base of the tail tree is prohibited.

Note: See Figure No. 3 for rigging illustrations.



(1) Rigging must be arranged and operated so that rigging and loads will not foul or saw against lines, straps, blocks, or other equipment or material.

(2) When not in use, rigging must be stored so that it does not present a hazard to employees.

(3) Tongs, grapples, logs and materials must not be swung or suspended over employees.

(4) All employees must be in the clear of running lines, standing skylines, moving rigging, or suspended loads until the rigging or loads have completely stopped.

(5) Riding on a turn of logs or rigging is prohibited, except on the passline. Holding on to moving rigging or chokers to be pulled uphill.

**NEW SECTION**

**WAC 296-54-54710 Rigging—Inspection.** (1) An authorized, qualified person must thoroughly inspect all blocks, straps, guylines, butt rigging, and other rigging before they are used.

PROPOSED

- (2) The inspections must include examining for:
  - (a) Damaged, cracked, or worn parts;
  - (b) Loose nuts and bolts;
  - (c) Need for lubrication; and
  - (d) The condition of straps and guylines.
- (3) All necessary repairs or replacements for safe operation must be made before the rigging is used.

(4) All rigging elements must be large and strong enough to safely withstand the stress that can be imposed by the maximum pull of the power unit against the equipment or devices as rigged or used in that particular logging operation.

**NEW SECTION**

**WAC 296-54-54720 Rigging—Molles.** (1) Molles must not be used as a temporary connection between two spliced eyes of a load-supporting running line. Double molles may be used on droplines only and single molles may be used on strawline.

(2) Molles must be as large as the pinhole will accommodate and have the loose ends rolled in.

**NEW SECTION**

**WAC 296-54-54730 Rigging—Shackles.** (1) Shackles used to hang blocks, jacks, or rigging on spars, the pins must be secured with a nut and cotter key or a nut and molle.

(2) Flush pin, straight-sided shackles must be used for mainline and skyline extensions.

(3) Shackles with screw pins, knockout or slip pins may be used to anchor skylines, slackline, guyline, and/or guyline extensions.

(4) All other shackles must be screw pin type or have the pin secured with a nut and cotter key or a nut and molle, except as specified elsewhere for specific purposes.

(5) The opening between the jaws of shackles used to hang blocks, jacks, and rigging and to join or attach lines, must be a maximum of one inch greater than the size of the rope, swivel, or shackle to which it is attached.

(6) All shackles must be one size larger than the lines they connect and made of forged steel or material of equivalent strength.

(7) Shackles used to join lines must be hung with the pin and "U" part of the shackle through the eyes of the lines.

**PROPOSED**

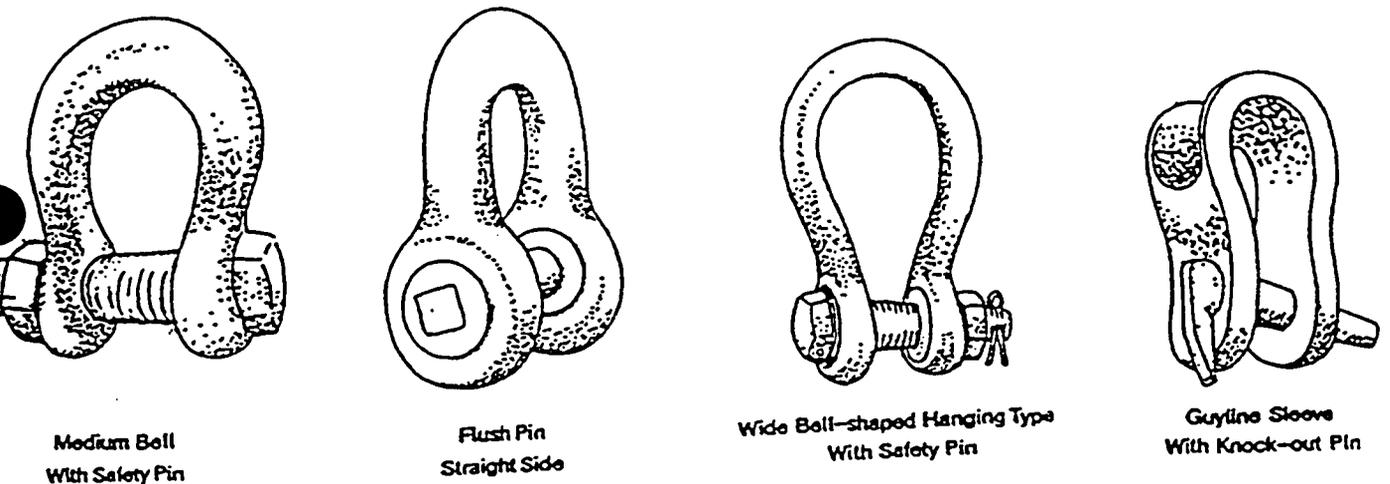


Figure 2-2: Shackles

**NEW SECTION**

**WAC 296-54-54740 Rigging—Straps.** Straps must be used according to the following requirements:

(1) Straps or chokers used to hang corner or tail blocks and straps used to anchor skylines/slacklines are the size required by Table 1: Strap/Choker Size in Inches.

Running Line Size in Inches	Block or Skyline / Slackline Hung in Both Eyes	Block Hung in Single Eye
5/16	1/4	1/2
3/8	3/8	9/16

7/16	7/16	5/8
1/2	1/2	3/4
9/16	9/16	7/8
5/8	5/8	1
3/4	3/4	1 1/8
7/8	7/8	1 1/4
1	1	1 3/8
1 1/8	1	
1 1/4	1	
1 3/8	1	
1 1/2	1 1/8	

1 5/8	1 1/4	
1 3/4	1 1/4	
1 7/8	1 3/8	
2	1 3/8	

Note: Both strap ends must be under equal tension.

(2) When a single choker or single part strap is used to support lift blocks, jacks and tree shoes they must be adequately sized to support the applied loads.

(3) When a two part strap or two chokers are used to hang a block, jack, tree shoe, or rigging, both eyes or ends are under equal tension.

(4) Where two equal length chokers are used instead of one choker to gain extra breaking strength, they are arranged in a swede connection.

(5) Straps or chokers used to hang or support blocks, jacks, tree shoes, or rigging must be replaced when there is evidence of damaged or broken wires. They must:

- (a) Be made of new wire rope; or
- (b) Meet the pull test strength of new wire rope.

(6) Threading wire rope straps eye through eye is prohibited.

(7) Synthetic straps must be used as recommended by the manufacturer and only at a flat or downward angle unless wrapped one full turn around the tree support to prevent the strap from riding up on the support.

(8) Synthetic straps must be removed from service when wear reaches the limits prescribed by the manufacturer or when deterioration is evident.

**NEW SECTION**

**WAC 296-54-54750 Rigging—Blocks.** (1) Load-bearing blocks must:

- (a) Not be used for heavier strains or lines than those for which they are constructed;
- (b) Be fitted with line guards;
- (c) Be designed and used to prevent fouling;
- (d) Be kept in proper alignment when in use;
- (e) Be equipped with bearing and yoke pins that will safely withstand the strains imposed, and are securely fastened; and
- (f) Be equipped with sheaves designed for the size of the wire rope used.

EXCEPTION: Subsections (b), and (f) do not apply to rig-up ("Tommy Moore") blocks.

(2) Blocks with cracked or excessively worn sheaves or shells must not be used.

(3) Block bearings must be kept well lubricated.

(4) All pins in blocks must be properly secured by "Molle Hogans" or keys of the largest size the pin hole will accommodate. When blocks are hung in trees, threaded pins and nuts must be used.

(5) Lead blocks used for yarding, swinging, loading and unloading used in wood spars shall:

- (a) Be of the type and construction designed for this purpose;

(b) Be bolted with not less than two bolts through the shells below the sheaves in a manner that will retain the sheave and line in case of bearing pin failure (this does not apply to haulback lead blocks); and

(c) Mainline blocks shall have a sheave diameter of not less than twenty times the diameter of the mainline.

**NEW SECTION**

**WAC 296-54-54760 Rigging—Hanging blocks.** (1) All logging systems must use enough corner or tail blocks to distribute the stress on anchors and attachments.

(2) Blocks (other than passline or haywire) must be hung by one of the following methods:

(a) Hanging the block in both eyes or Ds of the straps (threaded straps are prohibited); or

(b) If chokers are used, the ferrule must be properly seated in the socket of the bell or hook to prevent the ferrule from coming unbuttoned. The chokers must be the size required in WAC 296-54-54740(1); or

(c) If single part straps are used, the straps must be secured with a shackle and be the size required in WAC 296-54-54740(1).

(3) The yoke pin of haulback blocks shall be inserted with the head facing the direction from which the rigging approaches.

(4) When there is danger of tail block straps slipping up or off the stump or tree, the stump or tree must be adequately notched or the line properly wrapped and secured. When the tail tree or stump is not secure, it must be tied back.

**AMENDATORY SECTION** (Amending Order 80-15, filed 8/20/80)

**WAC 296-54-549** (~~(Lines, straps and guyline attachments—Steel spars.)~~) **Selecting spar, tail and intermediate support trees.** ~~((1) When in use, steel tower guyline safety straps shall have a minimum amount of slack.~~

~~(2) A safety strap shall be installed on steel towers at the bight of the guylines to prevent the guylines from falling in the case of failure of guyline attachments, guyline lug rings or collar plates, where such exist. Such devices shall have a breaking strength at least equivalent to that of the guylines.~~

~~(3) The use of cable clips or clamps for joining the ends of steel tower guylines safety straps is prohibited, unless used to secure end of rolled eye.)~~ (1) Spar, tail and intermediate support trees must be examined carefully for defects before being selected. They must be sound, straight, green and of sufficient diameter to withstand the strains to be imposed.

(2) Trees having defects that impair their strength must not be used for spar, tail or intermediate support trees. Raised trees must be identified and marked as such.

(3) Douglas fir or spruce must be used as spar trees when available. If other species must be used, additional guylines, tree plates or other precautions must be taken to ensure that the tree will withstand the strains to be imposed.

PROPOSED

**AMENDATORY SECTION** (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-551 (~~Yarding, loading, skidding and chipping machines—General requirements.~~) Raising and lowering portable spars or towers.** ((1) The employer shall assure that each machine, including any machine provided by an employee, is maintained in serviceable condition and the following:

(a) ~~The employer shall assure that each machine, including any machine provided by an employee, is inspected before initial use during each workshift. Defects or damage shall be repaired or the unserviceable machine shall be replaced before work is commenced.~~

(b) ~~The employer shall assure that operating and maintenance instructions are available on the machine or in the area where the machine is being operated. Each machine operator and maintenance employee shall comply with the operating and maintenance instructions.~~

(c) ~~Each machine shall be operated only from the operator's station or as otherwise recommended by the manufacturer.~~

(d) ~~No employee shall ride on any load.~~

(2) ~~Overhead protection and other barriers shall be installed to protect the operator from lines, limbs and other moving materials on or over all yarding, loading or skidding machines. The overhead cab covering shall be of solid material and shall extend over the entire canopy.~~

~~(Exception:~~

~~Tower or spar type cable yarders may be equipped with a "sunroof" viewport in the solid material cab cover to enable the operator to see the top of the spar while seated in the normal operating position. When a viewport is provided it shall be constructed to sustain the same structural loading factors as the solid material cover or the viewport shall also be covered by standard cab opening guards.~~

(3) ~~When using a yarder, loader or skidding machine, the location of the machine or position of the yarder shall be such that the operator will not be endangered by incoming logs or debris.~~

(4) ~~Logging machines and their components shall be securely anchored to their bases.~~

(5) ~~A safe and adequate means of access and egress to all parts of logging machinery where persons must go shall be provided and maintained in a safe and uncluttered condition. Machine access systems, meeting the specifications of the Society of Automotive Engineers, SAE J185, June 1988, "Recommended Practice for Access Systems for Off-Road Machines," shall be provided for each machine where the operator or any other employee must climb onto the machine to enter the cab or to perform maintenance. Walking and working surfaces of each machine and machine work station shall have a slip-resistant surface to assure safe footing.~~

(6) ~~Any logging equipment having a single cab entrance door, shall be equipped with an alternate means of escape from the cab should the door be blocked in the event of vehicle rollover or fire. Door latches shall be operable from both sides.~~

(7) ~~Logging machines shall be kept free of flammable waste materials and any materials which might contribute to slipping, tripping or falling.~~

~~(8) Logging machine engines shall be stopped during inspection or repairing, except where operation is required for adjustment.~~

~~(9) Grab rails shall be provided and maintained in good repair on all walkways of stationary units elevated more than four feet.~~

~~(10) Standard safeguards shall be provided at every place on a machine where persons may be exposed to contact with revolving parts or pinchpoints during normal operations.~~

~~(11) To protect workers from exposure to the hazardous pinchpoint area between the rotating superstructure and the nonrotating undercarriage of any logging machine, signs shall be conspicuously posted on all sides of that type machine warning workers: "DANGER—STAY CLEAR." This requirement shall not apply when:~~

~~(a) The distance from the highest point of the undercarriage to the lowest point of the rotating superstructure is greater than eighteen inches. This applies only to that portion of the rotating superstructure that swings directly over the undercarriage;~~

~~(b) The distance from the ground to the lowest point of the rotating superstructure is greater than five feet six inches. This applies only to that portion of the rotating superstructure that swings directly over the undercarriage; or~~

~~(c) On crawler-type track-mounted logging machines only, the rotating superstructure is positioned at a right angle to the tracks, and the distance from the side of the cab to the extreme end of the track is four feet or less. This exemption shall apply to side barricades only; barricades between the tracks at both ends of any crawler-type logging machine are required regardless of the right angle dimension.~~

~~(12) Items of personal property, tools or other miscellaneous materials shall not be stored on or near any logging machine if retrieval of such items would expose a worker to the hazardous pinchpoint referred to in subsection (11) of this section.~~

~~(13) Workers shall approach the hazardous pinchpoint area referenced in subsection (11) of this section, only after informing the operator of their intent and receiving acknowledgment that the operator understands their intention. All such machines shall be stopped while any worker is in the hazardous pinchpoint area.~~

~~(14) A minimum distance of thirty six inch clearance shall be maintained between the counterweight of a loading machine and trees, logs, banks, trucks, etc., while the machine is in operation. If this clearance cannot be maintained, suitable barricades with warning signs attached, similar to a standard guardrail, shall be installed to isolate the hazardous area. "DANGER—36 inch clearance" shall be marked in contrasting colors on sides and face of counterweight on shovels, loaders and other swing-type logging equipment.~~

~~(15) Guarding.~~

~~(a) Each machine shall be equipped with guarding to protect employees from exposed moving elements, such as but not limited to, shafts, pulleys, belts on conveyors, and gears, in accordance with the requirements of this standard and chapter 296-24 WAC, Part C, Machinery and machine guarding.~~

~~(b) Each machine used for debarking, limbing and chipping shall be equipped with guarding to protect employees~~

PROPOSED

from flying wood chunks, logs, chips, bark, limbs and other material in accordance with the requirements of chapter 296-24 WAC, Part C, Machinery and machine guarding.

(16) Stationary logging machines and their components shall be securely anchored or otherwise stabilized to prevent movement while yarding or skidding.

(17) Ends of drum lines shall be securely fastened to the drum and at least three wraps shall be maintained on the drum at all times. (This rule does not apply to tractor winch lines.)

(18) Such units shall not be tied to any part of the towing unit, when they are being moved on truck and trailer units.

(19) Logs shall not be moved, swung or held over any persons.

(20) Brow logs in the loading or unloading area shall be blocked or secured to prevent movement. Log decks shall be maintained in a safe condition and shall not present a hazard of logs rolling or sliding on workers.

(21) Brakes shall be set and brake locking devices engaged on logging machines when the operator leaves his normal operating position.

(22) Guyline drum controls and outrigger controls shall be separated, color coded or marked in a manner that will prevent engaging of the wrong control.

(23) Exhaust systems:

(a) Engines not equipped with turbochargers shall comply with the department of natural resources chapter 332-24 WAC requirements for spark emitting equipment; and

(b) Each machine muffler provided by the manufacturer, or their equivalent, shall be in place at all times the machine is in operation; and

(c) Exhaust pipes shall be located or insulated to protect workers from accidental contact with the pipes or muffler and shall direct exhaust gases away from the operator and other persons.

(24) Glass on logging machines shall be safety glass or equivalent and shall be free of deposits of oil, mud, or defects that could endanger the operator or other persons. When transparent material is used to enclose the upper portion of the cab, it shall be made of safety glass or other material that the employer demonstrates provides equivalent protection and visibility.

(25) Broken or defective glass shall be removed and replaced.

(26) Where safety glass or equivalent, does not provide adequate operator protection from flying chokers, chunks, saplings, limbs, etc., an additional metal screen and/or barrier shall be provided over the safety glass. The operator's vision shall not be impaired. Barriers shall consist of 1/4 inch diameter woven wire material with maximum two inch openings; 3/4 inch diameter steel rod with eight inch maximum openings in any direction or barriers so designed and constructed to provide equivalent operator protection. Such barriers shall be installed no closer than four inches to the glass to enable keeping the glass clean.

(27) Except for hydraulic drums, brakes shall be installed on all logging machines and maintained in effective working condition. Brake levers shall be provided with a ratchet or other effective means for securely holding drums. Brakes shall be tested prior to putting the machine in operation. If defective, they shall be repaired immediately.

(28) A stable base shall be provided under outriggers or leveling pads and a means shall be provided to hold outriggers in both the retracted and extended position.

(29) Abrasive contact with hydraulic hose, tubing or fittings shall be eliminated before further use and defective hydraulic hoses, lines and fittings shall be replaced.

(30) When moving logging machines, the driver or operator shall have a clear and unobstructed view of the direction of travel. When this is not possible, a signalperson with a clear and unobstructed view of the direction of travel shall be designated and used to direct movement of the machine.

(31) Where a signalperson is used, the equipment operator shall move the equipment only on signal from the designated signalperson and only when the signal is distinct and clearly understood.

(32) When moving power units, persons other than the operator and the person in charge shall not be permitted to ride thereon.

(33) All obstructions which may reach the operator while moving machines, shall be removed.

(34) Only shackles with threaded pins shall be used for connecting moving rigging.

(35) Anchors used for moving power units shall be carefully chosen and must be stable.

(36) When snubbing a machine down a steep slope, use the mainline for snubbing and pull with the haulback whenever possible.

(37) Self-powered mobile logging machines of the type where towers or spars can be raised, shall not travel on steep road grades unless they are securely snubbed or towed.

(38) When moving, all persons working on the landing shall stay in the clear of the machine and shall inform the operator of their intention to approach or be near the machine.

(39) Service brakes shall be provided on crawler crane-type logging machines that will bring the machine to a complete stop from normal travel speeds.

(40) A traction lock or brake or an equivalent locking and braking system shall be provided on crawler crane-type machines that is capable of holding the machine stationary under normal working conditions, and on any grade the machine is capable of negotiating.

(41) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without written approval of the manufacturer or a qualified engineer. If such modifications or changes are made, the capacity, operation and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(42) Equipment shall be classed and used according to the manufacturer's rating. Where low gear ratios or other devices are installed to increase the line pull in accordance with subsection (41) of this section, the size of the rigging shall be increased accordingly so that it will safely withstand the increased strains.

(43) Every tractor, skidder, front-end loader, scraper, grader and dozer shall be equipped with a roll-over protective structure (R.O.P.S.). Such structures shall be installed, tested and maintained in accordance with:

(a) ~~WAC 296-155-950 through 296-155-965~~ of the safety standards for construction, if manufactured prior to October 21, 1979.

(b) The society of automotive engineers SAE 1040a-1975, "performance criteria for roll-over protective structures (ROPS) for earthmoving, construction, logging and industrial vehicles," if manufactured after the effective date of this chapter.

(44) The ROPS shall be of sufficient height and width so that it will not impair the movements of the operator or prevent his immediate escape from the vehicle in emergencies and shall allow as much visibility as possible. Clearance above the deck and the ROPS of the vehicle at points of egress shall not be less than fifty-two inches (1.3 meters).

(45) Certified roll-over protective systems shall be identified by a metal tag permanently attached to the ROPS in a position where it may be easily read from the ground. The tag shall be permanently and clearly stamped, etched or embossed indicating the name and address of the certifying manufacturer or registered professional engineer, the ROPS model number (if any) and the vehicle make, model or serial number the ROPS is designed to fit.

(46) Roll-over protective structure systems shall be maintained in a manner that will preserve their original strength. Welding shall be performed by qualified welders only. (A qualified welder is defined under "welder qualification" in American Welding Society A.W.S. A3.0-69.)

(47) Every tractor, skidder, front-end loader, log stacker, forklift truck, scraper, grader and dozer shall be equipped with a FOPS. Such structures shall be installed, tested and maintained in accordance with:

(a) The society of automotive engineers SAE J231-1971, "minimum performance criteria for falling object protective structures (F.O.P.S.) prior to February 9, 1995."

(b) Society of automotive engineers SAE J231, January 1981, "minimum performance criteria for falling object protective structures (FOPS) for each tractor, skidder, log stacker, log loader and mechanical felling device, such as tree shears or feller-buncher, placed into initial service after February 9, 1995."

(c) The employer shall replace FOPS which have been removed from any machine.

(48) Vehicles equipped with ROPS or FOPS as required in subsections (43) and (47) of this section, shall comply with the society of automotive engineers SAE J397a-1972, "deflection limiting volume for laboratory evaluation of roll-over protective structures (ROPS) and falling object protective structures (FOPS) of construction and industrial vehicles." Vehicles placed into initial service after February 9, 1995, shall meet the requirements of SAE J397-1988.

(49) The opening in the rear of the ROPS on the crawler or rubber-tired tractors (skidders) shall be covered with 1/4-inch diameter woven wire having not less than 1 1/2-inches or more than 2-inch mesh, or material which will afford equivalent protection for the operator. The covering shall be affixed to the structural members so that ample clearance is provided between the screen and the back of the operator. Structural members shall be free from projections which would tend to puncture or tear flesh or clothing. Suitable safeguards or barricades shall be installed, in addition to the

screen, to protect the operator when there is a possibility of being struck by any material that could enter from the rear.

(50) Crawler and rubber-tired tractors (skidders) working in areas where limbs or brush may endanger the operator shall be guarded. Shear or deflector guards shall be installed on each side of the vehicle at an angle leading forward and down from the top front edge of the canopy of the vehicle, which will tend to slide the brush or limbs up and over the top of the canopy. Open mesh material with openings of a size that will reject the entrance of an object larger than 1 3/4-inches in diameter, shall be extended forward as far as possible from the rear corners of the cab sides to give the maximum protection against obstacles, branches, etc. entering the cab area. Deflectors shall also be installed ahead of the operator to deflect whipping saplings and branches. These shall be located so as not to impede ingress or egress from the compartment area. The floor and lower portion of the cab shall be completely enclosed with solid material, except at entrances, to prevent the operator from being injured by obstacles which otherwise could enter the cab compartment.

(51) Enclosures for agricultural and industrial tractors manufactured after September 1, 1972, shall be constructed, designed and installed as detailed in the society of automotive engineers technical report J168. Each machine manufactured after August 1, 1996, shall have a cab that is fully enclosed with mesh material with openings no greater than 2 inches (5.08 cm) at its least dimension. The cab may be enclosed with other material(s) where the employer demonstrates such material(s) provides equivalent protection and visibility. Exception: Equivalent visibility is not required for the lower portion of the cab where there are control panels or similar obstructions in the cab, or where visibility is not necessary for safe operation of the machine.

(52) All bidirectional machines, such as rollers, compactors, front-end loaders, log stackers, log loaders, bulldozers, shovels, and similar equipment, shall be equipped with a horn distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

(53) No employer shall permit earthmoving, compacting, or yarding equipment, which has an obstructed view to the rear, to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

(54) Overhead guards. Each forklift shall be equipped with an overhead guard meeting the requirements of the American Society of Mechanical Engineers, ASME B56.6-1992 (with addenda), "Safety Standard for Rough Terrain Forklift Trucks."

(55) Chipping (in-woods locations):

(a) Chipper access covers or doors shall not be opened until the drum or disc is at a complete stop.

(b) Infeed and discharge ports shall be guarded to prevent contact with the disc, knives, or blower blades.

(c) The chipper shall be shut down and locked out in accordance with the requirements of chapter 296-24 WAC, Part A-4 when an employee performs any servicing or maintenance.

~~(d) Detached trailer chippers shall be chocked during usage on any slope where rolling or sliding of the chipper is reasonably foreseeable.)~~ (1) A qualified, authorized person must direct each raising and lowering of a portable spar or tower.

(2) All employees not engaged in the raising or lowering of portable spars must stay in the clear during these operations.

(3) Portable spars must be leveled to provide proper line spooling and avoid excessive stress on component parts.

**AMENDATORY SECTION** (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-553** (~~Yarding, loading and skidding machines—Mobile towers and boom-type yarding and loading machines.~~) **Metal spars.** ((1) Portable (mobile) tower specification plate. A specification plate shall be permanently attached to the base of each portable (mobile) tower so it can be easily read by a person standing on the ground or on the base platform. It shall contain the following information:

(a) Name and address of manufacturer and model number;

(b) The maximum diameter of the mainline or skyline for which the unit is designed and size of haulback and mainline to be used together if drums are interlocking or automatic tensioning type;

(c) The number and size of guylines required to stabilize the unit;

(d) The maximum length and capacity of a loading boom or similar equipment which may be attached if the structure is engineered for such;

(e) If the unit is designed for use on any skyline system of logging; and

(f) ~~Maximum degree of inclination from vertical at which the spar (tower) may be used.~~

(2) The critical parts of portable spars (towers) shall be inspected by a qualified person at reasonable intervals while in service and each time the spar (tower) is lowered. If indication of failure or weakness is noted or suspected, the part shall be inspected by an approved method and found to be safe, or it shall be repaired or replaced before the operation is allowed to proceed.

(3) ~~Blocks and fair leads shall be so located that there will be no chafing or sawing of any line or part of the structure.~~

(4) Guyline attachments:

(a) Power guylines used for stabilizing any unit may be choked around an adequately notched stump if using a shackle or approved choker attachment. Three full wraps or more must be placed around an adequately notched stump to secure the guyline if clamps are used. Guyline extensions shall be properly shackled to the guylines.

(b) When using a deadman anchor to support a guyline, the connection shall be made by properly shackling both eyes of the anchor strap to the guyline.

(c) If guylines on metal spars or towers are not power guylines, they shall be secured to stumps or anchorages in the same manner as guylines on wood spar trees.

(5) ~~Power driven devices shall be securely anchored when used to tighten guylines. Holding of such devices manually is prohibited.~~

(6) ~~Machine stabilization:~~

(a) ~~Machines or equipment shall be stabilized by their design or the attachment of guylines or other devices which will prevent the machine from overturning. Machine operators shall be advised of the stability limitations of the equipment.~~

(b) ~~If stabilization of a machine is dependent upon the use of hydraulic outriggers, a pilot operated hydraulic check valve or other locking device shall be installed to prohibit the outrigger from retracting in case a hydraulic line breaks, except when proper blocking is provided.~~

(7) ~~A qualified person shall direct each raising or lowering of a portable spar or tower.~~

(8) ~~All persons not engaged in the actual raising or lowering of portable spars or towers shall stay in the clear during such operations.~~

(9) ~~Guylines required in rigging spars or towers shall be evenly spooled to prevent fouling.~~

(10) ~~Portable spars or towers shall be leveled to provide even line spooling and avoid excessive stress on component parts.~~

(11) ~~The portable spar or tower shall be lowered or supported so the stability of the machine is not impaired during movement of the portable spar or tower.~~

(12) ~~Guylines of portable spars or towers shall not be anchored to standing trees if the unit is used for yarding as a head tree.~~

(13) ~~Timbers used for masts or booms shall be straight-grained, solid, and capable of withstanding the working load.~~

(14) ~~Boom points of timber booms shall be equipped with metal straps, plates, or other devices as needed to properly secure eyebolts and fittings used to support lines, blocks, or other rigging.~~

(15) ~~All mobile vehicles on which yarding equipment, towers, spars, masts or booms are installed, shall be maintained in a safe operating condition.~~

(16) ~~A frames shall be secured against displacement and the tops shall be securely bolted or lashed to prevent displacement.~~

(17) ~~When any portable-type tower, A-frame or spar is used, the base shall be securely and solidly supported.~~

(18) ~~All loading, unloading and skidding machines shall be equipped with a horn or whistle which is audible above the surrounding noise level. Such horn or whistle shall be maintained in an operative condition.)~~ (1) Each portable metal spar must have an identification plate permanently attached to its base or on the yarder in a position that can be easily read by a person standing on the ground or on the base platform.

**EXCEPTION:** A hydraulic loader with yarding drums is not required to have an identification plate if the drums are installed and used according to the manufacturer's recommendations.

(2) The identification plate must have the following information:

(a) Name and address of manufacturer;

(b) Model number; and

(c) The maximum and minimum angle at which the metal spar is designed to operate.

(3) The identification plate on metal spars manufactured after July 1, 1980, must also have the following information:

(a) The maximum breaking strength and/or size of the mainline for which the spar is designed;

(b) The maximum breaking strength and/or size of the haulback line for which the spar is designed;

(c) The number, breaking strength, and size of guylines or any other lines required; and

(d) For a spar designed for a skyline, slackline, or modified slackline system, the maximum breaking strength and size of the skyline, mainline, and haulback line that can be used.

(4) All portable metal spars must be operated within the manufacturer's capacity:

(a) As specified on the identification plate; or

(b) As modified by the manufacturer; or

(c) As designed and specified by a registered engineer;  
or

(d) A tension limiting device installed on the yarder. The device must be:

(i) Designed to automatically slack the skyline or mainline to within the manufacturer's line strength specifications;

(ii) Tamper proof;

(iii) Inspected; and

(iv) Maintained in good operating condition; or

(e) A line fuse installed in the skyline or mainline. Line fused systems must have a design breaking strength equal to or less than the maximum line rating of the spar as listed on its identification plate.

(5) Equipment used for yarding, which is specifically designed to be self-stabilizing during operation, may be used without guyline(s) provided the equipment is used with guylines when required by the manufacturer.

(6) Portable spars or towers and their parts must be inspected by a qualified person whenever:

(a) The portable spar or tower is lowered;

(b) Its safe condition is in doubt; or

(c) When damage from over-stress or any other source is noted or suspected. Before being used again, the part in question must be inspected by a suitable method and:

(i) Found safe;

(ii) Repaired by a qualified person; or

(iii) Replaced.

(7) Any structural modifications or additions that affect the capacity or safe operation of metal spars must be made under the direction of the manufacturer or a registered professional engineer. If such modifications or additions are made, the identification plate required in this section must reflect such changes.

(8) When moving metal spar logging machines, the spar must be lowered.

**EXCEPTION:** The spar may be raised when necessary for mobility if it is adequately supported to ensure the stability of the machine during movement.

AMENDATORY SECTION (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-555** (~~Yarding—General requirements~~) **Metal spar guyline safety straps.** ~~((1) Workers shall be alert and be positioned in the clear where they will not be exposed to the hazards of moving logs, saplings, root wads, chunks, rigging, or any other material which might be put in motion by the rigging or turn, before the "go ahead" signal is given. They shall remain in the clear at all times while the rigging is moving.~~

~~(2) No person shall be near rigging which is stopped at a hangup, until the rigging has been slacked to reduce the hazard.~~

~~(3) No person shall stand or remain within the bight of any running line, nor in a position where he could be struck by a line were it to break or come loose.~~

~~(4) Whenever possible, chokers shall be set from the uphill side of a log. Persons shall not be on the lower side of a log which appears to be unstable or likely to roll.~~

~~(5) Wire rope used for chokers shall not exceed seventy-five percent of the breaking strength of the mainline.~~

~~(6) Chokers shall be placed near the end of the log/tree whenever possible.~~

**Exception:** A longer butt attachment point may be used when abnormally long logs or tree-length logs are being yarded and the long butt is necessary to safely land the logs/trees on the available landing space.

~~(7) When pulling lines, do not stand close to fair leads or blocks.~~

~~(8) Lines shall not be guided on drums with hands or feet. The use of a bar or equivalent means is recommended.~~

~~(9) Yarding with more than one unit on any one head spar is prohibited.~~

~~(10) The angle between the power unit, the high lead block, and the mainline road shall not exceed a square lead on rigged spars. When using portable spars or towers, the location of the machine or position of the operator shall be such that the operator shall not be endangered by incoming logs.~~

~~(11) When there is danger of tail block straps slipping up or off the stump or tree, the stump or tree shall be adequately notched or the line properly wrapped and secured. When the tail tree or stump is not secure, it shall be tied back.~~

~~(12) When yarding is being done during the hours of darkness, the area shall be provided with illumination which will allow persons to safely perform their duties. The source of illumination shall be located and directed creating a minimum of shadows and glare. If using a portable tail hold, lights shall be directed on the equipment to allow the person to visually ascertain that the tail hold equipment remains stabilized.~~

~~(13) No person shall be required or allowed to ride on a turn of logs or rigging excepting the passline. The practice of holding on to moving rigging or chokers to assist a person by being pulled uphill shall be prohibited.~~

~~(14) Wire rope shall be wound evenly on the drum and not be allowed to lap one layer on another in an irregular manner. Sheaves shall be smooth and free from defects that could cause rope damage.~~

(15) Chaser shall be sure that turns are safely landed before approaching to remove the chokers.

(16) Signaling machine operator at landings by throwing bark, chips or other material in the air is prohibited. Whistle or hand signals shall be used at all times.

(17) Logs shall not be landed while loaders or chasers are working in the chutes. Logs shall not be removed from yarder tree by the loader or tractors while the chaser is unhooking a turn from the yarder.

(18) Landings shall be as level as possible and of sufficient size to safely accommodate the majority of type turns to be yarded. At least two-thirds of the log shall rest on the ground or other substantial material when landed. Logs shall be set on the ground or deck and not dropped when being landed. Long sticks shall be safely removed before additional logs are landed.

(19) Chokers shall not be used on a grapple system when the yarder operator cannot clearly see the persons setting the choker, unless conventional whistle signals are used.

(20) Landings shall be free of root wads, limbs, tops, etc., that constitute a safety hazard.

(21) When shorter logs are yarded in the same turn with long sticks, the shorter logs shall be landed and chokers released before the long stick choker is released.

Note: See Figures No. 4-A and 4-B for Standard Hand Signals for High Lead Logging.

(22) Each yarded tree/log shall be placed in a location that does not create a hazard for an employee and an orderly manner so that the trees/logs are stable before bucking or limbing is commenced.

PROPOSED

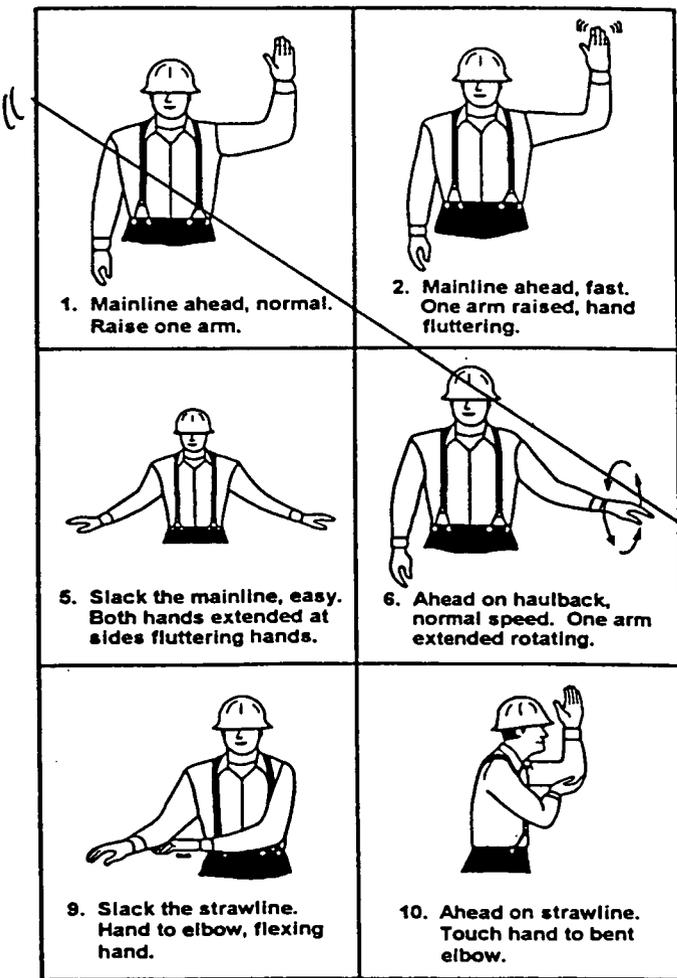


Figure No. 4-A

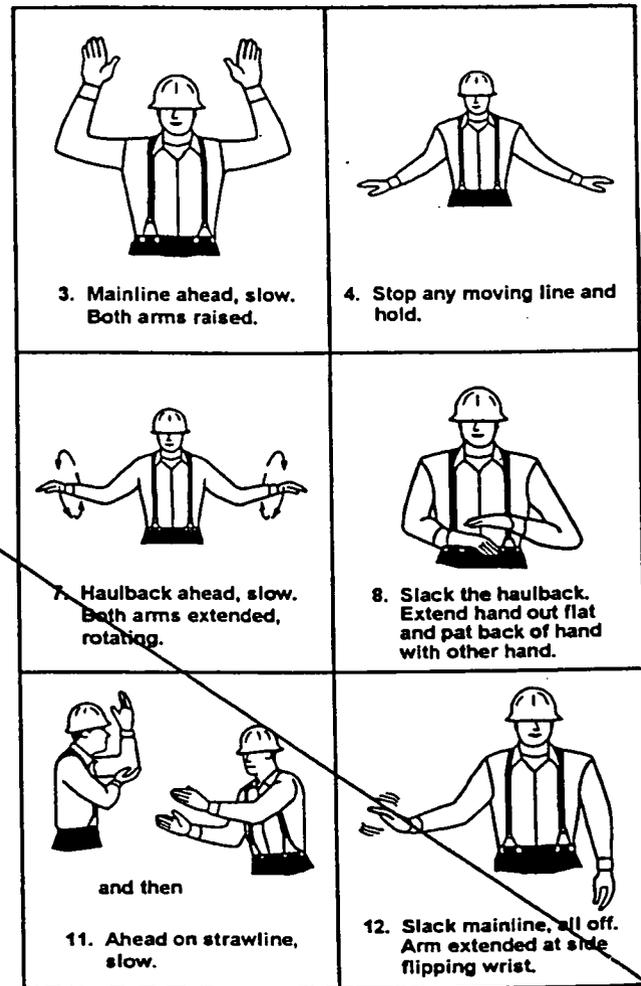


Figure No. 4-B

(1) A metal spar guyline safety strap or equivalent device must be installed at the bight of the guylines to prevent guylines from falling vertically more than five feet in case of structural or mechanical failure of the guyline attachment.

(2) The safety strap or equivalent devices must be equal to the strength of one guyline being used.

(3) Using cable clips or clamps to join the ends of portable spar or tower guyline safety straps is prohibited, unless used to secure the end of a farmer's eye.

**AMENDATORY SECTION** (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-557 (~~Yarding—Tractors, skidders and rough terrain log loaders (to include feller bunchers and tree shears).)~~ **Wire rope.** ((1) Operators shall ensure that all persons are safely in the clear before initiating or continuing the movement of any mobile equipment. The machine shall be operated at such a distance from employees and other machines such that operation will not create a hazard for an employee.**

~~(2) No person shall ride on any mobile equipment, except where adequate and protected seats, or other safe facilities have been provided.~~

~~(3) While in use, tractors and skidders shall be maintained in a safe operable condition, with all guards in proper places.~~

~~(4) No person shall be under a tractor or other mobile equipment, or be placed in a hazardous position around the equipment without first making certain it cannot move or be moved by another person.~~

~~(5) Prior to working on tractor or skidder blades, arches, or other equipment, the equipment must be blocked up lowered to the ground or otherwise secured against slipping or falling.~~

~~(6) When making repairs to tractor or skidder equipment, such as blades, arches, etc., the engine shall be stopped. The engine may be run when necessary for making adjustments to the engine or equipment.~~

~~(7) Operators shall operate and control their machines in a safe manner and avoid operations in areas where machine stability may not be maintained.~~

~~(8) The following safe work procedures shall be adhered to:~~

~~(a) When hobo logs are picked up with a log turn, the turn shall be dropped to free the hobo.~~

~~(b) No line shall be allowed to trail behind the tractor or skidder where it may hang up and snap forward.~~

~~(c) Each machine shall be positioned during winching so the machine and winch are operated within their design limits.~~

~~(d) Grapple skidded log turns shall be evenly bunched with squared butt ends, securely grappled and safely positioned before travel commences.~~

~~(e) Before climbing or descending grades, the proper gear shall be selected to allow the engine to govern the tractor speed.~~

~~(f) On side hills, an abrupt turn uphill shall be avoided. The tractor or skidder shall be backed downhill first then turned uphill. The turn may be slacked off as necessary to permit this maneuver.~~

~~(g) The operator shall, before leaving a tractor or skidder, lower the blade to the ground and apply the parking brake.~~

~~(h) Tractor or skidder speed shall be adjusted to the circumstances prevailing. Excessive or uncontrolled speed shall be avoided.~~

~~(i) Winch lines on logging tractors or skidders shall be attached to the drum with a break-away device.~~

~~(9) When hand signals are required for giving instructions to the tractor or skidder operator, the signals as illustrated in Figure No. 5 shall be used.~~

~~(10) Brakes.~~

~~(a) Service brakes shall be sufficient to stop and hold each machine and its rated load capacity on the slopes over which it is being operated. They shall be effective whether or not the engine is running and regardless of the direction of travel.~~

~~(b) Each machine placed into initial service on or after September 8, 1995, shall also be equipped with back-up or secondary brakes that are capable of stopping the machine regardless of the direction of travel or whether the engine is running; and parking brakes that are capable of continuously holding a stopped machine stationary.~~

~~(11) Tractors and skidders shall be provided with a brake locking device that will hold the machine indefinitely on any grade on which it is being operated.~~

~~(12) Operating a tractor or skidder with defective steering or braking devices is prohibited.~~

~~(13) Arches shall be equipped with line guards.~~

~~(14) Where tractor and skidder operators or helpers, because of the nature of their work duties, are required to wear calk soled footwear, the decks and operating foot controls shall be covered with a suitable nonslip material.~~

~~(15) Glass used in windshields or in cabs shall be of "safety glass." Broken or cracked glass shall be replaced as soon as practical. Barriers shall be provided, as needed, to protect the glass from being broken by using screen, bars or other material. The protective material shall be a type that will not create a hazard by undue impairment of the operators' vision.~~

~~(16) Barriers shall be constructed of at least 1/4-inch diameter woven wire with two inch maximum openings or other material providing equivalent protection. The barrier shall be installed at least four inches from the glass to provide space to clean the glass.~~

~~(17) Enclosed-type cabs installed on mobile equipment shall have two means of exit. One may be deemed as an emergency exit and be available for use at all times, regardless of the position of the side arms or other movable parts of the machine. (An easily removable window will be acceptable as the emergency exit if it is of adequate size for a person to readily exit through.)~~

~~(18) Before the operator leaves the operator's station of a machine, it shall be secured as follows:~~

~~(a) The parking brake or brake locks shall be applied;~~

~~(b) The transmission shall be placed in the manufacturer's specified park position; and~~

~~(c) Each moving element such as, but not limited to blades, buckets, saws and shears, shall be lowered to the ground or otherwise secured.~~

~~(19) No load shall exceed the rated capacity of the pallet, trailer, or other carrier.~~

~~(20) Seat belts required by WAC 296-54-515(19) shall have buckles of the quick release type, designed to minimize the possibility of accidental release.~~

~~(21) Before a tractor or skidder is started or moved, the operator shall be certain nothing is in the way that could be~~

PROPOSED

set in motion by the movement of the machine thereby endangering persons:

(22) A log or turn shall not be moved until all persons are in the clear (behind the turn and on the uphill side on sloping ground):

(23) Towed equipment, such as but not limited to, skid pans, pallets, arches, and trailers, shall be attached to each machine or vehicle in such a manner as to allow a full ninety degree turn; to prevent overrunning of the towing machine or vehicle; and to assure that the operator is always in control of the towed equipment.

(24) Tractors or skidders shall not be operated within a radius of two tree heights of trees being felled unless called upon by the cutter or faller to ground lodged trees. All cutters shall be notified of the tractor or skidder entrance into the area and all felling within two tree lengths of the tractor or skidder shall be stopped.

(25) Except where electrical distribution and transmission lines have been de-energized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(a) For lines rated 50 kV or below, minimum clearance between the lines and any part of the equipment or machine shall be ten feet;

(b) For lines rated over 50 kV, minimum clearance between the lines and any part of the equipment or machine shall be ten feet plus 0.4 inch for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet;

(c) In transit with no load and boom or extended equipment lowered, the equipment clearance shall be a minimum of four feet for voltages less than 50 kV, and ten feet for voltages over 50 kV up to and including 345 kV, and sixteen feet for voltages up to and including 750 kV;

(d) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(e) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate it is not an energized line and it has been visibly grounded.

(26) Log piles and decks shall be located and constructed to provide working areas around them that will accommodate the safe movement of personnel and machinery.

(27) Braking systems required by subsection (10) of this section, shall be capable of stopping the equipment fully loaded as specified in the society of automotive engineers technical reports listed in subdivisions (a), (b), (c) or (d) of this subsection and shall be installed by June 30, 1973. All rubber-tired tractors or other types of mobile equipment listed below, manufactured after the effective date of these standards, shall have braking systems and requirements specified in the applicable technical reports of the society of automotive engineers as follows:

(a) Brake systems for off-highway, rubber-tired, self-propelled scrapers shall meet or exceed the requirements outlined in SAE technical report J219b.

(b) Brake systems for off-highway, rubber-tired, front-end loaders, log stackers and dozers (skidders) shall meet or exceed the requirements outlined in SAE technical report J237.

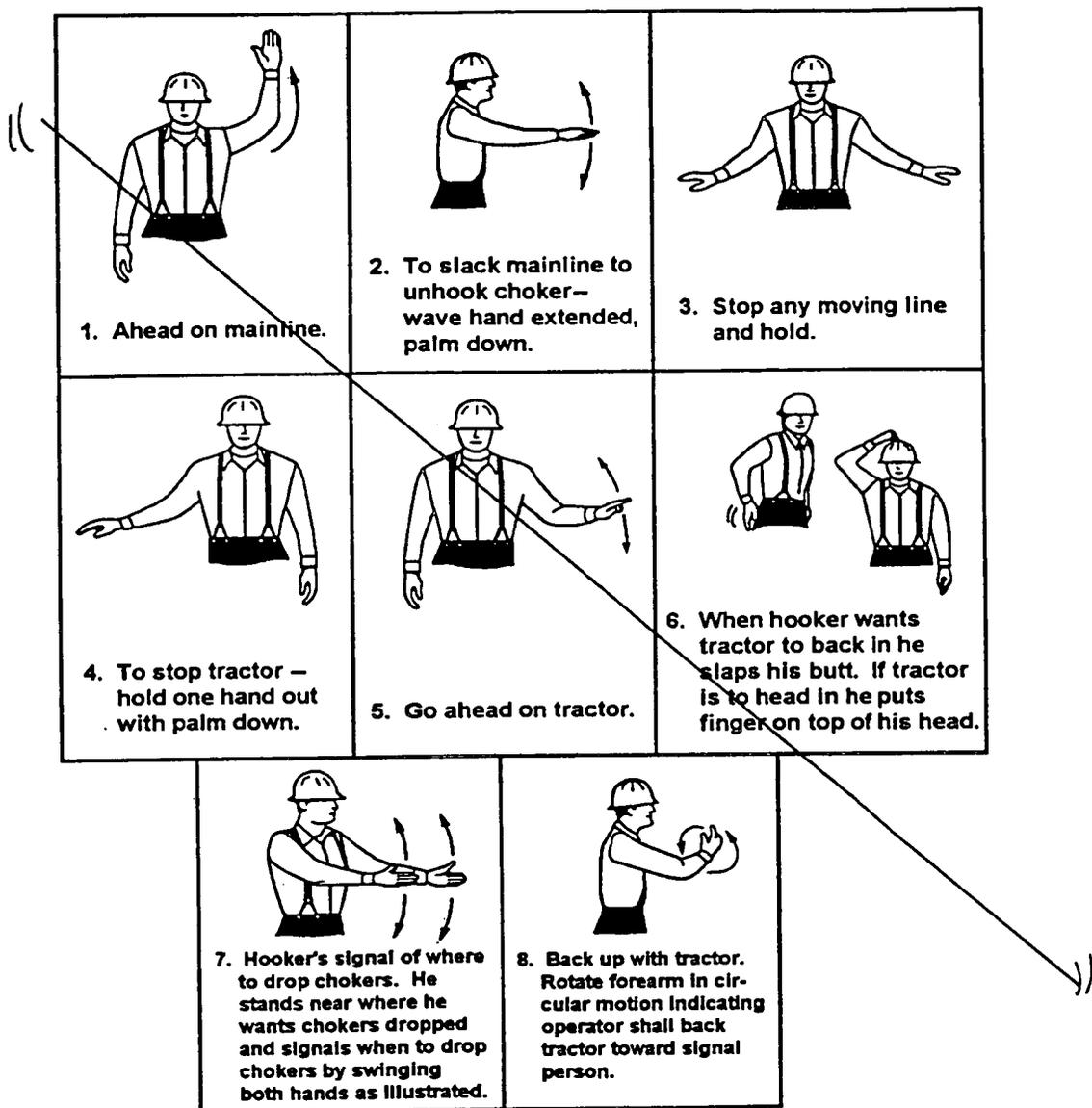
(c) Brake systems for rubber-tired, self-propelled graders shall meet or exceed the requirements outlined in SAE technical report J236.

(d) Brake systems for off-highway trucks and wagons shall meet or exceed the requirements outlined in SAE technical report J166.

(28) The yarding machine or vehicle, including its load, shall be operated with safe clearance from all obstructions.

(29) The overhead covering of each cab shall be of solid material and shall extend over the entire canopy.

(30) If a hydraulic or pneumatic storage device can move the moving elements such as, but not limited to, blades, buckets, saws and shears, after the machine is shut down, the pressure or stored energy from the element shall be discharged as specified by the manufacturer.



PROPOSED

(1) Wire rope must be of the same or better grade as originally recommended by the equipment manufacturer.

(2) Wire rope must be removed from service when any of the following conditions exist:

(a) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(b) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, birdcaging, or any other damage resulting in distortion of the rope structure;

(c) Evidence of any heat damage from any cause;

(d) Reductions from nominal diameter of more than 3/64-inch for diameters to and including 3/4-inch, 1/16-inch for diameters 7/8-inch to 1-1/8-inch, inclusive, 3/32-inch for diameters 1-1/4-inches to 1-1/2-inches inclusive;

(e) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection;

(f) In standing ropes, when twelve and one-half percent of the wires are broken within a distance of one wrap (lay); and

(g) Corroded, damaged, or improperly applied end connections.

(3) Wire rope must be kept lubricated as conditions of use require.

EXCEPTION: This section does not apply to chokers.

NEW SECTION

WAC 296-54-55710 Wire rope—Cutting. (1) Hard hammers must not be used for cutting cable with a wire ax or when splicing.

(2) Employees must wear eye protection when cutting lines.

**NEW SECTION**

**WAC 296-54-55720 Wire rope—Splicing.** (1) Marlin spikes must be used for splicing. The marlin spikes must be:

(a) Large enough for the size of the line being spliced; and

(b) Maintained in good condition;

(2) Short splices, eye-to-eye splices, cat's paws, and knots are prohibited except for moving nonload-bearing lines. Knots may be used on single drum tractors, grapple pickup lines, and dropline carriage systems using slider bells if the knot is tied on the end of the dropline.

(3) Wire rope one-half inch in diameter or less must be tucked at least two times provided the rope is used only as a strawline.

(4) Eye splices in all regular lay lines and straps must be tucked at least three times.

(5) Eye splices in lang lay lines must be tucked at least four times.

(6) Splices, other than eye splices, in lang lay loading lines are prohibited.

(7) Long splices must be used to permanently join regular lay running line.

(8) The length of line strand to be unraveled to make a long splice in wire rope must be as shown in Table 2: Length of Line Strand. The full length of the splice is twice the length of the rope to be unraveled.

Table 2: Length of Line Strand

Rope Diameter	To Be Unraveled	Total Length
1/4"	8'	16'
3/8"	8'	16'
1/2"	10'	20'
5/8"	13'	26'
3/4"	15'	30'
7/8"	18'	36'
1"	20'	40'
1-1/8"	23'	46'
1-1/4"	25'	50'
1-3/8"	28'	56'
1-1/2"	30'	60'
1-5/8"	33'	66'
1-3/4"	35'	70'
1-7/8"	38'	76'
2"	40'	80'

(3) When U-bolt cable clips are used to form eyes, Table 3: U-bolt Cable Clips to Form Eyes must be used to determine the number and spacing of clips.

Table 3: U-bolt Cable Clips to Form Eyes

Improved Plow Steel Diameter of Rope	Number of Clips Forged	Required Other Material	Minimum Space Between Clips
3/8 to 5/8 inch	3	4	-3/4 inch
3/4 inch	4	5	4-1/2 inch
7/8 inch	4	5	5-1/4 inch
1 inch	5	6	6 inches
1-1/8 inch	6	6	6-3/4 inch
1-1/4 inch	6	7	7-1/2 inch
1-3/8 inch	7	7	8-1/4 inch
1-1/2 inch	7	8	9 inches

(4) When U-bolt cable clips are used:

(a) For eye splices, the U-bolt wire rope clip must be attached so that the U section is in contact with the dead or short end of the rope;

(b) U-bolt cable clips must be spaced at least six rope diameters apart to obtain the maximum holding power. Nuts must be tightened evenly and tightened again after application of the first sustained load. After the rope has been used and is under tension, the clips must be tightened again to take up any looseness caused by the tension reducing the rope diameter;

(c) With high strength wire rope, one more U-bolt cable clip must be added for each grade above improved plow steel; and

(d) Eyes formed with U-bolt cable clips are prohibited with running lines or straps (see Figure 3: Eyes Formed with U-bolt Cable Clips).

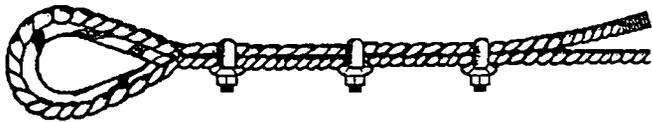
**NEW SECTION**

**WAC 296-54-55730 Wire rope—Attaching end fastenings.** (1) The manufacturer's recommendations must be followed when attaching sockets and other end fastenings.

(2) Using cable clips or clamps for joining lines is prohibited, except to transfer slack lines from one place to another.

PROPOSED

APPLICATION OF WIRE ROPE  
U-BOLT CLIPS  
Crosby Type



1. CORRECT METHOD – U-Bolts of clips on short end of rope. (No distortion on live end of rope)



2. WRONG METHOD – U-Bolts on live end of rope. (This will cause mashed spots on live end of rope)



3. WRONG METHOD – Staggered clips; two correct and one wrong. (This will cause a mashed spot in live end of rope due to wrong position of center clip)

4. After rope is in service, and is under tension, tighten clips to take up decreased in rope diameter.

Figure 3: Eyes Formed with U-bolt Cable Clips

**AMENDATORY SECTION** (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-559 ((Yarding—Helicopters and helicopter cranes)) Chokers and butt rigging.** ((1) Helicopters and helicopter cranes shall comply with any applicable regulations of the Federal Aviation Administration:

(2) Prior to each day's operation, a briefing shall be conducted. This briefing shall set forth the plan of operation for the pilot and ground personnel.

(3) A take-off path from the log pickup point shall be established, and shall be made known to all workers in that area before the first turn of logs is moved.

(4) The helicopter flight path to and from the drop zone shall be designated and no equipment or personnel (other than flight personnel necessary to assist landing and take-off) will occupy these areas during helicopter arrival or departure.

(5) The approach to the landing shall be clear and long enough to prevent tree tops from being pulled into the landing.

(6) The helicopter shall not pass over an area in which cutters are working at a height which would cause the rotor wash to inhibit a cutter's ability to safely control a tree or dislodge limbs.

(7) Drop zones shall be twice the nominal length of logs to be landed.

(8) The drop zone shall be no less than one hundred twenty-five feet from the loading or decking area.

(9) Separate areas shall be designated for landing logs and fueling the helicopter(s).

(10) The yarding helicopter shall be equipped with a siren to warn workers of any hazardous situation.

(11) Workers shall remain in the clear as chokers are being delivered, and under no circumstances will workers move under the helicopter that is delivering the chokers or take hold of the chokers before they have been released by the helicopter.

(12) Log pickup shall be arranged in a manner that the hook up crew will not work on slopes below felled and bucked timber.

(13) If the load must be lightened, the hook shall be placed on the ground on the uphill side of the turn before the hooker approaches to release the excess logs.

(14) Landing crew shall be in the clear before logs are dropped.

(15) One end of all the logs in the turn shall be touching the ground and lowered to an angle of not more than 45° from the horizontal before the chokers are released.

(16) Logs shall be laid on the ground and the helicopter will be completely free of the choker(s) before workers approach the logs.

(17) If the load will not release from the hook, the load and the hook shall be on the ground before workers approach to release the hook manually.

(18) Loads shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into rotors. Pressed sleeve, swaged eyes, or equivalent means shall be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

(19) All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the release functions properly, both electrically and mechanically.

(20)(a) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hard hats secured by chinstraps, and high visibility vests or outer garments:

(b) Loose-fitting clothing likely to flap in the downwash, and thus be snagged on hoist line, shall not be worn.

(21) Every practical precaution shall be taken to provide for the protection of employees from flying objects in the rotor downwash. All loose gear within one hundred feet of the place of lifting of the load, depositing the load, and all other areas susceptible to rotor downwash shall be secured or removed.

(22) Good housekeeping shall be maintained in all helicopter loading and unloading areas.

(23) The helicopter operator shall be responsible for size, weight, and manner in which loads are connected to the heli-

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copter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made.

(24) ~~Employees shall not perform work under hovering craft except for that limited period of time necessary to guide, secure, hook and unhook loads. Regardless of whether the hooking or unhooking of a load takes place on the ground or other location in an elevated work position in structural members, a safe means of access and egress, to include an unprogrammed emergency escape route or routes, shall be provided for the employees hooking or unhooking loads.~~

(25) ~~Static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, or protective rubber gloves shall be worn by all ground personnel touching the suspended load.~~

(26) ~~The weight of an external load shall not exceed the manufacturer's rating.~~

(27) ~~Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.~~

(28) ~~When visibility is reduced by dust or other conditions, ground personnel shall exercise special caution to keep clear of main and stabilizing rotors. Precautions shall also be taken by the employer to eliminate as far as practical reduced visibility.~~

(29) ~~Signal systems between aircrew and ground personnel shall be understood and checked in advance of hoisting the load. This applies to either radio or hand signal systems. Hand signals shall be as shown in Figure 6.~~

(30) ~~No unauthorized person shall be allowed to approach within fifty feet of the helicopter when the rotor blades are turning.~~

(31) ~~Whenever approaching or leaving a helicopter with blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to work there.~~

(32) ~~Sufficient ground personnel shall be provided, when required, for safe helicopter loading and unloading operations.~~

(33) ~~There shall be constant reliable communication between the pilot, and a designated employee of the ground crew who acts as a signalperson during the period of loading and unloading. This signalperson shall be distinctly recognizable from other ground personnel.~~

(34) ~~Open fires shall not be permitted in an area that could result in such fires being spread by the rotor downwash.~~

(35) ~~Under no circumstances shall the refueling of any type helicopter with either aviation gasoline or Jet B (turbine) type fuel be permitted while the engines are running.~~

(36) ~~Helicopters using Jet A (turbine-kerosene) type fuel may be refueled with engines running provided the following criteria is met:~~

(a) ~~No unauthorized persons shall be allowed within fifty feet of the refueling operation or fueling equipment.~~

(b) ~~A minimum of one thirty-pound fire extinguisher, or a combination of same, good for class A, B and C fires, shall be provided within one hundred feet on the upwind side of the refueling operation.~~

(c) ~~All fueling personnel shall be thoroughly trained in the refueling operation and in the use of the available fire extinguishing equipment they may be expected to utilize.~~

(d) ~~There shall be no smoking, open flames, exposed flame heaters, flare pots or open flame lights within fifty feet of the refueling area or fueling equipment. All entrances to the refueling area shall be posted with "NO SMOKING" signs.~~

(e) ~~Due to the numerous causes of static electricity, it shall be considered present at all times. Prior to starting refueling operations, the fueling equipment and the helicopter shall be grounded and the fueling nozzle shall be electrically bonded to the helicopter. The use of conductive hose shall not be accepted to accomplish this bonding. All grounding and bonding connections shall be electrically and mechanically firm, to clean unpainted metal parts.~~

(f) ~~To control spills, fuel shall be pumped either by hand or power. Pouring or gravity flow shall not be permitted. Self-closing nozzles or deadman controls shall be used and shall not be blocked open. Nozzles shall not be dragged along the ground.~~

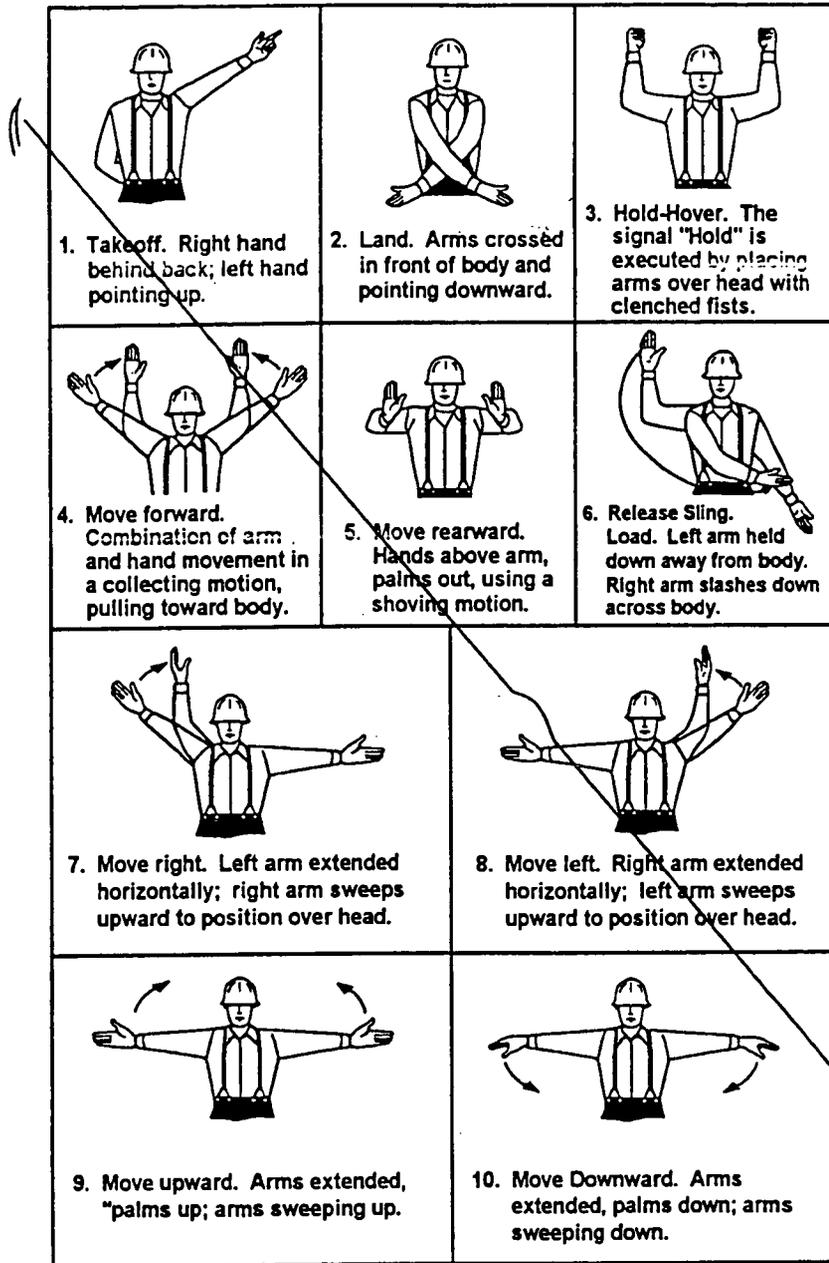
(g) ~~In case of a spill, the fueling operation shall be immediately stopped until such time as the person in charge determines that it is safe to resume the refueling operation.~~

(h) ~~When ambient temperatures have been in the 100 degree F. range for an extended period of time, all refueling of helicopters with the engines running shall be suspended until such time as conditions become suitable to resume refueling with the engines running.~~

(37) ~~Helicopters with their engines stopped being refueled with aviation gasoline or Jet B (turbine) type fuel, shall also comply with subsection (36)(a) through (g) of this section.~~

(38) ~~Hook on persons in logging operations shall wear contrasting colored hard hats, with chinstraps, and high visibility vests or outer garments to enable the helicopter operator to readily identify their location.~~

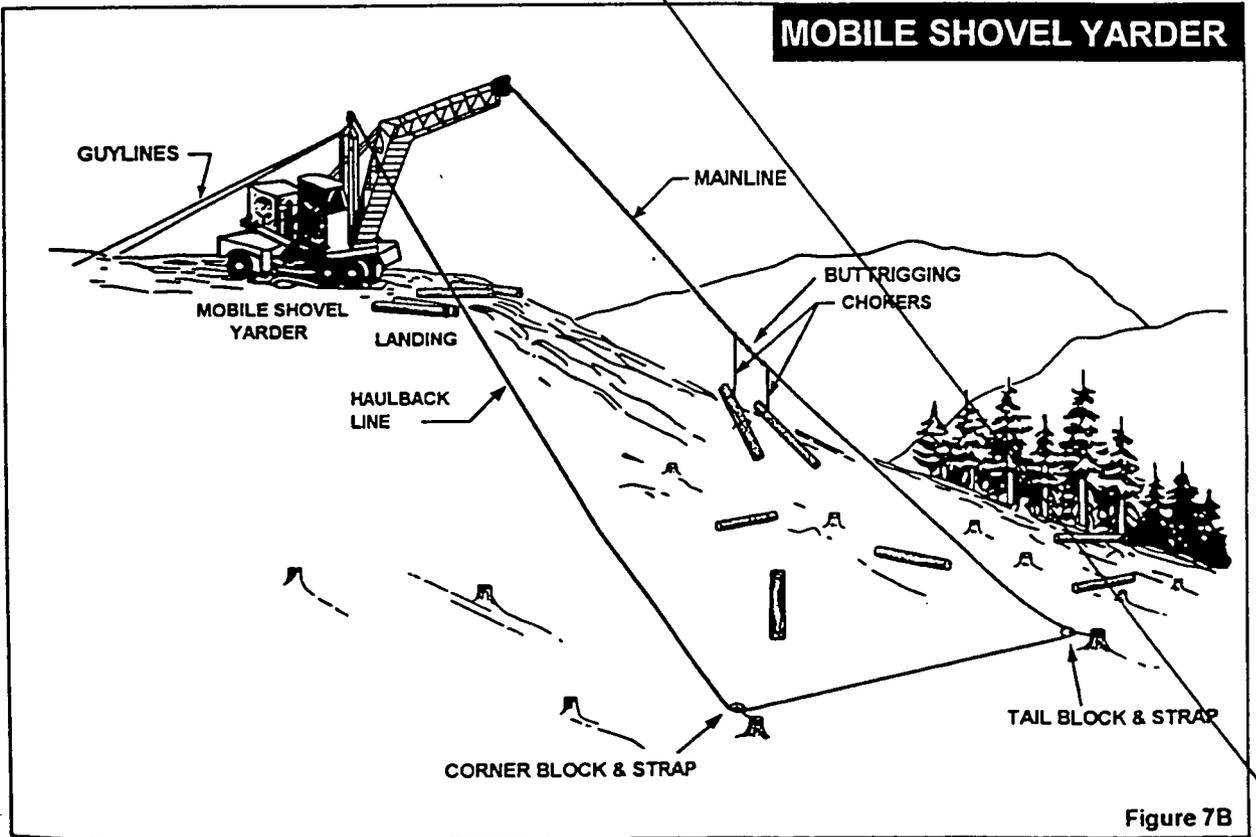
(39) ~~Riding the load or hook of a helicopter is prohibited except in the case of an emergency with the proper safety gear.~~



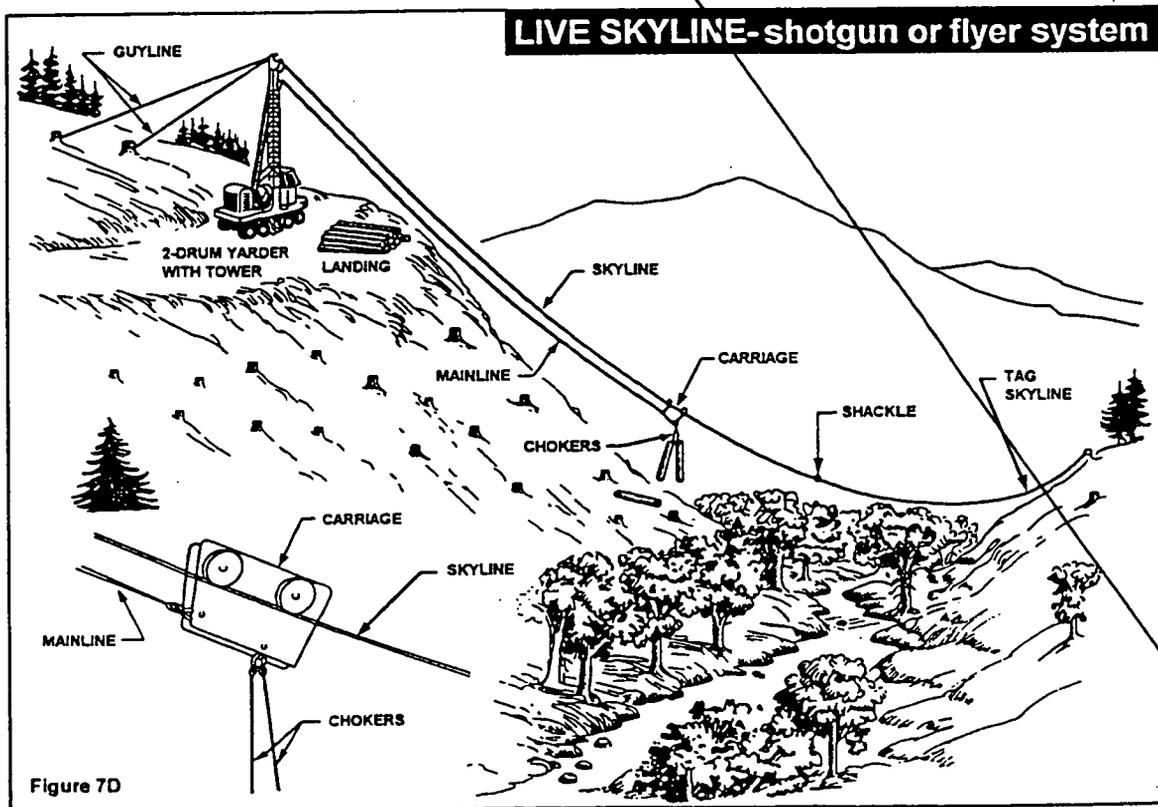
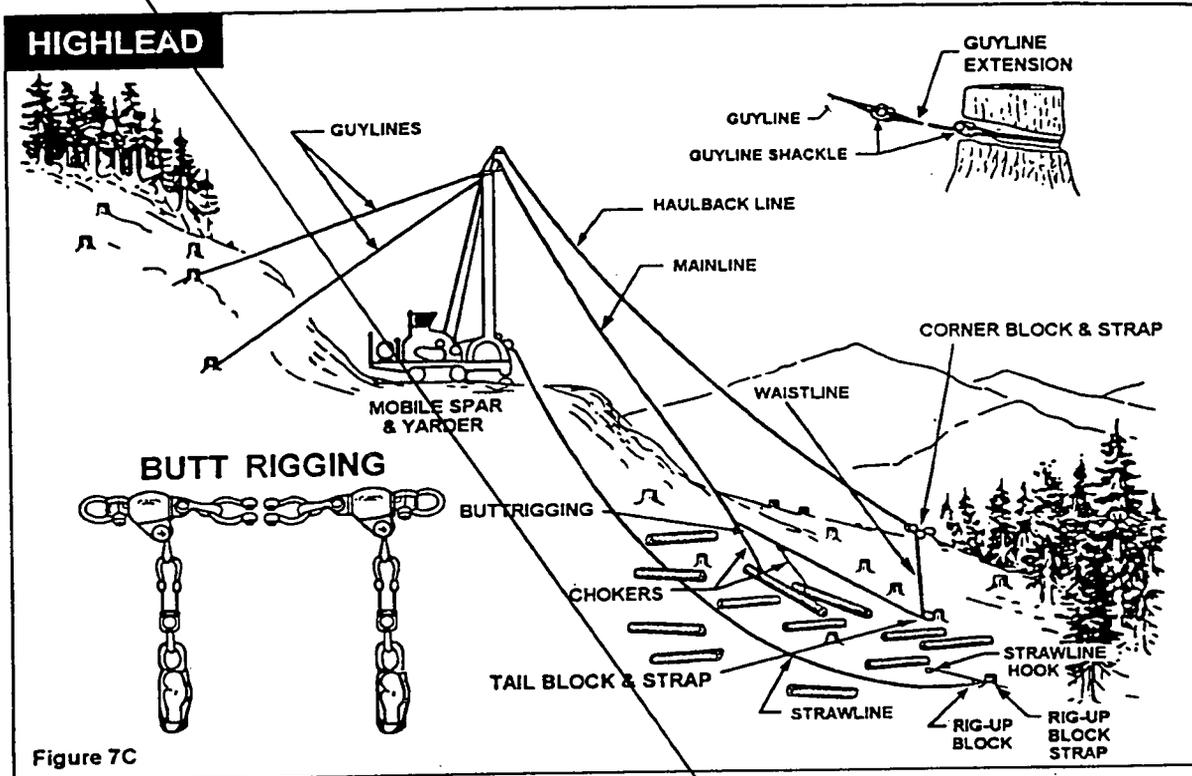
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Note: See Figures No. 7 A through 7 P, for illustrations of various types of cable logging systems.  
See Figures No. 7 Q through 7 U, for illustrations of whistle signals used on various cable logging systems.

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### SLACK LINE SYSTEM

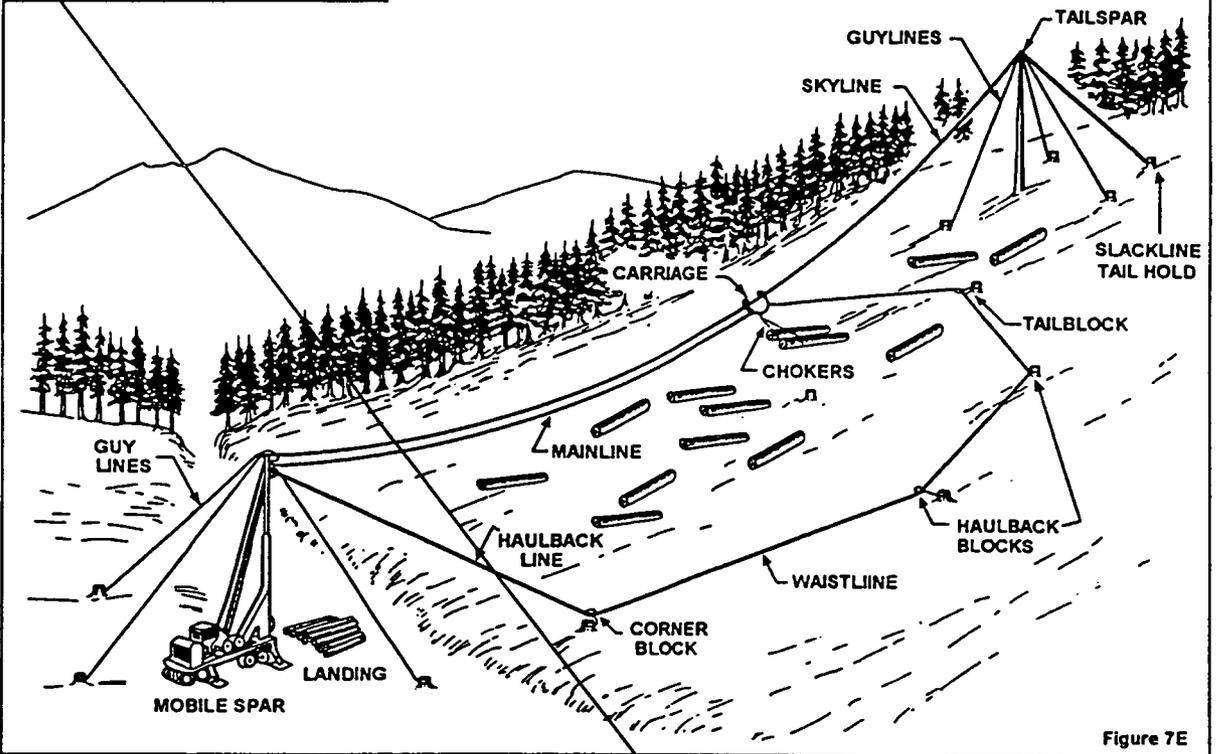
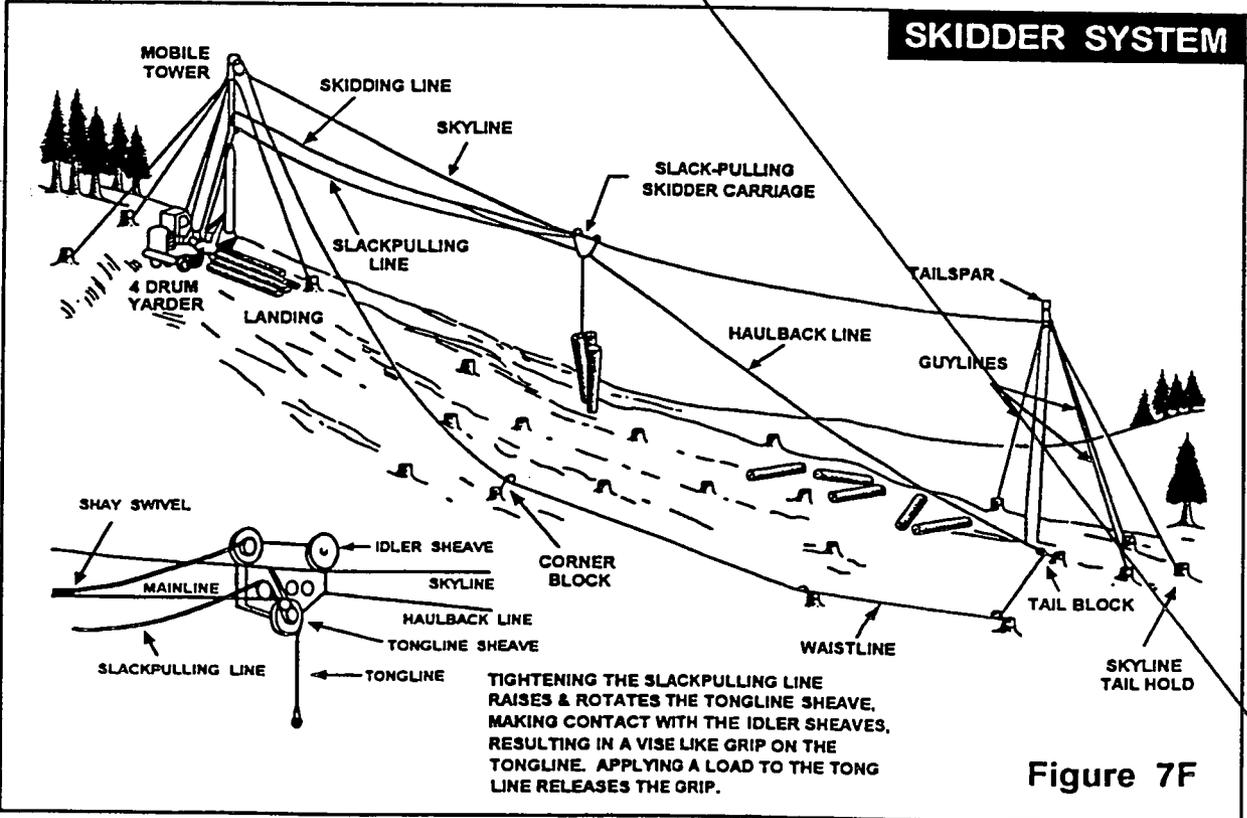


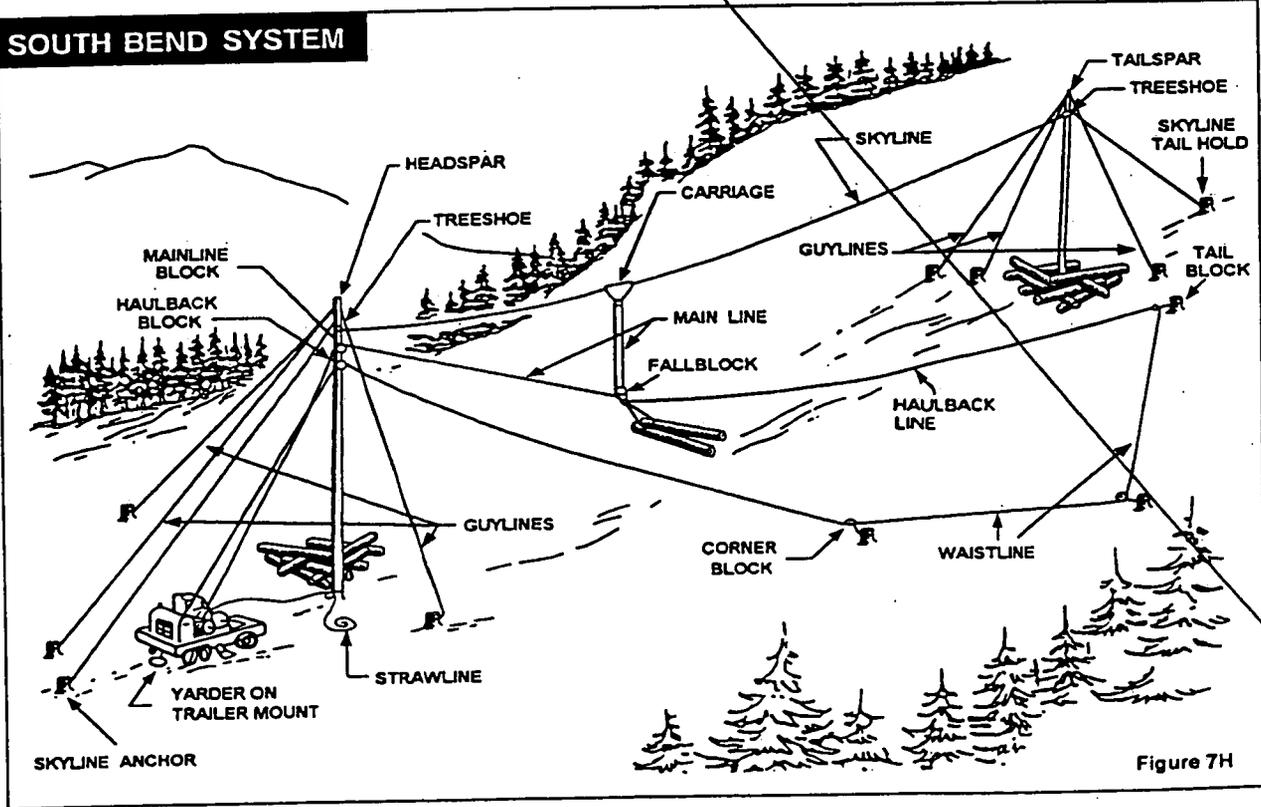
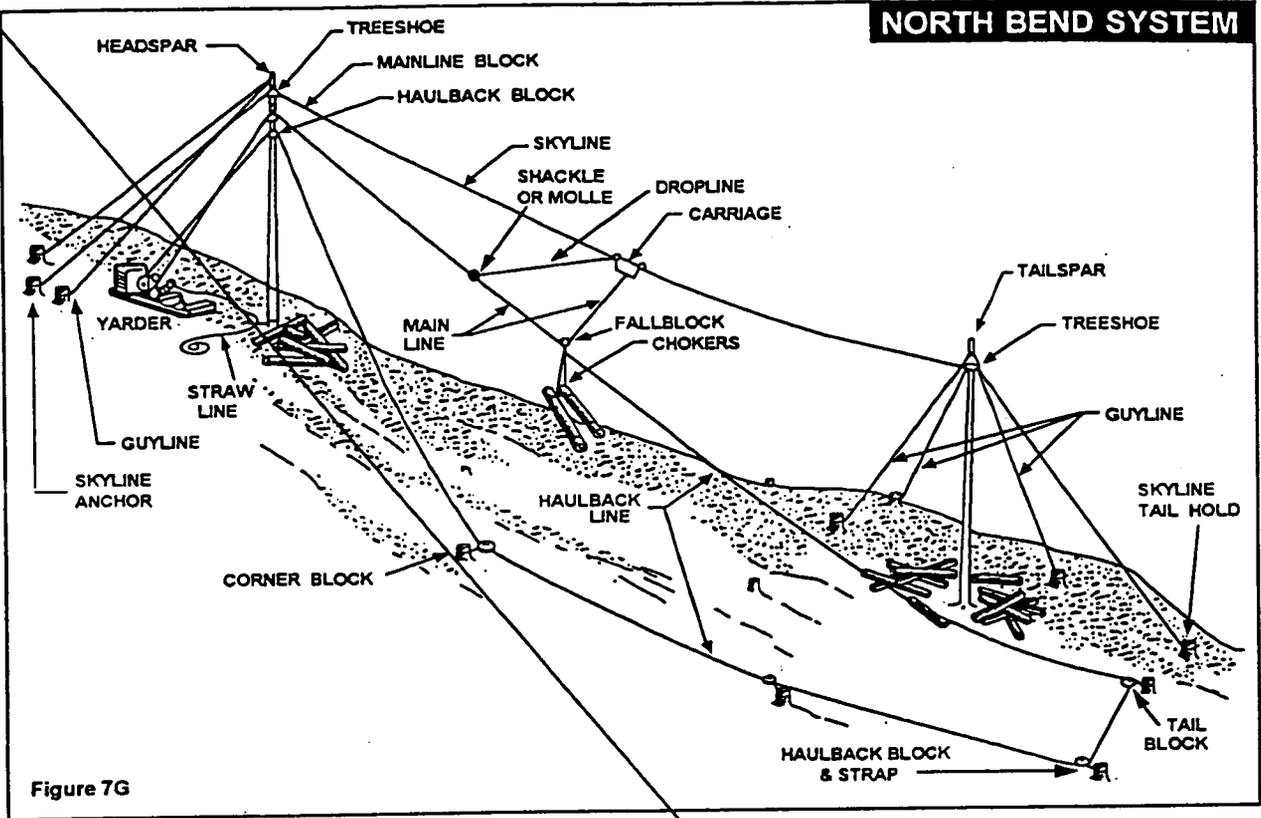
Figure 7E

### SKIDDER SYSTEM



TIGHTENING THE SLACKPULLING LINE RAISES & ROTATES THE TONGLINE SHEAVE, MAKING CONTACT WITH THE IDLER SHEAVES, RESULTING IN A VISE LIKE GRIP ON THE TONGLINE. APPLYING A LOAD TO THE TONG LINE RELEASES THE GRIP.

Figure 7F



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### STANDING SKYLINE - RADIO CONTROLLED CARRIAGE

mobile tower

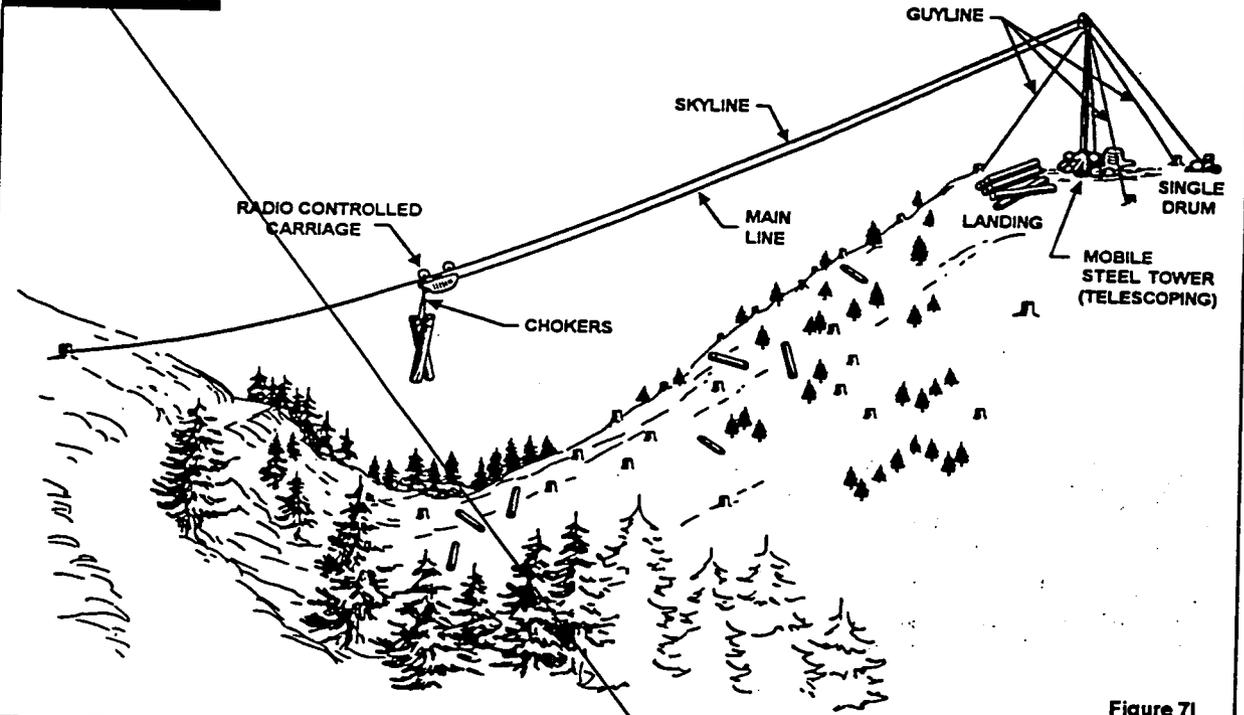


Figure 7I

### SIDE MOUNT TOWER with mechanical slack pulling carriage

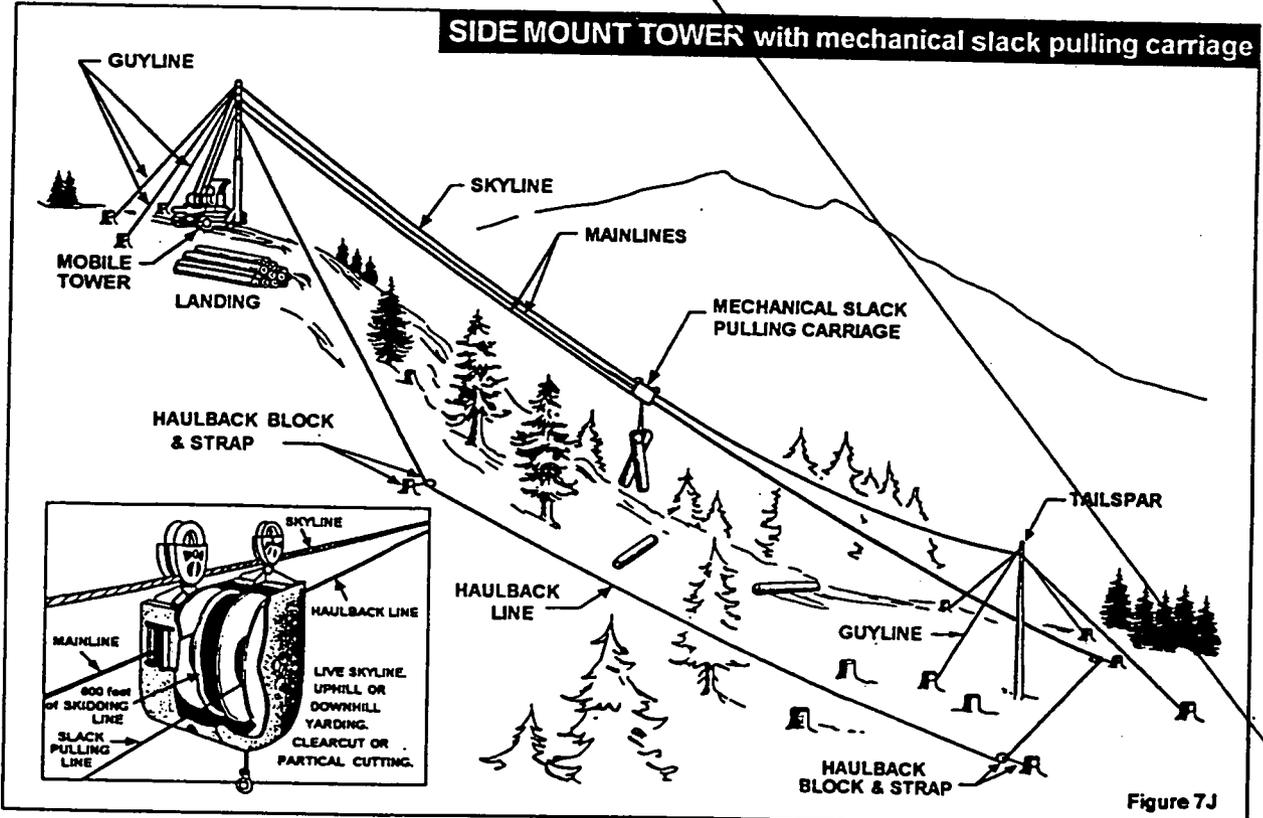
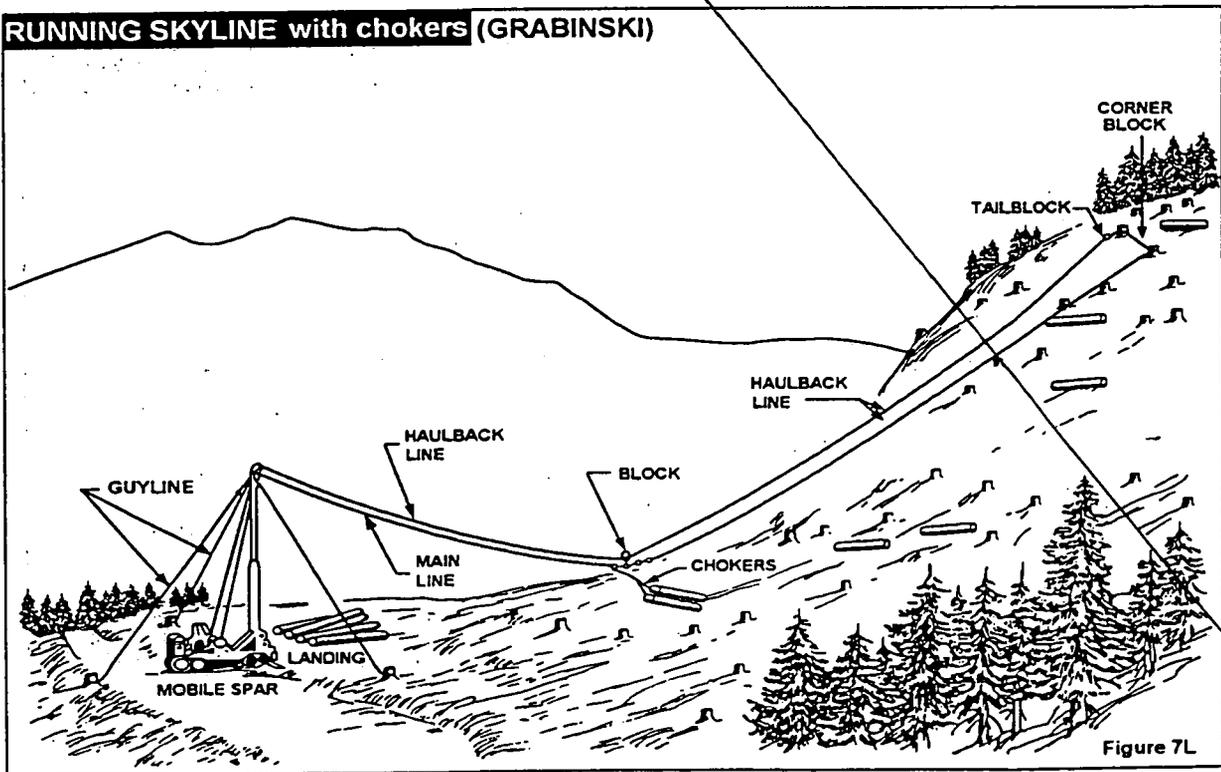
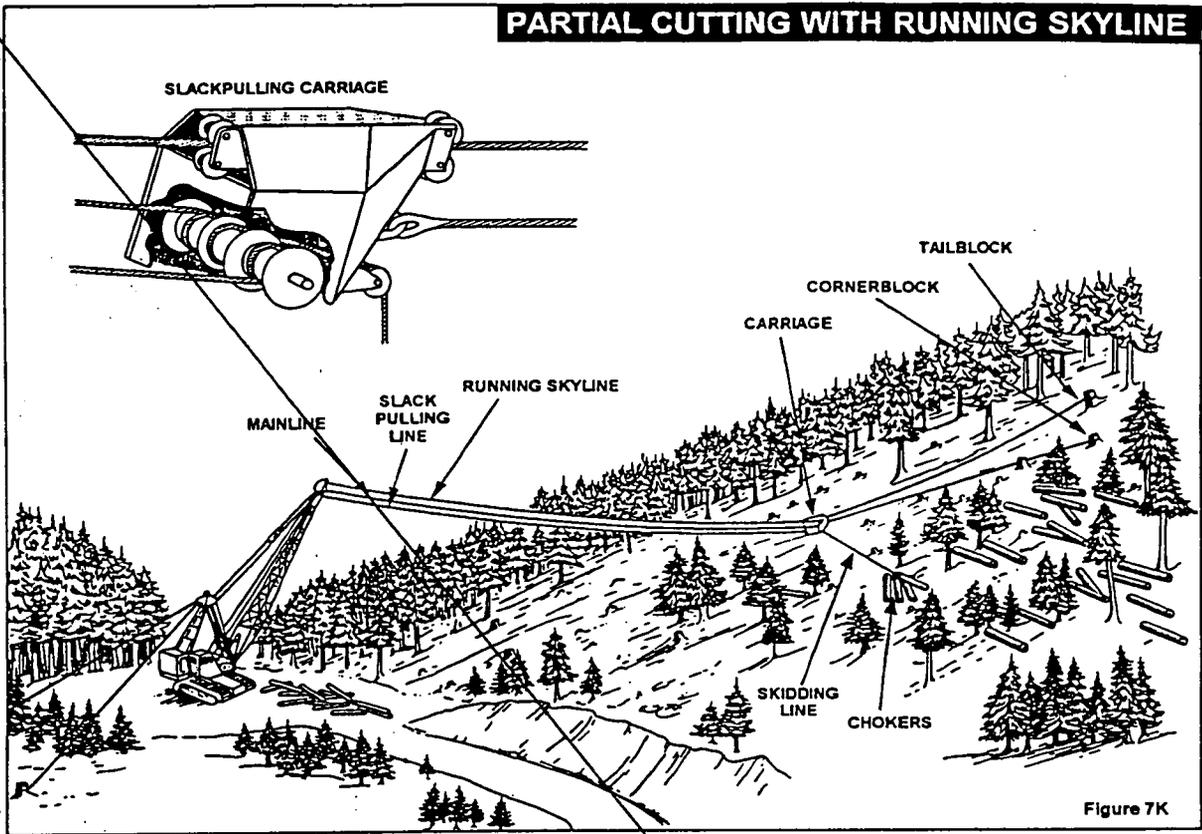


Figure 7J

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**RUNNING SKYLINE with mechanical grapple**

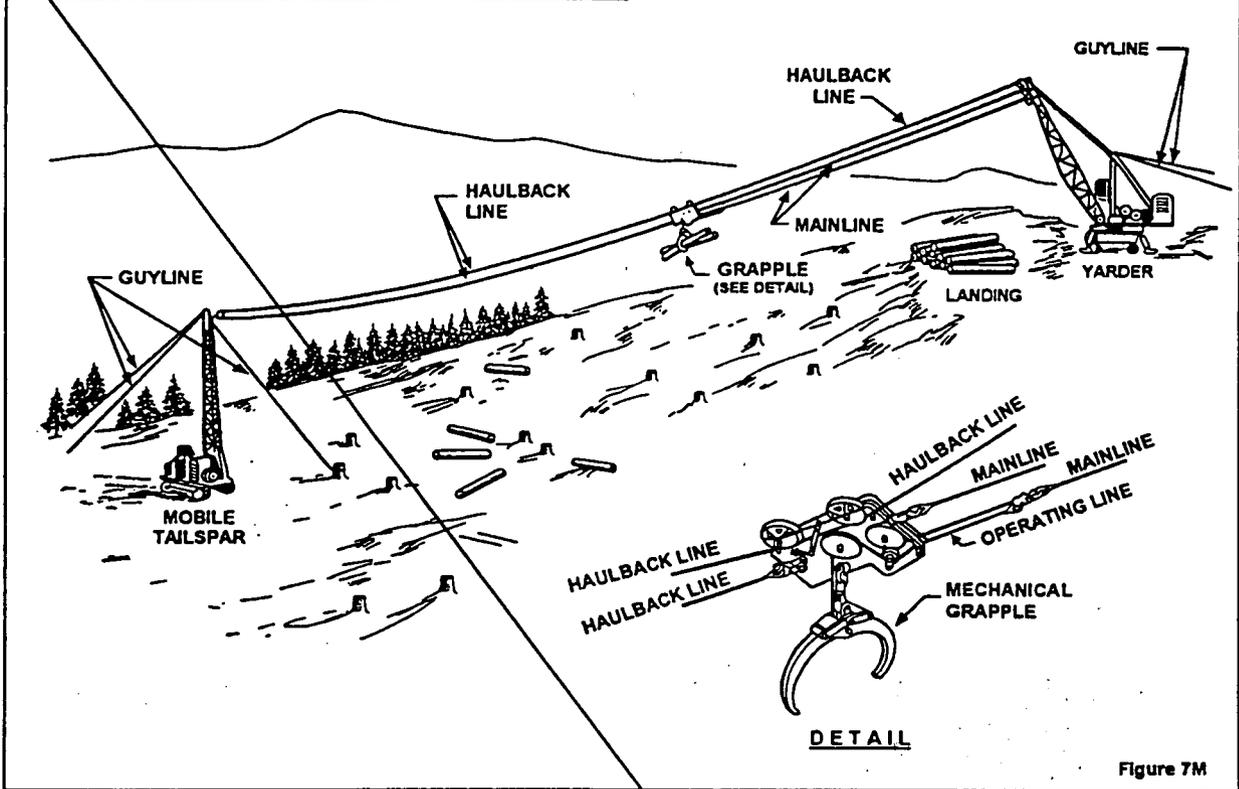


Figure 7M

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**MULTISPAN SKYLINE**

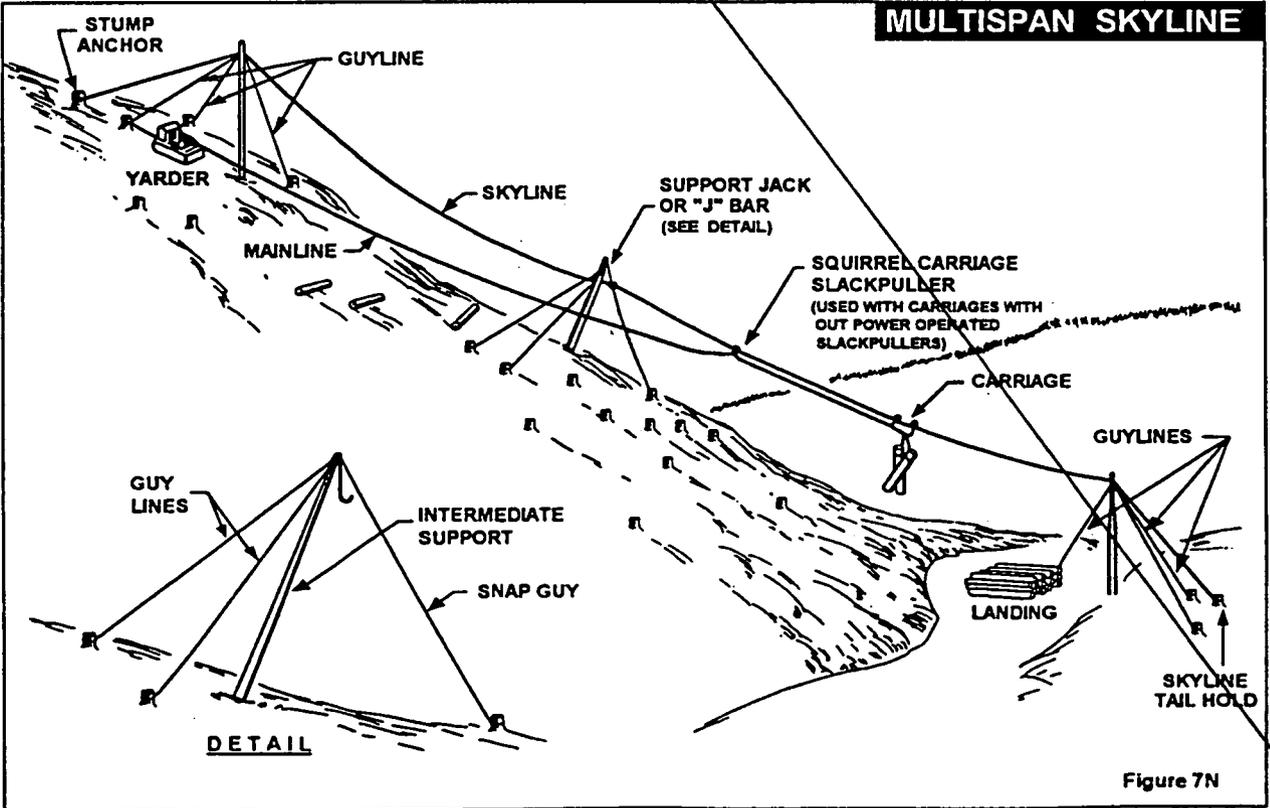
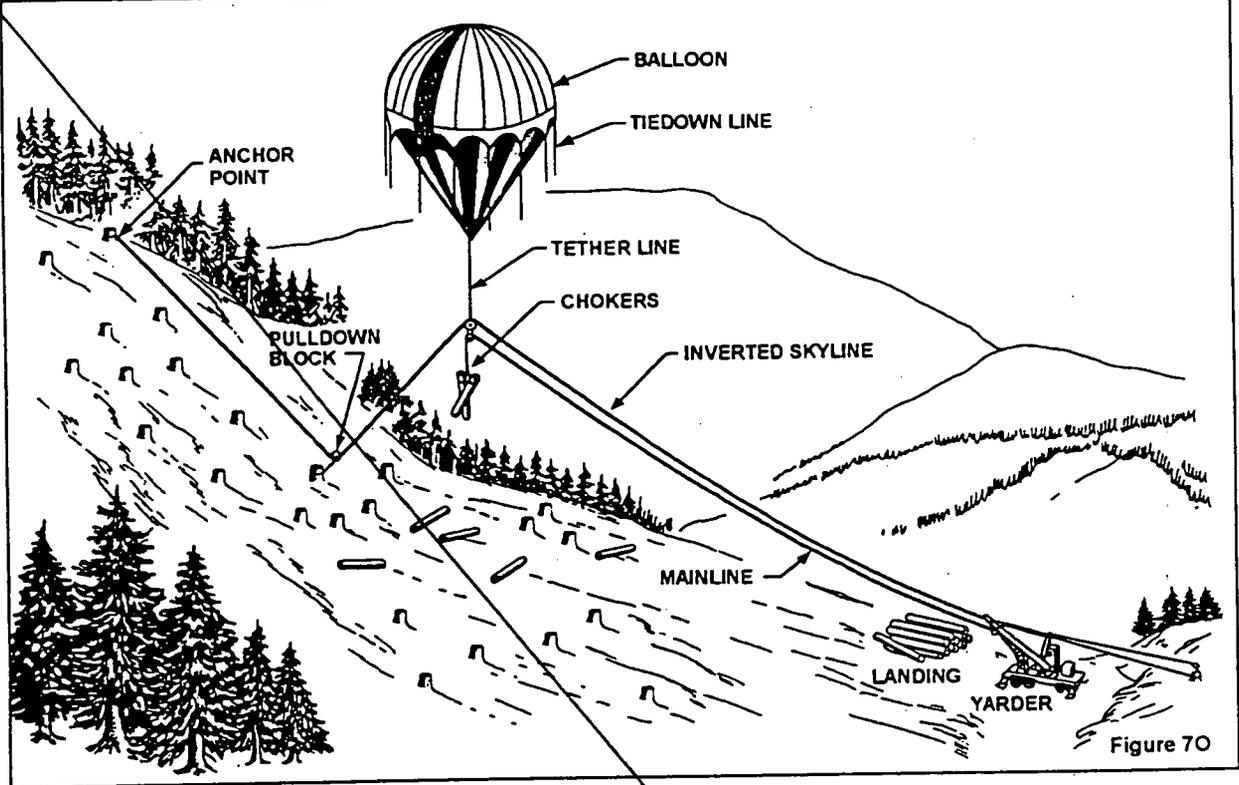


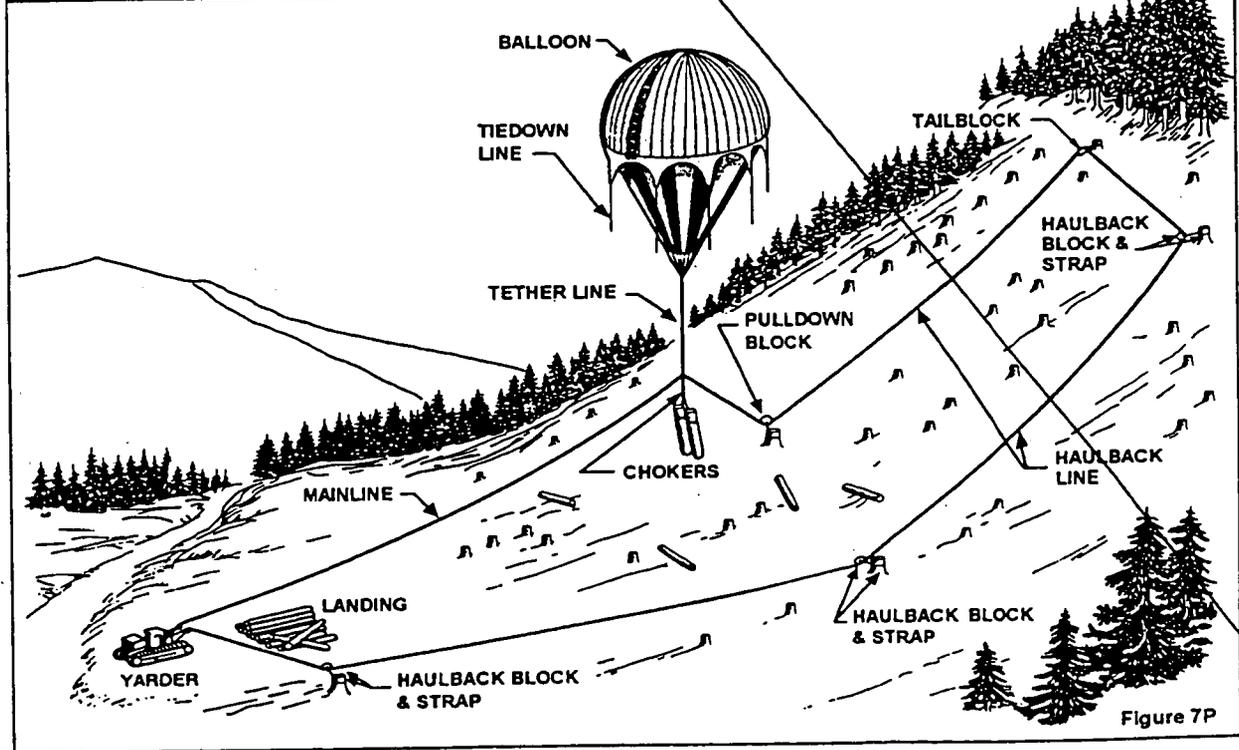
Figure 7N

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### BALLOON LOGGING - inverted skyline configuration



### BALLOON LOGGING - haulback configuration



**HIGH LEAD LOGGING WHISTLE SIGNALS**

—Means longer spacing between signals.

- 1 short ..... Stop all lines.
- 3 short-3 short ..... Ahead slow on mainline.
- 3 short ..... Ahead on mainline.
- 2 short ..... Ahead on haulback.
- 2 short-2 short ..... Ahead slow on haulback.
- 3 short-1 short ..... Ahead on strawline.
- 3 short-1 short-3 short ..... Ahead slow on strawline.
- 4 short or more ..... Slack mainline.
- 2 short-4 short ..... Slack haulback.
- 3 short-1 short-4 short ..... Slack strawline.
- 3 short-2 short ..... Standing tight line.
- 1 short-1 short ..... Tight line while lines are running, or break if running tight.
- 3 short ..... When rigging is in: Strawline back on haulback.
- 3 short / plus "X" number of shorts ..... When rigging is in: Indicates number of sections of strawline back on rigging.
- 3 short-1 short-2 short ..... Strawline back on rigging.
- 1 short ..... When rigging is in: Chaser inspect and repair rigging.
- 2 short ..... When rigging is in: No chokers back.
- 2 short-1 short / plus "X" number of shorts ..... Number of chokers back.
- 2 short-4 short ..... When rigging is in: Slack haulback hold all lines until 2 short blown.
- 3 medium ..... Hooker.
- 3 medium-4 short ..... Hooker and that crew.
- 5 long ..... Climber.
- 4 long ..... Foreman.
- 1 long-1 short ..... Start or stop work.
- 7 long-2 short ..... Person injured, call transportation and stretcher.
- 1 long-1 short repeated ..... Fire.
- Grabinski system**
- 2 short-1 short ..... Slack mainline and haulback together.
- 2 long ..... Take off or put on rider block.

**Figure 7-Q**

**SKIDDER WHISTLE SIGNALS**

—Means longer spacing between signals.

- 1 short ..... Stops moving carriage—stops or goes ahead on slack puller, as case may be, if carriage is stopped.
- 2 short ..... Go ahead on skidding line—holding carriage.
- 1 short-2 short ..... Pick up skidding line, easy.
- 2 short-1 short ..... Shake up carriage to clear choker.
- 2 short-2 short ..... Ahead on receding line.
- 3 short ..... Ahead on carriage, holding at present level, using interlock.
- 3 short-3 short ..... Ahead easy on skidding line.
- 2 short-2 short-2 short ..... Slack skyline, cable down.
- 2 short-2 short-2 short-1 short ..... Pick up skyline, cable up.
- 2 short-2 short-4 short ..... Slack receding line.
- 2 short-4 short ..... Slack skidding line.
- 2 short-2 short-1 short ..... Tighten all lines.
- 1 short-4 short ..... Slack off-slack puller.
- 1 short-2 short ..... Pick up slack puller when slack.
- 2 short-2 short / plus "X" number of shorts ..... When carriage is in: Number of chokers wanted.
- 2 short-2 short-1 long ..... Bull choker.
- 1 short ..... When carriage is in: Inspect butt rigging.
- 2 short-4 short / 1 short ..... For each additional ten feet of tong line.
- 1 long / plus "X" number of shorts ..... Number of coils of strawline wanted.
- 5 medium ..... Tail or second rigger.
- 5 medium-4 short ..... Tail or second rigger and that crew.
- 2 medium ..... Skidder head rigger.
- 3 medium-4 short ..... Hooker and that crew.
- 2 long ..... Ahead on transfer.
- 2 long-4 short ..... Slack transfer
- 1 short-3 short ..... Ahead on carriage with slack puller line.
- 1 long ..... Ahead on strawline.
- 1 long-4 short ..... Slack strawline.

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- 1 long-3 short ..... Ahead easy on strawline.
- 5 long ..... Climber.
- 4 long ..... Foreman.
- 1 long-1 short ..... Start or stop work.
- 7 long-2 short ..... Person injured, call transportation and stretcher.
- 1 long-1 short repeated ..... Fire.

Figure 7 R

SLACKLINE WHISTLE SIGNALS

— Means longer spacing between signals.

- 2 short-2 short-2 short-1 short ..... First cable up when road has been changed and tail hold made fast.
- 2 short-2 short-2 short ..... Drop skyline.
- 1 short ..... Stop any moving line.
- 1 long ..... When logging, slack skyline.
- 2 short ..... Ahead on skyline.
- 1 long-2 short ..... Ahead easy on skyline.
- 3 short ..... Ahead on skidding line, holding haulback.
- 3 short-3 short ..... Ahead easy on skidding line with slack haulback.
- 4 short ..... Slack skidding line.
- 2 short-2 short / 2 short-2 short ..... Ahead easy on haulback with slack skidding line.
- 2 short-2 short ..... Ahead on haulback.
- 2 short-2 short-4 short ..... Slack haulback.
- 2 short / 3 short ..... Pick up skyline and skid.
- 2 short / 2 short-2 short ..... Pick up skyline and skin.
- 3 short-1 short ..... When carriage is in: Strawline back on haulback.
- 3 short-1 short-2 short ..... When carriage is in: Strawline back on carriage.
- 3 short-1 short ..... When strawline is out: Ahead on strawline.
- 3 short-2 short ..... Tight line.
- 3 short-1 short-4 short ..... Slack strawline.
- 3 short-1 short-3 short ..... Pull easy on strawline.
- 2 long ..... Ahead on transfer.
- 2 long-4 short ..... Slack transfer.
- 2 long-2 short-2 short ..... When carriage is in: Transfer back on carriage.
- 1 long / plus "X" number of shorts ..... When carriage is in: Number of coils.

- 2 short-2 short-1 short / plus "X" number of shorts ..... When carriage is in: Number of chokers.
- 1 short ..... When carriage is in: Inspect rigging, repair and send back.
- 2 short-2 short-4 short ..... When carriage is in: Slack haulback and hold all lines until 1 short is blown then send back.
- 3 short-3 short ..... When carriage is in: Send back powder.
- 5 medium ..... Tail rigger.
- 5 medium-4 short ..... Tail rigger and that crew.
- 3 medium ..... Head hooker.
- 3 medium-4 short ..... Second hooker and that crew.
- 5 long ..... Climber.
- 4 long ..... Foreman.
- 1 long-1 short ..... Start or stop work.
- 7 long-2 short ..... Person injured, call transportation and stretcher.
- 1 long-1 short repeated ..... Fire.

Figure 7 S

RUNNING SKYLINE WHISTLE SIGNALS

— Means longer spacing between signals

- 1 short ..... Stop all moving lines
- 2 short ..... Skin carriage back
- 2 short-1 short ..... Slack haulback
- 2 short-2 short ..... Skin carriage easy
- 2 short-3 short ..... Standing tight line
- 1 short-2 short ..... Ahead on drop line
- 4 short ..... Slack drop line
- 1 short-4 short ..... Slack both mainlines
- 1 short-1 short ..... Stop drop line going up and move carriage forward
- 3 short ..... Move carriage forward
- 3 short-3 short ..... Move carriage forward easy
- 3 short-1 short ..... When strawline is out: Ahead on strawline
- 3 short-1 short-4 short ..... Slack strawline
- 3 short ..... When carriage is in: Strawline
- 3 short-X short ..... When carriage is in: Number sections
- 3 short-1 short-2 short ..... When carriage is in: Strawline back on carriage

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2 short-X short .....	When carriage is in: Number of chokers
4 short .....	When carriage is in: Inspect rigging, repair and send back
1 short .....	When carriage is in: Hold all lines until 2 shorts, then send back
3 medium .....	Head hooker
3 medium-4 short .....	Hooker and that crew
4 long .....	Foreman
1 long-1 short .....	Start or stop work
7 long-2 short .....	Person injured; call transportation and stretcher
1 long-1 short (repeated) .....	Fire
3 short-1 long .....	Acknowledged by engineer to signify hazardous turn

**Figure 7-T**

**TENSION SYSTEM SIGNALS**

4 .....	Release tension
1 short .....	Stop carriage and start unspooling tong line
1 short .....	Stop tong line
1 short .....	Resume unspooling tong line
1 short .....	Will stop any moving line or slack tong line when carriage is stopped
2 short-2 short .....	Go into interlock and go back
2 short-4 short .....	Slack haulback and let carriage down
<b>After turn is set</b>	
2 short .....	Go ahead on tong line
2 short-3 short .....	Go ahead easy on tong line
3 short .....	Go into interlock and take carriage to landing
3 short-3 short .....	Ahead on carriage easy
1 short-2 short .....	Increase tension on tong line when carriage is going in
short-1 short .....	Decrease tension on tong line when carriage is going in

**Figure 7-U)**

- (1) Chokers must be at least one size smaller than the mainline. If a dropline is used it must have a breaking strength equal to a line one size smaller than the mainline.
- (2) All butt hook rigging must be used in a manner to prevent loss of the choker.
- (3) Molles or cold shuts are prohibited in butt rigging as a load bearing connection.

**AMENDATORY SECTION** (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-561 ((Log loading—General requirements.)) Gylines.** ((1) Loading operators shall have a clear view of the landing and of the cars or trucks being loaded.

(2) Persons shall not ride logs, tongs, grapples or other loading devices.

(3) The use of plain spiked loading hooks without a bell is prohibited for loading logs.

(4) All limbs or knots that would project beyond the stakes or legal height shall be removed before the log is loaded on the car or truck.

(5) When the loading operator is not able to see the loading operation, signals shall be given by a designated person, who shall have a clear view of the operations and shall be visible to the operator. Hand signals used shall be as illustrated in Figure No. 7, following WAC 296-54-565.

(6) Logs shall not be swung or suspended over occupied equipment by loading machines on landings. Persons shall not stand or walk under suspended logs.

(7) No one shall ride loads while cars or trucks are being spotted or dropped, except those whose regular duties require them to do so.

(8) Cars and trucks shall not be moved until the head loader or loading machine operator is positive that all persons are in the clear.

(9) When grapples, trip tongs or similar devices are used in the loading operation, they shall be lowered to the ground whenever the machine is unattended. If the device can tip or fall over, it shall be laid on its side on the ground.

(10) While logs are being loaded, no one shall remain on the load, chain deck or behind the cab protector. Any unattached material shall be removed from the top of the cab protector before the truck is moved from the landing.

(11) To control the movement of a log truck being loaded, a positive audible means of communication shall be established between the truck driver and the loading machine operator. The established means of communication shall be familiar to all employees on the landing and shall include a danger signal to warn employees in case of an emergency. If a movable loader is being used, the loader operator shall sound a warning signal before moving the loader. The signals so used shall be easily distinguishable from other whistle or horn signals used in the landing area.

(12) When signals are used at a landing, reload or deck to control the movement of logging trucks in accordance with subsection (11) of this section, the following signals shall be used:

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- 1 short ..... Stop
- 1 short ..... Ahead
- 2 shorts ..... Back
- 2 shorts then 2 shorts ..... Wrapper
- 3 shorts ..... Cheek seals
- 1 long-repeated ..... Danger
- 1 long ..... Loader moving

(13) No person shall be permitted alongside or underneath trucks being loaded or on the load until communication has been established with the loading machine operator and truck driver and assurance has been received that it is safe to be there.

(14) Power saws shall not be operated on top of loaded logging trucks.

(15) Standing underneath a suspended trailer or its reach is prohibited.

(16) The outside bunklogs (bottom tier) shall be loaded tight against the stakes.

(17) Logs shall be loaded in a manner to prevent undue strain on wrappers, binders, bunk stakes and chains or straps.

**Note:** Logs shall be considered to be "within the stakes" when one half the log diameter is below the top of the stakes.

(18) Logs in any tier or layer unsecured by stakes or chalk blocks shall be well saddled and have their diameter centers inside the diameter centers of the outer logs of the next lower tier or layer.

(19) Bunk and wing logs shall extend not less than twelve inches beyond the front and rear bunks or stakes. On rigid type bunks, they shall extend not less than six inches beyond the front and rear bunks or stakes.

(20) Double ended logs, above the stakes, shall not be loaded on the side of the load from which the binders or wrappers are intended to be released from.

(21) Logs shall be loaded in a manner that will not impair full and free movement of the truck and trailer.

(22) Each log not contained within the stakes shall be secured with at least two wrappers before the truck leaves the immediate landing area.

(23) Loads or logs shall not be moved or shifted while wrappers and binders are being applied or adjusted.

(24) Stable loads. Loads shall be built up or loaded in a manner to be stable without the use of wrappers. Wrappers shall be considered only as precautionary measures to ensure stability of the load.

(25) Loading equipment maintained. All loading machines and equipment shall be maintained in a safe condition. The critical parts of such equipment, such as bolts in base plates, etc., that cannot be inspected while in operation, shall be inspected at reasonable intervals by a qualified person when the machine is shutdown. If indications of failure or weakness is noted or suspected, the parts in question shall be examined by an approved method and if found to be defective, shall be repaired or replaced before the equipment is put back into operation.

(26) Tongs pulling out. Where there is a danger of tongs or hooks pulling out of the log, straps shall be used. Tongs

may be used on extra large logs provided the logs are barked and notched to provide a secure hold.

(27) The transport vehicle shall be positioned to provide working clearance between the vehicle and the deck.

(28) Only the loading or unloading machine operator and other personnel the employer demonstrates are essential shall be in the work area during loading and unloading. (1) Guylines must be used with any logging equipment when required by the equipment manufacturer.

(2) At least the minimum number and angle of guylines recommended by the equipment manufacturer must be used.

(3) Unless otherwise specified by the equipment manufacturer, guylines must be of the following sizes:

(a) In highlead logging, the head spar guylines must be equal in breaking strength to the mainline.

(b) In skyline logging, if the skyline is one and three-eighths inch or greater, the head spar guylines must be at least one and three-eighths inch. If the skyline is less than one and three-eighths inch, the head spar guylines must be equal in breaking strength to the skyline.

(c) Tail lift and intermediate support trees must be adequately guyed to withstand any stress to which the tree may be subjected.

(d) On all other cable logging, the guylines must have a breaking strength at least equal to the mainline/skyline, whichever is largest.

(4) When guylines are required for spars they must be positioned according to Table 4: Guyline Positioning, or according to the manufacturer's specifications.

Table 4: Guyline Positioning

Number of Guys on Spar	Number of Guys Sharing Load	Positioning Figure Number
1	1	4 - 1 Guyline Case
2	2	5 - 2 Guyline Case
3	3*	6 - 3 Guyline Case
	2	7 - 3 Guyline Case (2)
4	2	8 - 4 Guyline Case
5	2	9 - 5 Guyline Case
	3	10 - 5 Guyline Case (2)
6	2	11 - 6 Guyline Case
	3	12 - 6 Guyline Case (2)
7	3	13 - 7 Guyline Case
8	2	14 - 8 Guyline Case
	4	15 - 8 Guyline Case (2)

\* For metal spars designed to operate without snap guy

(5)(a) Guylines supporting metal spars must be made of plow steel or better material and must be maintained in good condition.

(b) Guylines for tail/lift and intermediate support trees may be made of synthetic material and must be used according to the manufacturer's recommendations.

(6) Load bearing guyline angles must be no greater than fifty degrees measured horizontally (See Figure 18: Maximum Angle for Load Bearing Guylines and Skyline). If suitable anchors are unavailable or the terrain is so steep that the guyline angle exceeds fifty degrees, an additional guyline must be rigged to oppose the load.

(7) Guylines must be kept securely tightened while the spar, tree, equipment or rigging they support is in use.

(8) Power driven devices must be securely anchored when used to tighten guylines. Holding such devices is prohibited.

(9) All trees that interfere with proper alignment, placement, or tightening of guylines must be fell.

(10) Guylines must be hung in a manner to prevent a excessive bight or fouling when they are tightened.

(11) The use of loops or molles for attaching guylines is prohibited.

(12) The U part of shackles or sleeves must be around the guyline and the pin passed through the eye of the guyline.

(13) Splicing of guylines is prohibited except to make an eye splice.

(14) All spliced guyline eyes must be tucked at least three times.

(15) Extensions to guylines must be:

(a) Equal in breaking strength to the guyline to which they are attached; and

(b) Connected only by a shackle connecting two spliced eyes, pressed eyes or by double-end hooks. Connections must have at least one and one-half times the strength of the guyline.

(16) When hanging a block or jack on a guyline, only sleeve-type safety pin shackles must be used. The shackle sleeve shall have not less than two and one-half times the line diameter bearing on the guyline.

PROPOSED

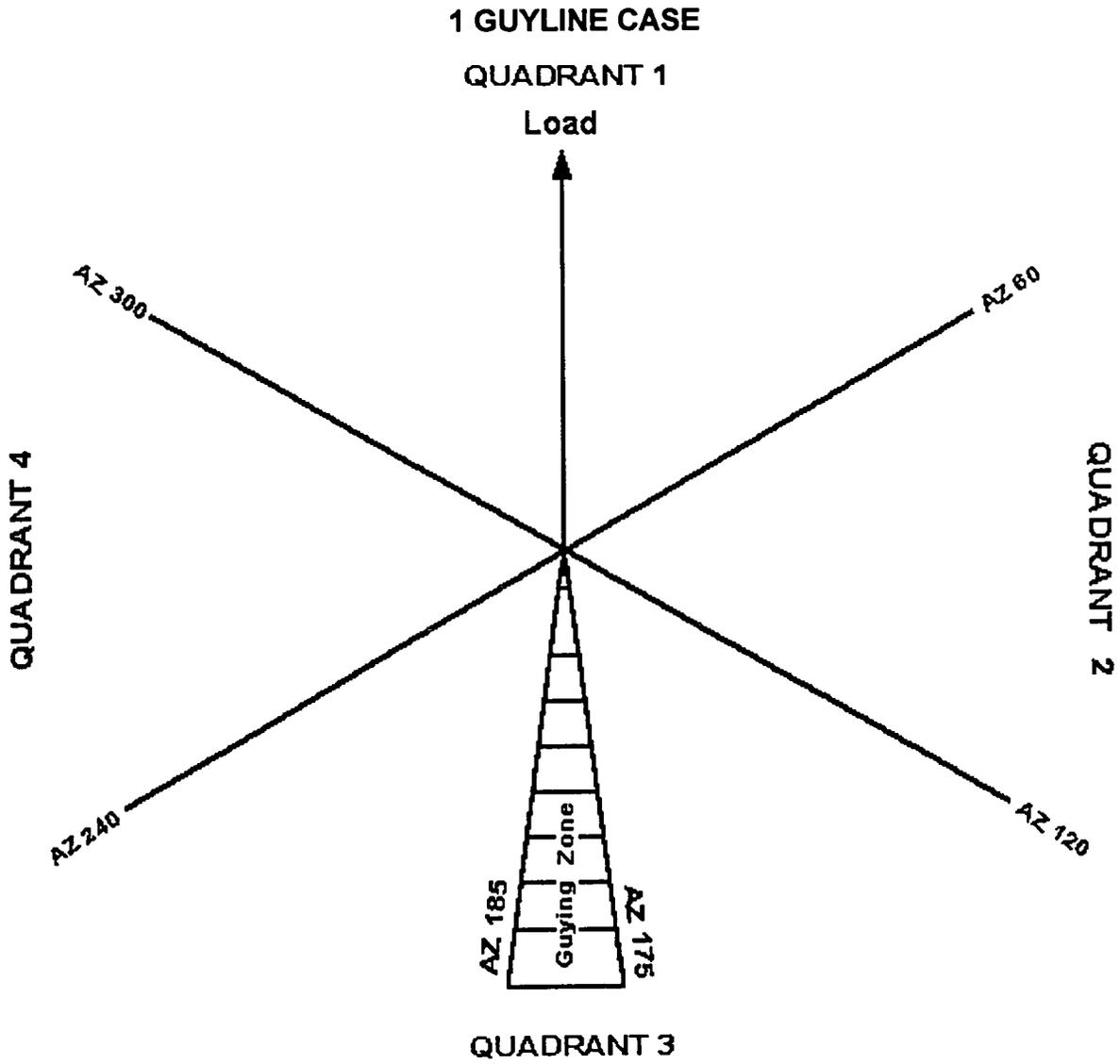


Figure 4: 1 Guyline Case

PROPOSED

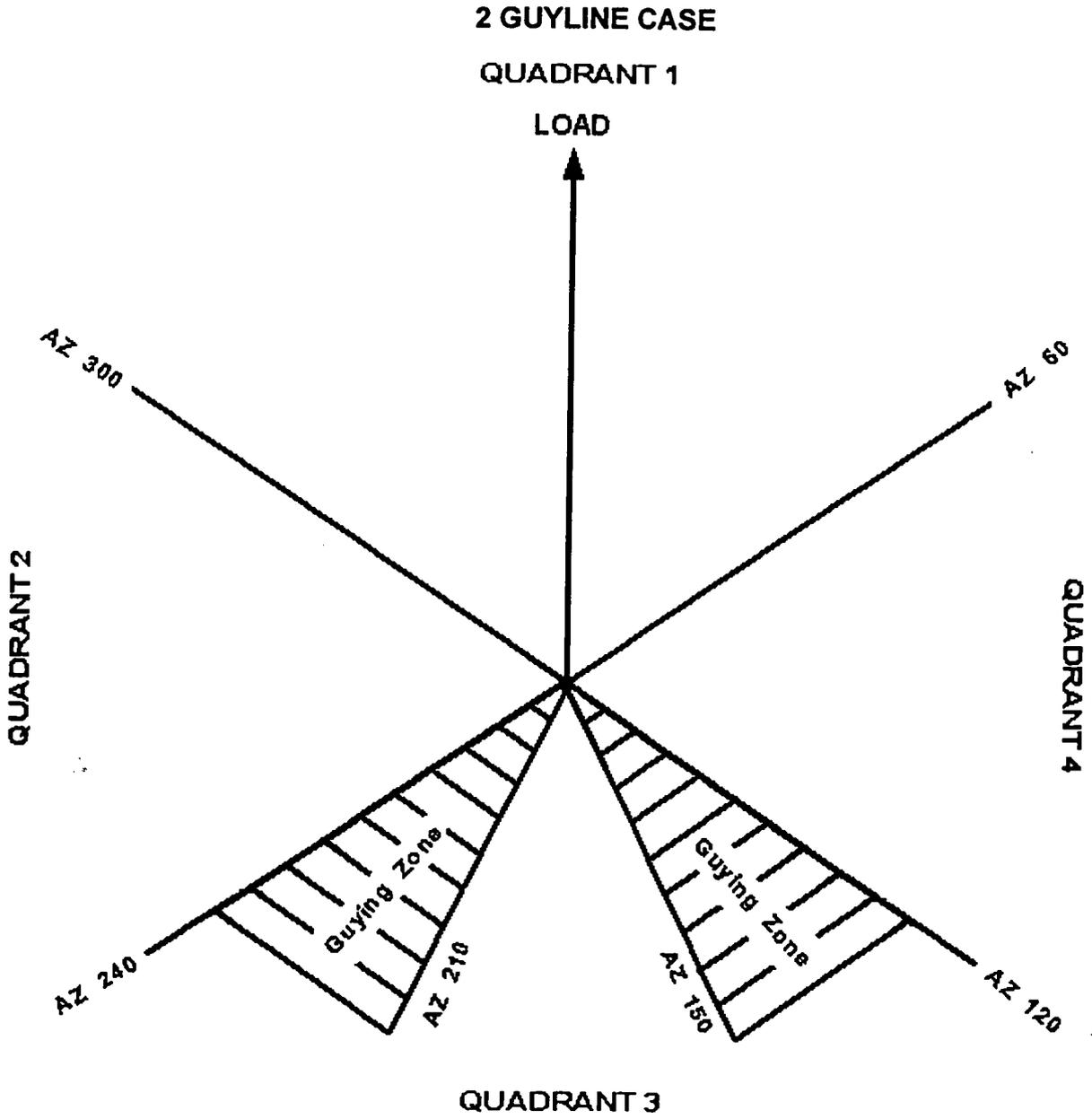
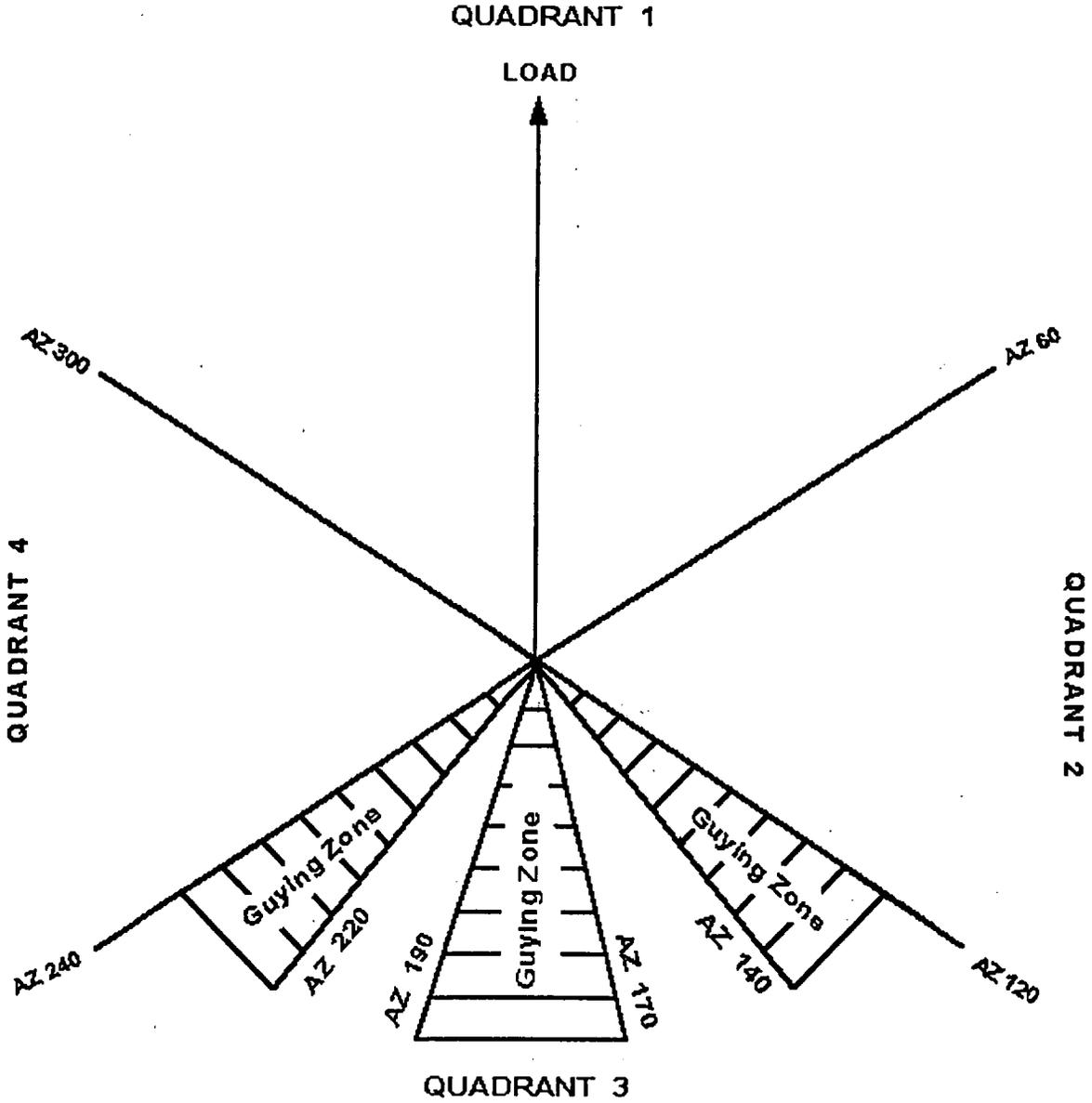


Figure 5: 2 Guyline Case

### 3 GUYLINE CASE



PROPOSED

Figure 6: 3 Guyline Case

PROPOSED

### 3 GUYLINE CASE

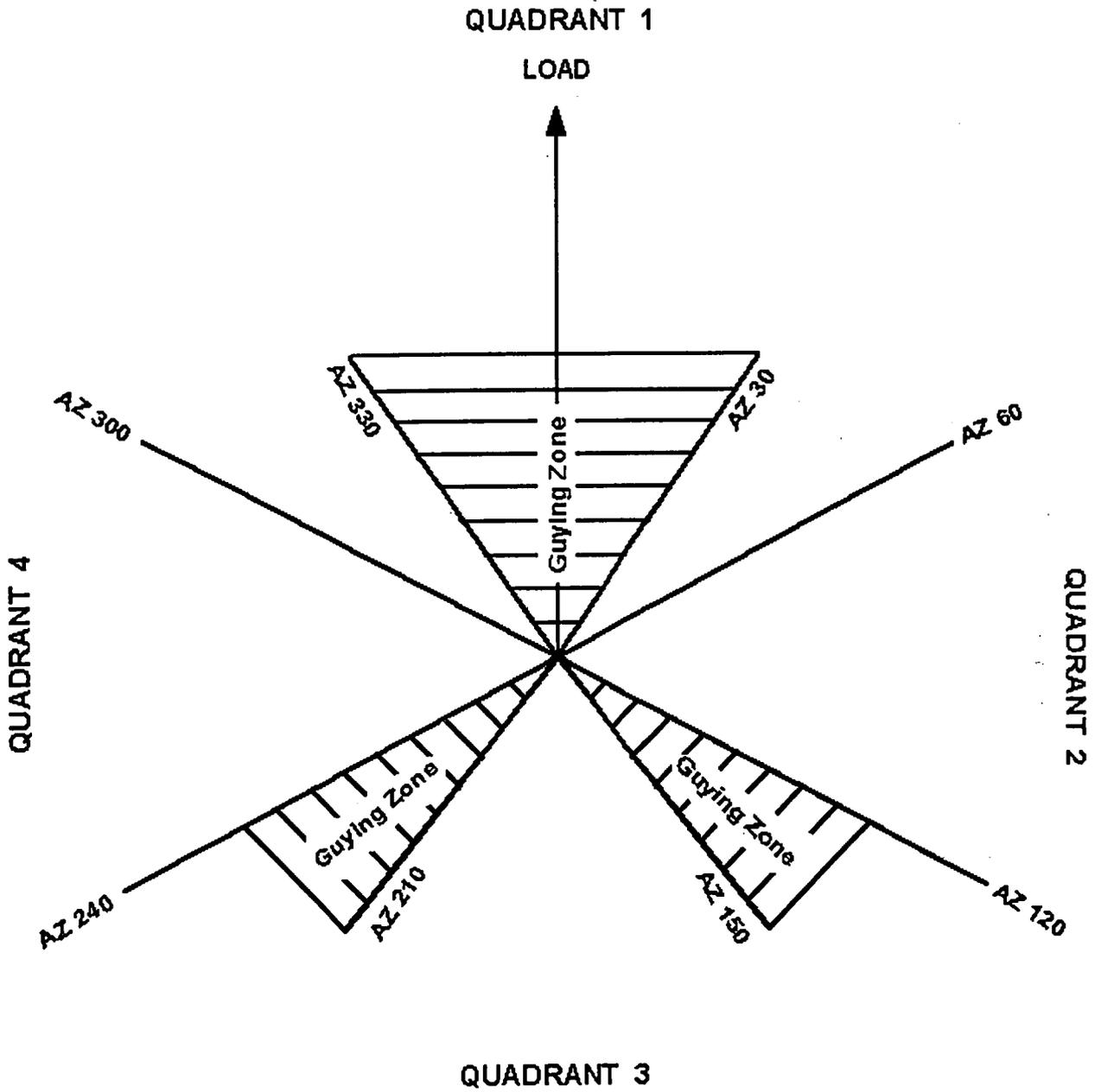


Figure 7: 3 Guyline Case (2)

PROPOSED

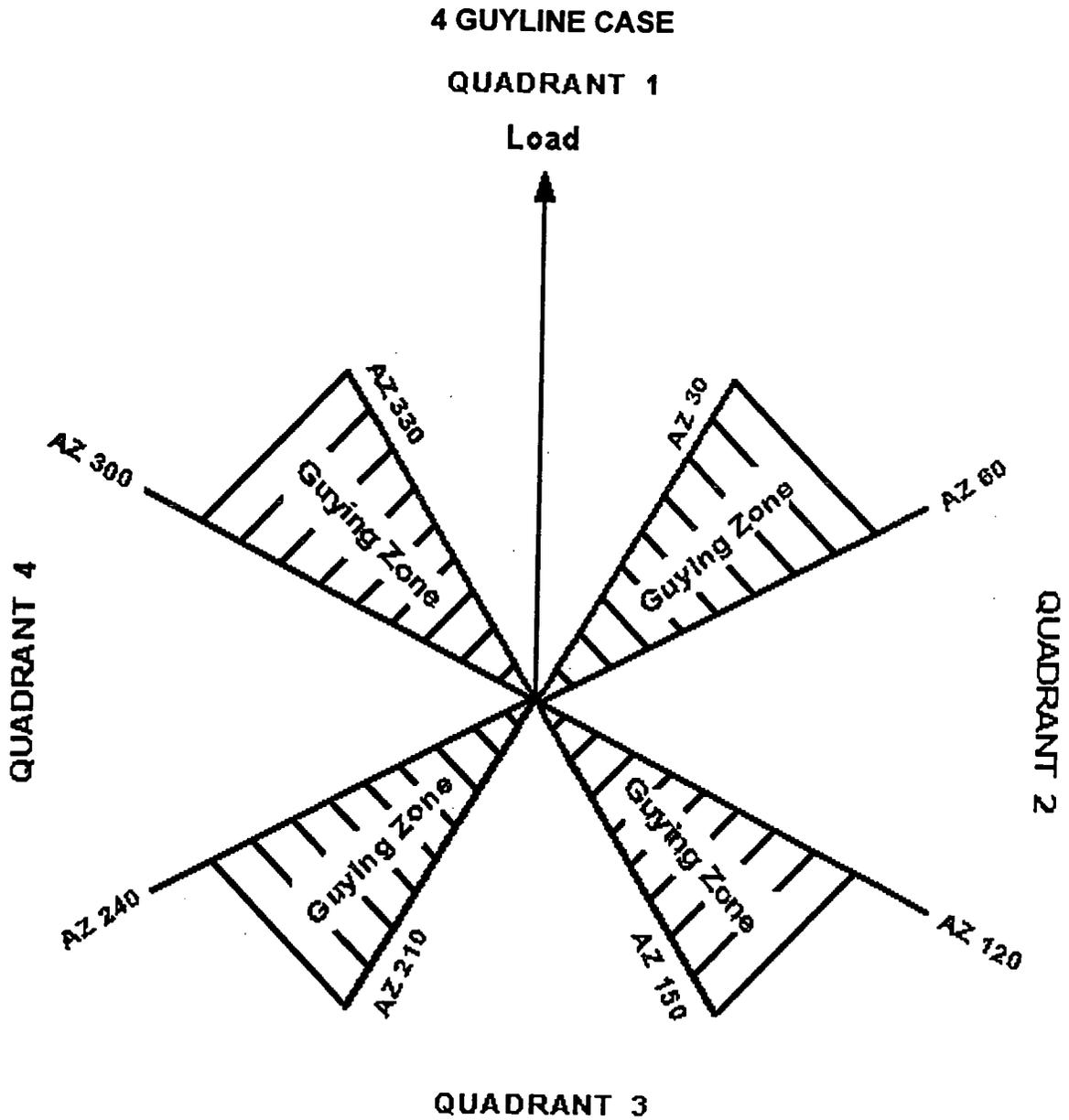


Figure 8: 4 Guyline Case

PROPOSED

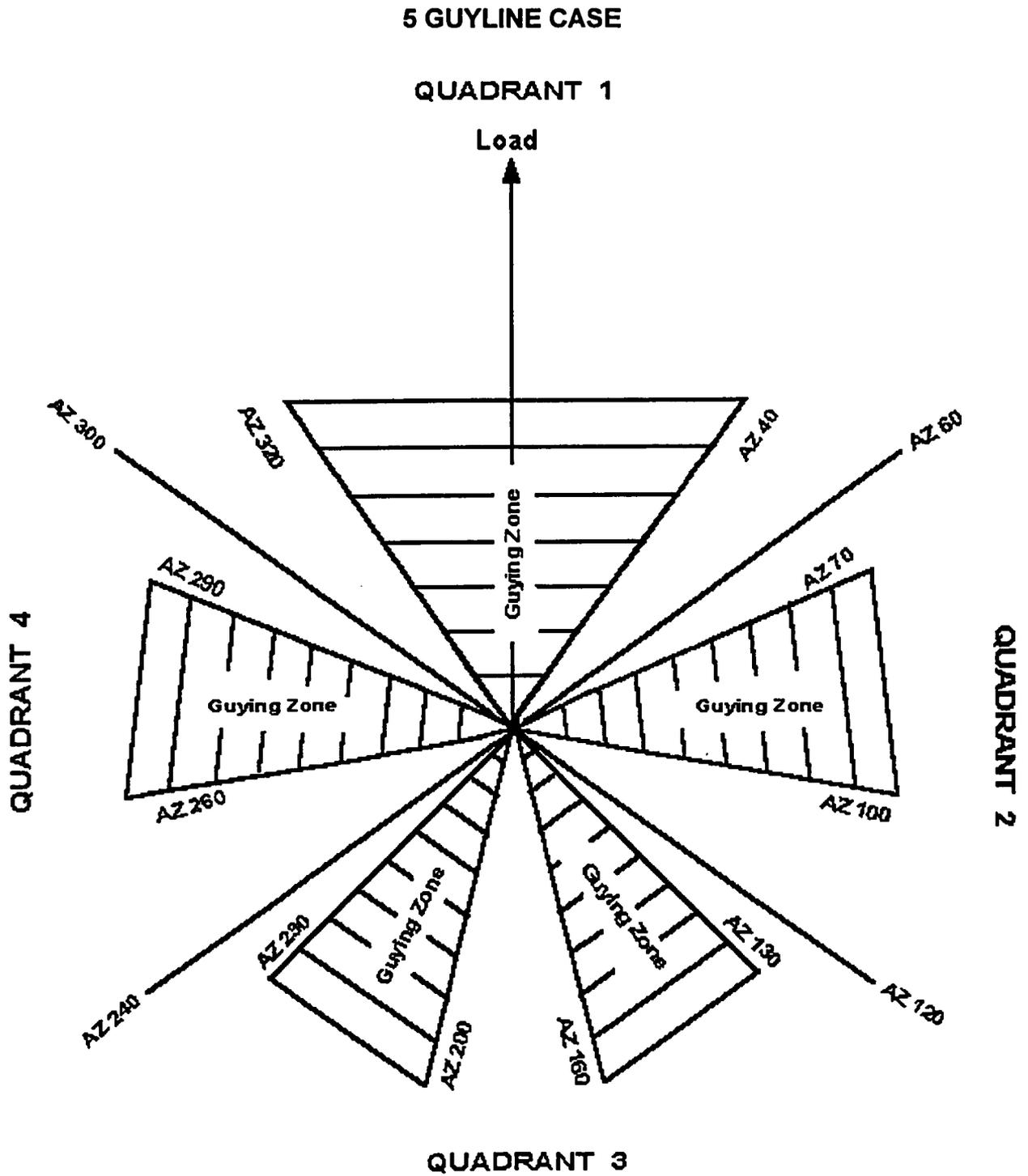


Figure 9: 5 Guyline Case

PROPOSED

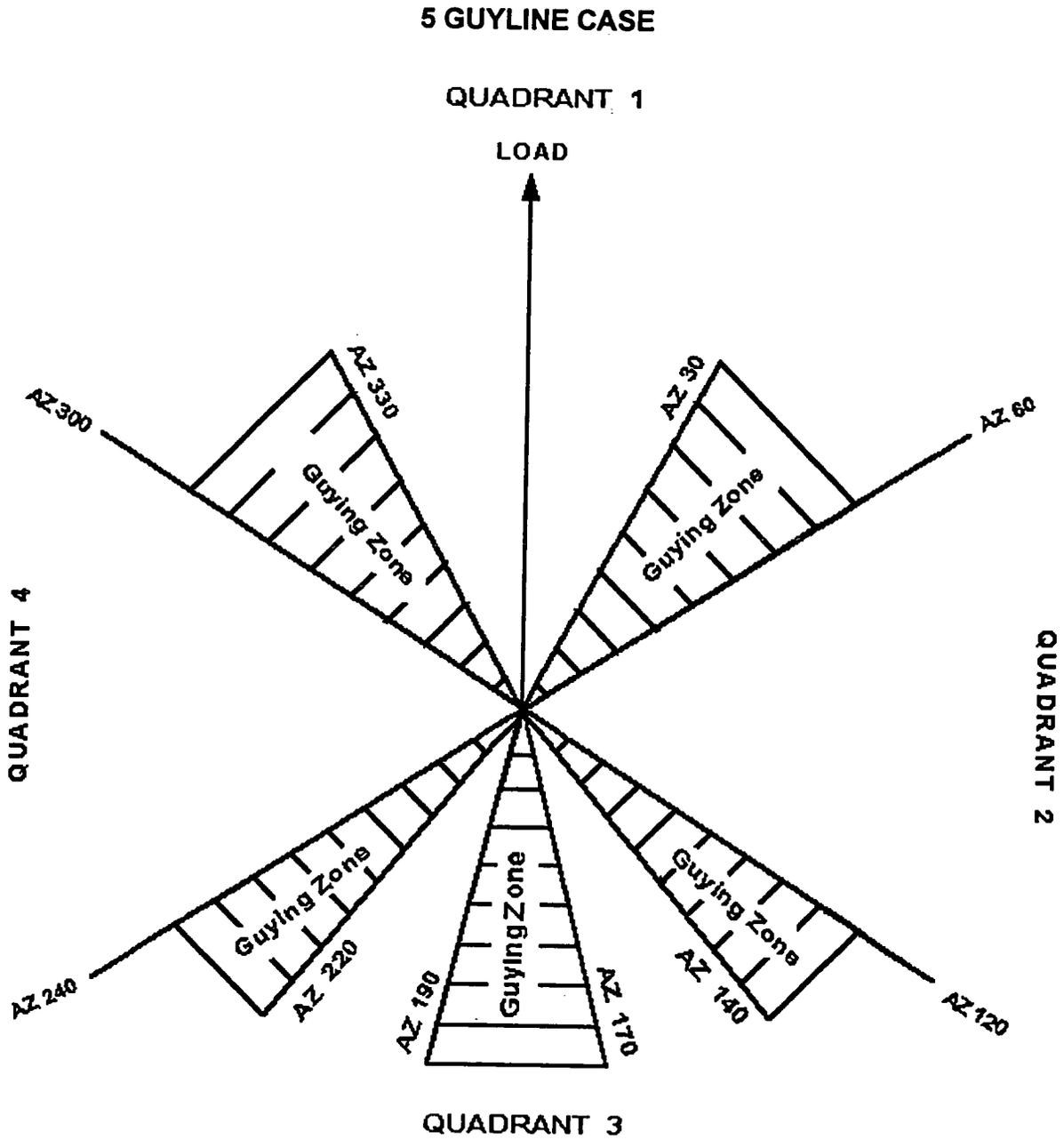


Figure 10: 5 Guyline Case (2)

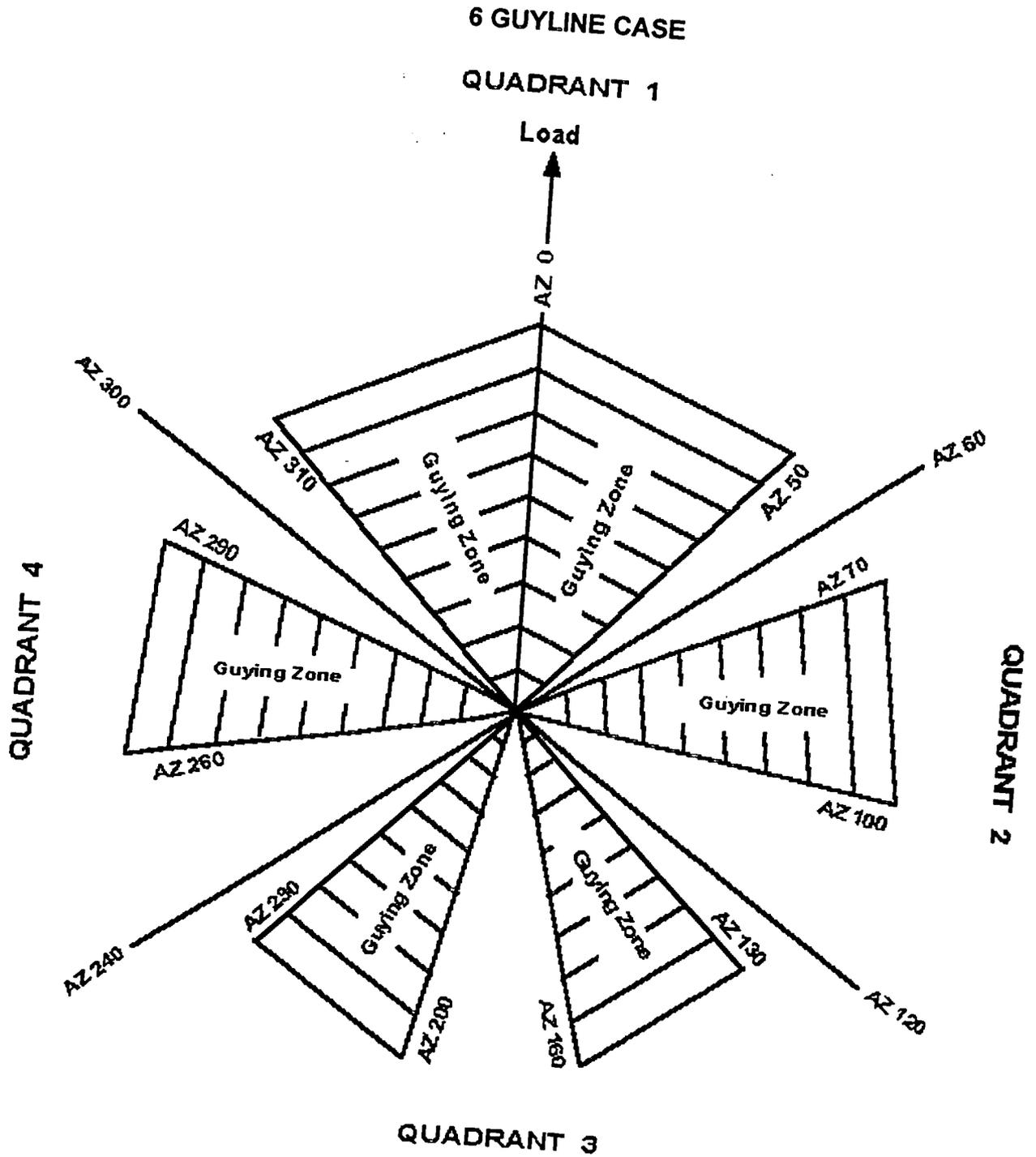
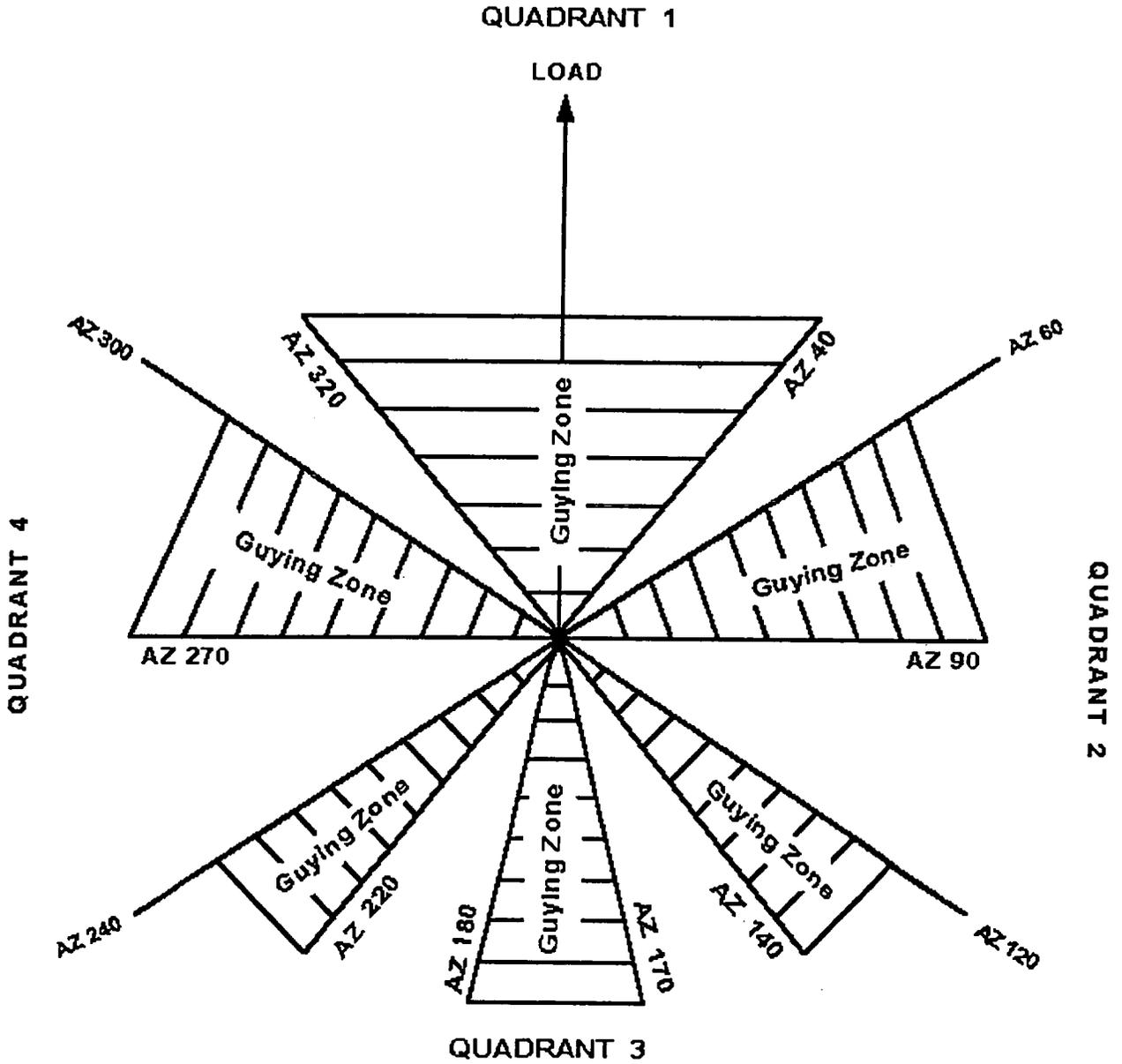


Figure 11: 6 Guyline Case

### 6 GUYLINE CASE



PROPOSED

Figure 12: 6 Guyline Case (2)

PROPOSED

### 7 GUYLINE CASE

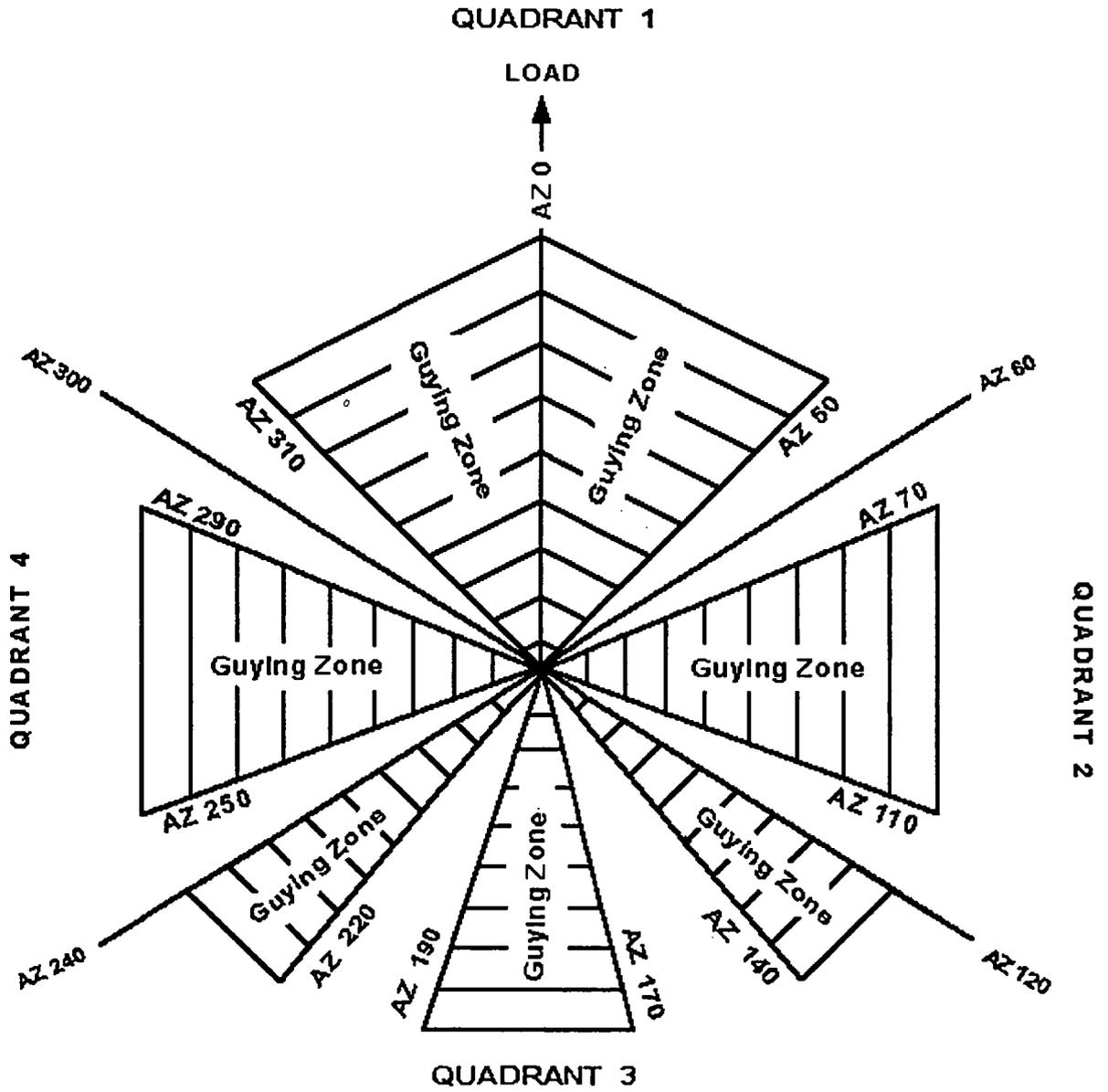


Figure 13: 7 Guyline Case

PROPOSED

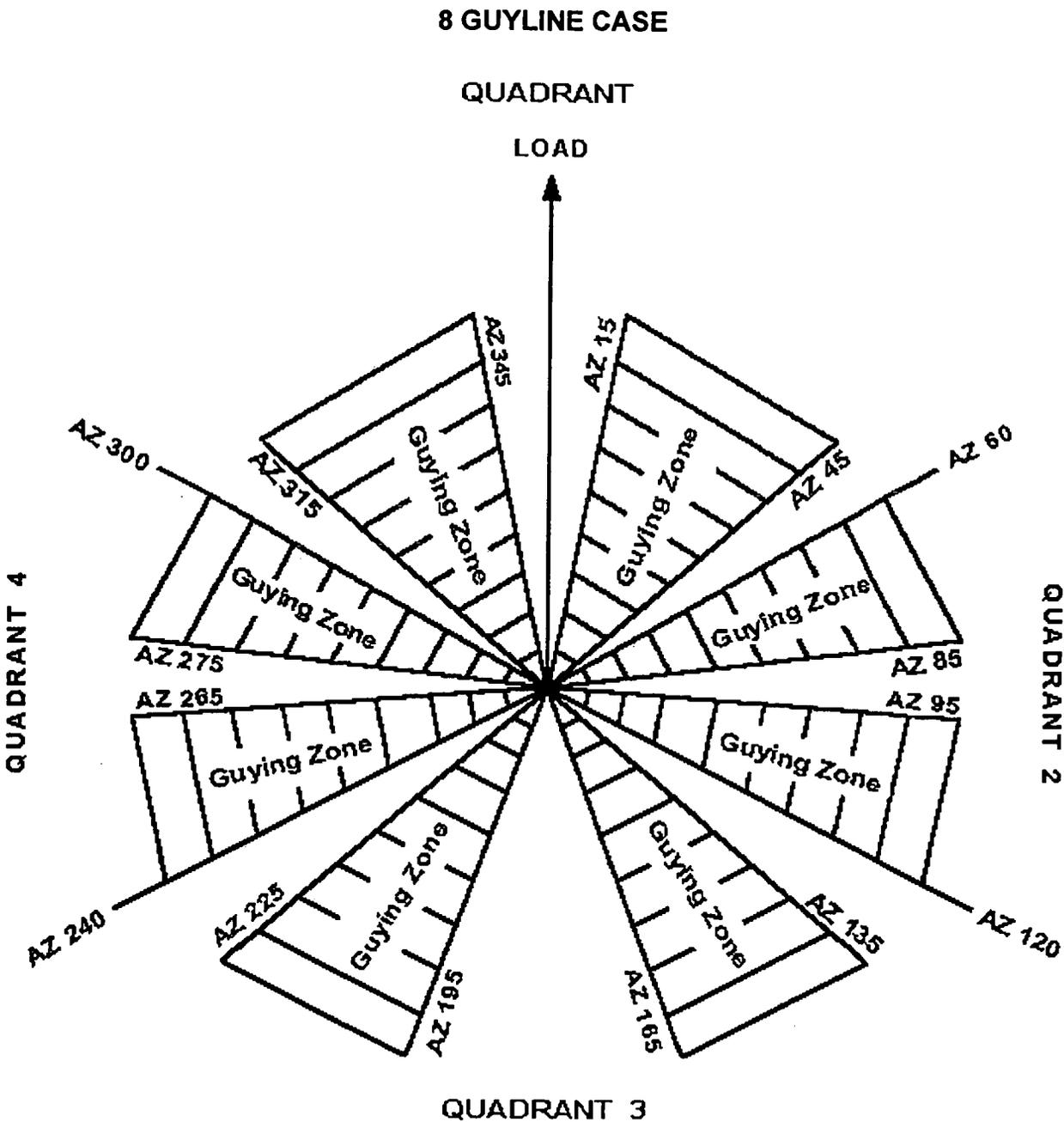


Figure 14: 8 Guyline Case

PROPOSED

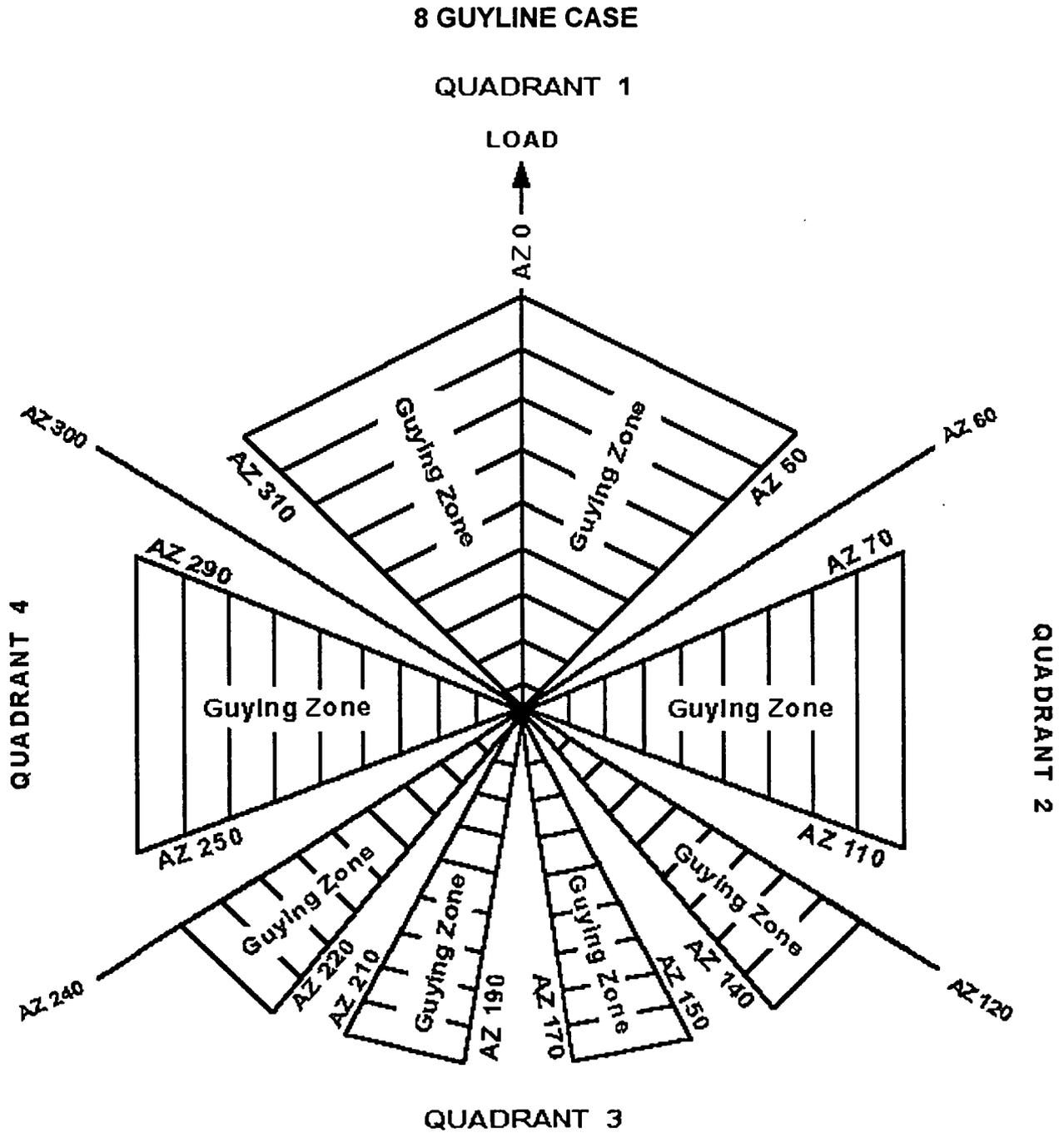
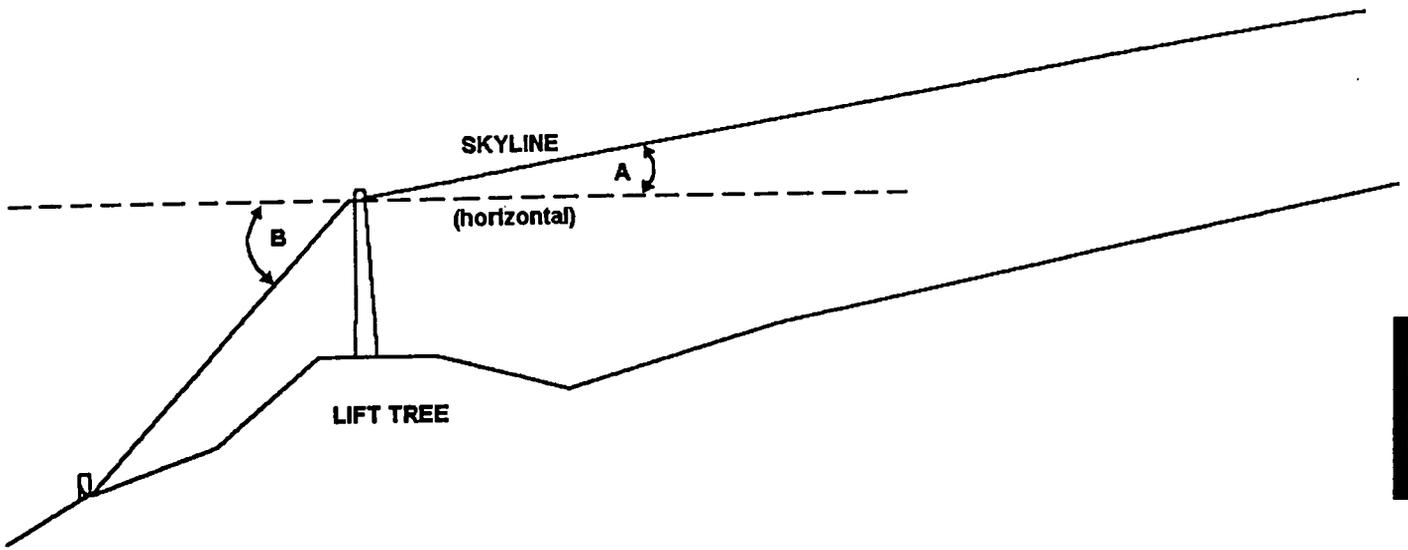


Figure 15: 8 Guyline Case (2)

### POSITIONING GUYLINES IN BACK OF TREE



PROPOSED

Figure 16: Positioning Guylines in Back of Tree

### POSITIONING GUYLINES IN FRONT OF TREE

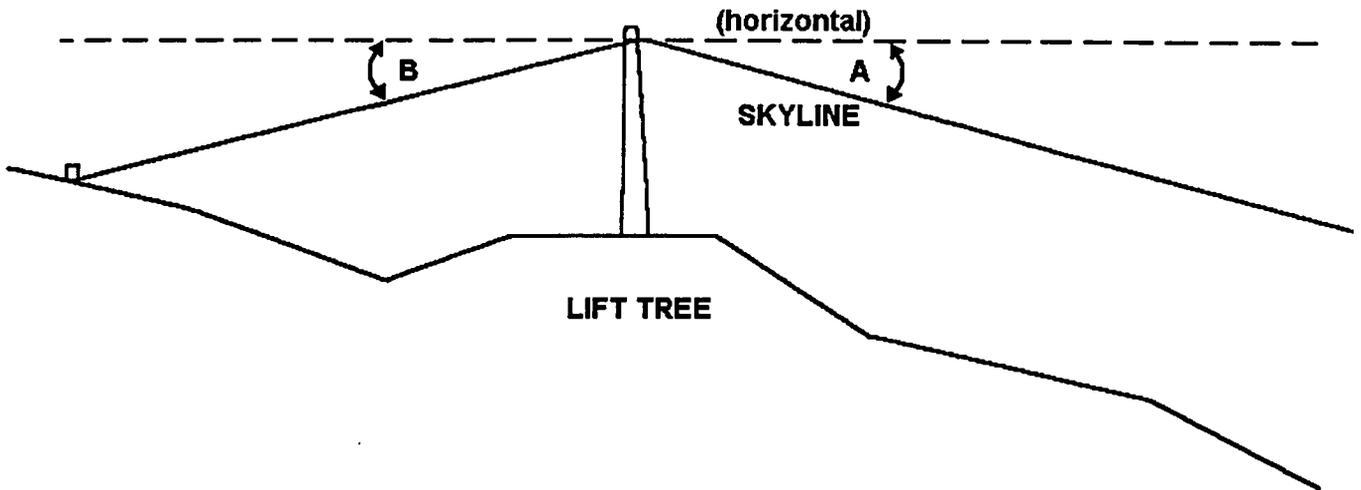


Figure 17: Positioning Guylines in Front of Tree

### MAXIMUM ANGLE FOR LOAD BEARING GUYLINES AND SKYLINE

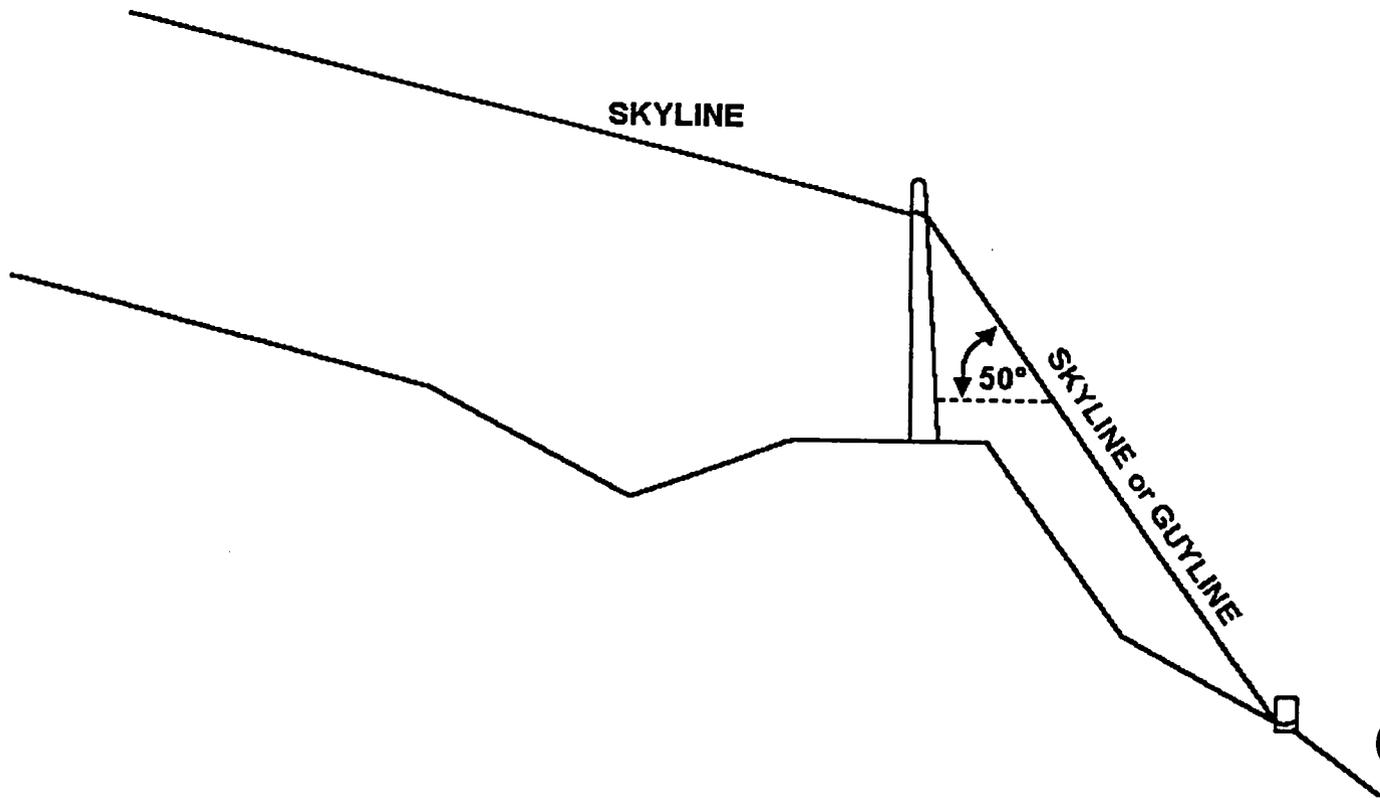
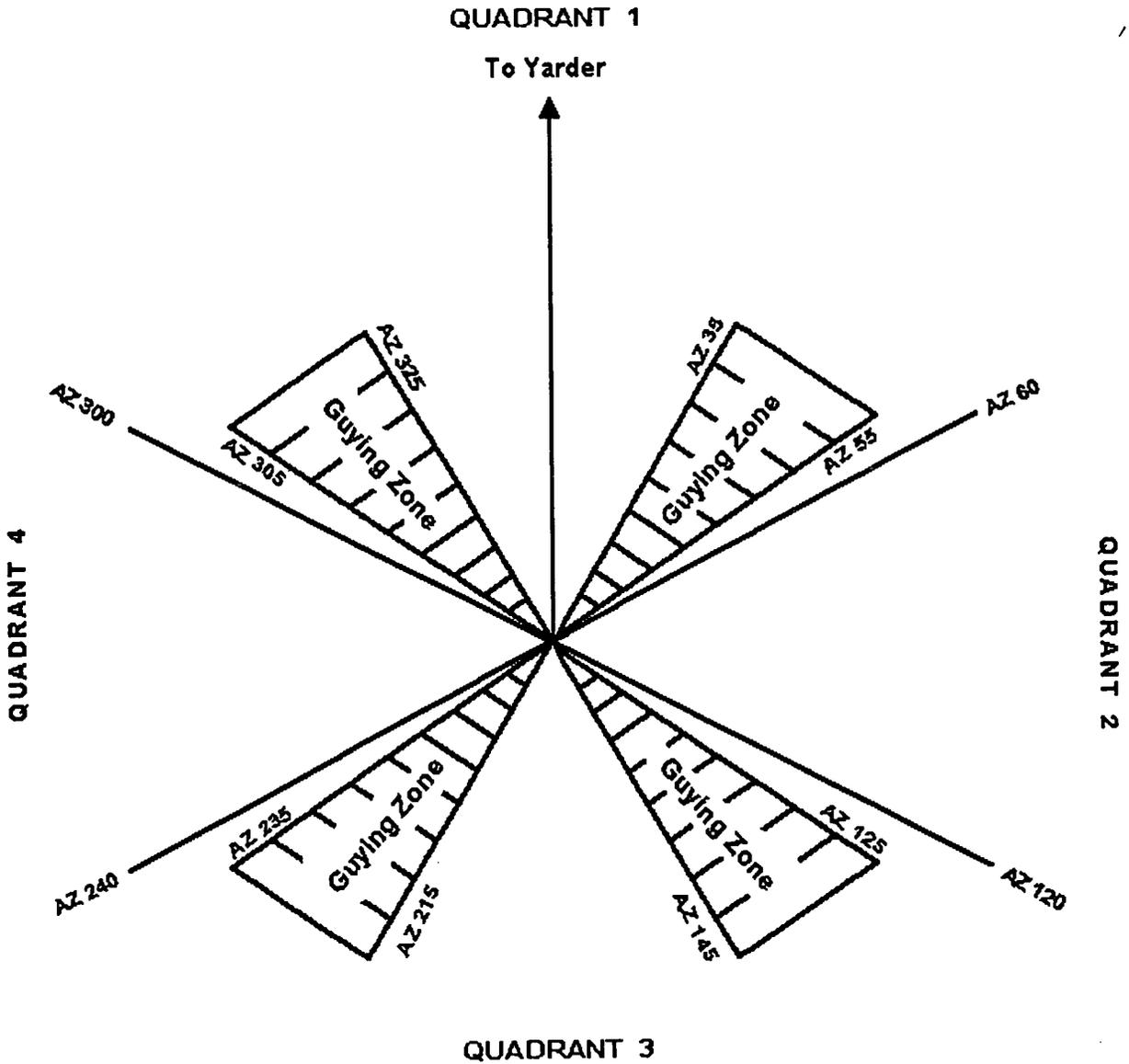


Figure 18: Maximum Angle for Load Bearing Guylines and Skyline

### 4 GUYLINE CASE – TAIL/LIFT TREE GUYING



PROPOSED

Figure 19: 4 Guyline Case – Tail/Lift Tree Guying

### 2 GUYLINE CASE

### TAIL/LIFT TREE GUYING

(gravity outhaul, non-slackpulling carriage)

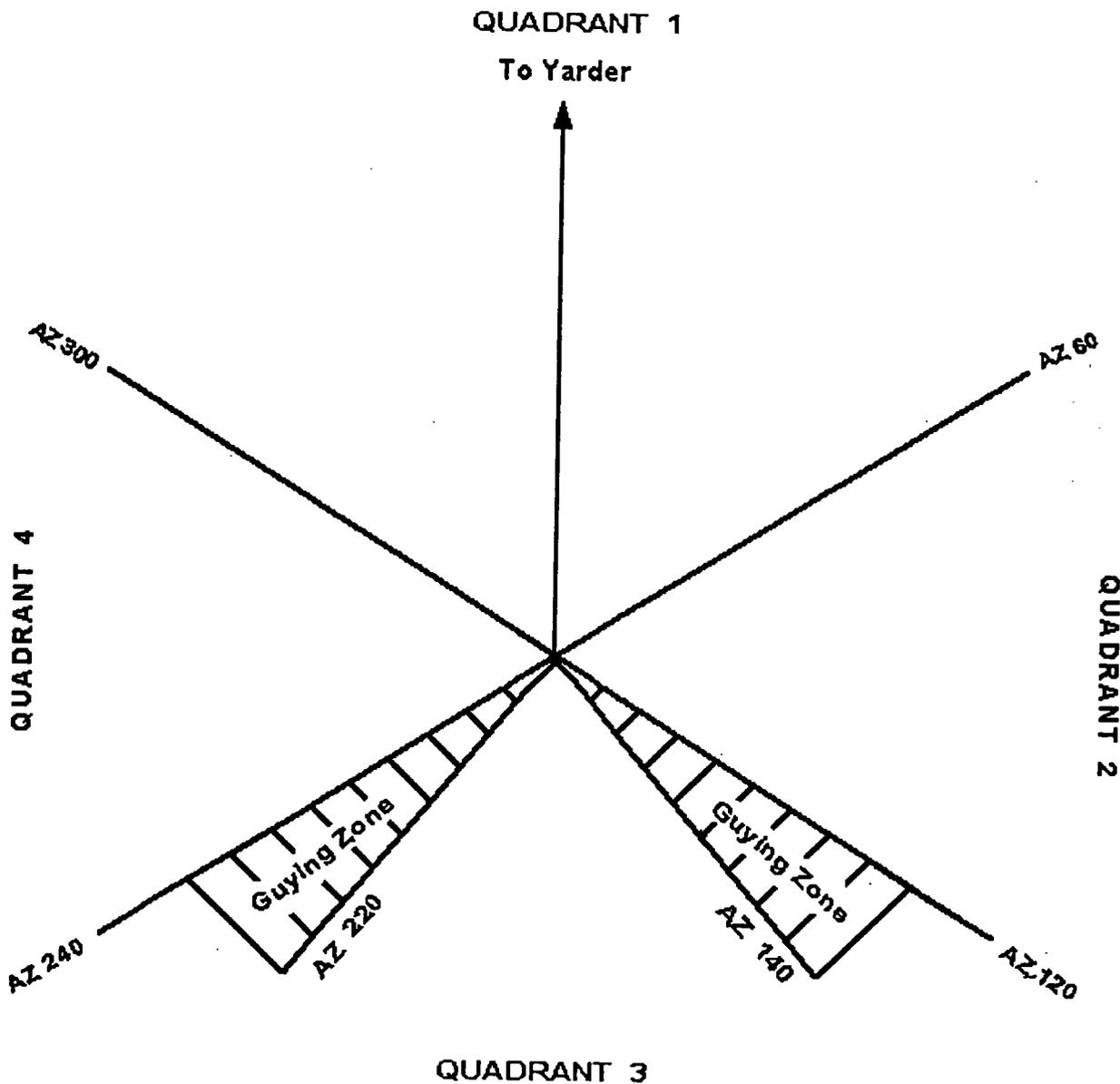


Figure 20: 2 Guyline Case – Tail/Lift Tree Guying  
(gravity outhaul, non-slackpulling carriage)

PROPOSED

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 80-15, filed 8/20/80)

~~WAC 296-54-563 ((Log loading—Special requirements.)) Guying tail/lift trees, (((1)(a) Loading machines shall be equipped with an effective parking braking system~~

which is not dependent on the air or hydraulic pressure which is used to stop the machine while traveling.

(b) A braking system shall be installed on the load line and boom supporting equipment which shall be capable of stopping and holding, in any position, the maximum load for which the loading machine is designed. The equipment shall be of such design as to lower the boom with power. Booms not having power down shall be dogged before workers enter the hazardous area around the boom. Workers shall not be under any boom while it is being held by the brake.

(2) A minimum distance of thirty six inch clearance shall be maintained between the counterweight of a loading machine and trees, logs, banks, trucks, etc., while the machine is in operation. If this clearance cannot be maintained, suitable barricades with warning signs attached, similar to a standard guardrail, shall be installed to isolate the hazardous area. "DANGER 36 inch clearance" shall be marked in contrasting colors on sides and face of counterweight on shovels, loaders and other swing type logging equipment.

(3) Persons shall not work under a slack puller. A warning line, of sufficient length to reach the ground at all positions, shall be hung from any slack puller.

(4) Where a backstop of a loading machine is so constructed that it could crush the operator's cab should the heel boom be pulled or pushed too far backward, positive boom stops shall be installed.

(5) All mobile fork lift type log handling machines shall be equipped with a means or mechanism to prevent the logs from leaving or rolling off the forks, and shall be used at all times while moving logs. (1) Whenever a tail/lift tree is within reach of the work area and the rigging is placed on the tail/lift tree at a height greater than five times the tree diameter (dbh), at least two guylines must be used unless tree size and strength and rigging position eliminate the need for guylines or employees must be in the clear before the go-ahead signal is given.

(2) Guylines on tail/lift trees must not be anchored to standing trees unless:

(a) There is no danger that the guyline anchor tree will not enter the work area;

(b) The guyline anchor tree is properly tied back; or

(c) Employees are in the clear of the guyline anchor tree(s) before go-ahead signal is given.

(3) When guylines are required, they must be positioned according to Figure 16: Positioning Guylines in Back of Tree and Figure 19: 4 Guyline Case - Tail/Lift Tree Guying as follows:

(a) When the angle between the horizontal and skyline coming into the tree (angle A in Figure 16) is less than the angle between the horizontal and the skyline leaving the tree towards the anchor point (angle B in Figure 16), the guylines must be in back of the tail/lift tree as specified in Figure 19.

(b) If angle A is greater than angle B, then the guys must be placed in front of the tail/lift tree. This situation usually occurs when a tail/lift tree is used during downhill yarding as shown below. Placing the guys on the uphill side only helps to pull the tail/lift tree over uphill.

(c) If a suitable anchor is not available within a specified shaded zone, two guylines may be used instead of one

guyline, provided a guyline is placed on either side of and as near as possible to the affected shaded zone.

(4) Tail and lift trees must be supported by additional guylines if necessary, to ensure the stability of the tree.

AMENDATORY SECTION (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

WAC 296-54-565 ((Log loading—Self loading log trucks.)) Intermediate support trees. ((1) A safe means of access and egress shall be provided to the operator's loading work station.

(2) Self loading log truck operators shall not unload their own load unless a positive means of securing the logs has been provided when binders and wrappers are removed.

(3) New self loading log trucks purchased and put in operation after January 1, 1980, shall be equipped with:

(a) A check valve installed on the jib boom; and

(b) A seat that is offset from the point of attachment of the boom. The seat and boom structure shall rotate concurrently.

(4) The operator of a self loading log truck shall not heel the log over the operator's work station.

PROPOSED

PROPOSED



(1) Trees used as intermediate supports must be sound and straight from the ground to the point of strap attachment; and must be rigged so that:

(a) Carriage clearance, as measured at the base of the support tree(s) is at least five feet.

(b) The jackline (see Figure 21: Critical Measurements of the Double Tree Intermediate Support System) is a single piece of line that is one-eighth inch larger than the tong or skidding line or rigged to provide a strength equal to a line one-eighth inch larger than the tong or skidding line.

(2) Vertical support trees must be firmly rooted.

(3) The base of all leaning tree supports must be prevented from moving by:

(a) Retaining twenty percent of the stump diameter in holding wood; or

(b) Other suitable rigging arrangements.

(4) Double tree supports must be rigged so that (see Figure 22: Double Tree Intermediate Support System):

(a) The minimum and maximum heights of the jack relative to the height of the block are as shown below:

(b) The angle the block line makes with the center line of the support tree is as follows:

(i) For skylines one and one-eighth inch and smaller, ten degrees in any direction; and

(ii) For skylines larger than one and one-eighth inch, deflection of the block is in the direction of the jack and a maximum of ten degrees.

(c) The loaded support tree does not displace more than two feet at the point of rigging attachment.

(5) Single tree supports must be guyed as follows:

(a) For skylines one and one-eighth inch and less, as shown in Figure 4; and

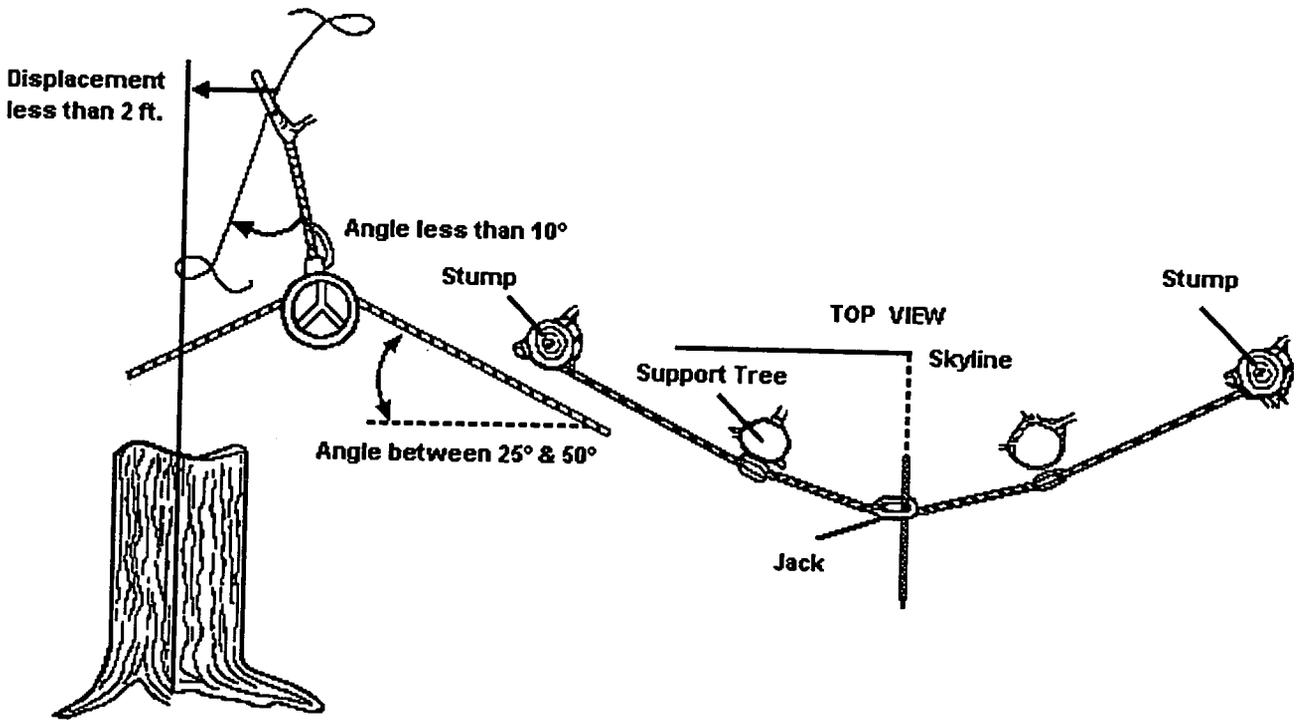
(b) For skylines larger than one and one-eighth inch, as shown in Figure 6.

(6) Double tree supports must be guyed as follows:

(a) For skylines one and one-eighth inch and less, no guys are required;

(b) For skylines larger than one and one-eighth inch, as shown in Figure 4.

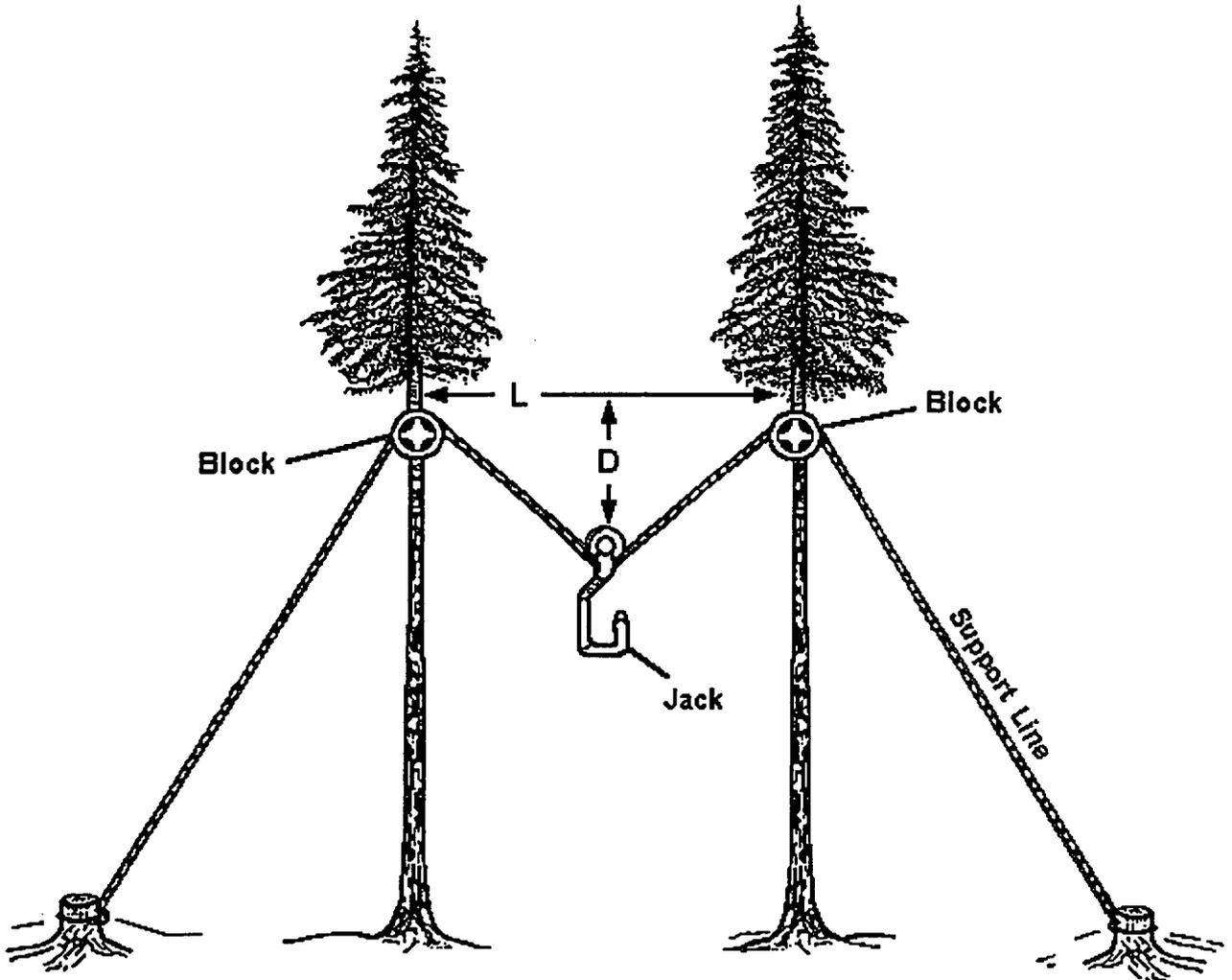
### CRITICAL MEASUREMENTS OF THE DOUBLE TREE INTERMEDIATE SUPPORT SYSTEM



PROPOSED

Figure 21: Critical Measurements of the Double Tree Intermediate Support System

### DOUBLE TREE INTERMEDIATE SUPPORT SYSTEM



Front View

$D = .25 \times L = \text{minimum distance}$

$D = .5 \times L = \text{maximum distance}$

Figure 22: Double Tree Intermediate Support System

**AMENDATORY SECTION** (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-567** (~~Motor truck log transportation—General requirements~~) **Rigging skylines.** (((1) Prior to use, the operator shall make a complete daily inspection of

the truck and trailer with particular attention to steering apparatus, lights and reflectors, brake boosters, brake hoses and connections, reaches, and hitches (couplings). The brakes shall be tested before and after movement of the vehicle. The operator shall submit a written list of necessary repairs to a person designated by the employer.

PROPOSED

~~(2) Any defective parts that would make the vehicle unsafe to operate, shall be replaced or repaired before the vehicle is placed in service.~~

~~(3) All motor vehicles operated on public roads shall comply with the rules of the regulatory body having jurisdiction. Motor vehicles used on roads not under the control of the state department of transportation, counties or cities shall be equipped with accessories necessary for a safe operation including operable head lamps and at least two tail lamps and brake lamps which shall emit a red light plainly visible from a distance of one thousand feet to the rear and shall also have two reflectors visible at night from three hundred fifty feet when directly in front of properly adjusted motor vehicle head lamps.~~

~~(4) Truck tires worn beyond a point of safety or not meeting the safety requirements of the jurisdiction having authority as to tread wear and tire conditions, shall not be used.~~

~~(5) The driver shall do everything reasonably possible to keep the truck under control at all times and shall not operate in excess of a speed at which the driver can stop the truck in one-half the distance between the range of unobstructed vision.~~

~~(6) The area between the truck frame members, extending from the cab rearward as far as necessary to provide a safe work area, shall be covered with suitable nonslip type material. Log trucks which have logs sealed at stations shall be provided with a platform on each side extending outward from the frame members at least eighteen inches, and shall be eighteen inches long or as near this dimension as the design of the truck will permit. The treading surface of the platforms shall be of nonslip type material and the platform shall be capable of safely supporting a five hundred pound load.~~

~~(7) To protect the operator of vehicles from loads, a substantial bulkhead shall be provided behind the cab which shall extend up to the height of the cab.~~

~~(8) If logs must be sealed or branded while the loading operation is being carried on, the loading operation shall cease while the sealing or branding is being done so that the sealer or person doing the branding is not subjected to any hazards created by the loading operation.~~

~~(9) When at the dump or reload or where logs are sealed or branded on the truck, the logs shall be sealed or branded before the binders are released.~~

~~(10) All vehicles, where vision of the operator in the direction of travel is impaired by the load or vehicle, shall be moved only on a signal from a worker who shall have a clear view in the direction in which the vehicle is to be moved.~~

~~(11) Where a bridge or other roadway structure is posted with a load limit sign, log truck drivers or operators of other heavy equipment are prohibited from driving a load in excess of the posted limit over such structure.~~

~~(12) Persons shall be allowed to ride only when in the cab of the log truck.~~

~~(13) All trucks shall keep to the right side of the road except where the road is plainly and adequately posted for left side travel.~~

~~(14) A method shall be provided to assure that the trailer will remain mounted on the truck while driving on highways or logging roads.~~

~~(15) When trucks are towed on any road, the person guiding the vehicle being towed shall, by prearranged signals, govern the speed of travel. The towing of vehicles shall be done at a reasonable speed and in a prudent manner. A tow cable or chain over fifteen feet in length shall have a white flag affixed at the approximate center, however, it is recommended that a rigid tow bar be used for this purpose.~~

~~(16) All air lines, air chambers and systems shall be free of leaks and be able to maintain air pressure on constant brake application with the motor shut off for one minute, or air pressure does not drop more than 4 p.s.i. in one minute with the engine running at idling speed and the service brake applied.~~

~~(17) All rubber-tired motor vehicles shall be equipped with fenders. Mud flaps may be used in lieu of fenders whenever the motor vehicle is not designed for fenders.~~

~~(18) Seat belts and anchorages meeting the requirements of 49 CFR Part 571 (D.O.T. Federal Motor Vehicle Safety Standards) shall be installed and used in all motor vehicles.~~

~~(19) All trucks shall be equipped with doors with operable latches, or a safety bar or strap shall be provided in lieu of the door.~~

~~(20) All trucks shall be equipped with a means to protect the operator from inclement weather.~~

~~(21) Log trucks shall not approach a landing while there is danger from incoming logs.~~

~~(22) Log truck drivers shall stop their vehicle, dismount, check and tighten loose load wrappers and binders, either just before or immediately after leaving a private road to enter a public road. While enroute, the operator shall check and tighten the wrappers/tie downs whenever there is reason to believe that the wrappers/tie downs have loosened or the load has shifted.)~~

(1) A skyline must not make an angle greater than fifty degrees measured from the horizontal as it leaves the tail/lift tree. (See Figure 18: Maximum Angle for Load Bearing Guylines and Skyline.)

(2) When rigged in a tail/lift tree, the skyline must be anchored no more than eight degrees offline from the rearward projection of the skyline. If a suitable anchor is not available within the specified zone and the tail/lift tree is stable, a more suitable anchor outside the zone may be used. (See Figure 23: Skyline Positioning Limits Tail/Lift Tree.)

(3) A skyline must not be considered a guyline.

(4) Extensions to skylines must be equal in breaking strength to the skyline to which they are attached and must not alter the safe capacity of the tower. In addition, if the carriage runs over the extension, the extension must be attached only by a regular long splice or by a flush pin straight side shackle connecting the two eyes.

Note: See exception in WAC 296-54-553 (4)(e).

(5) Live, running or standing skylines must be anchored by one of the following methods:

(a) Directly to a stump or suitable manufactured anchor;

(b) Directly to the base of a standing tree provided the point of attachment is no more than three feet above the ground and no part of the tree will enter the work area if pulled over;

(i) If the tree will enter a work area, it must be properly tied back; or

(ii) Employee(s) must be in the clear before the go-ahead signal is given.

(c) By passing the skyline though a jack or block hung on a tail/lift tree before being anchored.

(6) Skylines or mainlines must be secured by one of the following methods:

(a) With at least two and one-half wraps, well spiked, or properly clamped; or

(b) Choked by using an approved shackle over the skyline or mainline with the pin through the eye; or

(c) With an approved strap having both eyes hung in a shackle and the knockout pin or safety pin through the eye of the skyline or mainline.

(7) Attaching the end of the skyline or slackline to the base of the tail tree is prohibited.

### SKYLINE POSITIONING LIMITS TAIL/LIFT TREE

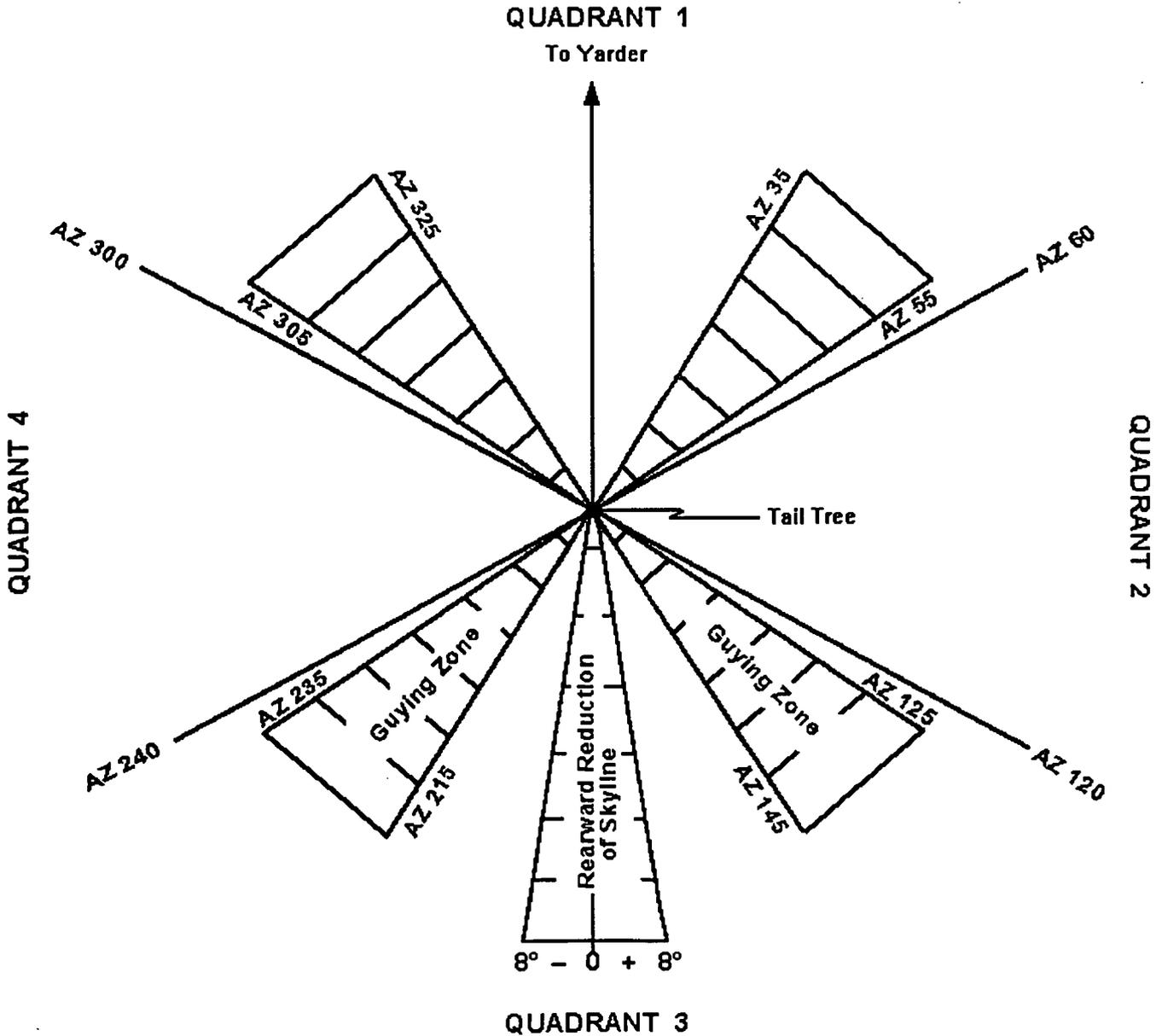


Figure 23: Skyline Positioning Limits Tail/Lift Tree

PROPOSED

**AMENDATORY SECTION** (Amending Order 90-01, filed 4/10/90, effective 5/25/90)

**WAC 296-54-569** (~~(Motor truck log transportation—  
Brake requirements—)~~ **Anchoring.** ~~((1) Motor logging trucks and trailers shall be equipped with brakes or other control methods which will safely stop and hold the maximum load on the maximum grade. When unattended trucks are parked on a grade, in addition to setting the brakes, the wheels shall be chocked or blocked.~~

~~(2) All trucks equipped with air brakes shall be also equipped with a readily visual or audible low air pressure warning device in good working order.~~

~~(3) Engine-type brakes shall be considered as auxiliary controls, not a substitute for the requirement for a service brake system.~~

~~(4) Brake drums shall be maintained free of cracks, breaks or defects. Defective brake drums, cans, shoes or air lines shall be immediately repaired or replaced.)~~ (1) Stumps used to anchor guylines and skylines must be carefully chosen for position, height, and strength. When necessary, stump anchors must be tied back to distribute the load.

(2) Stump anchors when spiked must be barked where attachments are to be made.

(3) Stump anchors must be adequately notched to keep the line in place and not adversely affect the stump strength.

(4) Employees must not stand close to the stump or tree or in the bight of lines as the guyline or wraps are being tightened.

(5) When spikes or cable clamps are used, guylines or skylines must be anchored with at least two and one-half wraps around the stumps. Wraps must:

(a) Be well secured with at least eight spikes or six staples in sound wood on the first and last wrap; or

(b) Have the end of the line secured with two wire rope clips on lines up to one inch diameter and three wire rope clips on lines one inch diameter and over.

(6) Properly installed deadman anchors are permitted. Guylines must not be directly attached to deadman anchors. Suitable straps or equally effective means must be used.

(7) Guylines of portable spars or towers must not be anchored to standing trees if the unit is used as a head tree, except as specified in subsection (8) of this section.

(8) In special cases such as hanging on foreign ownership or in cable thinning operation where frequent moves make the retrieval of fell guyline trees difficult, the following will apply:

(a) Standing trees within reach of a work area or haul road may be used provided:

(i) They are solid;

(ii) Have a sound undisturbed root system;

(iii) If fell, would be suitable for a guyline stump or tailhold as required in subsection (1) of this section; and

(iv) Are properly tied back to distribute the load; or

(b) Guyline and/or tailhold anchor trees, when located so they will not fall into the work area or haul road, need not be tied back if stable.

Note: Under no circumstances must an employer be required to use standing trees to anchor guylines.

(9) Rock bolt anchors must be grouted, installed, tested, and maintained according to the rock bolt manufacturer's recommendations.

(10) Anchors must be regularly inspected while the logging operation is in progress. Insecure or hazardous anchors must be corrected immediately.

(11) Artificial earth anchors must be installed and used according to their design specifications and manufacturer's recommendations.

(12) Mobile equipment may be used to anchor skylines, running lines and guylines, provided the weight of the machine or other methods are used to ensure machine stability for all applied loads.

PROPOSED

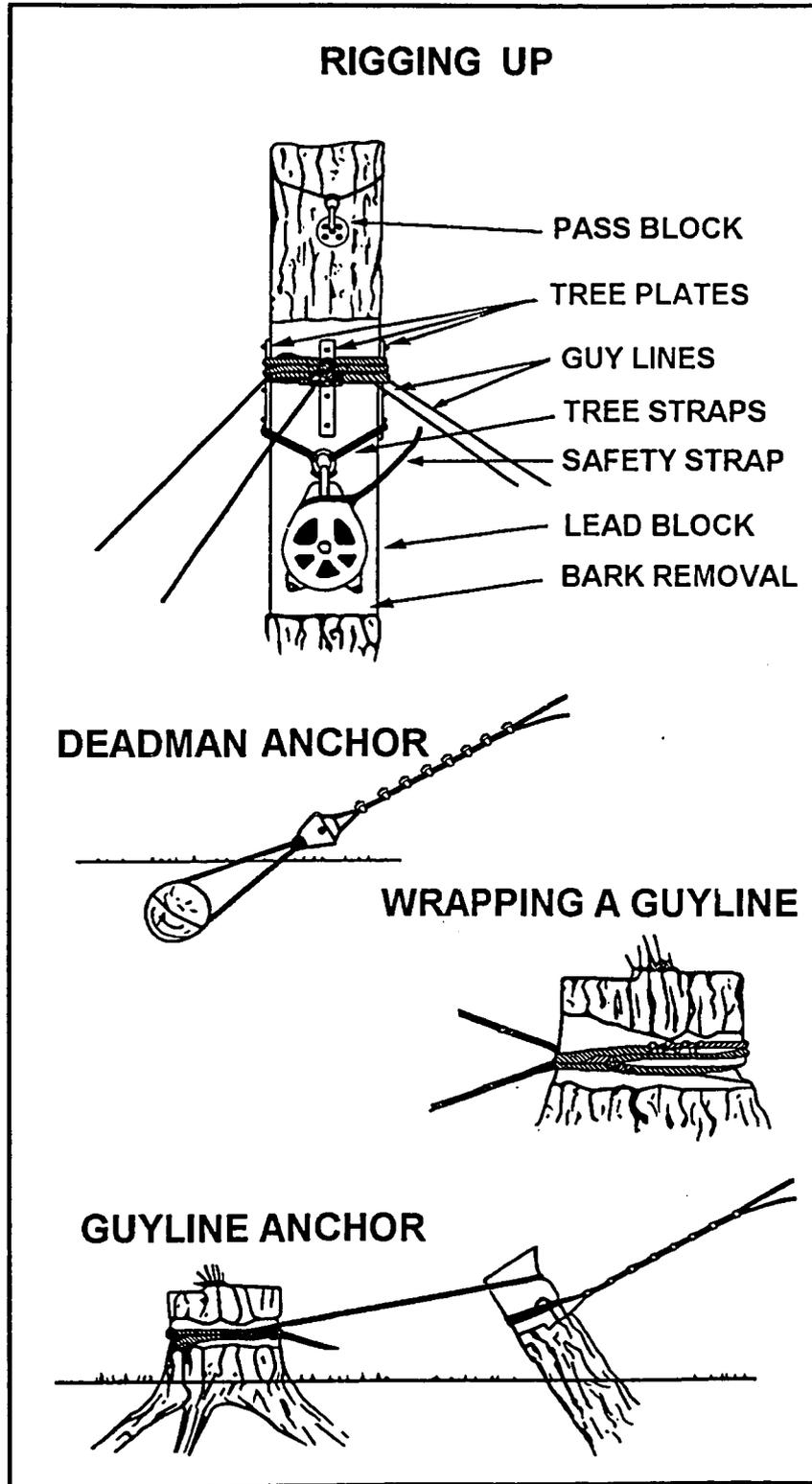


Figure 24: Rigging Illustrations

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-571 (~~Motor truck log transportation—Trailer hitches and safety chains.~~) Releasing spiked guylines and spiked skylines from anchors.** ((1) All log truck and trailer combinations shall be equipped with approved hitches (couplings) which shall:

(a) Be capable of withstanding, in any direction, the potential stresses imposed;

(b) Be of a design which would not be rendered inoperative by dirt and debris and shall be locked securely and positively;

(c) Be attached to the truck frame or extension of the truck frame by means of not less than four machine bolts and nuts (120,000 p.s.i. material or better) 3/4-inch diameter or larger, secured by lock nuts. Other means of attachment furnishing strength equal to or greater than the above may be accepted if of approved design and application; and

(d) Hitches (couplings) or parts that are broken, cracked, excessively worn, or otherwise defective hitches shall be repaired before use.

(2) Each log truck and trailer combination or log truck and independent trailer combination shall be provided with two or more safety chains or cables with a rated breaking strength of not less than the gross weight of the towed vehicle, be capable of holding the trailer in line in case of failure of the hitch assembly, and be as follows:

(a) Be permanently attached to the frame of the truck or an extension of the truck frame;

(b) Form a separate continuous connection between the truck frame or extension of the truck frame and the reach or trailer;

(c) Be attached not more than twelve inches from the eye of the reach or trailer;

(d) Be of a length short enough to prevent the trailer reach or tongue from contacting the ground in the event of disengagement from the truck;

(e) Be of a design to provide a positive connection that cannot be rendered inoperative by any condition of use or exposure.

(3) Safety chains and cables shall be replaced immediately if they contain cut, cracked, or excessively worn links, or frayed, stranded, or otherwise defective wire rope.

(4) Butt welding of safety chain links to reach truck frame, or extension of truck frame is prohibited.

(5) Cold-shuts may be used in safety chains provided they are welded shut and one size larger than the chain being used.

(6) There shall be no welding or hole drilling in frames on which the manufacturer recommends this not be done.) The following procedures must be followed when removing spiked guylines or spiked skylines from stumps:

(1) Reversed safety wrap is put on and secured before loosening the last wrap:

(2) An authorized employee is in charge of loosening guylines or skylines:

(3) The authorized employee uses all precautions and gives warning before releasing lines; and

(4) Safety holdbacks are used when necessary for employee safety.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-573 (~~Motor truck log transportation—Reaches and bunks.~~) Logging machines—General.** ((1) Log trailers shall be connected to tractors by reaches of a size and strength to withstand all normal imposed stresses. Spliced wooden reaches shall not be used. Proper repair of metal reaches by welding will be permitted if done by a qualified welder.

(2) Hand-holds or other facilities shall be installed on trailer tongues or trailer reaches if workers are required to manually assist in coupling them to their tractors or trucks.

(3) A positive means, other than clamp and in addition to the clamp, shall be installed on the reach of log truck trailers when the trailers are being towed without a load.

(4) Persons shall never enter the area below a suspended load of logs. At dumps where the load must remain suspended above the bunks until the truck is moved away, and when the trailer is the type with a compensating pin in the reach, a method shall be utilized which will allow the trailer to be towed away from the danger area.

(5) The reaches of unloaded trailers being towed shall be provided with and use a minimum one-inch pin near the end or an equally effective means to prevent pulling or stripping through the tunnel.

(6) Reach locks, clamps, or tighteners shall be of the type that will securely lock the reach in the tunnel.

(7) No reach of less than the maximum size usable in the tunnel of a trailer shall be permitted.

(8) Alteration of trailer tunnel to permit reduction of reach size is prohibited.

(9) Every truck or truck and trailer engaged in the transportation of logs loaded lengthwise, shall be equipped with bunks and choke blocks or stakes.

(10) Log bunks or any part of bunk assembly bent enough to cause bunks to bind, shall be straightened. Bunks shall be sufficiently sharp to prevent logs from slipping. Trip type stakes shall be properly secured and locked in a manner which will prevent them from accidentally tripping or falling.

(11) All trucks with swivel type bunks shall have bunk locks or an equivalent system of holding the bunks in place while loading logs.

(12) The bunks or bolsters of any truck or trailer shall be either curved upward or straight. Bunks with ends lower than their centers are prohibited.

(13) Sufficient clearance between the bunk and bunk rider shall be maintained to prevent bunk binding.

(14) Trailer bunks shall be provided with a false or tilt bunk. The channel of the bunk shall be kept reasonably free of debris.

(15) Stakes and stake extensions shall be installed and maintained so that the angle between bunks and stakes (and extensions if used) shall not exceed ninety degrees when loaded.

(16) Frames, reaches, bunks and running gear of log trucks shall be maintained free of cracks, breaks and defects.

PROPOSED

If defects are found, they shall be immediately repaired or the part replaced.) (1) All logging machinery must have speed limiting devices, safety stops, or emergency shut down devices or shut off valves, with the controls located so that in the event of an emergency, the prime mover may be shut down from a safe place.

(2) Machine operators must be experienced in operating the equipment they use.

**EXCEPTION:** Inexperienced employees may operate equipment to gain experience while in training but may do so only while working under the immediate supervision of an experienced authorized person.

(3) All machine controls must be marked as to their purpose in the operation of the machine.

(4) The rated capacity of any vehicle transporting a machine must not be exceeded.

(5) Machines must be loaded, secured, and unloaded in a manner that will not create a hazard for any employee.

(6) The employer must not make any modifications or additions that affect the capacity or safe operation of the equipment without written approval of the manufacturer or a qualified engineer. If modifications or changes are made, the capacity, operation and maintenance instruction plates, tags, or decals, must be changed accordingly. The original safety factor of the equipment must never be reduced.

(7) Equipment must be classed and used according to the manufacturer's rating. Where low gear ratios or other devices are installed to increase the line pull in accordance with subsection (6) of this section, the size of the rigging must be increased accordingly so that it will safely withstand the increased strains.

(8) Each machine, including any machine provided by an employee, must be maintained in serviceable condition and the following:

(a) Each machine is inspected before initial use during each workshift. Defects or damage are repaired or the unserviceable machine is replaced before beginning work.

(b) Operating and maintenance instructions are available on the machine or in the area where the machine is being operated. Each machine operator and maintenance employee complies with the operating and maintenance instructions.

(c) Each machine is operated only from the operator's station or as otherwise recommended by the manufacturer.

(d) No employee rides on any load.

(9) The yarding machine or vehicle, including its load, must be operated with safe clearance from all obstructions.

(10) While manual/mechanized falling is in progress, all logging machines must be operated at least two tree lengths away from trees being fell.

**EXCEPTION:** This provision does not apply to logging machines performing tree pulling operations or logging machines called upon by the cutter to ground hazard trees. All cutters must be notified of the logging machine entrance into the area and all falling within two tree lengths of the logging machine must stop.

(11) If a hydraulic or pneumatic storage device can move the moving elements such as, but not limited to, blades, buckets, saws and shears, after the machine is shut down, the pressure or stored energy from the element must be discharged as specified by the manufacturer.

(12) Loads must not exceed the rated capacity of the pallet, trailer, or other carrier.

(13) Boom-type logging machines must have a boom stop to prevent over-topping of the boom.

(14) Boom points of timber booms must be equipped with metal straps, plates, or other devices as needed to properly secure eyebolts and fittings used to support lines, blocks, or other rigging.

(15) Logging machine sleds or bases must be strong enough to withstand any stresses imposed upon them.

(16) Stationary logging machines must be securely anchored or otherwise stabilized to prevent unintended movement while yarding or skidding.

(17) Logging machines and their components must be securely anchored to their bases.

(18) Logging machines must be kept free of flammable waste materials and any materials that might contribute to slipping, tripping or falling.

(19) A safe and adequate means of access and egress to all parts of logging machinery where persons must go must be provided and maintained in a safe and uncluttered condition. Machine access systems, meeting the specifications of the Society of Automotive Engineers, SAE J185, June 1988, "Recommended Practice for Access Systems for Off-Road Machines," must be provided for each machine where the operator or any other employee must climb onto the machine to enter the cab or to perform maintenance. Walking and working surfaces of each machine and machine work station must have a slip-resistant surface to assure safe footing.

(20) Enclosed-type cabs installed on mobile logging machines must have two means of exit. One may be an emergency exit and be available for use at all times regardless of the position of the side arms or other movable parts of the machine. An easily removable window is acceptable as the emergency exit if it is large enough for an employee to readily exit.

**EXCEPTION:** Mobile logging machines manufactured before July 1, 1980 are not required to have two means of exit.

(21) Before leaving the operator's station of a machine, the operator must ensure the machine is secured as follows:

(a) The parking brake or brake locks must be applied;

(b) The transmission must be placed in the manufacturer's specified park position; and

(c) Each moving element such as, but not limited to, blades, buckets, saws and shears, must be lowered to the ground or otherwise secured.

(22) Storing employee property, tools, or other miscellaneous materials on or within three feet of any logging machine is prohibited if retrieving the items would expose an employee to the hazardous pinch point area between the rotating superstructure and the nonrotating undercarriage.

(23) Employees must approach the hazardous pinch point area only after informing the operator of that intent and receiving acknowledgment from the operator that the operator understands the employee's intention. All logging machines must be stopped while any employee is in the hazardous pinch point area.

(24) An unimpaired horizontal clearance of at least three feet must be maintained between the rotating superstructure of any logging machine and any adjacent object or surface. If

PROPOSED

this clearance cannot be maintained, a safety zone barrier must be used to isolate the hazardous area. The safety zone barrier may be a warning line constructed of rope or ribbon, supported on stanchions. "DANGER 36-INCH CLEARANCE" should be marked near the rear of the machine.

(25) After adjustments or repairs are made, logging machines must not be operated until all guards are reinstalled, safety devices reactivated, and maintenance equipment removed.

(26) Fairleads must be properly aligned at all times and designed to prevent line damage.

(27) Employee(s), except a mechanic or employee in training to operate equipment, must not ride on any mobile logging machine or turn of logs unless provided with seating, seat belts, and other protection equivalent to that provided for the operator.

(28) Tractors, skidders, arches, or logs being yarded by them must not run over or rub against anchored lines, tailhold stumps, or other rigging.

(29) Ends of lines attached to drums on logging machines must be secured by end attachments that develop the ultimate strength of the line unless three wraps of line are maintained on the drum at all times.

EXCEPTION: This does not apply to tractors or skidders.

(30) Wire rope must be wound on drum spools in a manner to prevent excessive wear, kinking, chafing or fouling.

(31) A guide pulley, tool, stick, iron bar or other mechanical or manual means must be used when guiding lines onto drums. Guiding lines onto drums with any part of the body in direct contact with the line is prohibited.

(32) A limit switch must be installed on electric-powered log loaders to prevent the lift arms from traveling too far in the event the control switch is not released in time.

(33) All forklift type log handling machines must be equipped with a grapple system and the arms must be closed whenever logs are being carried.

(34) When forklift machines are used to load, unload, or handle trailers, a positive means of holding the lifting attachment on the fork must be installed and used.

(35) Loads on forklift type log handling machines must be transported as low as safely operable without obstructing visibility.

(36) Guyline drum controls and outrigger controls must be separated and clearly identified in a manner that will prevent the engaging of the wrong control.

(37) Each machine must be equipped with guarding to protect employees from exposed moving elements, such as, but not limited to, shafts, pulleys, belts on conveyors, and gears in accordance with the requirements of this standard and chapter 296-24 WAC, Part C, Machinery and machine guarding. Guards must be in place at all times when machines are in use.

Note: This does not apply to lifting or yarding components such as, but not limited to, cable nip points, sheaves and blocks.

(38) Each machine used for debarking, limbing, and chipping must be guarded to protect employees from flying wood chunks, logs, chips, bark, limbs, and other material in accordance with the requirements of this standard and chapter 296-24 WAC, Part C, Machinery and machine guarding.

(39) Grab rails must be provided and maintained in good repair on all walkways of stationary units elevated more than four feet.

(40) Towed equipment such as, but not limited to, skid pans, pallets, arches, and trailers, must be attached to each machine or vehicle to allow a full ninety degree turn; to prevent overrunning of the towing machine or vehicles; and to ensure that the operator is always in control of the towed equipment.

(41) Timbers used for masts or booms shall be straight-grained, solid, and capable of withstanding the working load.

#### NEW SECTION

**WAC 296-54-57310 Logging machines—Chipping in woods locations.** In-woods chipping must be performed according to the following:

(1) Chipper access covers or doors remain closed until the drum or disc stops completely.

(2) Infeed and discharge ports are guarded to prevent contact with the disc, knives, or blower blades.

(3) The chipper is shut down and locked out according to the lockout/tagout requirements of chapter 296-24 WAC, Part A-4, when an employee performs any servicing or maintenance.

(4) Detached trailer chippers are chocked when used on any slope where rolling or sliding of the chipper is reasonably foreseeable.

#### NEW SECTION

**WAC 296-54-57315 Logging machines—Exhaust pipes.** (1) Engines not equipped with turbochargers must comply with the department of natural resources, chapter 332-24 WAC, requirements for spark-emitting equipment.

(2) Each machine muffler provided by the manufacturer, or their equivalent, must be in place at all times the machine is in operation.

(3) Exhaust pipes must be located or insulated to protect workers from accidental contact with the pipes or muffler and must direct exhaust gases away from the operator and other persons.

#### NEW SECTION

**WAC 296-54-57320 Logging machines—Glass.** Glass installed on logging machines must:

(1) Be free of deposits of oil and mud or defects that could endanger the operator or other employees;

(2) Be safety glass or a type that provides equal protection;

(3) Be removed or replaced if defective or broken glass impairs the vision of the operator; and

(4) Have an additional metal screen or guard installed where glass does not provide adequate operator protection from flying chokers, chunks, saplings, limbs, etc. The operator's vision must not be impaired.

PROPOSED

NEW SECTION**WAC 296-54-57325 Logging machines—Brakes.**

(1) Brakes or dogs must be installed on all machine drums and maintained in effective working condition.

(2) Drum brakes must have an independent locking device that will hold the drum when the operator leaves the machine and the machine is not operating.

(3) Brakes must be protected from direct exposure to the elements or be designed or constructed to make them impervious to such exposure.

(4) At the start of each shift, logging machine operators must test all brakes before taking a load.

(5) Service brakes must be able to stop and hold each machine and its rated load capacity on the slopes over which it is being operated. Brakes must be effective whether or not the engine is running and regardless of the direction of travel.

(6) Self-propelled logging machines manufactured on or after July 1, 1985, must be equipped with braking systems as follows:

(a) A service braking system, which must be the primary means of stopping and holding the equipment;

(b) An emergency stopping system, which must be a secondary means of stopping the equipment in the event of any single failure of the service system; and

(c) A parking brake system, which must be used to continuously hold a stopped machine stationary within the limits of traction on any grade on which it is operated so as to allow the operator to leave the vehicle without the vehicle moving, and to prevent subsequent movement of the vehicle while unattended. The parking brake system must maintain this parking performance despite any contraction of brake parts, failure of the source of application, energy or leakage of any kind.

(7) The braking systems required in subsection (5) of this section must be installed, tested, and maintained according to the following Society of Automotive Engineers' (SAE) Recommended Practices:

(a) J1026-1982—Braking Performance—In Service Crawler Tractors and Crawler Loaders;

(b) J1473-1984—Braking Performance—Rubber-Tired Construction Machines;

(c) J1178-1980—Minimum Performance Criteria for Braking Systems for Rubber-Tired Skidders.

(8) Self-propelled logging machines manufactured before July 1, 1985, must have braking systems installed, tested and maintained in as effective a condition as originally intended by the manufacturer.

NEW SECTION**WAC 296-54-57330 Logging machines—Outriggers.**

(1) All outriggers must have a stable base under the outrigger or equivalent leveling pads as recommended by the equipment manufacturer.

(2) Outriggers must have a means to hold them in both the retracted and extended position.

(3) Hydraulic outriggers must have a positive holding device (velocity fuse, load check valve, manually operated valve or equivalent) to prevent movement of the piston in the

event of a hose, fitting or other failure in the hydraulic system except when proper blocking is provided.

NEW SECTION**WAC 296-54-57335 Logging machines—Hydraulics.**

(1) If failure of hydraulic lines could create a hazard to an equipment operator while at the operator's station, safeguards must be installed that will eliminate the hazard.

(2) Machines or equipment must not be operated when hydraulic fluid leakage creates contamination of the operator's workstation, means of access or egress, or creates other unsafe conditions such as fire hazard or control malfunction.

(3) Abrasive contact with hydraulic hoses, tubing or fittings must be eliminated before further use.

(4) Defective hydraulic hoses, lines and fittings must be replaced.

NEW SECTION**WAC 296-54-57340 Logging machines—A-frames.**

(1) A-frames must be guyed or braced to provide stability and prevent tipping.

(2) A-frame bases must be secured against displacement and the tops must be securely bolted or lashed to prevent displacement.

(3) Where guylines are used, A-frames must have at least one snap guy and two guylines securely attached, anchored and spread to form an angle 70 degrees to 90 degrees opposite the direction of stress or strain.

NEW SECTION**WAC 296-54-57345 Logging machines—Moving.**

(1) Operators must ensure that all employees are in the clear before initiating or continuing the movement of any mobile equipment. The machine must be operated far enough from employees and other machines so that operation does not create a hazard for an employee.

(2) At any time when moving logging machines, the driver must have a clear and unobstructed view of the direction of travel. When this is not possible, a signal person with a clear and unobstructed view of the direction of travel must be designated and used to direct the movement of the machine, or the machine must have an audible horn that is sounded.

**EXCEPTION:** This does not apply to tractors, skidders or tree harvesters during normal yarding operations.

(3) Where a signalperson is used, the equipment operator must move the equipment only on signal from the designated signalperson and only when the signal is distinct and clearly understood. (See appendix 1.)

(4) When moving power units, persons other than the operator and the person in charge must not be permitted to ride on the unit.

(5) All obstructions that may reach the operator while moving a machine must be removed.

(6) When moving to areas within the immediate landing area, all employees must stay in the clear of the logging

machine(s) or must inform the operator of the intent to approach or be near the machine(s).

(7) Mobile yarders and wheel or crawler loaders must not travel on road grades greater than 15 percent unless they are securely snubbed or towed, or have a braking system designed for such travel by the manufacturer.

(8) Crawler-type, track-mounted logging machines with manual transmissions must be equipped with a ratchet or other device that will prevent unintended disengagement or reversing of the machine and the operator must be informed of the proper technique.

#### NEW SECTION

**WAC 296-54-57350 Logging machines—Tractors and skidders.** (1) Operators must operate and control their machines in a safe manner and avoid operations in areas where machine stability may not be maintained.

(2) Winch lines on logging tractors or skidders must be attached to the drums with a breakaway device.

(3) Arches must be equipped with line guards.

(4) A turnaround, if needed for skidders, must be provided on all skidding roads every 500 feet.

(5) The following safe work procedures must be followed:

(a) Lines must not be allowed to trail behind the tractor or skidder where it may hang up and snap forward.

(b) Each machine must be positioned during winching so the machine and winch are operated within their design limits.

(c) Logs/trees must be chocked near the ends of the logs/trees whenever possible and safely positioned before traveling.

(d) Before climbing or descending grades, the proper gear must be selected to allow the engine to govern the tractor speed.

(e) On side hills, abrupt turns uphill must be avoided. The tractor or skidder must be backed downhill first then turned uphill. The turn may be slacked off as necessary to permit this maneuver.

(f) Tractor or skidder speed must be adjusted to the circumstances prevailing. Excessive or uncontrolled speed must be avoided.

(6) Where tractor and skidder operators or helpers, because of the nature of their work duties, are required to wear calk soled footwear, the decks and operating foot controls must be covered with a suitable nonslip material.

#### NEW SECTION

**WAC 296-54-57355 Logging machines—Protective structures for operators.** (1) Each tractor, skidder, log stacker and mechanical felling device, such as tree shears or feller-buncher, placed into initial service after February 9, 1995, must be equipped with falling object protective structure (FOPS) and/or rollover protective structure (ROPS). The employer must replace FOPS or ROPS which have been removed from any machine.

**EXCEPTION:** This requirement does not apply to machines which are capable of 360 degree rotation.

(2) ROPS must be installed, tested, and maintained in accordance with the Society of Automotive Engineers SAE J1040, April 1988, "Performance Criteria for Rollover Protective Structures (ROPS) for Construction, Earthmoving, Forestry, and Mining Machines."

(3) The ROPS must be high enough and wide enough so that it will not impair the movements of the operator or prevent his immediate escape from the vehicle in emergencies and must allow as much visibility as possible. Clearance above the deck and the ROPS of the vehicle at exits must be at least fifty-two inches (1.3 meters).

(4) Certified roll-over protective systems must be identified by a metal tag permanently attached to the ROPS in a position where it may be easily read from the ground. The tag must be permanently and clearly stamped, etched or embossed indicating the name and address of the certifying manufacturer or registered professional engineer, the ROPS model number (if any) and the vehicle make, model or serial number the ROPS is designed to fit.

(5) Roll-over protective structure systems must be maintained in a manner that will preserve their original strength. Welding must be performed by qualified welders only. (A qualified welder is defined under "welder qualification" in American Welding Society A.W.S. A3.0-69.)

(6) FOPS structures must be installed, tested and maintained according to:

(a) The society of automotive engineers SAE J231-1971, "minimum performance criteria for falling object protective structures (FOPS) prior to February 9, 1995."

(b) Society of automotive engineers SAE J231, January 1981, "minimum performance criteria for falling object protective structures (FOPS) for each tractor, skidder, log stacker, log loader and mechanical falling device, such as tree shears or faller-buncher, placed into initial service after February 9, 1995."

(7) The employer must replace FOPS that have been removed from any machine.

(8) Vehicles with ROPS or FOPS as required in subsection (1) of this section, must comply with the society of automotive engineers SAE J397a-1972, "deflection limiting volume for laboratory evaluation of roll-over protective structures (ROPS) and falling object protective structures (FOPS) of construction and industrial vehicles." Vehicles placed into initial service after February 9, 1995, must meet the requirements of SAE J397-1988.

(9) The opening in the rear of the ROPS on the crawler or rubber-tired tractors (skidders) must be covered with 1/4-inch diameter woven wire having not less than 1-1/2-inches or more than 2-inch mesh, or material which will afford equivalent protection for the operator.

(a) The covering must be attached to the structural members so that enough clearance is provided between the screen and the back of the operator.

(b) Structural members must be free from projections that would tend to puncture or tear flesh or clothing.

(c) Suitable safeguards or barricades must be installed, in addition to the screen, to protect the operator when there is a possibility of being struck by any material that could enter from the rear.

(10) Crawler and rubber-tired tractors (skidders) working in areas where limbs or brush may endanger the operator must be guarded.

(a) Shear or deflector guards must be installed on each side of the vehicle at an angle leading forward and down from the top front edge of the canopy of the vehicle, which will tend to slide the brush or limbs up and over the top of the canopy.

(b) Open mesh material with openings of a size that will reject the entrance of an object larger than 1-3/4-inches in diameter, must be extended forward as far as possible from the rear corners of the cab sides to give the maximum protection against obstacles, branches, etc., entering the cab area.

(c) Deflectors must also be installed ahead of the operator to deflect whipping saplings and branches.

(d) Deflectors must be located so as not to impede entrance to or exit from the compartment area.

(e) The floor and lower portion of the cab must be completely enclosed with solid material, except at entrances, to prevent the operator from being injured by obstacles which otherwise could enter the cab compartment.

(11) Enclosures for agricultural and industrial tractors manufactured after September 1, 1972, must be constructed, designed and installed as detailed in the society of automotive engineers technical report J168. Each machine manufactured after August 1, 1996, must have a cab that is fully enclosed with mesh material with openings no greater than 2 inches (5.08 cm) at its lease dimension. The cab may be enclosed with other material(s) where the employer demonstrates such material(s) provides equivalent protection and visibility.

EXCEPTION: Equivalent visibility is not required for the lower portion of the cab where there are control panels or similar obstructions in the cab, or where visibility is not necessary for safe operation of the machine.

(12) Overhead protection and other barriers must be installed to protect the operator from lines, limbs, and other moving materials on or over all loading or skidding machines and on all yarding machines where the operator's station is mounted on board. The overhead covering of each cab must be of solid material and extend over the entire canopy. A skylight in a logging machine must be made of safety glass or provide equivalent protection.

**AMENDATORY SECTION** (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-575 ((~~Motor truck log transportation—Stakes, stake extensions and chock blocks.~~)) Landing area. (((1) Trucks and trailers shall be equipped with bunk stakes or chock blocks of strength and sized material to perform their intended function.**

~~(2) Stake extensions shall not be used unless all component parts of the bunking system are of sufficient size and strength to support the added stresses involved. Stake extensions shall be secured by safety chains or other devices to prevent their accidental displacement.~~

~~(3) The linkage used to support the stakes or chocks must be of adequate size and strength to withstand the maximum~~

~~imposed impact load. Molles or cold shuts are prohibited in chains or cables used for linkage.~~

~~(4) Stake chains or cables shall be equal to or better than "high test" steel chain or "plow steel" wire rope, and shall be of a size necessary to meet the requirements of a safe working load of not less than six thousand six hundred pounds. (3/8-inch alloy chain, 7/16-inch high test chain of welded link construction, and 5/8-inch improved plow steel cable in 6 x 19 and 6 x 37 construction meet this requirement.)~~

~~(5) Bunk chains containing cut, cracked, excessively worn, or otherwise defective links, shall be immediately removed from service. Molles, cold shuts (welded or otherwise), or bolts are not permitted in bunk chains.~~

~~(6) The use of frayed, stranded, or otherwise defective wire rope for chock block cable or stake straps is prohibited.~~

~~(7) Only chain links approved for welding (and properly welded) or approved repair links which will develop a strength equivalent to the chain, are permissible for repairs or attachments to stake chains or binder chains.~~

~~(8) Chains or cables used to secure stakes or chock blocks shall be secured in a manner which will not necessitate hammering directly on them to release the stakes or blocks. Keyhole slots and similar methods of securing chains are prohibited.~~

~~(9) Deformed or defective stakes, stake securing or stake locking devices, or bunks shall be immediately repaired or removed from service.~~

~~(10) Each stake and chock which is used to trip loads shall be so constructed that the tripping mechanism is activated on the side opposite the release of the load.)) (1) Unless otherwise specified, landing areas must:~~

(a) Be large enough so that if you were to heel and swing logs, you could do so without striking standing timber, rigging or other equipment or objects;

(b) Be large and level enough to land and deck the logs in the turns so that they will not slide or roll in the direction of employees or equipment. This is not intended to restrict the yarding and/or loading of logs for pole piling or an infrequent long break or tree length, provided the log is secured before unhooking the choker;

(c) Be large enough for safe movement of all logs and machinery;

(d) Be kept chunked out and have an even surface; and

(e) Not have materials pushed, thrown, or dumped over the edge in a manner or at a time that will endanger employees.

(2) When during roadside thinning, logs stacked on the roadside without a landing must be placed in a stable condition.

(3) During uphill yarding, the landing chute must be cleared of logs before the next turn of logs is landed unless:

(a) The logs are fully contained in the landing chute; or

(b) There is no possibility that employees working below the landing may be struck by rolling objects coming off the landing.

(4) Roadside or continuous landings must be large and wide enough to safely operate and maintain the yarding or loading equipment. Outrigger pads, tracks or wheels must be on firm, stable ground.

(5) In logging operations where the yarder is set up in the haul road and logs are landed on the slope below the road, the following must apply:

(a) If the landing chute slope is twenty percent or less, logs may be landed and decked in the chute provided the logs can be left in a stable position:

(b) If the landing chute slope exceeds twenty percent, decking is not permitted in the chute if a chaser is required to unhook the rigging from the logs or if employees are working below the landing chute and are exposed to rolling or sliding logs:

(c) If logs are to be decked below the road, the logs must be effectively secured from rolling or sliding down the hill: or

(d) If the landing process or weather conditions (rain, snow, ice, mud) prevent the required log stability and exposes employees to the hazard of rolling or sliding logs, the logs must be decked at a different location.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-577 ((Motor truck log transportation — Wrappers and binders.)) Yarding, skidding, landing. ((†) On log trucks equipped with stakes, the following requirements shall apply:**

(a) In the hauling of a one log load, one wrapper chain or cable shall be required and secured to the rear bunk. The log shall be properly blocked or secured in a manner which will prevent it from rolling or shifting. An additional wrapper secured to the front bunk is optional.

(b) In the hauling of two log loads, not less than two wrapper chains or cables shall be used to secure the load. The logs shall be properly blocked to prevent them from rolling or shifting.

(c) On loads consisting of three or four logs not over forty four feet in length, the load shall be secured by not less than two properly spaced wrapper chains or cables. Ends of short logs not secured by such wrappers shall be secured with extra wrappers. If any log is over forty four feet in length, the load shall be secured by not less than three properly spaced wrappers.

(d) Loads consisting of five or more logs, when the logs are all seventeen feet or less in length, shall be secured by not less than two properly spaced wrappers. Loads consisting of five or more logs, when any log is over seventeen feet in length, shall be secured by not less than three properly spaced wrappers.

(2) On log trucks equipped with chock blocks, the following requirements shall apply:

(a) In the hauling of a one log load, one wrapper chain or cable shall be required and secured to the rear bunk and the log shall be properly blocked in a manner to prevent it from rolling or shifting.

(b) One additional wrapper chain or cable shall be required on log trucks using chock blocks over and above the requirements in subdivisions (1)(c) and (d) of this section.

(3) In the case of short logs loaded crosswise, the following method of securing the load shall be used if the truck or trailer is not provided with solid ends of a height sufficient to prevent any log in the load from rolling off: Not less than two

chock blocks shall be used at each open end of the vehicle and the load shall be held with at least two wrapper chains or cables. The wrappers shall be firmly attached to the end of the truck or trailer. Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake shall be either rigidly connected to the bed of the truck or trailer or shall be placed in a tight fitting socket at least 12 inches in depth. Other means furnishing equivalent security may be acceptable.

(4) When two wrappers are required, they shall be applied within six feet of the front and rear bunks. When more than two wrappers are required, the front and back binder shall be applied within six feet of the front and rear bunks.

(5) To properly secure short logs, binders shall be placed near the end, not less than twelve inches from the end of the log.

(6) No log loaded on top or in outside saddles of a load shall be transported unless secured by not less than two wrapper chains or cables, one of which shall be placed near each end of such log.

(7) All wrappers and binders shall be fastened in place prior to tightening to prevent the displacement of logs on the top of the load.

(8) All wrapper chains or cables, except in the case of one log loads, shall entirely surround the load. This does not apply to gut wrappers.

(9) Gut wrappers, when used, shall be adjusted so as to be tightened by, but not carry the weight of the logs above them.

(10) A warning shall be given before throwing wrappers over the load and care shall be taken to avoid striking other persons with the wrapper.

(11) Wrappers and binders shall be placed and tightened around the completed load before the truck leaves the immediate loading area.

(12) While moving logs, poles, or log chunks within sorting or mill yards, that could roll or slide off the truck due to snow or ice conditions, or the logs or log chunks do not extend beyond the stakes, at least two wrappers and binders shall be used regardless of the height of the load.

(13) Wrapper chains or cables, binders, fasteners, or attachments thereof, used for any purpose as required by these standards, shall have a minimum breaking strength of not less than fifteen thousand pounds and shall be rigged so that it can be safely released.

Note: 3/8 inch hi test steel chain, 7/16 inch improved plow steel wire rope of 6x19 or 6x37 construction, or materials having equivalent strength, when in compliance with the requirements herein contained, will be acceptable. (The diameter of the wire rope is immaterial as long as it meets the minimum breaking strength requirements.)

(14) A loaded logging truck required to have wrappers by this section, may be moved within the loading area without wrappers only if such movement does not present a hazard to workers.

(15) For the purposes of this standard, applied bundle straps or banding are not acceptable as wrappers and binders.

(16) All loose ends of wrapper chains or cables shall be securely fastened so as to prevent their swinging free in a manner that will create a hazard.

(17) Binders for securing wrappers on logging trucks shall be fitted with hooks of proper size and design for the wrapper chain being used.

(18) Wrappers shall be removed from service when any of the following conditions exist:

- (a) Excessively worn links on chains;
- (b) Deformed or stretched chain links;

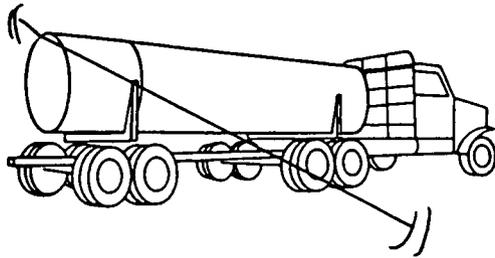
- (c) Cracked chain links;
- (d) Frayed, stranded, knotted, or otherwise defective wire rope.

(19) Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

(20) Defective binders shall be immediately removed from service.

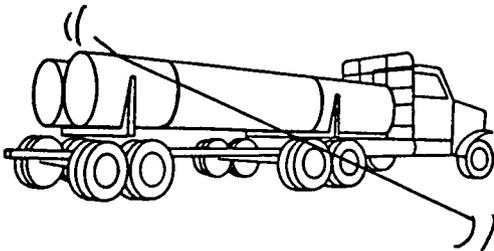
Note: See Figures 9-A and 9-B for illustrations of placement and number of wrappers.

PLACEMENT AND NUMBER OF WRAPPERS



One Log Load

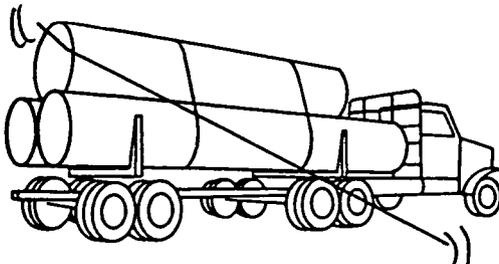
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. An additional wrapper secured to the front bunk is optional.



Two Log Load

A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting. If all logs are not contained by the stakes, additional wrappers required.

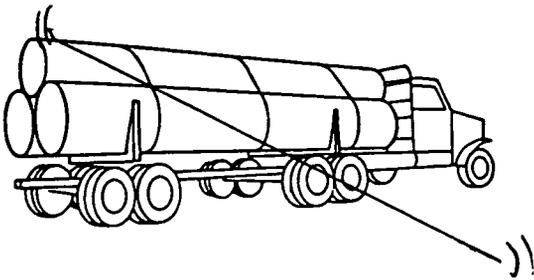
Three Or Four Log Load 44 Ft. Or Less



A minimum of two wrappers required. If all logs are not contained by the stakes, additional wrappers required.

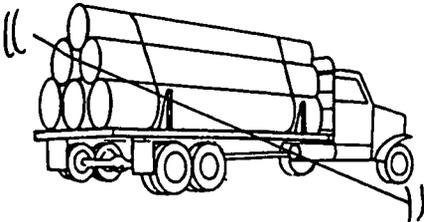
PROPOSED

Three Or Four Log Loads More Than 44 Feet



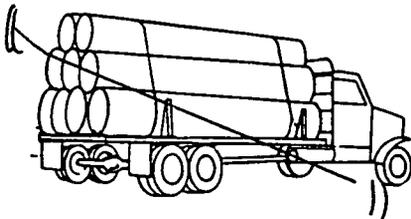
A minimum of three wrappers required. If all logs are not contained by the stakes, additional wrappers required.

Five Or Six Log Load  
All Logs 17 Feet Or Less



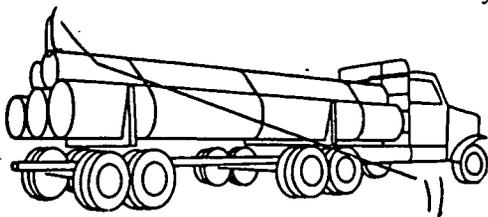
A minimum of two wrappers required. If all logs are not contained by the stakes, additional wrappers required.

Seven Or More Log Load  
All Logs 17 Feet Or Less



A minimum of two wrappers required. If all logs are not contained by the stakes, additional wrappers required.

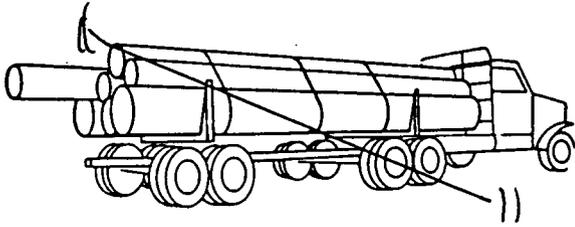
Five Or More Log Load  
If Any Logs Are More Than 17 Feet



A minimum of three wrappers are required. If all logs are not contained by the stakes, additional wrappers required.

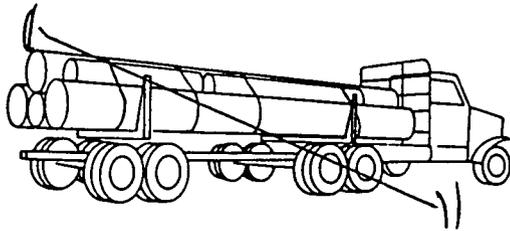
PROPOSED

Proper Support For Logs



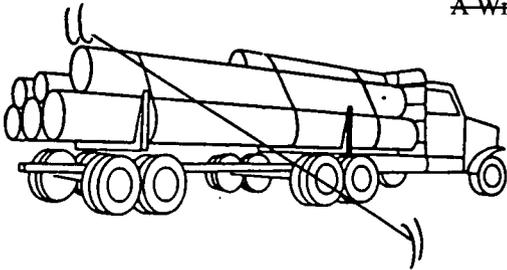
Not more than approximately one-third the weight of any log shall extend beyond the end of the logs or bunk supporting it.

Outside Logs Or Top Logs



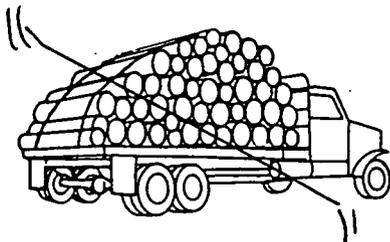
All outside (wing) or top logs shall be secured by a wrapper near but not within 12 inches of each end.

A Wrapper Shall Be Near Each Bunk



Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

Short Logs Loaded Crosswise



A minimum of two wrappers are required and two chocks or stakes shall be used on the open end of the truck.

Note: All loads of logs on logging trucks equipped with chock blocks instead of stakes, shall have at least one additional wrapper over and above the requirements for trucks equipped with stakes, excepting on one and two log loads and trucks with short logs loaded crosswise.)

(1) Running lines must be arranged so that employees are not required to work in the bight of the line. When employees must work in the bight, employees must move out of the bight of the lines before the signal to move the turn is

PROPOSED

given, or be in a position where they are protected by standing timber, terrain, or other objects large enough to ensure their safety.

(2) Choker holes must be dug from the uphill side of the log when there is danger of the log rolling or moving.

(3) Chokers must be placed near the end of the log/tree whenever possible.

**EXCEPTION:** When long logs or tree-length logs are being yarded and a long end is necessary to safely land the logs/trees on the available landing space.

(4) Employees must be in the clear of logs, root wads, chunks, hazardous trees, rolling material and rigging before the go-ahead signal is given and must stay in the clear until all rigging movement has stopped.

(5) Employees must move away from the turn so as to be above or behind the turn and in the clear. They must remain on their feet and face the turn before the go-ahead signal is given.

(6) All employees must remain away from rigging that is stopped at a hangup, until the rigging has been slacked to reduce the hazard.

(7) Chokers must not be hooked or unhooked until all rigging is stopped completely.

(8) Logs must not be landed until all employees, trucks or equipment are in the clear.

(9) Logs must not accumulate in the landing chute to the point where they become a hazard to the landing personnel.

(10) Logs must be stable and secure before being approached by employees and before chokers are unhooked.

(11) An employee must not buck, limb or trim logs from a position that will expose the employee to contact with moving lines.

(12) Logs must not be placed in, moved about, or removed from the bucking area of the landing unless all employees are in the clear.

(13) Employees must not approach a machine's working circle until the operator has acknowledged that it is safe to do so.

(14) Whenever possible, chokers must be set from the uphill side of a log. Persons must not be on the lower side of a log which appears to be unstable or likely to roll. (15) When yarding during the hours of darkness, the area must be lighted enough to allow employees to safely perform their duties. The source of light must be located and directed to create minimum shadows and glare. If using a portable tailhold, lights must be directed on equipment to allow the person to visually determine that the tailhold equipment remains stabilized.

(16) Each yarded tree/log must be placed in a location that does not create a hazard for an employee and in an orderly manner so that the trees/logs are stable before bucking or limbing is commenced.

(17) When using a yarder, loader or skidding machine, the location of the machine or position of the yarder must be such that the operator will not be endangered by incoming logs or debris.

(18) Employee(s) must be assigned to flag on roads or provide other equivalent protection where hazardous conditions are created from logging such as, but not limited to:

(a) Running wire rope lines or rigging across road grades, excluding guylines and standing skylines if lines remain a safe distance above the road to allow a vehicle to pass under; or

(b) The movement of logs, chunks, or debris across or suspended over road grades.

**EXCEPTION:** Where there is no through traffic, such as on a dead end road or where the property owner's permission or proper authority is granted to close a section of road, warning signs and barricades may be used instead of flagger(s).

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-579** (~~(Motor truck log transportation—Miscellaneous requirements)~~) **Log decks.** ((1) No truck wheel shall have more than twenty-five percent of the lugs missing or defective.

(2) All truck wheels shall be maintained free of cracks, breaks, or defects.

(3) Windshields on all equipment shall be provided with windshield wipers in good working condition.

(4) Mule train trailers shall have a platform on the trailer tongue at least twelve inches by twenty-four inches made of nonslip material and capable of supporting at least three hundred pounds. The platform shall be of the self-cleaning type.

(5) Logs shall be loaded so that not more than approximately one-third of the weight of any log shall extend beyond the end of the logs or bunk supporting it.

(6) Trailer loading and unloading straps, links, or chains shall be fastened securely to the trailer frame and used in hoisting the trailer. The connections shall be maintained in good condition and shall not be attached to the trailer bunk. The use of molles for this purpose is prohibited.

(7) In unloading trailers from trucks, trailers shall be hoisted clear, the truck driven forward a safe distance, and the trailer lowered to within one foot of the roadway before persons approach the trailer or reach.

(8) Trailer hoisting or unloading straps shall be constructed and installed in a manner enabling the loading or unloading machine to engage the strap without manual personal contact.

(9) All motor vehicles shall be equipped with a horn that is audible above the surrounding noise level. The horn shall be sounded before operating the vehicle in reverse gear and sounded intermittently during the entire backing operation. The horn shall be maintained in an operative condition.)) (1)

Logs must be placed in and removed from decks in a straight and orderly manner so as to minimize the hazards from rolling or shifting logs.

(2) If employees are working on the ground near the deck, the deck must be constructed and located so it is stable and provides each employee with enough room to safely move and work in the area.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-581** (~~(Motor truck log transportation—Steered trailers)~~) **Helicopter logging—General.** ((Steered

PROPOSED

trailers, not controlled from the truck cab, shall be designed, constructed, and operated as follows:

(1) A secure seat with substantial foot rest shall be provided for the operator at the rear of the bunk. Any arrangement that permits the operator to ride in front of the bunk is prohibited unless a false bunk or other adequate protection is provided for the operator.

(2) The seat for the operator shall be so arranged that he has an unobstructed exit from both sides and the rear.

(3) The bunk support shall be so constructed that the operator has a clear view ahead at all times.

(4) Adequate means of communication shall be provided between the operator and the truck driver.

(5) Eye protection and respirator shall be provided for the operator.

(6) The trailer shall be equipped with fenders or splash plates to protect the operator from mud and dust so far as possible.

(7) If used during periods of reduced visibility on roads not under the control of the state department of transportation, counties, or cities, the trailer shall be equipped with head, tail, turn and stop lights.)) (1) Prior to daily logging operations, a briefing must be conducted. The briefing must set forth the plan of operation for the pilot(s) and ground personnel. Anytime a change in operating procedure is necessary, affected personnel must be notified.

(2) Employees and equipment must remain in the clear and employees must never be under a suspended load.

(3) Employees must not work under hovering craft except for that limited period of time necessary to guide, secure, hook, and unhook loads or other related job duties.

(4) The location of the drop zone, decking areas, loading areas, and designated safety zones must be established by a pilot and a responsible supervisor taking into consideration current operating conditions.

(5) Personal protective equipment.

(a) Employees must wear high visibility hard hats secured by a chinstrap.

(b) Employees hooking and receiving the load must wear high visibility vests or outer garments.

(6) Whenever approaching or leaving a support helicopter with blades rotating, employees must:

(a) Remain in full view of the pilot and keep in a crouched position;

(b) Obtain a visual or audible acknowledgment from the pilot before entering or exiting the helicopter;

(c) Avoid the area from the cockpit or cabin rearward unless authorized by the helicopter company to work there; and

(d) Exercise special caution to keep clear of rotors when visibility is reduced.

(7) Before approaching or departing the service area for maintenance, visual and/or audible communication must be established.

(8) There must be reliable communication available between the helicopter, woods crew, landing, and service areas. In the absence of radio communication there must be a designated signal person. (See appendix 1.)

(9) Riding the load or hook of a helicopter is prohibited except in an emergency.

(10) Unauthorized employees must not be allowed to approach within fifty feet of the helicopter when the rotor blades are turning.

(11) Every practical precaution must be taken to provide for the protection of employees from flying objects in the rotor downwash.

(12) Loads must be properly slung. Tag lines must be of a length that will not permit their being drawn up into rotors. Pressed sleeve, swaged eyes, or equivalent means must be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

#### NEW SECTION

##### **WAC 296-54-58110 Helicopter logging—Landing.**

(1) The landing drop zone must be large enough for the longest logs to be landed without endangering the landing crew.

(2) Landing crew must remain in the clear until the load is placed flat on the ground and chokers are released from the hook.

(3) Landings must be constructed with minimal slope for drainage in the drop zone and a decking area to prevent logs from rolling.

(4) The approach to the landing must be kept clear and long enough to prevent tree tops from being pulled into the landing.

(5) Landing personnel must be notified when chokers are being picked up.

(6) If the load will not release from the hook, the hook must be on the ground or at eye level, whichever is safer, before employees approach to release the hook manually.

#### NEW SECTION

##### **WAC 296-54-58120 Helicopter logging—Yarding.**

(1) Helicopters must not work in areas near enough to cutters to cause the rotor wash to affect a cutter's ability to safely control a tree or to cause dislodging of limbs.

(2) The yarding helicopter must be equipped with a siren to warn employees of any hazardous situation.

(3) Log pickup must be arranged so that the hookup crew will not work on slopes below fell and bucked timber that appears unstable and likely to roll.

(4) If the load must be lightened by the hooker, the hooker must remain on the uphill side of the load and slack given to the entire load before releasing the hook.

(5) If the load must be aborted or lightened by the pilot, the hooker must be in the clear before releasing the hook.

(6) Employees must remain in the clear as chokers are being delivered. Under no circumstances can employees move under the chokers being delivered or take hold of the chokers before they are placed on the ground.

#### NEW SECTION

##### **WAC 296-54-58130 Helicopter logging—Fueling area.**

(1) Separate areas must be designated for landing logs and for fueling helicopter(s).

(2) Refueling any helicopter with either aviation gasoline or Jet B (turbine) type fuel while the engine is running is prohibited.

(3) Helicopters using Jet A (turbine-kerosene) type fuel may be refueled with engines running provided the following criteria are met:

(a) Unauthorized employees must not be allowed within fifty feet of the refueling operation or fueling equipment; and

(b) Fire extinguishers must be strategically located in the fueling area and must have a combined rating of at least 20A:120BC.

(4) All fueling employees must be thoroughly trained in the refueling operation and in the use of the available fire extinguishing equipment they may be expected to use.

(5) The following are prohibited within fifty feet of the fueling area or fueling equipment:

- Smoking;
- Open flames;
- Exposed flame heaters;
- Flare pots; and
- Open flame lights.

EXCEPTION: Aircraft preheaters are not prohibited. However, no fueling may be performed while the heaters are in operation.

(6) The fueling area must be posted with "no smoking" signs.

(7) Because there are many causes of static electricity, fueling employees must assume that it is present at all times. Before starting refueling operations, the fueling equipment and the helicopter must be grounded and the fueling nozzle must be electrically bonded to the helicopter. Using conductive hose is not an acceptable method of bonding. All grounding and bonding connections must be electrically and mechanically firm to clean unpainted metal parts.

(8) To control spills, fuel must be pumped either by hand or power; pouring or gravity flow is prohibited. Self-closing nozzles or deadman controls must be used and must not be blocked open. Nozzles must not be dragged along the ground.

(9) In case of a spill, the fueling operation must be immediately stopped until the person in charge determines that it is safe to resume.

(10) Helicopters with their engines stopped while being refueled with aviation gasoline or Jet B (turbine) type fuel, must comply with subsection (4) through (9) of this section.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-583 ((Stationary log truck trailer) Loading logs.** ~~((1) All loading devices shall be designed, constructed, and maintained in such a manner as to have a five to one safety factor for its rated load capacity.~~

~~(2) Loaders shall be constructed of such height and width that they can be safely used to load the maximum-sized trailers they will be expected to handle without hanging up or striking the equipment.~~

~~(3) Electric-powered trailer loading devices shall be equipped with a switch or device which will govern the upper direction of travel of the load line to a safe limit.~~

~~(4) Electric motors used for hoisting purposes shall be equipped with approved overload switches or breakers.~~

~~(5) All electrical switch controls shall not exceed twenty-four volts. All control switches shall be of the momentary contact type which require continuous manual pressure for hoist to operate.~~

~~(6) Pendant-type control switches shall be suspended by a chain or other suitable device which will prevent placing a strain on the electrical cable.~~

~~(7) Pendants shall be so installed that when retracted the control switch shall not touch the ground.~~

~~(8) All electrical equipment shall be weatherproof type or adequately protected from the weather, and shall meet or exceed the requirements of the National Electrical Code as promulgated by the director of the department of labor and industries pursuant to RCW 19.28.060.~~

~~(9) Trailer loaders, except A-frame type or bridge crane, shall be equipped with reach guides or devices which will keep reach in proper alignment. A tag rope or other safe guidance device shall be used to guide trailers being loaded by use of an A-frame type loader.~~

~~(10) Access roads and the area around the trailer loading devices shall be kept free of standing water and debris and maintained in good repair.~~

~~(11) The maximum capacity load to be lifted shall be posted in a conspicuous location where it can be easily seen by any person operating the hoist.~~

~~(12) Trailer loading equipment shall be periodically inspected at least every thirty days and shall be maintained in good repair. A written report shall be made and signed by the person making the inspection and kept on file by the company for twelve months.~~

~~(13) A lifting test shall be conducted annually on each loading device and a written record showing the date, name of person conducting the test, amount of weight lifted and results shall be kept in the office of the employer or at the site. The test weight shall be at least one hundred twenty-five percent of the maximum rated load but not more than one hundred thirty percent of the maximum rated load.~~

~~(14) Each drum shall be designed and arranged in such a manner that the line will maintain lead and spool evenly without chafing, crossing or kinking.~~

~~(15) A braking system shall be installed which shall have the capability of safely braking and holding one and one-half times weight of the full rated load.~~

~~(16) When trailers are to be loaded after dark, sufficient lights shall be provided for a safe operation.)) (1) A positive means of communication must be established and used between the truck driver and the employee loading logs to control the movement of the log truck being loaded.~~

~~(2) Employees must not be permitted alongside or underneath trucks being loaded or on the load until communication has been established with the loading machine operator and the truck driver, and the employee is assured that it is safe to be there.~~

~~(3) Logs being moved or loaded must not pass over any employee or an occupied vehicle, equipment or truck cab.~~

~~(4) Standing between a truck cab and a log being loaded or unloaded is prohibited.~~

(5) Logs must not be lowered to the bunk while bunk or block adjustments are being made or until the employee making these adjustments is in the clear.

(6) Standing underneath a suspended trailer or its reach is prohibited.

(7) Loads must be built up or loaded in a manner to be stable without the use of wrappers. Wrappers are considered only as precautionary measures to ensure stability of the load.

(8) Where there is a danger of the grapple slipping off of logs, straps must be used in loading logs that are too large for the grapple or tongs and must be hung in both eyes.

(9) Logs must be loaded in a manner to prevent excessive strain on wrappers, binders, bunk stakes, bunk chains or straps.

(10) Logs in any tier or layer unsecured by stakes or cheese blocks must be well saddled and have their diameter centers inside the diameter centers of the outer logs of the next lower tier or layer.

(11) Bunk and wing logs must extend at least twelve inches beyond the front and rear bunks or stakes. When fixed bunks are used, logs must extend at least six inches beyond the front and rear bunk or stake.

(12) Double-ended logs above the stakes must not be loaded on the side of the load from which the binders or wrappers are intended to be released.

(13) Logs must be loaded so that no more than one-third of the weight of any log extends beyond the end of the logs or bunk supporting it.

(14) Logs must be loaded in a manner that will not impair full and free movement of the truck.

(15) Each log not contained within the stakes must be secured with at least two wrappers before the truck leaves the vicinity of the landing/loading area.

(16) All of the required wrappers must be placed on the load within sight of the landing/loading area so immediate emergency assistance can be given if necessary.

(17) Loads or logs must not be moved or shifted while binders are being applied or adjusted.

(18) The transport vehicle must be positioned to provide working clearance between the vehicle and the deck.

(19) All limbs or knots that would project beyond the stakes or legal height must be removed before the log is loaded on the car or truck.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-585 (~~Log unloading, booms, and rafting grounds—Storage and sorting areas—General requirements.~~) Cross-haul systems.** ((1) At no time shall one person be permitted to work alone.

(2) (a) Employees working on over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices.

(b) Employees are not considered exposed to the danger of drowning when:

(i) The water depth is known to be less than chest deep on the exposed individual;

(ii) When working behind standard height and strength guardrails;

(iii) When working inside operating cabs or stations which eliminate the possibility of accidentally falling into the water;

(iv) When wearing approved safety belts with lifeline attached so as to preclude the possibility of falling into the water.

(e) Prior to and after each use, personal flotation devices shall be inspected for defects which would reduce their designed effectiveness. Defective personal flotation devices shall not be used.

(d) To meet the approved criteria required by subdivision (a), a personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices). Ski belt or inflatable type personal flotation devices are specifically prohibited.

(3) In operations where regular logging machinery, rigging, etc., is used, the applicable sections of these rules shall apply.

(4) Artificial lights shall be provided and used where work is to be done between the hours of sunset and sunrise. Such lights shall be located in a manner that will be reasonably free of glare and provide uniform distribution of illumination and avoid sharply defined shadows.

(5) On all log dumps, adequate power for the method used for unloading shall be provided. All machines used for hoisting, reloading or lowering purposes shall be of approved design and sufficient power to control or hold the maximum load imposed in mid-air.

(6) Binders shall not be released from any load until an effective safeguard is provided.

(7) All mobile log handling machines shall be equipped with a means or mechanism which will prevent the logs from accidentally leaving the forks, and shall be used.

(8) The operator of the unloading machine shall have an unobstructed view of the unloading area or shall make certain no one is in the area where the logs are to be unloaded. Rear-view mirrors shall be installed on mobile log handling equipment to assist the operator in ascertaining that the area behind the machine is clear before backing up.

(9) Unloading lines shall be so arranged that it is not necessary for the workman to attach them on the pond or dump side of the load.

(10) Life rings with a minimum of ninety feet of one-fourth-inch line with a minimum breaking strength of five hundred pounds attached, shall be provided at convenient points adjacent to water which is five feet or more in depth. Life rings shall be a minimum of thirty inches outside diameter and seventeen inches inside diameter and be maintained so as to retain a thirty-two pound positive buoyancy.) (1) In cross-haul (parbuckle) or roll-on loading systems, the skid timbers must be strong enough to support the logs being loaded and long enough to remain in place while the log is being loaded.

(2) Loaders on cross-haul systems must work beyond the ends of the logs being loaded.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-587 (~~Water dumps~~) Self-loading log trucks.** ((1) All water dumps shall have brow logs except when logs are lifted from the load. If portable equipment is used, adequate stops shall be provided to prevent equipment from running off the dump.

(2) Where necessary for persons to walk alongside loads and equipment on trestles or fills, a minimum twenty-two inch wide walkway shall be provided, unless otherwise specified.

(3) All decks and plankways on log dumps must be kept in good repair and free from bark and other debris. Roadways shall not be inclined more than one inch to twelve inches across the driving surface.

(4) The use of small bridge over logs, planking or timbers, between regular foot logs, or walkways, which will not support the weight of at least three persons are prohibited. All regular foot logs shall be barked on upper side.

(5) Electric powered hoists using hand held cord remote controls in grounded locations, shall be actuated by circuits operating at no more than twenty four volts. All control switches shall be of the momentary contact type which requires continuous manual pressure for the hoist to operate.

(6) Roadbeds at log dumps shall be hard packed gravel, heavy planking, or equivalent material, and shall be of sufficient width and even surface to insure safe operation of equipment.

(7) Where logs are unloaded on to rollways, sufficient space shall be provided between the top of the skids and the ground to clear the body of a person.

(8) When a brow log is used with a parbuckle system, all persons are prohibited from going between the brow log and the load of logs at any time.

(9) A positive safeguard shall be provided to prevent logs from leaving the loads on the side opposite the dump. Unloading lines, crotch lines or equally effective means shall be arranged and used in a manner to prevent any log from swinging or rolling back.

(10) All persons shall remain in the clear until all moving equipment has come to a complete stop.

(11) Logs shall not be unloaded by peaves or similar manual methods, unless means are provided and used that eliminate the danger from rolling or swinging logs.) (1) A safe means of access and egress must be provided to the operator's loading work station.

(2) Self-loading log truck operators must not unload their own load unless a positive means of securing the logs is provided when binders and wrappers are removed.

(3) New self-loading log trucks purchased and put in operation after January 1, 1980, must be equipped with:

(a) A check valve installed on the jib boom; and

(b) A seat that is offset from the point of attachment of the boom. The seat and boom structure must rotate concurrently.

(4) The operator of a self-loading log truck must not heel the log over the operator's work station.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-589 (~~Boom and rafting grounds~~) Log trucks—General.** ((1) Breaking of log jams by peavy method is prohibited, except in river drive or when jam occurs away from mechanical means or the dump.

(2) Wooden pike poles shall be of continuous, straight-grained No. 1 material. Defective poles, blunt or dull pikes shall not be used. Conductive pike poles shall not be used where there is a possibility of coming in contact with energized electrical conductors.

(3) Stiff booms shall be made by fastening not less than two boom sticks together. The width of a stiff boom shall be not less than thirty-six inches measured outside to outside of the logs. The boom sticks shall be fastened together with not less than 4" x 6" cross ties, or cable lashings notched into the boom sticks may be used when stiff booms are exposed to heavy swells. Stiff booms shall be kept free of loose bark and shall be maintained in good repair.

(4) A walkway thirty-six inches wide with standard hand railing shall be provided from the shore end of stiff boom to shore.

(5) All sorting gaps shall have a substantial stiff boom on each side of gaps. Such stiff booms or walkways shall be planked over.

(6)(a) Boom sticks shall be reasonably straight with no protruding knots or loose bark. They shall be capable of supporting above the water line at either end the weight of one worker and equipment or two hundred fifty pounds.

(b) Foot logs shall be reasonably straight with no protruding knots or loose bark and shall be of sufficient size to support above the water line at either end the weight of two workers and equipment or five hundred pounds.

(7) Boom sticks which have been condemned as unsafe shall be marked by three chopped crosses ten feet from the butt end, and such sticks shall not be used as boom sticks.

(8) Gaps between boom sticks shall not exceed twenty-four inches. All wire shall be removed from boom sticks and boom chains before they are re-used or hung in rafting stalls.

(9) When permanent cable swifters are used they shall be arranged so that they are within easy reach of rafter without rolling boom sticks on which they are fastened. When cables become hazardous to use because of jiggers, they shall be discarded.

(10) When floating donkeys or other power-driven machinery is used on boom, it shall be placed on a raft or float with enough buoyancy to keep the deck of such raft or float well above water. Wherever persons walk, the deck of the raft or float shall be planked over with not less than two inch planking, and kept in good repair.

(11) When doglines used in rafting, brailing or stowing logs become hazardous to use because of jiggers, they shall be discarded.

(12) Storing, sorting or any boom work, other than boom boat operations, shall require a minimum of two persons.

(13) Sufficient walkways and floats shall be installed and securely anchored, to provide safe passage for workers.

(14) Walkways alongside sorting gaps shall not be less than four feet wide. Other walkways shall be not less than

PROPOSED

twenty-two inches wide.)) (1) Prior to use, the operator must make a complete daily inspection of the truck and trailer with particular attention to:

- Steering apparatus;
- Lights and reflectors;
- Brake boosters;
- Brake hoses and connections;
- Reaches;
- Hitches (couplings).

The brakes must be tested before and after movement of the vehicle. The operator must submit a written list of necessary repairs to a person designated by the employer.

(2) Any defective parts that would make the vehicle unsafe to operate, must be replaced or repaired before the vehicle is placed in service.

(3) Motor vehicles used on roads not under the control of the state department of transportation, counties, or cities must be equipped with accessories necessary for a safe operation including:

(a) Operable head lamps;

(b) At least two tail lamps and brake lamps that emit a red light plainly visible from a distance of one thousand feet to the rear; and

(c) Two reflectors visible at night from three hundred fifty feet when directly in front of properly adjusted motor vehicle head lamps.

(4) The driver must do everything reasonably possible to keep the truck under control at all times and must not operate in excess of a speed at which the driver can stop the truck in one-half the visible distance.

(5) The area between the truck frame members, extending from the cab rearward as far as necessary to provide a safe work area, must be covered with suitable nonslip type material.

(6) Log trucks that have logs scaled at stations must have a platform on each side extending outward from the frame members at least eighteen inches, and must be eighteen inches long or as near to eighteen inches as the design of the truck permits. The treading surface of the platforms must be of nonslip material and the platform must be able to safely support a five hundred pound load.

(7) To protect the operator of vehicles from loads, there must be a substantial bulkhead behind the cab that extends up to the height of the cab.

(8) When at the dump or reload or where logs are scaled or branded on the truck, the logs must be scaled or branded before the binders are released.

(9) All vehicles, where vision of the operator in the direction of travel is impaired by the load or vehicle, must be moved only on a signal from a worker who has a clear view in the direction in which the vehicle is to be moved.

(10) Where a bridge or other roadway structure is posted with a load limit sign, log truck drivers or operators of other heavy equipment are prohibited from driving a load in excess of the posted limit over such a structure.

(11) All passengers must ride in the cab of the log truck.  
(12) All trucks must keep to the right side of the road except where the road is plainly and adequately posted for left side travel.

(13) A method must be provided to ensure that the trailer will remain mounted on the truck while driving on highways or logging roads.

(14) When trucks are towed on any road, the person guiding the vehicle being towed must, by prearranged signals, govern the speed of travel. Vehicles must be towed at a reasonable speed and in a prudent manner. A tow cable or chain over fifteen feet in length must have a white flag attached at the approximate center, however, it is recommended that a rigid tow bar be used for this purpose.

(15) All rubber-tired motor vehicles must be equipped with fenders. Mud flaps may be used instead of fenders whenever the motor vehicle is not designed for fenders.

(16) All trucks must be equipped with doors with operable latches, or a safety bar or strap.

(17) Log trucks must not approach a landing while there is danger from incoming logs.

(18) While en route, the operator must check and tighten the wrappers/binders whenever there is reason to believe that the wrappers/binders have loosened or the load has shifted.

(19) Persons must not enter the area below a suspended load of logs.

(20) All trucks must be equipped with a means to protect the operator from inclement weather.

#### NEW SECTION

**WAC 296-54-58910 Log trucks—Brakes.** (1) Motor logging trucks and trailers must be equipped with brakes or other control methods that will safely stop and hold the maximum load on the maximum grade.

(2) All trucks with air brakes must be equipped with a readily visual or audible low air pressure warning device in good working order.

(3) An air loss rate out-of-service condition exists if an air leak is discovered and the reservoir pressure is not maintained when:

- (a) The governor is cut in;
- (b) Reservoir pressure is between 80 and 90 psi;
- (c) Engine is at idle; and
- (d) Service brakes are fully applied.

#### NEW SECTION

**WAC 296-54-58920 Log trucks—Trailer hitches and safety chains.** (1) All log truck and trailer combinations must be equipped with approved hitches (couplings) which must:

- (a) Be capable of withstanding, in any direction, the potential stresses imposed;
- (b) Be of a design which would not be rendered inoperative by dirt and debris and must be locked securely and positively; and

(c) Be attached to the truck frame or extension of the truck frame by means of not less than four machine bolts and nuts (120,000 psi material or better) inch diameter or larger, secured by lock nuts. Other means of attachment furnishing strength equal to or greater than the above may be accepted if of approved design and application.

(2) Hitches (couplings) or parts that are broken, cracked, excessively worn, or otherwise defective hitches must be repaired before use.

(3) Each log truck and trailer combination or log truck and independent trailer combination must be provided with two or more safety chains or cables with a rated breaking strength of at least the gross weight of the towed vehicle, and:

(a) Able to hold the trailer in line in case of failure of the hitch assembly;

(b) Permanently attached to the frame of the truck or an extension of the truck frame;

(c) Form a separate continuous connection between the truck frame or extension of the truck frame and the reach or trailer;

(d) Attached not more than twelve inches from the eye of the reach or trailer;

(e) Short enough to prevent the trailer reach or tongue from contacting the ground in the event of disengagement from the truck;

(f) Designed to provide a positive connection that cannot be made inoperative by any condition of use or exposure.

(4) Safety chains and cables must be replaced immediately if they contain cut, cracked, or excessively worn links, or frayed, stranded, or otherwise defective wire rope.

(5) Butt welding of safety chain links to reach truck frame, or extension of truck frame is prohibited.

(6) Repairs to safety chains, such as cold shuts, are prohibited.

(7) Frames must not be welded or drilled into if the manufacturer recommends against it.

#### NEW SECTION

**WAC 296-54-58930 Log trucks—Reaches and bunks.** (1) Log trailers must be connected to tractors by reaches of a size and strength to withstand all normal imposed stresses.

(2) Hand-holds or other facilities must be installed on trailer tongues or trailer reaches if workers are required to manually assist in coupling them to their tractors or trucks.

(3) The reaches of unloaded trailers being towed must have and use a minimum one-inch pin near the end or an equally effective means to prevent pulling or stripping through the tunnel.

(4) Reach locks, clamps, or tighteners must be of the type that will securely lock the reach in the tunnel.

(5) All reaches must be the maximum size usable in the tunnel of a trailer.

(6) Altering a trailer tunnel to permit reduction of reach size is prohibited.

(7) Every truck or truck and trailer engaged in transporting logs loaded lengthwise must be equipped with bunks and chock blocks or stakes.

(8) Log bunks or any part of a bunk assembly bent enough to cause bunks to bind, must be straightened. Bunks must be sharp enough to prevent logs from slipping.

(9) All trucks with swivel bunks must have bunk locks or an equivalent system of holding the bunks in place while loading logs.

(10) The bunks or bolsters of any truck or trailer must be either curved upward or straight. Bunks with ends lower than their centers are prohibited.

(11) Enough clearance must be maintained between the bunk and the bunk rider to prevent bunk binding.

(12) Trailer bunks must have a false or tilt bunk. The channel of the bunk must be kept reasonably free of debris.

(13) Stakes and stake extensions must be installed and maintained so that the angle between bunks and stakes (and extensions if used) do not exceed ninety degrees when loaded.

(14) Frames, bunks, and running gear of log trucks must be maintained free of cracks, breaks and defects. If defects are found, they must be immediately repaired or the part replaced.

#### NEW SECTION

**WAC 296-54-58940 Log trucks—Stakes, stake extensions and chock blocks.** (1) Trucks and trailers must be equipped with bunk stakes or chock blocks of strength and sized material to perform their intended function.

(2) All stakes, stake extensions, and bunks installed on log trucks and trailers, together with the means to secure and lock the stakes in hauling position, must be designed and constructed of materials of such size and dimension that will withstand operational stresses without yield or permanent set.

(3) Stake extensions made from axle shafts or other brittle material are prohibited.

(4) The linkage used to support the stakes or chocks must be of adequate size and strength to withstand the maximum imposed impact load. Molles or cold shuts are prohibited in chains or cables used for linkage.

(5) Stake chains or cables must be equal to or better than "high test" steel chain or "plow steel" wire rope, and of a size necessary to meet the requirements of a safe working load of at least six thousand six hundred pounds. (3/8-inch alloy chain, 7/16-inch high test chain of welded link construction, and 5/8 inch improved plow steel cable in 6x19 and 6x37 construction meet this requirement.)

(6) Bunk chains containing cut, cracked, excessively worn, or otherwise defective links, must be immediately removed from service. Molles, cold shuts (welded or otherwise), or bolts are not permitted in bunk chains.

(7) The use of frayed, stranded, or otherwise defective wire rope for chock block cable or stake straps is prohibited.

(8) Only chain links approved for welding (and properly welded) or approved repair links that will develop strength equivalent to the chain, are permissible for repairs or attachments to stake chains or binder chains.

(9) Chains or cables used to secure stakes or chock blocks must be secured in a way that does not require hammering directly on them to release the stakes or blocks. Key-hole slots and similar methods of securing chains are prohibited.

(10) Deformed or defective stakes, stake securing or stake locking devices, or bunks must be immediately repaired or removed from service.

(11) Each stake and chock used to trip loads must be constructed so that the tripping mechanism is activated on the side opposite the release of the load.

(12) Trip type stakes must be properly secured and locked in a manner that will prevent them from accidentally tripping or falling.

#### NEW SECTION

**WAC 296-54-58950 Log trucks—Wrappers and binders.** (1) On log trucks equipped with stakes, the following requirements must apply:

(a) In the hauling of a one log load, one wrapper chain or cable must be required and secured to the rear bunk. The log must be properly blocked or secured in a manner which will prevent it from rolling or shifting. An additional wrapper secured to the front bunk is optional.

(b) In the hauling of two log loads, not less than two wrapper chains or cables must be used to secure the load. The logs must be properly blocked to prevent them from rolling or shifting.

(c) On loads consisting of three or four logs not over forty-four feet in length, the load must be secured by not less than two properly spaced wrapper chains or cables. Ends of short logs not secured by such wrappers must be secured with extra wrappers. If any log is over forty-four feet in length, the load must be secured by not less than three properly spaced wrappers.

(d) Loads consisting of five or more logs, when the logs are all seventeen feet or less in length, must be secured by not less than two properly spaced wrappers. Loads consisting of five or more logs, when any log is over seventeen feet in length, must be secured by not less than three properly spaced wrappers.

(2) On log trucks equipped with chock blocks the following requirements must apply:

(a) In the hauling of a one log load, one wrapper chain or cable shall be required and secured to the rear bunk and the log must be properly blocked in a manner to prevent it from rolling or shifting.

(b) One additional wrapper chain or cable shall be required on log trucks using chock blocks over and above the requirements in subsection (1)(c) and (d) of this section.

(3) In the case of short logs loaded crosswise, the following method of securing the load must be used if the truck or trailer is not provided with solid ends of a height sufficient to prevent any log in the load from rolling off:

Not less than two chock blocks must be used at each open end of the vehicle and the load must be held with at least two wrapper chains or cables. The wrappers must be firmly attached to the end of the truck or trailer. Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake must be either rigidly connected to the bed of the truck or trailer or must be placed in a tight-fitting socket at least 12 inches in depth. Other means furnishing equivalent security may be acceptable.

(4) When two wrappers are required, they must be applied within six feet of the front and rear bunks. When more than two wrappers are required, the front and back

binder must be applied within six feet of the front and rear bunks.

(5) To properly secure short logs, binders must be placed near the end, not less than twelve inches from the end of the log.

(6) Log(s) loaded on top or in outside saddles of a load must not be transported unless secured by at least two wrapper chains or cables, one of which must be placed near each end of such log.

(7) All wrappers and binders must be fastened in place prior to tightening to prevent the displacement of logs on the top of the load.

(8) All wrapper chains or cables, except in the case of one log load, must entirely surround the load. This does not apply to gut-wrappers.

(9) Gut-wrappers, when used, must be adjusted so as to be tightened by, but not carry the weight of the logs above them.

(10) A warning must be given before throwing wrappers over the load and care must be taken to avoid striking other persons with the wrapper.

(11) Each log not contained within the stakes must be secured with at least two wrappers before the truck leaves the vicinity of the landing/loading area.

(12) While moving logs, poles, or log chunks within sorting or mill yards, that could roll or slide off the truck due to snow or ice conditions, or the logs or log chunks do not extend beyond the stakes, at least two wrappers and binders must be used regardless of the height of the load.

(13) Wrapper chains or cables, binders, fasteners, or attachments thereof, used for any purpose as required by these standards must have a minimum breaking strength of not less than fifteen thousand pounds and must be rigged so that it can be safely released.

Note: 3/8-inch hi-test steel chain, 7/16-inch improved plow steel wire rope of 6x19 or 6x37 construction, or materials having equivalent strength, when in compliance with the requirements herein contained, will be acceptable. (The diameter of the wire rope is immaterial as long as it meets the minimum breaking strength requirements.)

(14) A loaded logging truck required to have wrappers by this section, may be moved within the loading area without wrappers only if such movement does not present a hazard to workers.

(15) For the purposes of this standard, applied bundle straps or banding are not acceptable as wrappers and binders.

(16) All loose ends of wrapper chains or cables must be securely fastened so as to prevent their swinging free in a manner that will create a hazard.

(17) Binders for securing wrappers on logging trucks must be fitted with hooks of proper size and design for the wrapper chain being used.

(18) Wrappers must be removed from service when any of the following conditions exist:

(a) Excessively worn links on chains;

(b) Deformed or stretched chain links;

(c) Cracked chain links; or

(d) Frayed, stranded, knotted, or otherwise defective wire rope.

(19) Pipe extension handles (swedes) for tightening or securing binders must be no longer than thirty-six inches. Care must be taken that a sufficient amount of the pipe extends over the binder handle.

(20) Defective binders must be immediately removed from service.

Note: See Figures 25 through 35 for illustrations of placement and number of wrappers.

### PLACEMENT AND NUMBER OF WRAPPERS One Log Load

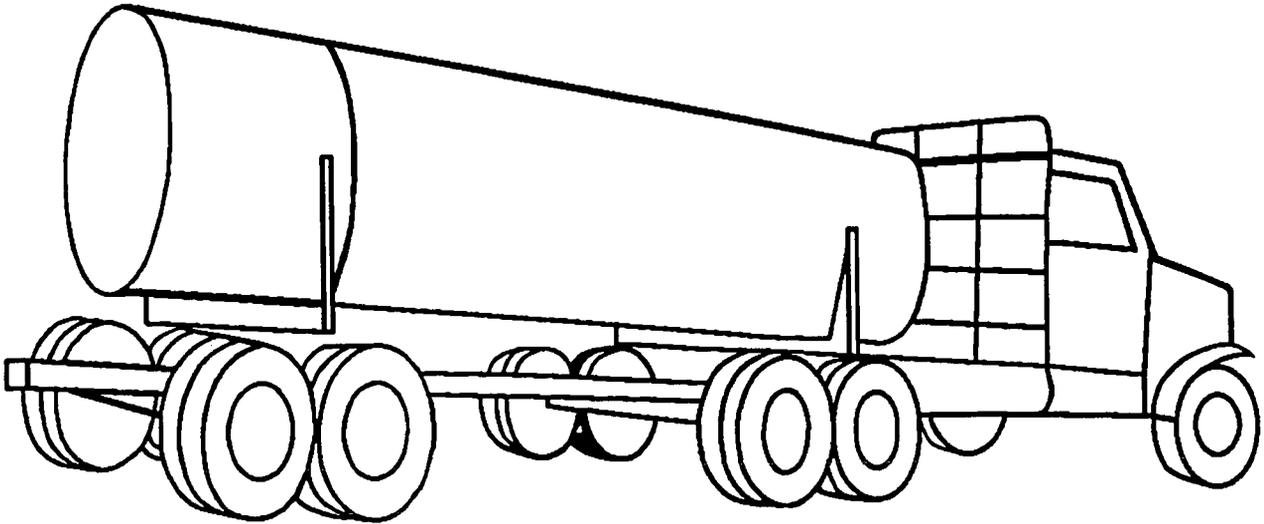


Figure 25: One Log Load

### Two Log Load

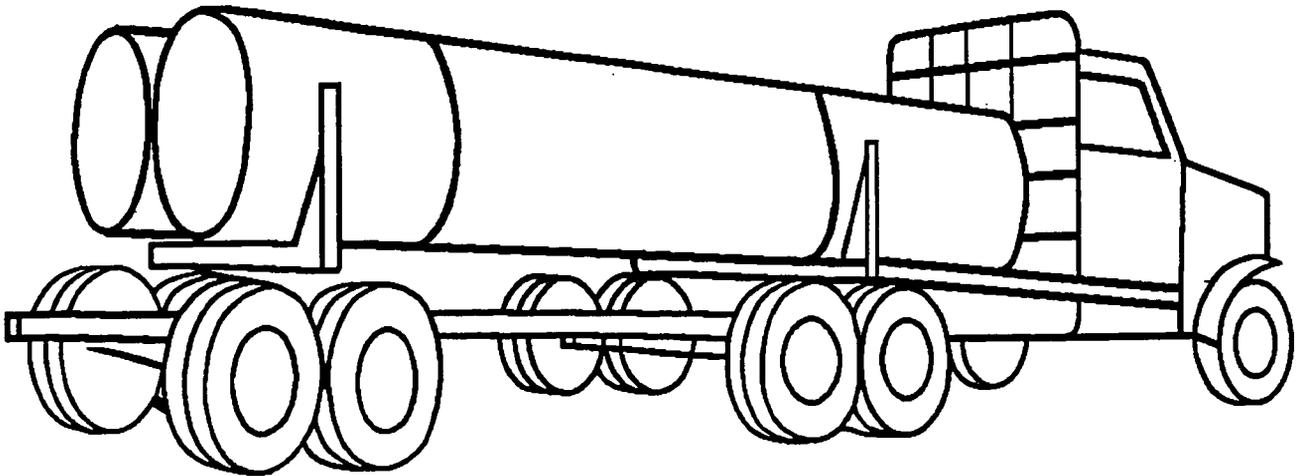


Figure 26: Two Log Load

PROPOSED

**Three or Four Log Load 44 Ft. or Less**

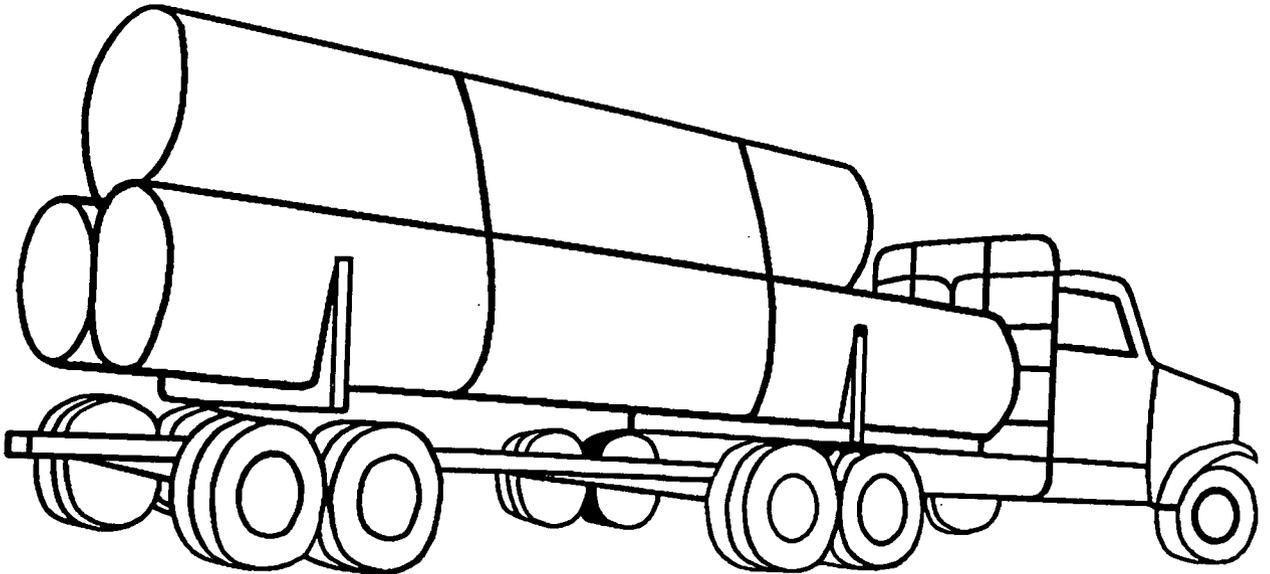


Figure 27: Three or Four Log Load 44 feet or less

**Three or Four Log Loads More Than 44 Feet**

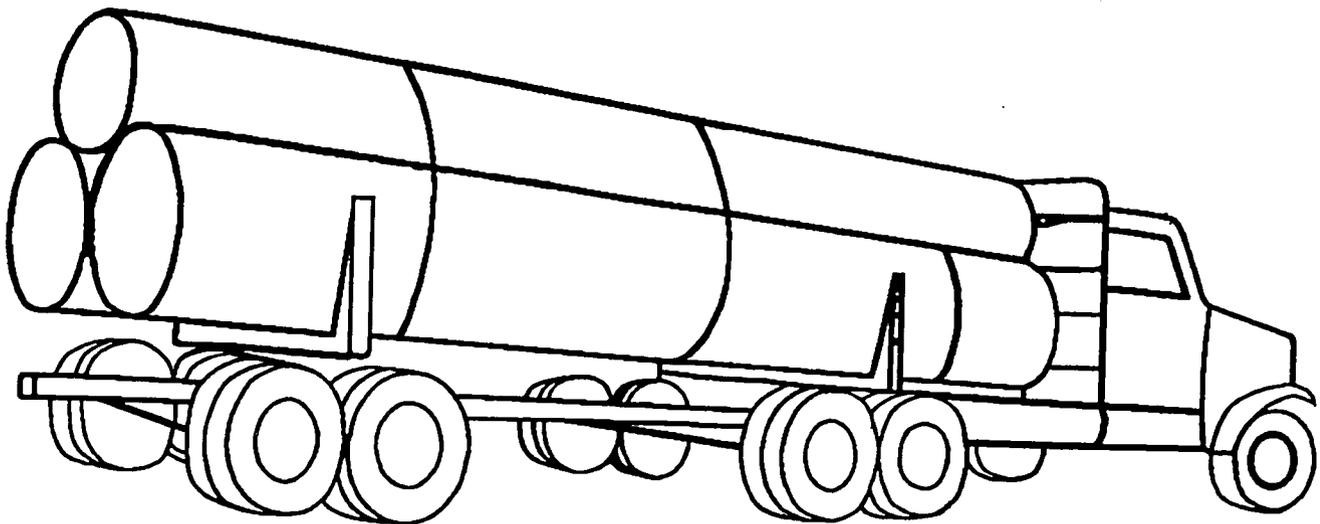


Figure 28: Three or Four Log Loads more than 44 feet

PROPOSED

**Five or Six Log Load All Logs 17 Feet or Less**

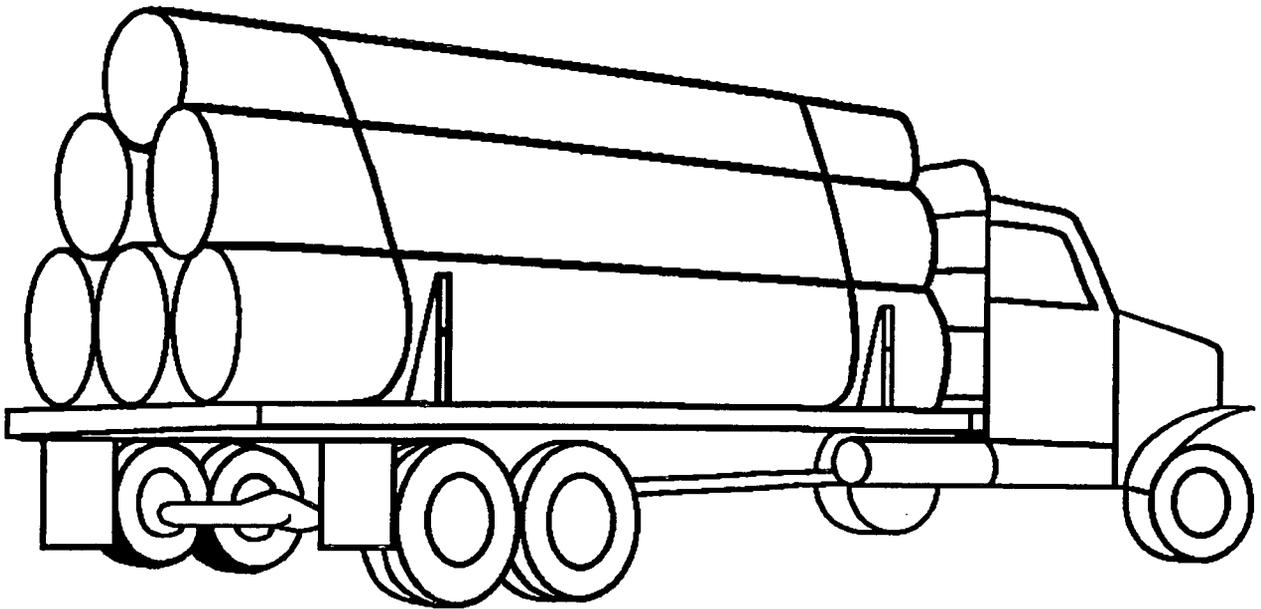


Figure 29: Five or Six Log Load All Logs 17 feet or less

**Seven or More Log Load All Logs 17 Feet or Less**

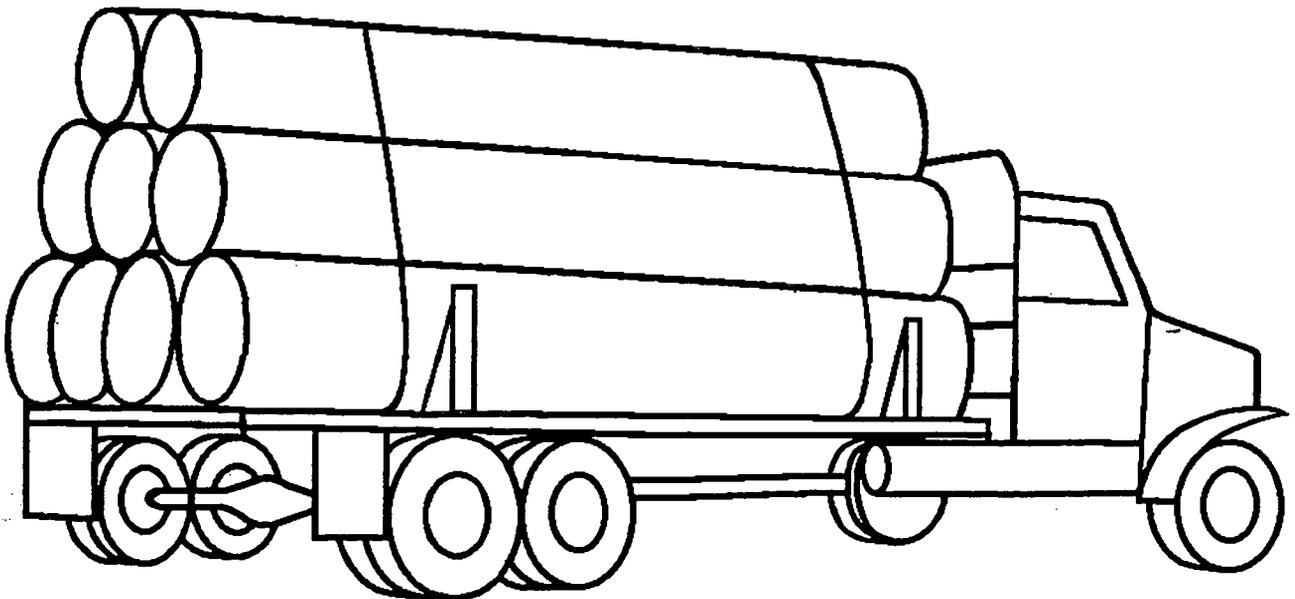


Figure 30: Seven or More Log Load All Logs 17 feet or less

PROPOSED

### Five or More Log Load if Any Logs Are More Than 17 Feet

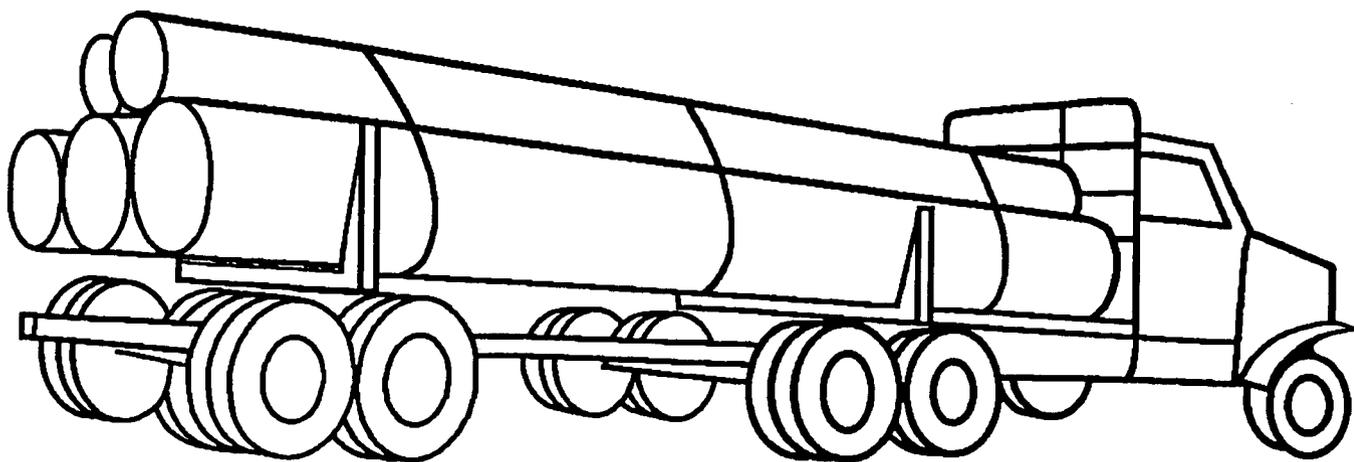


Figure 31: Five or More Log Load if any Logs are more than 17 feet

### Proper Support for Logs

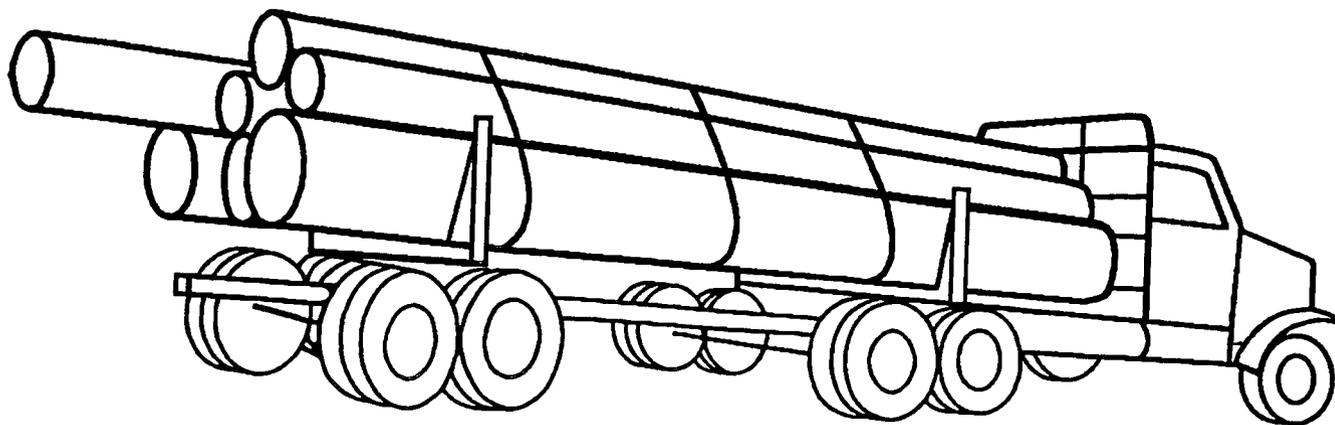


Figure 32: Proper Support for Logs

PROPOSED

### Outside Logs or Top Logs

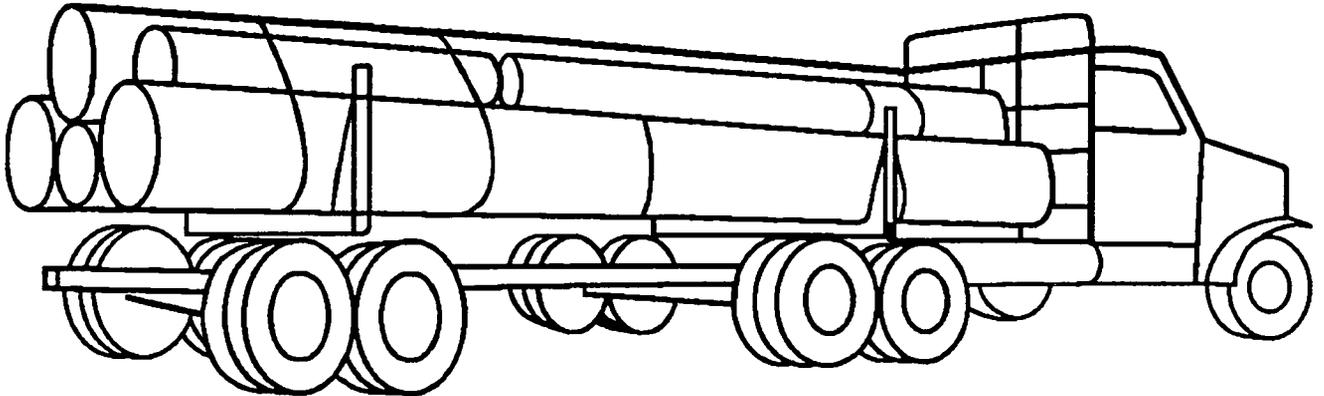


Figure 33: Outside Logs or Top Logs

PROPOSED

### A Wrapper Must Be Near Each Bank

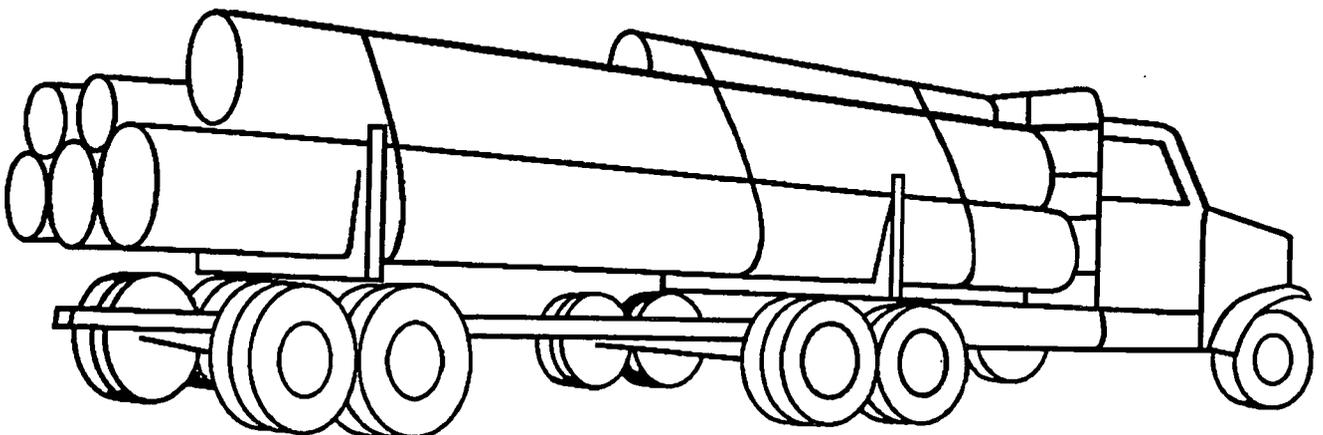


Figure 34: A Wrapper must be near each bank

## Short Logs Loaded Crosswise

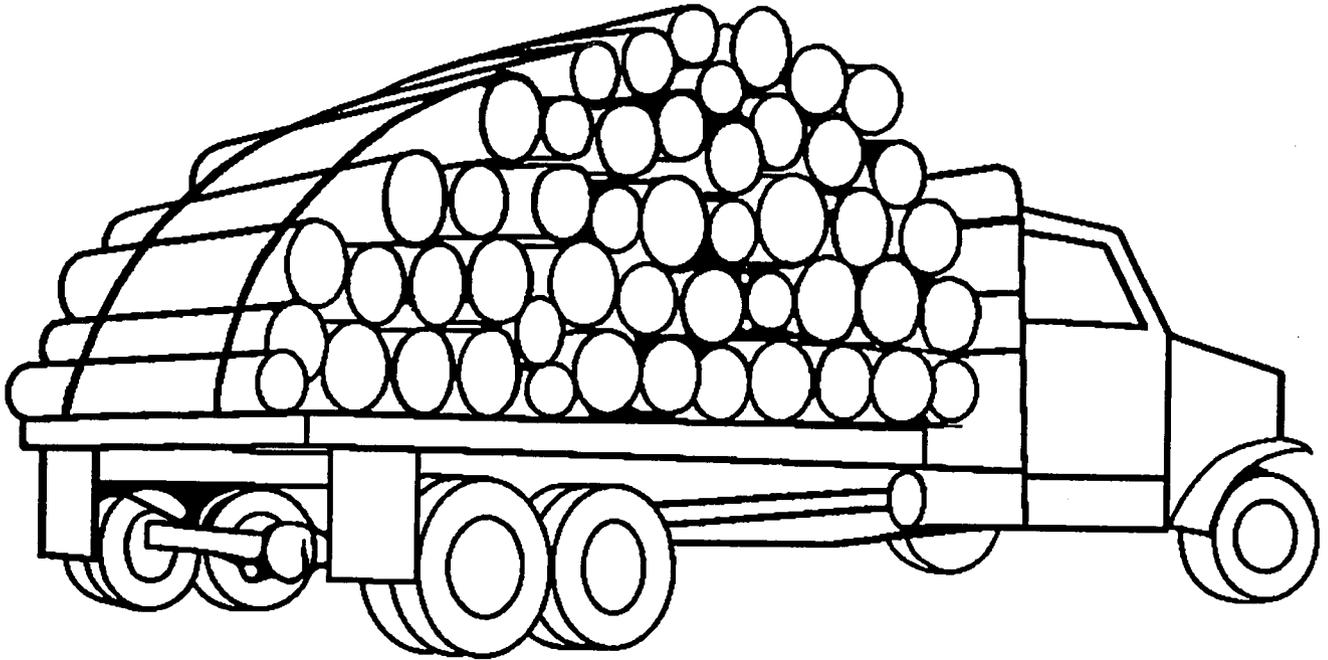


Figure 35: Short Logs Loaded Crosswise

Note: All loads of logs on logging trucks equipped with chock blocks instead of stakes, must have at least one additional wrapper over and above the requirements for trucks equipped with stakes, except on one and two log loads and trucks with short logs loaded crosswise.

(8) All motor vehicles must be equipped with a horn that is audible above the surrounding noise level. The horn must be sounded before operating the vehicle in reverse gear and when necessary to alert employees.

NEW SECTION

**WAC 296-54-58960 Log trucks—Miscellaneous requirements.** (1) A truck wheel must not have more than twenty-five percent of the lugs missing or defective.

(2) All truck wheels must be maintained free of cracks, breaks, or defects.

(3) Windshields on all equipment must have windshield wipers in good working condition.

(4) Mule train trailers must have a platform on the trailer tongue at least twelve inches by twenty-four inches made of nonslip material and able to support at least three hundred pounds. The platform must be self-cleaning.

(5) Trailer loading and unloading straps, links, or chains must be fastened securely to the trailer frame and used in hoisting the trailer. The connections must be maintained in good condition and not be attached to the trailer bunk. Using molles for this purpose is prohibited.

(6) When unloading trailers from trucks, the trailers must be hoisted clear, the truck driven forward a safe distance, and the trailer lowered to within one foot of the roadway before persons approach the trailer or reach.

(7) Trailer hoisting or unloading straps must be constructed and installed in a manner enabling the loading or unloading machine to engage the strap without manual personal contact.

NEW SECTION

**WAC 296-54-58970 Log trucks—Steered trailers.** Steered trailers, not controlled from the truck cab, must be designed, constructed, and operated as follows:

(1) A secure seat with substantial foot rest must be provided for the operator at the rear of the bunk. Any arrangement that permits the operator to ride in front of the bunk is prohibited unless a false bunk or other adequate protection is provided for the operator.

(2) The seat for the operator must be so arranged that he has an unobstructed exit from both sides and the rear.

(3) The bunk support must be so constructed that the operator has a clear view ahead at all times.

(4) Adequate means of communication must be provided between the operator and the truck driver.

(5) Eye protection and respirator must be provided for the operator.

(6) The trailer must be equipped with fenders or splash plates to protect the operator from mud and dust so far as possible.

(7) If used during periods of reduced visibility on roads not under the control of the state department of transportation, counties, or cities, the trailer must be equipped with head, tail, turn and stop lights.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-591 (~~Boats and mechanical devices on waters.~~) Stationary log truck trailer loading.** ~~((1) Prior to starting the boat motor, any spilled fuel shall be removed and vapors shall be exhausted from any area in which they may accumulate.~~

~~(2) The bilge area shall be kept clean and oil, grease, fuel, or highly combustible materials shall not be allowed to accumulate.~~

~~(3) Adequate ventilation equipment shall be provided and used for the bilge area to prevent the accumulation of toxic or explosive gases or vapors.~~

~~(4) Adequate ventilation equipment shall be provided and used for the cabin area on enclosed cabin type boats to prevent an accumulation of harmful gases or vapors.~~

~~(5) Deck and cabin lighting shall be provided and used where necessary to provide safe levels of illumination aboard boats. Boats operated during the period from sunset to sunrise, or in conditions of restricted visibility, shall display navigation lights as required by the United States Coast Guard. Searchlights or floodlights shall be provided to facilitate safe navigation and to illuminate working or boarding areas adjacent to the craft.~~

~~(6) On craft used by workers wearing calked shoes, all areas where the operator or workers must stand or walk shall be made of or be covered with wood or other suitable matting or non-slip material and such covering shall be maintained in good condition.~~

~~(7) Each boat shall be provided with a fire extinguisher and life ring with at least fifty feet of one-fourth inch line attached. On log brones, boomscoters, or other small boomboats where all occupants are required to wear life saving devices and a life ring would present a tripping hazard, the life ring may be omitted.~~

~~(8)(a) Along docks, walkways, or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with at least ninety feet of one-fourth inch line attached, shall be provided. The life rings shall be spaced at intervals not to exceed two hundred feet and shall be kept in easily visible and readily accessible locations.~~

~~(b) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with at least ninety feet of line attached, shall be provided in the immediate vicinity of the work assigned.~~

~~(c) Where work is assigned over water where the vertical drop from an accidental fall would exceed fifty feet, special arrangements shall be made with and approved by the department of labor and industries prior to such assignment.~~

~~(d) Lines attached to life rings on fixed installations shall be at least ninety feet in length, at least one-fourth inch in diameter, and have a minimum breaking strength of five hundred pounds. Similar lines attached to life rings on boats shall be at least fifty feet in length.~~

~~(e) Life rings must be United States Coast Guard approved thirty-inch size.~~

~~(f) Life rings and attached lines shall be maintained to retain at least seventy-five percent of their designed buoyancy and strength.~~

~~(9) Log brones, boomscoters, and boomboats shall not be loaded with personnel or equipment so as to adversely affect their stability or seaworthiness.~~

~~(10) Boats shall not be operated at an excessive speed or handled recklessly.)~~ (1) All loading devices must be designed, constructed and maintained so as to have a five to one safety factor for the rated load capacity.

(2) Loaders must be high and wide enough so they can safely load the maximum-sized trailers they are expected to handle without hanging up or striking the equipment.

(3) Electric-powered trailer loading devices must be equipped with a switch or device that will safely limit the upper direction of travel of the load line.

(4) Electric motors used for hoisting must be equipped with approved overload switches or breakers.

(5) Electrical switch controls must not exceed twenty-four volts. All control switches must be the momentary-contact type that require continuous manual pressure for the hoist to operate.

(6) Pendant control switches must be suspended by a chain or other suitable device that will prevent placing a strain on the electrical cable.

(7) Pendants must be installed so that the control switch does not touch the ground when retracted.

(8) All electrical equipment must be weatherproof-type or adequately protected from the weather, and must meet or exceed the requirements of the National Electrical Code as promulgated by the director of the department of labor and industries pursuant to RCW 19.28.060.

(9) Trailer loaders, except A-frames or bridge crane, must be equipped with reach guides or devices that will keep the reach in proper alignment. A tag rope or other safe guidance device must be used to guide trailers being loaded by an A-frame loader.

(10) Access roads and the area around the trailer loading devices must be kept free of standing water and debris and maintained in good repair.

(11) The maximum capacity load to be lifted must be posted in a conspicuous location where it can be easily seen by any person operating the hoist.

(12) Trailer loading equipment must be periodically inspected at least every thirty days and must be maintained in good repair. A written report must be made and signed by the person making the inspection and kept on file by the company for twelve months.

(13) The employer must conduct an annual lifting test on each loading device and maintain a written record of the test.

(a) The written record must contain:

• The date of the test;

• The name of person conducting the test;

• The amount of weight lifted; and

• The results kept in the office of the employer or at the site.

(b) The test weight must be at least one hundred twenty-five percent of the maximum rated load and a maximum of one hundred thirty percent of the maximum rated load.

~~(14) Each drum must be designed and arranged in such a manner that the line will maintain lead and spool evenly without chafing, crossing, or kinking.~~

~~(15) A braking system must be installed that has the ability to safely brake and hold one and one-half times weight of the full rated load.~~

~~(16) When trailers are to be loaded after dark, sufficient lights must be provided for a safe operation.~~

**AMENDATORY SECTION** (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-593** (~~(Dry land sorting and storage,)~~  
~~Log unloading, booms, and rafting grounds—Storage and sorting areas—General.~~ ((1) Unauthorized foot and vehicle traffic shall not be permitted in the sorting or storage area.

(2) Logs shall be stored in a safe and orderly manner. Roadways and traffic lanes shall be kept clear of protruding ends of logs and debris.

(3) Dry deck log storage areas shall be kept orderly and maintained in a condition conducive to safe operation of mobile equipment. Roadways and walkways shall have a smooth hard-packed surface wide enough to permit a safe operation. Bark, mud, and other debris shall not be allowed to accumulate to the extent it constitutes a hazard to the operation.

(4) At log dumps, sorting and storage areas, an effective means shall be provided and used to control dust.

(5) Only an authorized person shall operate or ride any lift truck, log stacker, or log unloader.

(6) Signaling log unloader operators at dry deck areas by throwing bark or chips in the air is prohibited. Hand, horn signals or other safe, effective means shall be used at all times.

(7) Unnecessary talking to operator while engaged in operating controls of log stacker or log unloader is forbidden.

(8) Lift forks and arms of unloading machines shall be lowered to their lowest position, and all equipment brakes set prior to the operator leaving the machine unattended.

(9) Log unloaders or stackers shall not be moved about the premises for distances greater than absolutely necessary with the lift extended above the drivers head or with loads lifted higher than is necessary for vision.

(10) When truck drivers are out of the cab, they shall be in the clear, and in view of the log unloader before the lift forks are moved under the load and the lift is made.

(11) Where logs are offloaded onto a dry deck by means of unloading lines, a mechanism shall be used which is self-releasing. Employees shall be prohibited from ascending dry decks to release unloading lines.

(12) Persons shall not position themselves in the hazardous area near or under loads of logs being lifted, moved or suspended.

(13) Jackets or vests of fluorescent or other high visibility material shall be worn by persons working on dry land log storages. Hard hats shall be of a contrasting color or shall have high visibility tape affixed thereon.

(14) Log unloaders and log stackers designed in a manner whereby logs being handled may jeopardize the safety of

~~the operator shall be provided with overhead protection and any other safeguards needed to afford adequate protection.~~

~~(15) Log unloaders and log stackers shall be equipped with a horn or other audible warning device. If vision is impaired or restricted to the rear, the warning device shall be sounded before operating the vehicle in reverse gear and sounded intermittently during the entire backing operation. The warning device shall be maintained in an operative condition.~~

~~(16) Each log handling machine shall be equipped with a braking system which is capable of stopping and holding the machine with maximum load on any grade on which it may be required to work.~~

~~(17) A limit stop, which will prevent the lift arms from over-traveling, shall be installed on electric powered log unloaders.~~

~~(18) Shear guards shall be installed on unloading machines and similar types of equipment on which the arms pivot and move alongside the operator creating a pinch point at that location.~~

~~(19) All forklift type machines shall be equipped with grapple arms and the arms shall be used whenever logs are being moved.~~

~~(20) When log trucks are loaded by the use of a log stacker and the lay of any log is higher than the stakes, the log stacker shall remain against the completed load, or other suitable protection provided, to prevent the logs from falling until at least two wrappers and binders have been applied.~~

~~(21) All binders and wrappers shall remain on the load until an approved safeguard has been provided to prevent logs from rolling off the side of the truck or trailer when binders are released. A shear log, or equivalent means, shall be provided to ensure the log truck will be stationed close enough to the wrapper rack so that a log cannot fall between the log truck and the wrapper rack when removing binders and wrappers. At least one binder shall remain secured while relocating or tightening other binders. Crotch lines, forklifts, log stackers, log unloaders, or other effective means shall be used for this purpose.~~

~~(22) An extra wrapper or metal band of equal strength shall be placed to hold the logs when it is necessary to remove a wrapper to prevent it from being fouled by the unloading machine.~~

~~(23) Machines of the type having arms which block the regular exit when in the up position, shall have an emergency exit installed.~~

~~(24) Seat provided. Riding on any part of a log handling machine except under the canopy guard is prohibited.~~

~~(25) Identification tags shall not be applied or pulled unless logs are resting in a stationary place, such as bunks, cradles, skids, or sorting tables.~~

~~(26) No person shall approach the immediate vicinity of a forklift type log handling machine without first notifying the operator of the person's intention and receiving an acknowledgement from the operator.~~

~~(27) When forklift type machines are used to load, unload, or handle trailers, a positive means of holding the lifting attachment to the fork shall be installed and used.~~

~~(28) When dry land log dumps use unloading methods similar to those of water dumps, the safety standards for water dumps shall apply to dry land dumps.~~

~~(29) When logs are handled between the hours of sunset and sunrise or other periods of poor visibility, illumination shall be provided consistent with chapter 296-62 WAC, general occupational health standards, pertaining to illumination.~~

~~(30) Air operated stake releases shall be in conformity with the following requirements:~~

~~(a) The air supply shall be taken from the "wet" air reservoir or from the accessory air line to a spring loaded, normally closed control valve.~~

~~(b) The control valve shall be located in the cab, positioned so that it is accessible only from the operator's position.~~

~~(c) The control valve shall be fitted with a spring loaded cover or be otherwise guarded against inadvertent operation.~~

~~(d) A separate air line shall extend from the control valve to the tractor and trailer stake release chambers. The air line shall be clearly identified or installed in such a manner as to preclude it from being mistaken for the service or emergency air line.~~

~~(31) Each deck shall be constructed and located so it is stable and provides each employee with enough room to safely move and work in the area.)) (1) At least two persons must be present for all storing, sorting, or boom work, except for boomboat operations.~~

~~(2) In operations where regular logging machinery, rigging, etc., is used, the applicable rules apply.~~

~~(3) The employer must provide and ensure the use of artificial lights where employees work between the hours of sunset and sunrise. The lights must be located in a manner that will:~~

- ~~• Be reasonably free of glare;~~
- ~~• Provide uniform distribution of illumination; and~~
- ~~• Avoid sharply defined shadows.~~

~~(4) On all log dumps, adequate power for the unloading method used must be provided. All machines used for hoisting, reloading, or lowering must be of an approved design and have enough power to control or hold the maximum load imposed in mid-air.~~

~~(5) Methods of unloading logs must be arranged and used in a manner to provide full protection to all employees.~~

~~(6) Binders must not be released from any load until an effective safeguard is provided.~~

~~(7) All mobile log handling machines must be equipped with a means to prevent the logs from accidentally leaving the forks, and it must be used.~~

~~(8) The operator of the unloading machine must have an unobstructed view of the unloading area or must make certain no one is in the area where the logs are to be unloaded. Rear-view mirrors must be installed on mobile log handling equipment to assist the operator in determining that the area behind the machine is clear before backing up.~~

~~(9) Unloading lines must be arranged so that it is not necessary for an employee to attach them on the pond or dump side of the load.~~

~~(10) Life rings with a minimum of ninety feet of 1/4-inch line with a minimum breaking strength of five hundred pounds attached, must be provided at convenient points adja-~~

cent to water that is five feet or more in depth. Life rings must be a minimum of thirty inches outside diameter and seventeen inches inside diameter and be maintained so as to retain a thirty-two pound positive buoyancy.

#### NEW SECTION

**WAC 296-54-59310 Log unloading, booms, and rafting grounds—Water dumps.** (1) All water dumps must have brow logs except when logs are lifted from the load. If portable equipment is used, adequate stops must be provided to prevent equipment from running off the dump.

(2) Where necessary for employees to walk alongside loads and equipment on trestles or fills, a minimum twenty-two inch wide walkway must be provided, unless otherwise specified.

(3) All decks and plankways on log dumps must be kept in good repair and free from bark and other debris. Roadways must not be inclined more than one inch to twelve inches across the driving surface.

(4) The use of small bridge-over logs, planking, or timbers between regular foot logs, or walkways, which will not support the weight of at least three persons are prohibited. All regular foot logs must be barked on the upper side.

(5) Electric-powered hoists using hand-held cord remote controls in grounded locations must be actuated by circuits operating at no more than twenty-four volts. All control switches must be the momentary contact type that require continuous manual pressure for the hoist to operate.

(6) Roadbeds at log dumps must be hard-packed gravel, heavy planking, or equivalent material, and must be of sufficient width and even surface to ensure safe operation of equipment.

(7) Where logs are unloaded on to rollways, enough space must be provided between the top of the skids and the ground to clear the body of a person.

(8) When a brow log is used with a parbuckle system, all persons are prohibited from going between the brow log and the load of logs at any time.

(9) A positive safeguard must be provided to prevent logs from leaving the loads on the side opposite the dump. Unloading lines, crotch lines, or other equivalent means must be arranged and used in a manner to prevent any log from swinging or rolling back.

(10) All employees must remain in the clear until all moving equipment has come to a complete stop.

(11) Logs must not be unloaded by peaves or similar manual methods, unless means are provided and used that eliminate the danger from rolling or swinging logs.

#### NEW SECTION

**WAC 296-54-59320 Log unloading, booms, and rafting grounds—Boom and rafting grounds.** (1) Breaking of log jams by peavy method is prohibited, except in river drive or when a jam occurs away from a mechanical means or the dump.

(2) Wooden pike poles must be made of continuous, straight-grained No. 1 material.

(a) Defective poles, blunt or dull pikes must not be used.

PROPOSED

(b) Conductive pike poles must not be used where there is a possibility of coming in contact with energized electrical conductors.

(3) Stiff booms must be made of at least two boom sticks and must be at least thirty-six inches wide measured outside to outside of the logs. The boom sticks must be fastened with at least 4" x 6" cross ties, or cable lashings notched into the boom sticks may be used when stiff booms are exposed to heavy swells. Stiff booms must be kept free of loose bark and maintained in good repair.

(4) A walkway thirty-six inches wide with standard hand railing must be provided from the shore end of stiff boom to shore.

(5) All sorting gaps must have a substantial stiff boom on each side of gaps. Such stiff booms or walkways must be planked over.

(6) Boom sticks must be reasonably straight with no protruding knots or loose bark. They must be able to support above the water line at either end the weight of one employee and equipment or two hundred fifty pounds.

(7) Foot logs must be reasonably straight with no protruding knots or loose bark and large enough to support above the water line at either end the weight of two employees and equipment or five hundred pounds.

(8) Unsafe boom sticks must be marked by three chopped crosses ten feet from the butt end, and those sticks must not be used as boom sticks.

(9) Gaps between boom sticks must not exceed twenty-four inches. All wire must be removed from boom sticks and boom chains before they are re-used or hung in rafting stalls.

(10) When permanent cable swifters are used, they must be arranged so that they are within easy reach of the rafter without rolling the boom sticks on which they are fastened. When cables become hazardous to use because of jagers, they must be discarded.

(11) When a floating donkey or other power-driven machinery is used on a boom, it must be placed on a raft or float with enough buoyancy to keep the deck of the raft or float well above water. Wherever employees walk, the deck of the raft or float must be planked over with at least two inch planking, and kept in good repair.

(12) When doglines used in rafting, brailing, or stowing logs become hazardous to use because of jagers, they must be discarded.

(13) Sufficient walkways and floats must be installed and securely anchored to provide safe passage for employees.

(14) Walkways alongside sorting gaps must be at least four feet wide. Other walkways must be at least twenty-two inches wide.

## **NEW SECTION**

### **WAC 296-54-59330 Log unloading, booms, and rafting grounds—Boats and mechanical devices on waters.**

(1) Before starting the boat motor, any spilled fuel must be removed and vapors must be exhausted from any area in which they may accumulate.

(2) The bilge area must be kept clean and oil, grease, fuel, or highly combustible materials must not be allowed to accumulate.

(3) Adequate ventilation equipment must be provided and used for the bilge area to prevent the accumulation of toxic or explosive gases or vapors.

(4) Adequate ventilation equipment must be provided and used for the cabin area on enclosed-cabin boats to prevent an accumulation of harmful gases or vapors.

(5) Deck and cabin lighting must be provided and used where necessary to provide safe levels of illumination aboard boats. Boats operated between sunset to sunrise, or in conditions of restricted visibility, must display navigation lights as required by the United States Coast Guard. Searchlights or floodlights must be provided for safe navigation and to illuminate working or boarding areas adjacent to the craft.

(6) On craft used by employees wearing calked shoes, all areas where employees must stand or walk must be made of or be covered with wood or other suitable matting or nonslip material. The covering must be maintained in good condition.

(7) Each boat must:

(a) Be provided with a fire extinguisher; and

(b) Have a life ring with at least fifty feet of one-fourth inch line attached.

Note: On log broncs, boomscooters, or other small boomboats where all occupants are required to wear life saving devices and a life ring would present a tripping hazard, the life ring may be omitted.

(8) Along docks, walkways, or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with at least ninety feet of one-fourth inch line attached, must be provided. The life rings must be spaced at intervals not exceeding two hundred feet and must be easily visible and readily accessible.

(a) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with at least ninety feet of line attached must be provided in the immediate vicinity of the work assigned.

(b) Lines attached to life rings on fixed installations must be at least ninety feet long, at least one-fourth-inch in diameter, and have a minimum breaking strength of five hundred pounds. Similar lines attached to life rings on boats must be at least fifty feet long.

(c) Life rings must be United States Coast Guard approved thirty-inch size.

(d) Life rings and attached lines must be maintained to retain at least seventy-five percent of their designed buoyancy and strength.

(e) Where work is assigned over water where the vertical drop from an accidental fall would exceed fifty feet, special arrangements must be made with and approved by the department of labor and industries prior to such assignment.

(9) Log broncs, boomscooters, and boomboats must not be loaded with employees or equipment in a way that adversely affects stability or seaworthiness.

(10) Boats must not be operated at excessive speed or handled recklessly.

**NEW SECTION**

**WAC 296-54-59340 Log unloading, booms, and rafting grounds—Dry land sorting and storage.** (1) Unauthorized foot and vehicle traffic is prohibited in the sorting or storage area.

(2) Logs must be stored in a safe and orderly manner. Roadways and traffic lanes must be kept clear of protruding ends of logs and debris.

(3) Dry deck log storage areas must be kept orderly and maintained in a condition conducive to safe operation of mobile equipment. Roadways and walkways must have a smooth hard-packed surface wide enough to permit a safe operation. Bark, mud, and other debris must not be allowed to accumulate to the extent they constitute a hazard to the operation.

(4) The employer must implement an effective method to control dust at log dumps and in sorting and storage areas.

(5) Only an authorized person shall operate or ride any lift truck, log stacker, or log unloader.

(6) Signaling log unloader operators at dry deck areas by throwing bark or chips in the air is prohibited. Hand, horn signals or other safe, effective means must be used at all times.

(7) Unnecessary talking to the operator while operating controls of a log stacker or log unloader is prohibited.

(8) Lift forks and arms of unloading machines must be lowered to their lowest position, and all equipment brakes set before the operator leaves the machine unattended.

(9) Log unloaders or stackers must not be moved about the premises for distances greater than absolutely necessary with the lift extended above the driver's head or with loads lifted higher than is necessary for vision.

(10) When truck drivers are out of the cab, they must be in the clear, and in view of the log unloader before the lift forks are moved under the load and the lift is made.

(11) Where logs are offloaded onto a dry deck by unloading lines, a self-releasing mechanism must be used. Employees are prohibited from climbing dry decks to release unloading lines.

(12) Employees must not enter the hazardous area near or under loads of logs being lifted, moved, or suspended.

(13) When log unloaders and log stackers are designed so that logs being handled may jeopardize the safety of the operator, the employer must provide overhead protection and any other necessary safeguards.

(14) Log unloaders and log stackers must be equipped with a horn or other audible warning device. If vision is impaired or restricted to the rear, the warning device must be sounded before operating the vehicle in reverse gear and periodically while backing. The warning device must be operative at all times.

(15) A limit stop, which will prevent the lift arms from over-traveling, must be installed on electric powered log unloaders.

(16) Shear guards must be installed on unloading machines and similar equipment on which the arms pivot and move alongside the operator creating a pinch point at that location.

(17) All forklift log handling machines must be equipped with a grapple arms and the arms must be used whenever logs are being carried.

(18) When log trucks are loaded by a log stacker and the lay of any log is higher than the stakes, the log stacker must remain against the completed load, or other suitable protection provided, to prevent the logs from falling until at least two wrappers and binders have been applied.

(19) All binders and wrappers must remain on the load until an approved safeguard has been provided to prevent logs from rolling off the side of the truck or trailer when binders are released. A shear log, or equivalent means, must be provided to ensure the log truck will be stationed close enough to the wrapper rack so that a log cannot fall between the log truck and the wrapper rack when removing binders and wrappers. At least one binder must remain secured while relocating or tightening other binders. Crotch lines, forklifts, log stackers, log unloaders, or other effective means must be used for this purpose.

(20) An extra wrapper or metal band of equal strength must be placed to hold the logs when it is necessary to remove a wrapper to prevent it from being fouled by the unloading machine.

(21) Machines with arms that block the regular exit when in the up position must have an emergency exit installed.

(22) Riding on any part of a log handling machine except under the canopy guard is prohibited.

(23) Identification tags must not be applied or pulled unless logs are resting in a stationary place, such as bunks, cradles, skids, or sorting tables.

(24) Employees must not approach the immediate vicinity of a forklift-type log handling machine without first notifying the operator of the person's intention and receiving an acknowledgement from the operator.

(25) When dry land log dumps use unloading methods similar to those of water dumps, the safety standards for water dumps apply.

(26) When logs are handled between sunset and sunrise or other periods of poor visibility, the employer must provide illumination that meets the requirements of WAC 296-62-09003 relating to illumination.

(27) Air operated stake releases must meet the following requirements:

(a) The air supply must be taken from the "wet" air reservoir or from the accessory air line to a spring loaded, normally closed control valve;

(b) The control valve must be located in the cab, positioned so that it is accessible only from the operator's position;

(c) The control valve must be fitted with a spring-loaded cover or otherwise guarded against inadvertent operation; and

(d) A separate air line must extend from the control valve to the tractor and trailer stake release chambers. The air line must be clearly identified or installed so that it cannot be mistaken for the service or emergency air line.

(28) Each deck must be constructed and located so it is stable and provides each employee with enough room to safely move and work in the area.

PROPOSED

**AMENDATORY SECTION** (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-595 ((Railroad operations)) Transporting crews.** (((1) All persons employed in any service on trains or rail operations, which are not engaged in interstate commerce, are subject to and shall be conversant with all rules and special instructions.

(2) Employees must render every assistance in their power in carrying out these rules and special instructions and must report to the proper official any violation thereof.

(3) Accidents, detention of trains or speeders, failure in supply of fuel or water, defects in track, bridges, or signals, must be properly reported to the supervisor by the quickest possible method.

(4) Any logging railroad may maintain a special set of operating rules applicable to their operation, provided that said rules are acceptable to the division of industrial safety and health, department of labor and industries.

(5) Each logging railroad operation which has more than one piece of railroad equipment in operation, must have a dispatcher on duty. All equipment must receive clearance from dispatcher.

(6) Train crew size shall be dependent upon the number of persons needed to safely operate the train under all prevailing conditions; however, when necessary to set hand brakes, two or more persons shall be assigned to set the brakes and give signals.

(7) All locomotives shall be equipped with sanding devices for both rails, front and rear, in proper working order. Clean, dry sand should be used.

(8) Locomotives shall be equipped with power brakes (air or steam) on all driving wheels. Tenders also shall have power brakes.

(9) All locomotives and speeders, operating between sunset and sunrise or other periods of reduced visibility, shall be equipped with and use head lights which shine in the direction of travel. The lights shall be of sufficient candle-power so the train can be stopped within range of the light beam. Cab lights shall be provided and maintained so the operators can see from their required positions the gauges and equipment necessary for operation.

(10) All locomotives shall be equipped with proper grab irons, hand holds, steps, and running boards.

(11) All locomotives shall be equipped with automatic couplers, suitable for low or high draw bars.

(12) On all rolling stock, wheels which have sharp or badly worn flanges, shall be replaced. Avoid the use of flat wheels.

(13) All locomotives with tender shall have an apron of proper length and width to insure safety and which shall be roughened to insure secure footing.

(14) Handholds and footboards shall be provided on locomotive cranes, except where eab overhangs end of car.

(15) Trains and speeders shall not exceed a safe speed.

(16) A terminal test of air brakes shall be made by trainmen before leaving the terminal. Enginemen shall not proceed until they are satisfied by brake action that brakes are able to control the train.

(17) All of the cars in a train shall have their brakes in good operating condition.

(18) On railroads where joint operations of two or more firms are necessary, trains shall not be dispatched less than fifteen minutes apart. Red lights shall be displayed on the rear of such trains at night or when visibility is poor.

(19) Whenever cars are left on grades, derailleurs shall be provided. Derail signs shall be placed near derailleurs. In setting out equipment, care shall be used in seeing that proper clearance is provided.

(20) Standard pressure for mountain grades requires a pressure of ninety pounds in train pipe, one hundred ten pounds in main reservoirs (low pressure) and one hundred thirty pounds in high pressure to insure quick releasing of brakes and recharging of auxiliaries. Engineer shall see that the engine carries these pressures and that sanders, both forward and rear, are in working order. On all heavy grades the high pressure retaining valve must be used and before train is started from landing, a test of brakes must be made and piston travel adjusted, if necessary, and retaining valves put up. Engineer shall start train away from landing slowly, giving wheels a chance to roll before applying brakes and, to avoid skidding of wheels, using sand freely. Brakes should then be applied immediately and released, allowing the retaining valves to hold the train while train pipe and auxiliaries are being recharged. Train speed should be held to the required rate by setting and releasing brakes as it is necessary to control train.

(21) When it is necessary to leave loads on pass while switching a side, loads must be left close to derailer, air set and sufficient hand brakes set up, before cutting engine from train.

(22) Engineer must see car or signal person when making couplings, giving train crew ample time to align drawheads and open knuckles of coupler, especially on curves, except when using radios.

(23) Drawbars should not be aligned with the foot while cars or engines are in motion. Train crew shall not climb between cars while in motion. Engineers shall not drift too close to switches which are to be thrown. Position of switch points should always be observed after throwing switch. Switch lever should be pushed firmly into the notch before leaving the switch. No persons except trainmen, unless authorized, shall ride on engine foot boards. No object shall be thrown from train or engine while in motion. Bell shall be rung or whistle blown, before moving locomotive.

(24) No equipment shall be pushed ahead of locomotive unless a brake tender is on head car in constant view of engineer or second brake tender in position to intercept and pass signal to engineer.

(25) In addition to air brakes, hand brakes must be provided on all cars and maintained in good working order.

(26) Hand brakes must be easily accessible to brake tenders when cars are loaded. When wheels or staff brakes are used they should be placed on the side opposite the brow log at the dump to prevent their damage when cars are unloaded. All switch throws, walkways and cleared areas for brake tenders shall be on the hand brake side.

(27) All brake hickies shall be made from three-fourths inch hexagon steel (high grade) and be twenty-four inches

PROPOSED

with a good claw on one end to fit the wheel and a knob on opposite end to prevent slipping from brakeman's hand.

(28) All railroad trucks and cars, where brakes are set by hand while in motion, shall have good footboards and toeboards on the brake end.

(29) A ten inch bunk block is recommended on all trucks to prevent logs from slipping over block.

(30) All cars other than logging trucks must have hand hold and foot steps to permit persons to get on and off easily and safely.

(31) All cars and trucks regularly operated must have automatic couplers.

(32) Locomotives and cabooses shall carry the following equipment:

- 1 red light (lantern type)
- 3 red flags
- At least 3 fuses

(33) When a train stops between telephones, or where the rear of a train extends beyond yard limits, the rear of the train must be properly protected.

(34) Whistle sign board shall be placed one thousand two hundred feet from each side of highway crossings.

(35) A rail clamp shall be placed to hold cars left on a grade on main line or spurs.

(36) All cars and trucks shall be legibly numbered so that those with defects may be reported and taken out of service. Each locomotive, speeder, or other self-propelled vehicles shall be numbered, or otherwise made readily identifiable.

(37) All cars used for hauling logs shall be equipped with patent stake bunks, or bunks with chock blocks and/or chains, so constructed that block can be released from opposite end of bunk unless solid stakes are used.

(38) All main line trains of more than ten loaded cars shall have a caboose at the rear of the train.

(39) All operations having both truck roads and railroads, shall post signs at intersections same as public crossings.

Engine whistle signals. The following engine whistle signals are established as standard and are taken from the American Association of Railroads. The signals prescribed are illustrated by "o" for short sounds and "-" for long sounds. Audible whistle shall be sounded when approaching camps, junctions, grade crossings and other prescribed places in conformity with the American Association of Railroads:

- One short ..... (o) Stop, apply brakes.
- Two long ..... (-) Release brakes.
- Three long ..... (- - -) When running, train parted, to be repeated until answered by hand signal.
- Two short ..... (oo) Answer to any signals not otherwise provided for.
- Three short ..... (ooo) When train is standing back.
- Four short ..... (oooo) Call for signals.
- Two long, two short ..... (-oo) Approaching highway crossing at grade.

- One long ..... (-) Approaching station, railway, chute, crossing, junctions, and deraillers. When standing, air leak.
  - Six long ..... (-----) Repeated at intervals, call for section crew, train derailed.
  - One long, three short ..... (-ooo) Flagger to go back and protect rear of train.
  - Four long ..... (----) Foreman.
  - Five long ..... (-----) Flagger to return from any direction.
  - Long, short ..... (-o-o-o) Repeated four or more times, fire alarm.
  - Seven long, two short ..... (-----oo) Repeated, person hurt.
  - One long, one short ..... (-o) Repeated at intervals, closing down.
  - Groups of shorts repeated ..... (ooooooo) Danger of run-away.
- Unnecessary use of whistle is prohibited.))

NEW SECTION

**WAC 296-54-59510 Speeders used to transport crews.** (1) All speeders must be equipped with two separate and independently operated braking systems, either of which must be of sufficient capacity to lock all wheels when speeder is fully loaded;

(2) All speeders used for transporting crews must be equipped with methods for sanding tracks, operative for both directions of travel.

(3) Electric lights of sufficient candle power and range so that vehicle can be stopped within the range of the beam, and which will shine in the direction of travel, must be provided on all speeders.

(4) Adequate tail lights must be installed and maintained in good order.

(5) Automatic windshield wipers of sufficient capacity to maintain clear visibility must be installed on all speeders.

NEW SECTION

**WAC 296-54-59520 Trailers used to transport crews.** (1) When trailers are coupled behind speeders, they must be equipped with two separate and independent braking systems, either must be of sufficient capacity to lock all wheels when the trailer is fully loaded. One of these must be power operated and must be controlled from the speeder; the other manually operated from the trailer. One person must be designated to operate this brake in case of emergency.

(2) All trailers must be coupled to speeders with metal couplings and safety chains or straps of sufficient strength to withstand the impact caused by a broken coupling.

(3) No trailer shall to coast or be used as a crew car without being attached to a speeder.

**AMENDATORY SECTION** (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-597 Railroads (~~((maintenance—Loading or unloading))~~)).** (~~((1) Track gangs, bridge crews, etc., when working on railroads in use shall place a yellow caution flag by day and a yellow lantern by night a sufficient distance both directions from the crew to protect them against approaching equipment. The operator of said equipment shall acknowledge the signal by two short blasts of the whistle or horn and proceed with caution.~~

~~When said crews are removing or replacing a rail or are performing any other work that would make it necessary for approaching equipment to come to a stop, they shall place a red flag by day and a red lantern by night in the center of the track a sufficient distance in both directions from the crew to protect them against said equipment. The operator of approaching equipment shall acknowledge the signal by one short blast of the whistle or horn and shall come to a dead stop and remain standing until the signal is removed by the person who placed it, or until investigation proves that the track is safe for passage. If a flagger is used, the above provision need not apply.~~

~~(2) Where clearance is scant, warning signs or signals shall be posted.~~

~~(3) Switch throws should be kept well oiled and targets and signs in good legible condition.~~

~~(4) Standard clearances shall be maintained at all points on the right of way except where necessarily restricted where loading or unloading operations are performed or at water tanks, fuel tanks, etc. Warning signs shall be posted at all such locations.~~

~~(5) Whenever workers are repairing, working on or in railroad equipment, loading or unloading cars or performing other duties where there is danger of the railroad equipment being struck by other moving railroad equipment, proper means, methods or safeguards shall be used to protect such workers. A derail shall be used to prevent other rail equipment from contacting such cars or equipment or endangering the work crew. After cars are spotted, blue flags shall be placed in the center of the tracks at least fifty feet from the end car during the day and blue lights shall be installed at such locations at night. Flags, lanterns and derails shall be removed only by the person placing them unless they are to remain posted for a longer period of time, in which case one person on each oncoming shift shall be responsible to ascertain that they are in place and they shall not remove such safeguards until that person investigates to make certain all persons are in the clear. Operators of approaching equipment shall not pass or remove a flag or lantern which is properly posted. Cars or other equipment shall not be placed where it will obscure the signal from an operator controlling approaching equipment.)~~

## **NEW SECTION**

**WAC 296-54-59710 Railroad construction and maintenance.** (1) All construction must be according to safe logging practices as to size of rails, ties, track accessories and methods of installing same.

(2) Rail guards must be placed on main lines and spurs, consistent with the type of traffic and general local conditions.

(3) Rail anchors of approved design must be installed wherever practicable.

(4) Frogs, switches, and guard rail ends must have either patent or wooden foot guard blocking installed.

(5) Slip plates must be used under all switches and switch points.

(6) All above ground wire for permanent telegraph or telephone lines used for dispatching must be well strung on insulators and must be clear of the ground and obstructions.

(7) Where telephone lines are strung under or near power lines, foot stools mounted on insulators in front of telephone boxes must be used, unless other protection is provided, which affords a substantially equivalent measure of safety.

(8) Foundations, pile trestles, framed bent trestles, mud sills, or other framework of all structures must be adequate to support the maximum imposed loads without exceeding the maximum safe working unit stresses.

(a) The structure must be maintained in good condition and repair.

(b) The structure must be inspected at least annually by a qualified person.

(c) The employer must maintain records of the inspections and make the records available to the department on request.

(9) Outside wooden guard rails must be installed on all railroad bridges except that outside wooden rails will not be required where inside steel guard rails are used;

(a) They must extend not less than six inches above the top of the ties and must be bolted or spiked to ties at intervals of not more than five feet; and

(b) Spacer blocks must be used unless ties are spiked to stringers, or guard rails are dapped to avoid need for spacer blocks.

(10) Guard rails must extend at least six inches above the top of the ties and are bolted or spiked to ties at maximum intervals of five feet. Spacer blocks must be used unless ties are spiked to stringers, or guard rails are dapped to avoid need for spacer blocks.

(11) Regular bridge ties of not less than ten feet in length must be used on all railroad bridges constructed after the effective date of these standards.

(12) Trestles and bridges longer than two hundred fifty feet must have safety platforms with safe standing space for two persons installed. The platforms must be spaced so that a person on the trestle or bridge is never more than one hundred twenty-five feet from a safety platform or the end of the bridge or structure.

(13) All railroad bridges and trestles used regularly as footways must have a plank walkway between the rails that is at least twelve inches wide and two inches thick. The walkway must extend from end to end of the bridge or trestle.

(14) A suitable substantial walkway at least three feet wide with handrail must be installed on bridges or trestles where train crews must perform routine inspection or repair work on trains. Substantial platforms and handrails must be provided where switches are located on bridges or trestles. Adequate clearance must be allowed for the throw of the switch.

(15) All dangerous trees, snags or brush must be cleared a safe distance from both sides of the track. Any obstruction that will create a transportation hazard must be removed.

(16) Material must be provided that will promote secure footing at places alongside the track where employees customarily perform duties, such as inspecting loads, setting brakes by hand, or throwing switches.

(17) The distance between any main tracks and a side track must allow a clearance of four feet between bunk ends and locomotive cabs.

(18) The following clearances must be maintained:

(a) At least eight feet horizontal clearance on each side of the center line of standard gauge mainline railroads; and

(b) At least twenty-two feet vertical clearance above the top of each rail (according to standard railroad engineering practices).

(19) Derailers must be installed as follows:

(a) Derailers must be installed and used on all landings, passing tracks, and spurs where cars are left on a grade.

(b) Derailers must be close to standing equipment.

(c) The operation of a derailer must not create a hazard to buildings and other railroad lines.

(d) Derailers must not be installed on the inside rail on a sharp curve.

(e) Derail signs must be set on both sides of the track even with the derailer.

(f) An unneeded derailer must be removed or rendered inoperative.

## NEW SECTION

**WAC 296-54-59720 Railroad operations.** (1) Employees must report accidents, detention of trains or speeders, failure in supply of fuel or water, defects in track, bridges, or signals to the supervisor by the quickest possible method.

(2) Any logging railroad may maintain a special set of operating rules applicable to their logging operation, provided that said rules are acceptable to the department of labor and industries.

(3) Each logging railroad operation with more than one piece of railroad equipment in operation, must have a dispatcher on duty. All equipment must receive clearance from the dispatcher.

(4) Train crew size must be based on the number of persons needed to safely operate the train under all prevailing conditions. When necessary to set hand brakes, two or more persons must be assigned to set the brakes and to give signals.

(5) All locomotives must be equipped with sanding devices for both rails, front and rear, in proper working order. Clean, dry sand should be used.

(6) Locomotives must be equipped with power brakes (air or steam) on all driving wheels. Tenders must also have power brakes.

(7) All locomotives and speeders, operating between sunset and sunrise or other periods of reduced visibility, must be equipped with and use head lights that shine in the direction of travel. The lights must be bright enough so the train can be stopped within range of the light beam. Cab lights must be provided and maintained so the operators can see

from their required positions the gauges and equipment necessary for operation.

(8) All locomotives must be equipped with proper grab irons, hand holds, steps, and running boards.

(9) All locomotives must be equipped with automatic couplers, suitable for low or high draw-bars.

(10) On all rolling stock, wheels with sharp or badly worn flanges, must be replaced. Avoid using flat wheels.

(11) All locomotives with tender must have an apron of proper length and width to ensure safety. The apron must be roughened to ensure secure footing.

(12) Handholds and footboards must be provided on locomotive cranes, except where the cab overhangs the end of the car.

(13) Trains and speeders must not exceed a safe speed.

(14) The trainmen must test the air brakes before leaving the terminal. Enginemen must not proceed until they are satisfied by brake action that the brakes are able to control the train.

(15) All of the cars in a train must have brakes in good operating condition.

(16) On railroads where joint logging operations of two or more firms are necessary, trains must be dispatched at least fifteen minutes apart. Red lights must be displayed on the rear of such trains at night or when visibility is poor.

(17) Whenever cars are left on grades, derailers must be provided. Derail signs must be placed near derailers. In setting out equipment, care must be used in seeing that proper clearance is provided.

(18) Standard pressure for mountain grades requires a pressure of ninety pounds in train pipe, one hundred ten pounds in main reservoirs (low pressure) and one hundred thirty pounds in high pressure to ensure quick releasing of brakes and recharging of auxiliaries. Engineer must see that the engine carries these pressures and that sanders, both forward and rear, are in working order. On all heavy grades the high pressure retaining valve must be used and before train is started from landing, a test of brakes must be made and piston travel adjusted, if necessary, and retaining valves put up. Engineer must start train away from landing slowly, giving wheels a chance to roll before applying brakes and, to avoid skidding of wheels, using sand freely. Brakes should then be applied immediately and released, allowing the retaining valves to hold the train while train pipe and auxiliaries are being recharged. Train speed should be held to the required rate by setting and releasing brakes as it is necessary to control train.

(19) When necessary to leave loads on a pass while switching a side, loads must be left close to the derailer, air set and enough hand brakes set up, before cutting the engine from the train.

(20) The engineer must see the car or signal person when making couplings, giving the train crew enough time to align drawheads and open knuckles of coupler, especially on curves, except when using radios.

(21) Drawbars should not be aligned with the foot while cars or engines are in motion. The train crew must not climb between cars while in motion. Engineers must not drift too close to switches that are to be thrown. The position of switch points should always be observed after throwing switch. The

switch lever should be pushed firmly into the notch before leaving the switch. No persons except trainmen, unless authorized, shall ride on engine footboards. Throwing objects from the train or engine while in motion is prohibited. A bell must be rung or whistle blown before moving the locomotive.

(22) Equipment must not be pushed ahead of a locomotive unless a brake tender is on the head car in constant view of the engineer or second brake tender in a position to receive and pass the signal to the engineer.

(23) In addition to air brakes, hand brakes must be provided on all cars and maintained in good working order.

(24) Hand brakes must be easily accessible to brake tenders when cars are loaded. When wheels or staff brakes are used they should be placed on the side opposite the brow log at the dump to prevent their damage when cars are unloaded. All switch throws, walkways, and cleared areas for brake tenders must be on the hand brake side.

(25) All brake hickies must be made from three-fourths inch hexagon steel (high grade) and be twenty-four inches with a good claw on one end to fit the wheel and a knob on opposite end to prevent slipping from the brakeman's hand.

(26) All railroad trucks and cars, where brakes are set by hand while in motion, must have good footboards and toeboards on the brake end.

(27) A ten-inch bunk block is recommended on all trucks to prevent logs from slipping over block.

(28) All cars other than logging trucks must have hand hold and foot steps to permit employees to get on and off easily and safely.

(29) All cars and trucks regularly operated must have automatic couplers.

(30) Locomotives and cabooses must carry the following equipment:

- 1 red light (lantern type)
- 3 red flags
- At least 3 fuses

(31) When a train stops between telephones, or where the rear of a train extends beyond yard limits, the rear of the train must be properly protected.

(32) A whistle sign board must be placed one thousand two hundred feet from each side of highway crossings.

(33) A rail clamp must be placed to hold cars left on a grade on main line or spurs.

(34) All cars and trucks must be legibly numbered so that those with defects may be reported and taken out of service. Each locomotive, speeder, or other self-propelled vehicles must be numbered, or otherwise made readily identifiable.

(35) All cars used for hauling logs must be equipped with patent stake bunks, or bunks with chock blocks and/or chains, constructed so that the block can be released from the opposite end of the bunk unless solid stakes are used.

(36) All main line trains of more than ten loaded cars must have a caboose at the rear of the train.

(37) All logging operations having both truck roads and railroads must post signs at intersections same as public crossings.

(38) The following engine whistle signals are established as standard and are taken from the American Association of Railroads. The signals prescribed are illustrated by "o" for short sounds and "-" for long sounds. Audible whistle must be

sounded when approaching camps, junctions, grade crossings and other prescribed places as required by the American Association of Railroads:

One short	(o) Stop, apply brakes.
Two long	(—) Release brakes.
Three long	(—) When running, train parted, to be repeated until answered by hand signal.
Two short	(oo) Answer to any signals not otherwise provided for.
Three short	(ooo) When train is standing back.
Four short	(oooo) Call for signals.
Two long, two short	(—oo) Approaching highway crossing at grade.
One long	(-) Approaching station, rollway, chute, crossing, junctions, and derailleurs. When standing, air leak.
Six long	(————) Repeated at intervals, call for section crew, train derailed.
One long, three short	(-ooo) Flagger to go back and protect rear of train.
Four long	(——) Foreman.
Five long	(——-) Flagger to return from any direction.
Long, short	(-o-o-o) Repeated four or more times, fire alarm.
Seven long, two short	(————oo) Repeated, person hurt.
One long, one short	(-o) Repeated at intervals, closing down.
Groups of shorts repeated	(ooooooo) Danger of runaway.

Unnecessary use of whistle is prohibited.

#### NEW SECTION

**WAC 296-54-59730 Railroad maintenance—Loading or unloading.** (1) Whenever track gangs, bridge crews, etc., work on railroads that are in use, the following signal systems must be implemented:

(a) A yellow caution flag by day and a yellow lantern by night is placed far enough in each direction from the crew to protect them against approaching equipment. The operator of approaching equipment must acknowledge the signal by two short blasts of the whistle or horn and proceed with caution.

(b) When crews are removing or replacing a rail or performing any other work that would make it necessary for approaching equipment to come to a stop, a red flag during daytime work and a red lantern during nighttime work is placed in the center of the track far enough in each direction from employees to protect them against approaching equipment. The operator of approaching equipment must:

(i) Acknowledge the signal by one short blast of the whistle or horn;

(ii) Come to a dead stop; and

(iii) Remain standing until the signal is removed by the person who placed it, or until investigation proves that the track is safe for passage.

(c) The employer may choose to use a flagger in place of meeting the above requirements.

(2) Where clearance is scant, warning signs or signals must be posted.

(3) Switch throws should be kept well oiled and targets and signs in good legible condition.

(4) Standard clearances must be maintained at all points on the right of way. However, if clearance is necessarily restricted in loading or unloading areas or at water tanks, fuel tanks, etc., then warning signs must be posted at these locations.

(5) The employer must provide adequate safeguards to protect employees performing the following tasks:

- Repairing railroad equipment;
- Working on or in railroad equipment;
- Loading or unloading cars; or
- Performing other duties where there is danger of the railroad equipment being struck by other moving railroad equipment.

(a) A derail must be used to prevent other rail equipment from contacting such cars or equipment or endangering employees. After cars are spotted, blue flags must be placed in the center of the tracks at least fifty feet from the end car during the day and blue lights must be installed at such locations at night.

(b) Flags, lanterns, or derails must be removed only by the person placing them unless they are to remain posted for a longer period of time. In which case one person on each oncoming shift must determine that they are in place and they must not remove the safeguards until certain that all employees are in the clear.

(c) Operators of approaching equipment must not pass or remove a flag or lantern that is properly posted. Cars or other equipment must not be placed where they will obscure the signal from an operator controlling approaching equipment.

**AMENDATORY SECTION** (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-601 Signals and signal systems.** ~~((+) Standard hand or whistle signals as described or illustrated herein, shall be used for the movement of rigging, logs, or equipment when using a high lead, slackline, or cable skidder system for yarding. For hand signal illustrations, see Figure 4.~~

~~(2) Voice communications may be used for yarding under the following conditions:~~

~~(a) Voice communications by use of radio frequencies may be used to transmit instructions and directions to the yarder operator when using a grapple type logging system, providing no person is in a hazardous area near live rigging.~~

~~(b) Voice communication may be used to instruct the yarder operator when picking up an occasional log with the use of a choker on a grapple system, providing the grapple is on the ground prior to the setting of the choker and that no lines are moved by the operator until the person setting the~~

~~choker has returned to a safe location away from any running lines. At no time shall chokers be used on the grapple system during the hours of darkness or during periods of reduced visibility to such extent that the yarder operator cannot clearly see the setting of the choker. When a number of logs are required to be yarded by using chokers instead of the grapple, the requirements specified for high lead type of logging shall apply.~~

~~(c) Voice communications by use of radio frequencies may be used to transmit instructions and directions to the yarder operator when using a balloon system for yarding. The person operating the radio shall ascertain that all crew members are in the clear before transmitting instructions which would cause any line or turn to move. The person giving such instructions shall keep the crew members informed as to which movements will commence. The whistle shall be blown before moving any running line.~~

~~(d) The Federal Communications Commission rules require that assigned call letters be used in conjunction with voice communications.~~

~~(3) Voice communications on the same radio frequencies used to transmit skyline, highlead, slackline, or skidder whistle signals (154.57 and 154.60 MHz channels), shall be prohibited.~~

**Note:** If voice is received on 154.57 or 154.60 MHz channels, it is recommended the Assistant Director, Department of Labor and Industries, P.O. Box 44650, Olympia, Washington 98504-4650 (phone (360) 902-5428) be contacted as soon as possible to enable the department to ascertain the source of the voice transmission.

~~(4) If a standard signal is not listed for an unusual or new situation, a hand or whistle signal other than any listed for the type of yarding being done may be used for the specific situation only. Any special signals so developed shall be understood by all persons required to work in the area which may be affected by their use.~~

~~(5) A copy of the standard hand and whistle signals shall be posted on the yarder and at places where crews congregate. For tractor logging operations, hand signals shall be posted at places frequented by the crew members such as in crew buses, etc.~~

~~(6) Only one person in any crew shall give signals at the point where chokers are being set. Any person is authorized to give a stop signal when a person is in danger or other emergency condition is apparent.~~

~~(7) Hand signals are permitted only when the signal person is in plain sight of the machine operator and when visibility is such that the signals are discernible. Hand signals may be used at any time as an emergency stop signal.~~

~~(8) Throwing of any type of material as a signal is prohibited.~~

~~(9) The use of a jerk wire signal system for any type of yarding operation is prohibited.~~

~~(10) All persons shall be in the clear before any signal is given to move the rigging, logs, or turns, and movement of rigging, logs, or turns shall not commence until after the proper signals have been given.~~

~~(11) Machine operators shall not move any line unless the signal received is clear and distinct. If in doubt, the oper-~~

ator shall repeat the signal as understood and wait for confirmation.

(12) A horn or whistle which is automatically activated by the radio or electric signaling system shall be used on each yarder used for skyline, high lead, skidder or slackline system of yarding, except where hand signals are permissible. The horn or whistle shall emit a sound which will be clearly audible to all persons in the affected area. Such a horn or whistle shall also be required on combination yarding and loading machines and tree pullers. Audible signals are not necessary on grapple or other yarding systems where persons are not exposed to the movement of logs or rigging.

(13) Each unit of the signal or control system in use, shall be tested daily before operations begin. Audible signals used for test purposes shall not include signals used for the movement of lines or materials.

(14) Citizen band (CB) radios shall not be used to activate any signal, machine, or process, either automatically or by voice. This shall not prohibit the use of CB radios for communication between sides, vehicles, work units, or for emergency situations.

(15) When audible whistle signals are being used simultaneously by yarding and loading machines at a landing, signal whistle or horn tones used in connection with machine movements shall be so differentiated as to distinctively identify any intended work movement of either machine.)) (1) Standard hand or whistle signals as described in this chapter must be used for the movement of rigging, logs, or equipment when using a high lead, slackline, or cable skidder system for yarding. For hand signal illustrations, see appendix 1.

(2) Voice communication may be used to move rigging and control movement of logs, provided a standard audible whistle signal is sounded before any line is moved.

Note: Subsections (1) and (2) of this section do not apply to grapple or other special yarding systems where employees are not exposed to the movement of logs or rigging.

(3) Voice communications may be used for grapple yarding under the following conditions:

(a) Voice communications by use of radio frequencies may be used to transmit instructions and directions to the yarder operator when using a grapple type logging system, if no employee is in a hazardous area near live rigging.

(b) Voice communication may be used to instruct the yarder operator when picking up an occasional log with the use of a choker on a grapple system, if the grapple is on the ground before the setting of the choker and no lines are moved by the operator until the person setting the choker has returned to a safe location away from any running lines. When a number of logs must be yarded by using chokers instead of the grapple, the requirements for high lead logging apply.

(4) Voice communication on the same radio frequencies used to transmit skyline, high-lead, slackline or skidder whistle signals (154.57 and 154.60 MHz channels), must be limited to reporting injuries, fire, and emergency situations where special tools or precautions are needed to prevent or alleviate a hazardous situation. In addition:

(a) The rigging crew must call the yarder engineer by name to ensure that proper contact is established;

(b) The yarder engineer must acknowledge the call with a whistle "stop" signal before the caller starts transmitting the voice message;

(c) Voice transmission must be kept as brief and to the point as possible; and

(d) After receiving the voice message, the yarder engineer must again acknowledge with a whistle "stop" signal that the message has been received and is clearly understood.

(5) If a standard signal is not listed for an unusual or new situation, a hand or whistle signal other than any listed for the type of yarding being done may be used for the specific situation only. Any special signals developed must be understood by all persons working in the area who may be affected by their use.

(6) A copy of the standard hand and whistle signals must be posted on the yarder and at places where crews congregate. For tractor logging operations, hand signals must be posted at places frequented by the crew members such as in crew buses, etc.

(7) Only one person in any crew shall give signals at the point where chokers are being set. Any person is authorized to give a stop signal when someone is in danger or another emergency condition is apparent.

(8) Hand signals are permitted only when the signal person is in plain sight of the machine operator and when visibility allows signals to be seen. Hand signals may be used at any time as an emergency stop signal.

(9) Throwing of any type of material or relying on engine noise, such as from a chain saw, as a signal is prohibited.

(10) All persons must be in the clear before any signal is given to move the rigging, logs, or turns. Rigging, logs, or turns must not be moved until after the proper signals have been given.

(11) Machine operators must not move any line unless the signal received is clear and distinct. If in doubt, the operator must repeat the signal as understood and wait for confirmation.

(12) A horn or whistle that is automatically activated by the radio or electric signaling system must be used on each yarder used for skyline, high lead, skidder or slackline system of yarding, except where hand signals are permissible. The horn or whistle must emit a sound that is clearly audible to all persons in the affected area. Such a horn or whistle is also required on combination yarding and loading machines and tree pullers. Audible signals are not necessary on grapple or other yarding systems where persons are not exposed to the movement of logs or rigging.

(13) All radio-controlled motorized carriages and sky-cars must have a warning horn which must be sounded before any lines or loads are moved.

(14) Each unit of the signal or control system in use must be tested daily before logging operations begin. Audible signals used for test purposes must not include signals used for the movement of lines or materials.

(15) Citizen band (CB) radios must not be used to activate any signal, machine, or process, either automatically or by voice. CB radios may be used for communication between sides, vehicles, work units, or for emergency situations.

(16) When audible whistle signals are being used simultaneously by yarding and loading machines at a landing, signal whistle or horn tones used in connection with machine movements must be so differentiated as to distinctively identify any intended work movement of either machine.

(17) When the rigging crew consists of two or more employees, at least two employees must carry transmitters with at least one transmitter available where chokers are being set. One transmitter is permitted when the rigging crew is only one employee.

(18) The use of a jerk wire whistle system for any type of yarding operation is prohibited.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-603 Electric signal systems.** ~~((1) Where an electrical signal system is used, all wire and attachments shall be of the weatherproof type and all connections shall be weatherproof.~~

~~(2) Electric signal systems shall be properly installed and adjusted. They shall be protected against accidental signaling and shall be maintained in good operating condition at all times. Sufficient signal wire shall be provided to enable good voice contact between the whistle punk and rigging crew at all times.)~~ (1) Where an electrical signal system is used, all wires, attachments, and connections must be weatherproof.

(2) Electric signal systems must be properly installed and adjusted. They must be protected against accidental signaling and must be maintained in good operating condition at all times. Enough signal wire must be provided to enable good voice contact between the whistle punk and rigging crew at all times.

#### **NEW SECTION**

**WAC 296-54-604 Radio signaling permits.** To apply for a new radio signaling permit, to request a change in a permit, or to request a change in the use area for any permitted system, write to:

WISHA Services Division—Permits  
Department of Labor & Industries  
P.O. Box 44650  
Olympia, WA 98504-4650

**AMENDATORY SECTION** (Amending WSR 96-22-013, filed 10/28/96, effective 1/1/97)

**WAC 296-54-605 Radio systems used for voice communication, activation of audible signals, or control of equipment.** ~~((1) Every employer who uses a radio signaling or control system (voice or functions) shall comply with or exceed the minimum requirements specified in this section.~~

~~(2) A valid operating permit shall be obtained by the owner from the department of labor and industries, prior to putting into use any radio signaling or control system (voice or functions) intended to be used in conjunction with any type of cable logging operation. Permits will be issued only for systems licensed for such use and using those carrier frequencies as authorized by the Federal Communications Commis-~~

~~sion. In addition, permits will be granted only when tone or function frequencies are compatible with other radio systems in use and when in compliance with all other applicable requirements contained in this safety standard.~~

~~(3) The department of labor and industries reserves the right to designate the use of radio frequencies for certain purposes or functions, for example, certain frequencies may be used for voice transmission of instruction, others for tone coded functions, or activation of signaling devices. No single tone sets shall be permitted for logging purposes. The department may also designate which tone frequencies may be used for the activation of a signaling device or for control of equipment on certain federal communication assigned carrier frequencies.~~

~~(4) A list of tone frequencies which may be used with any Federal Communications Commission assigned carrier frequencies will be made available by the department to any interested person, firm, or corporation upon request.~~

~~(5) The department shall assign the area or areas in which a radio signaling system may be used and shall so mark on the permit. Radio signaling systems shall not be used in any area other than indicated on the permit. (See Figure 10 for map of areas.)~~

~~(6) The person or firm name on the permit shall be the same as the person or firm operating the radio signaling system except for loaner or rental sets. A person or firm using a loaner or rental set shall be responsible for the radio signal system as if they were the owner of the set. The application for a permit to use a radio signaling system shall contain the following information:~~

~~(a) Name and address of applicant.~~

~~(b) The radio frequencies of the radio signaling device in MHz.~~

~~(c) The tone frequency or frequencies of the radio signaling system used to activate a horn, whistle, or control equipment in Hz. The security gate, or pulse tone, shall be shown first.~~

~~(d) The name of the manufacturer of the radio signaling system.~~

~~(e) The serial number of the receiving unit.~~

~~(f) The state assigned area or location in which the unit will operate.~~

~~(g) Indicate type of signaling used.~~

~~(h) From whom the system was purchased or acquired, and the date of acquisition of the system.~~

~~(i) Intended use and function of system.~~

~~(7) The permit granted by the department shall be attached to the case of the receiver of the radio signaling system for which it is granted.~~

~~(8) Each radio receiver shall have its radio carrier frequency in MHz and tone frequency(s) in Hz indicated on the outside case of the receiver. The manufacturer's name and serial number shall also be permanently indicated on the outside of the case. When the duration or width of the tone frequencies performs a function, the one duration/width shall also be permanently indicated on the outside of the receiver case. Each transmitter shall be identified with its receiver. Two or more receivers in operation simultaneously on the same tone frequency shall be prohibited.~~

(9) It shall be the responsibility of the owner of any radio signaling system to notify the department of labor and industries, immediately, if the signal system is:

(a) Permanently retired (in what manner and date retired).

(b) Sold (submit name and address of purchaser and date sold).

(c) Removed from the state (name of state to which moved and date moved).

(d) Stolen (date).

(10) Two operable transmitters shall be carried by separate individuals at the point where chokers are being set at all times when transmitters are being used for tone signaling by persons around the live rigging in the choker setting area. Only one radio transmitter shall be required if in the possession of a signalperson who has no other duties and remains in an area where there are no hazards created by the moving rigging or logs. If the total crew consists of a yarder operator and one person in the rigging, only one transmitter is required provided a positive system is instituted and used to check on the well-being of the person in the rigging.

(11) When interference, overlap, fadeout, or blackout of radio signals is encountered, the use of the device shall be discontinued immediately. The use of the device shall not be resumed until the source of trouble has been detected and corrected.

(12) All radio signaling systems put into use for the first time after the effective date of these safety standards, shall meet or exceed the minimum performance specifications contained in WAC 296-54-607 of these safety standards, and, when altered or repaired, shall continue to meet such specifications.

(13) At least one make and model of each signaling system shall be tested and certified that it meets or exceeds the minimum requirements for performance as specified in WAC 296-54-607. A copy of such performance report shall be signed by the person or persons who tested the unit or components and shall be sent to the Department of Labor and Industries, P.O. Box 44650, Olympia, Washington 98504-4650.

(14) Radio equipment shall not be used without displaying a permit as required by this standard. The permit shall be prominently displayed on the outside case of the receiver of the unit or, for radio controlled carriages, on the transmitter in the yarder.

(15) Adjustments, repairs, or alterations of radio signaling devices shall be done only by or under the immediate supervision and responsibility of a person holding a first-class or second-class commercial radio operator's license, either radio-telephone or radio-telegraph, issued by the Federal Communications Commission. Persons who do not possess the technical ability or do not have the proper equipment to cause the signaling systems to function within required tolerances shall not attempt to repair, alter, or adjust such systems.

(16) Radio frequencies assigned to systems for which voice communications may be used to give signals to the yarder operator, shall not be the same frequencies as those assigned for whistle signals used in skyline, highlead, slackline, or cable skidder systems.

(17) When hazardous interference is created by moving a voice communication system into an area where a system is already in use on the same frequency, use of the newly-moved system shall be immediately discontinued until the problem of interference has been corrected.

(18) Before moving any unit from one assigned geographical area to another (see area map, Figure 10 following this section), a new permit shall be applied for and secured from the Department of Labor and Industries, P.O. Box 44650, Olympia, Washington 98504-4650.

Form No. 157.

STATE OF WASHINGTON

3-71

DEPARTMENT OF LABOR AND INDUSTRIES

DIVISION OF SAFETY

APPLICATION FOR PERMIT TO OPERATE RADIO SIGNAL SYSTEM IN DESIGNATED AREA

Radio Carrier Frequency \_\_\_\_\_ Serial No. \_\_\_\_\_

Tone Coding Frequency \_\_\_\_\_ Hz \_\_\_\_\_ Name of Manufacturer of Signal System \_\_\_\_\_

Firm Name \_\_\_\_\_ Address \_\_\_\_\_ By \_\_\_\_\_

Intended Function of Unit: Voice communication  Whistle signal  Control Equipment

Area in which Unit will be Operated: \_\_\_\_\_ 1  \_\_\_\_\_ 2  \_\_\_\_\_ 3  (Area map included in Safety Standards for Logging Operations)

Type of Tone: Sequential  Simultaneous  If other specify type \_\_\_\_\_

System to be Used For: Grapple  Skyline, Highlead, Slackline, Skidder  Balloon

System Purchased or Acquired From \_\_\_\_\_

Date System Purchased or Acquired: Day \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

Mail Permit to \_\_\_\_\_

Date Application Mailed to Division of Safety \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Day Mo. Year

Date Permit Issued \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Day Mo. Year DIV. OF SAFETY USE ONLY



PROPOSED

Dept. of Labor & Industries  
Div. of Consultation & Compliance  
P.O. Box 44650  
Olympia, WA. 98504-4650



# APPLICATION FOR PERMIT TO OPERATE RADIO SIGNAL SYSTEM IN DESIGNATED AREA

Firm name \_\_\_\_\_ Phone number \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State ZIP+4 \_\_\_\_\_

Radio carrier frequency \_\_\_\_\_ Receiver's serial no. \_\_\_\_\_

Tone coding frequencies \_\_\_\_\_

Name of manufacturer of signal system \_\_\_\_\_

Intended function of unit: \_\_\_\_\_ System to be used for: \_\_\_\_\_

Voice communication  Whistle signal  Control equipment  Grapple  Highlead, Slackline, Skidder  Balloon

Area in which \_\_\_\_\_ (Area map included in Safety Standards for Logging Operations)

unit will be operated 1  2  3

Type of tone: \_\_\_\_\_

Sequential  Simultaneous  If other, specify type \_\_\_\_\_

System purchased or acquired from \_\_\_\_\_ Date system purchased or acquired: \_\_\_\_\_

Mail permit to: \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State ZIP+4 \_\_\_\_\_

Department Use Only  
Date Permit Issued

F416-087-000 app for permit 9-94

PROPOSED

**Figure No. 10**

STATE OF WASHINGTON  
 DEPT. OF LABOR & INDUSTRIES DIV. OF SAFETY  
**PERMIT #**  
 TO OPERATE MULTI-TONE RADIO SIGNAL SYSTEM  
 IN DESIGNATED AREA.

Model ..... Serial .....

Carrier Frequency ..... MHz

Tones ..... Hz

AREA

Firm Name .....

Issued by .....

S. F. No. 158-12-71-25C, 38416.

PROPOSED

Dept. of Labor & Industries  
 Div. of Consultation & Compliance  
 P.O. Box 44650  
 Olympia, WA. 98504-4650



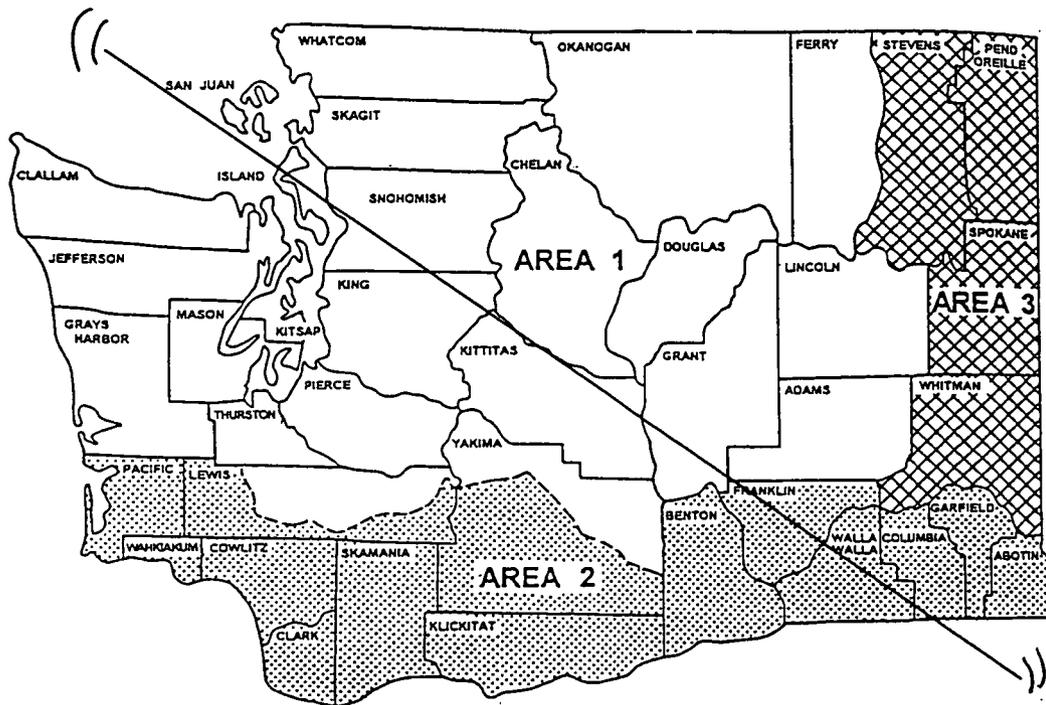
**RADIO PERMIT**

TO OPERATE MULTI-TONE RADIO SIGNAL SYSTEM IN  
 DESIGNATED AREA.

MODEL	SERIAL
CARRIER FREQUENCY	MHz
TONES	Hz
AREA	
FIRM NAME	
ISSUED BY	

F416-086-000 RADIO PERMIT 10-88

**AREAS FOR USE OF RADIO SIGNALING SYSTEMS FOR  
LOGGING OPERATIONS**



State of Washington  
Department of Labor and Industries  
Division of Industrial Safety and Health

A permit issued by the department of labor and industries shall be attached to the outside of the receiver which shall indicate the area in which the radio signaling equipment may be used.)) (1) A valid operating permit must be obtained by the owner from the department of labor and industries, prior to putting into use any radio signaling or control system (voice or functions) intended to be used in conjunction with any type of cable logging operations.

(a) Permits will be issued only for systems licensed for such use and using those carrier frequencies as authorized by the Federal Communications Commission.

(b) Permits will be granted only when tone or function frequencies are compatible with other radio systems in use and when in compliance with all other applicable requirements of this chapter.

(2) The department of labor and industries reserves the right to designate the use of radio frequencies for specific purposes or functions. For example: Frequencies may be specified for voice transmission of instruction, others for tone-coded functions, or activation of signaling devices.

(a) Single tone coded functions must not be used on radio equipment designed to initiate whistle or other audible signal, or to activate or control any machine, material-handling device, or other equipment hazardous to employees.

(b) The department may also designate which tone frequencies may be used for the activation of a signaling device

or for control of equipment on certain federal communication assigned carrier frequencies.

(3) A list of tone frequencies that may be used with any Federal Communications Commission assigned carrier frequencies will be made available from the department upon request.

(4) The department will assign the area or areas in which a radio signaling system may be used and mark those areas on the permit. Radio signaling systems must not be used in any area other than the ones indicated on the permit. (See Figure 36: Areas for Use of Radio Signaling Systems for Logging Operations.)

(5) The person or firm name on the permit must be the same as the person or firm operating the radio signaling system except for loaner or rental sets. A person or firm using a loaner or rental set is responsible for the radio signal system as if they were the owner of the set.

(6) The application for a permit to use a radio signaling system must contain the following information:

(a) Name and address of applicant.

(b) The radio frequencies of the radio signaling device in MHz.

(c) The tone frequencies of the radio signaling system used to activate a horn, whistle, or control equipment in Hz. The security gate, or pulse tone, must be shown first.

PROPOSED

(d) The name of the manufacturer of the radio signaling system.

(e) The serial number of the receiving unit.

(f) The state assigned area or location in which the unit will operate.

(g) The type of signaling used.

(h) From whom the system was purchased or acquired, and the date of acquisition of the system.

(i) Intended use and function of the system.

(7) All radio equipment must meet all applicable FCC standards, FCC identifier numbers and required information must be visible when possible.

(8) Radio equipment must not be used without displaying a permit as required by this standard. The permit must be prominently displayed on the outside case of the receiver of the unit or, for radio-controlled carriages, on the transmitter in the yarder.

(9) Each radio receiver must have its radio carrier frequency in MHz and tone frequency(s) in Hz indicated on the outside case of the receiver:

(a) The manufacturer's name and serial number must be permanently indicated on the outside of the case;

(b) When the duration or width of the tone frequencies performs a function, the one duration/width must also be permanently indicated on the outside of the receiver case;

(c) Each transmitter must be identified with its receiver; and

(d) Two or more receivers in operation simultaneously on the same tone frequencies are prohibited unless one is used for monitoring only.

(10) It shall be the responsibility of the owner of any radio signaling system to notify the department of labor and industries, immediately, if the signal system is:

(a) Permanently retired (in what manner and date retired);

(b) Sold (submit name and address of purchaser and date sold);

(c) Removed from the state (name of state to which moved and date moved); or

(d) Stolen (date).

(11) All radio signaling systems put into use for the first time after the effective date of these safety standards, shall meet or exceed the minimum performance specifications contained in WAC 296-54-607 of these safety standards, and, when altered or repaired, shall continue to meet such specifications.

(12) Adjustments, repairs, or alterations of radio signaling and control devices must be done only by or under the immediate supervision and responsibility of a qualified and certified radio technician with factory training or equivalent certified experience. Anyone without the technical ability or the proper equipment to cause the signaling systems to function within required tolerances must not attempt to repair, alter, or adjust the systems.

(13) When interference, overlap, fadeout, or blackout of radio signals is encountered, the use of the device must be discontinued immediately. Use may not be resumed until the source of trouble has been detected and corrected.

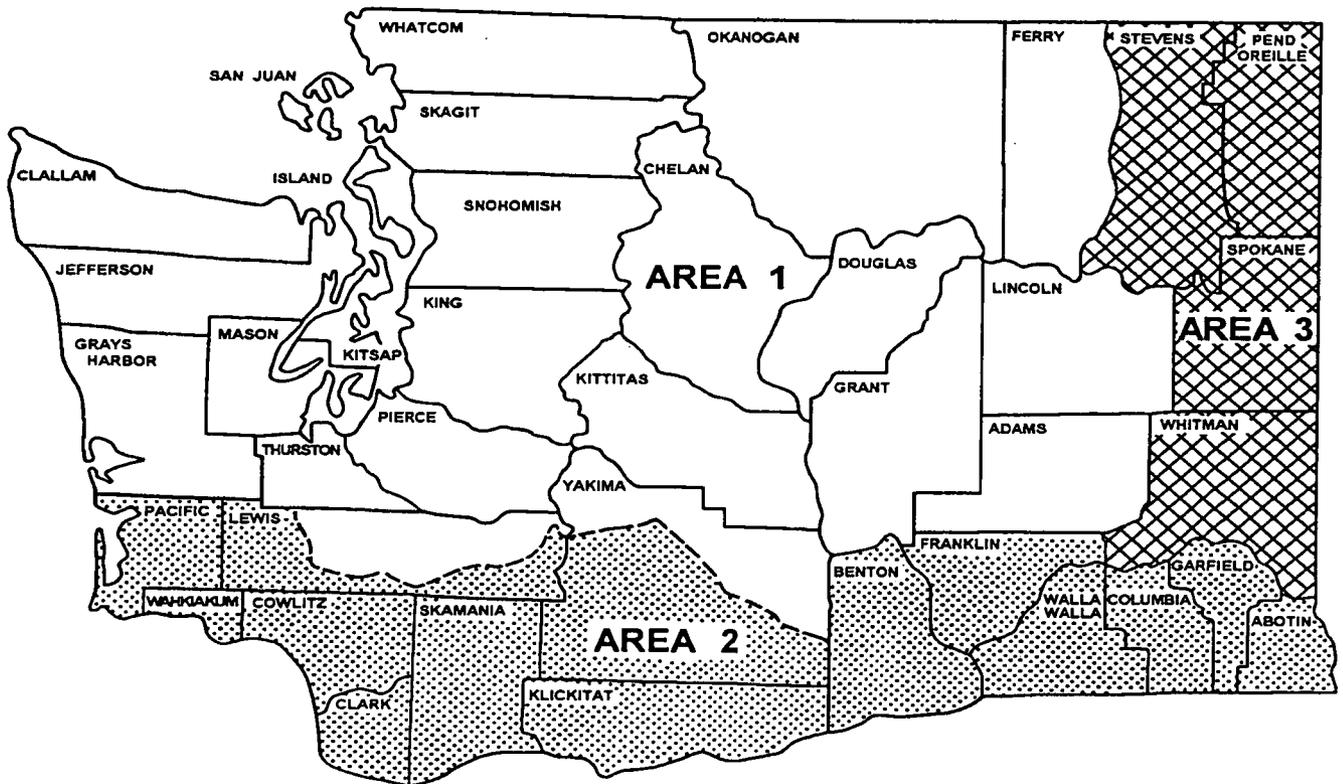
(14) Radio frequencies assigned to systems for which voice communications may be used to give signals to the

yarder operator must not be the same frequencies as those assigned for whistle signals or machine control signals used in skyline, highlead, slackline, or cable skidder systems.

(15) When hazardous interference is created by moving a voice communication system into an area where a system is already in use on the same frequency, use of the newly-moved system must be immediately discontinued until the problem of interference has been corrected.

(16) Before moving any unit from one assigned geographical area to another (see area map, Figure 36: Areas for Use of Radio Signaling Systems for Logging Operations), the owner must apply for and receive a new permit from the department.

### AREAS FOR USE OF RADIO SIGNALING SYSTEMS FOR LOGGING OPERATIONS



**PROPOSED**

STATE OF WASHINGTON  
DEPARTMENT OF LABOR AND INDUSTRIES  
DIVISION OF INDUSTRIAL SAFETY AND HEALTH

Figure 36: Areas for Use of Radio Signaling Systems for Logging Operations

Form No. 157.

STATE OF WASHINGTON

5-71

DEPARTMENT OF LABOR AND INDUSTRIES

DIVISION OF SAFETY

APPLICATION FOR PERMIT TO OPERATE RADIO SIGNAL SYSTEM IN DESIGNATED AREA

Radio Carrier Frequency ..... Serial No. ....
Tone Coding Frequency ..... Hz ..... Name of Manufacturer of Signal System .....
Firm Name ..... Address ..... By .....
Intended Function of Unit: Voice communication [ ] Whistle signal [ ] Control Equipment [ ]
Area in which Unit will be Operated: ..... 1 [ ] ..... 2 [ ] ..... 3 [ ] .....
Type of Tone: Sequential [ ] Simultaneous [ ] If other specify type .....
System to be Used For: Grapple [ ] Skyline, Highlead, Slackline, Skidder [ ] Balloon [ ]
System Purchased or Acquired From .....
Date System Purchased or Acquired: Day ..... Month ..... Year .....
Mail Permit to .....
Date Application Mailed to Division of Safety ...../...../.....
Date Permit Issued ...../...../.....
DIV. OF SAFETY USE ONLY

PROPOSED

Figure 37: Application for Permit to Operate Radio Signal System in Designated Area

Dept. of Labor & Industries
Div. of Consultation & Compliance
P.O. Box 44650
Olympia, WA. 98504-4650



RADIO PERMIT

TO OPERATE MULTI-TONE RADIO SIGNAL SYSTEM IN DESIGNATED AREA.

MODEL SERIAL
CARRIER FREQUENCY MHz
TONES Hz
AREA
FIRM NAME
ISSUED BY

F416-086-000 RADIO PERMIT 10-88

Figure 38: Radio Permit

A permit issued by the department of labor and industries shall be attached to the outside of the receiver which shall indicate the area in which the radio signaling equipment may be used.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-607 Radio signal systems—Specifications and test procedures.** ((All radio signaling systems put into use for the first time after the effective date of these rules shall meet or exceed the following requirements, specifications, tolerance, and tests and such systems, when altered or repaired, shall meet the same minimum requirements.

(1) Radio signaling systems used to transmit whistle signals or control functions of equipment associated with skyline, highlead, slackline, or cable skidder systems of logging shall transmit and decode only by the use of authorized multi-tone frequencies. Only sequential tones may be used to transmit signals or control equipment when utilizing carrier frequencies of 154.57 or 154.60 MHz.

(2) The receiver sensitivity shall be capable of attaining .6 microvolt, or greater, for 12 db SINAD ratio for VHF frequencies and .7 microvolt, or greater, for UHF frequencies. Effective January 1, 1984, all radio systems receiver sensitivity shall be capable of attaining .4 microvolt, or greater, for 12 db SINAD ratio for VHF frequencies and .5 microvolt, or greater, for UHF frequencies. When interference is a factor, the receiver may be desensitized in the furtherance of safety by a person qualified in accordance with WAC 296-54-605(15).

(3) The receiver spurious attenuation shall be at least 40 db when measured by the 20 db quieting method. On all new radio systems put into service after the effective date of these standards, the receiver spurious attenuation shall be at least 60 db when measured by the 20 db quieting method. Effective January 1, 1984, all new radio signal systems shall be required to have receiver spurious attenuation of at least 70 db when measured by the 20 db quieting method and shall have image response attenuation of 60 db when measured by the 20 db quieting method. Effective January 1, 1989, all radio signal systems shall be required to have receiver spurious attenuation of at least 70 db when measured by the 20 db quieting method and image response attenuation of 60 db when measured by the 20 db quieting method.

**Note:** Spurious response attenuation is a measure of the receiver's ability to discriminate between a desired signal to which it is resonant and an undesired signal at any other frequency to which it is also responsive.

(4) The receiver selectivity shall be more than 40 db plus or minus 30 KHz. All new radio signal systems put into service after the effective date of these standards, the receiver selectivity shall be at least 60 db plus or minus 30 KHz. Effective January 1, 1984, all new radio signal systems purchased and used shall have receiver selectivity of at least 80 db plus or minus 30 KHz. Effective January 1, 1989, all radio signal systems shall have receiver selectivity of at least 80 db plus or minus 30 KHz, when measured by the E.\*I.A. SINAD method.

(5) The receiver-decoder tone frequency stability shall not exceed .006 (.6%) above or below the assigned tone frequency.

(6) The drift of a transmitter-encoder tone shall not exceed .006 (.6%) above or below the assigned tone frequency.

(7) Parts of the radio signaling system affected by moisture, which may be subjected to the entrance of moisture during use, shall be weatherproofed. Transmitters shall be tested within fifteen minutes after being subjected to the following conditions and shall have the ability to continue functioning properly. The transmitter and receiver shall be placed in a humidity chamber for eight hours where the humidity has been maintained at not less than ninety percent and where a 40°C. temperature has been maintained.

(8) Radio signaling system units shall operate within tolerances specified at any temperature within the range of -30°C. to +60°C.

(9) Switches of transmitters used to send whistle signals or activate equipment associated with high lead, slackline, or cable skidder systems of logging shall be designed in such a manner whereby two buttons, motions or a combination of these shall be required simultaneously to cause activation of the system. Arrangement of the activating switches shall be such that the operator can transmit signals easily but cannot easily activate a control or command function accidentally.

(10) All receivers intended to be mounted on or in the yarder or similar equipment, and all portable transmitters, shall continue to maintain specified mechanical and electrical performance during and after being subjected to vibration of the magnitude and amplitude as follows:

The equipment shall be vibrated with simple harmonic motion having an amplitude of 0.015" (total excursion 0.03") with the frequency varied uniformly between 10 and 30 Hz and an amplitude of 0.0075" (total excursion 0.015") with the frequency varied uniformly between 30 and 60 Hz. The entire cycle of frequencies for each group (i.e., 10 to 30 cycles and 30 to 60 cycles) shall be accomplished in five minutes and repeated three times. The above motion shall be applied for a total period of thirty minutes in each direction, namely, the directions parallel to both axes of the base and perpendicular to the plane of the base.

(11) All portable transmitters shall continue to maintain specified mechanical and electrical performance after being subjected to a shock test as follows:

The equipment shall be dropped once on each of five surfaces from a height of four feet onto a smooth concrete floor.

(12) Transmitters operating on carrier frequencies of 154.57 MHz and on 154.60 MHz shall be limited on maximum power output not to exceed 500 mW measured at the antenna terminals.

(13) To minimize the possibility of interference with other signaling systems, the input power of transmitters operating in the 450 MHz range should be limited to only the amount needed to transmit to the receiver of the system effectively.) All radio signaling systems put into use must meet or exceed the requirements of this section. When systems are

altered or repaired they must continue to meet these requirements.

(1) Radio equipment in use at cable logging sites, which is primarily used for voice communication, must be on a separately assigned frequency from radio equipment primarily used to initiate whistles or other audible signaling devices or to control any machine, material handling device or other equipment hazardous to employees.

(2) Radio-signaling systems used to transmit whistle signals or control functions of equipment associated with skyline, highlead, slackline, or cable skidder systems of logging must transmit and decode only by the use of authorized multitone frequencies. Only sequential tones may be used to transmit signals or control equipment when using carrier frequencies of 154.57 or 154.60 MHz.

(3) All radio systems receiver sensitivity must be able to attain 0.4 microvolt, or greater, for 12 dB SINAD ratio for VHF frequencies and 0.5 microvolt, or greater, for UHF frequencies. When interference is a factor, the receiver may be desensitized in the furtherance of safety by a person qualified according to WAC 296-54-605(11).

(4) All radio signal systems must have receiver spurious attenuation of at least 70 dB when measured by the 20 db quieting method and image response attenuation of 60 db when measured by the 20 db quieting method. "Spurious response attenuation" is a measure of the receiver's ability to discriminate between a desired signal to which it is resonant and an undesired signal at any other frequency to which it is also responsive.

(5) All radio signal systems must have receiver selectivity of at least 80 db plus or minus 30 KHz, when measured by the E.\*I.A. SINAD method.

(6) The receiver-decoder tone frequency stability must not exceed 0.006 (0.6%) above or below the assigned tone frequency.

(7) The drift of a transmitter-encoder tone must not exceed 0.006 (0.6%) above or below the assigned tone frequency.

(8) Parts of the radio-signaling system affected by moisture, which may be subjected to the entrance of moisture during use, must be weatherproofed. Transmitters must be tested within fifteen minutes after being subjected to the following conditions and must have the ability to continue functioning properly. The transmitter and receiver must be placed in a humidity chamber for eight hours where the humidity has been maintained at not less than ninety percent and where a 40 degrees C. temperature has been maintained.

(9) Radio-signaling system units must operate within tolerances specified at any temperature within the range of -30 degrees C. to +60 degrees C.

(10) Switches of transmitters used to send whistle signals or activate equipment associated with high lead, slackline, or cable skidder systems of logging must be designed so that two buttons, motions or a combination of these are required simultaneously to cause activation of the system. Arrangement of the activating switches must allow the operator to transmit signals easily but not easily activate a control or command function accidentally.

(11) All receivers intended to be mounted on or in the yarder or similar equipment, and all portable transmitters,

must continue to maintain specified mechanical and electrical performance during and after being subjected to vibration of the magnitude and amplitude as follows:

(a) The equipment must be vibrated with simple harmonic motion having an amplitude of 0.015" (total excursion 0.03") with the frequency varied uniformly between 10 and 30 Hz and an amplitude of 0.0075" (total excursion 0.015") with the frequency varied uniformly between 30 and 60 Hz.

(b) The entire cycle of frequencies for each group (i.e., 10 to 30 cycles and 30 to 60 cycles) must be accomplished in five minutes and repeated three times.

(c) The above motion must be applied for a total of thirty minutes in each direction, that is, the directions parallel to both axes of the base and perpendicular to the plane of the base.

(12) All portable transmitters must be able to maintain specified mechanical and electrical performance after being subjected to a shock test as follows: The transmitter shall be dropped five times from a height of four feet onto a smooth concrete floor. Each drop must impact a different surface of the transmitter.

(13) Transmitters operating on carrier frequencies of 154.57 MHz and on 154.60 MHz must be limited on maximum power output of 500 mW measured at the antenna terminals.

(14) To minimize the possibility of interference with other signaling systems, the input power of transmitters operating in the 450 MHz range should be limited to only the amount needed to transmit to the receiver of the system effectively.

## NEW SECTION

**WAC 296-54-701 Wood spar trees.** (1) Wood spar trees must be of sound material of sufficient size and strength to withstand any stresses which may be imposed by any equipment used for that specific logging operation.

(2) The top of the tree must extend not more than:

(a) Sixteen feet above the top guylines on spar trees over fifty feet tall; and

(b) Eight feet above the top guylines on spar trees less than fifty feet tall.

(3) School marms used as spar trees must be topped at the forks. Spar trees, except cedar, must be barked where guylines, straps, bull blocks, and tree plates are placed.

(4) Spar trees must be topped and limbs must be cut off close so that running lines will not foul or saw on protruding knots.

(5) At least four tree plates must be placed under top guylines on spar trees over fifty feet tall. At least three tree plates must be used on spar trees less than fifty feet tall.

(6) Tree plates must be equipped with lugs or other suitable means to hold them in place.

(7) Before raising spar trees, dummy trees must be topped and guyed with three guylines equivalent in breaking strength to the mainline.

(8) When spar trees are raised, stumps used for snubbing must be properly notched. Guylines must be held by a mechanical means. Snubbing by hand is prohibited.

(9) All rub trees must be limbed and topped.

(10) Loose material such as bark, spikes, straps or chains not in use and slabs caused by bumping logs or chafing straps must be removed from the spar trees. Heavy bark must be removed from trees used for a permanent installation.

(11) A person must ride only the passline to thread lines, to lubricate blocks, or to inspect rigging.

(12) When the friction lever and passline drum are on the opposite side of the machine from the operator, an experienced person must operate the friction lever while the engineer operates the throttle. While being used, the passline drum must be properly attended by another person to guide the passline onto the passline drum with a tool suitable for the purpose.

(13) Using a gypsy drum to handle employees in the tree is prohibited.

(14) A climber's rope must encircle the tree before the climber leaves the ground, except when the climber is riding the passline.

(15) Spikes, used by the climber as a temporary aid in hanging rigging, must be removed before the tree is used for logging.

(16) Topping trees in windy weather is prohibited.

(17) Topping, rigging-up, or stripping is prohibited when visibility is impaired.

(18) When heel tackle is fastened near the machine, a safety line must be placed in such manner that in case of breakage, lines do not strike the power unit and endanger the operator.

(19) Yarding with more than one unit on any one head spar is prohibited.

(20) The angle between the power unit, the high lead block, and the mainline road must not exceed a square lead on rigged spars. When using portable spars or towers, the location of the machine or position of the operator must ensure that the operator is not endangered by incoming logs.

#### NEW SECTION

**WAC 296-54-70110 Wood spar trees—Guylines.** (1) Wood spar trees using a line greater than 7/8-inch and used as loading and yarding trees must have at least six top guys and four buckle guys, if a sail guy is used.

(2) Wood spar trees using a mainline greater than 7/8-inch and used only as yarding trees must have at least six top guys and must use at least three buckle guys.

(3) Wood spar trees using a mainline of 7/8-inch or less must be supported by at least five top guylines or other positive means of supporting the spar.

(4) Wood spar trees used for yarding with light equipment (7/8-inch or smaller mainline) must be guyed so that strains will be imposed on at least two guylines. If less than five top guys are used, guylines must be at least 1/4-inch larger than the mainline.

(5) Wood spar trees used for loading only with crotch line, spreader bar, or swinging boom must have at least four top guys and must use at least three buckle guys.

(6) More guylines must be added if there is any doubt about the stability of a spar tree, raised tree, tail tree, lift tree, or other equipment or rigging they support.

(7) Wood spar trees used for transfer must have at least five top guys and must use at least three buckle guys.

(8) Guylines must alternately be passed around the wood spar in opposite directions to prevent twisting of the spar.

(9) Guylines must be attached to the upper portion of the wood spar by shackles.

(10) When a high lead block is hung below buckle guys, at least three top guys of equal strength to the mainline must be used to keep the top from swaying.

(11) When buckle guys are required, they must be installed on the tree where they will provide the maximum effectiveness.

#### NEW SECTION

**WAC 296-54-70120 Wood spar trees—Passlines.** All spar trees must be equipped with passlines that are:

(1) At least 5/16-inch and a maximum of 1/2-inch in diameter;

(2) Not subjected to sawing on other lines or rigging, and are kept clear of all moving lines and rigging;

(3) A continuous length and in good condition with no splices, knots, molles, or eye-to-eye splices between the ends; and

(4) Long enough to provide three wraps on the drum before the climber leaves the ground.

#### NEW SECTION

**WAC 296-54-70130 Wood spar trees—Straps.** (1) Safety straps of appropriate size must be placed on all high lead blocks; and other blocks whenever practicable. Safety straps must be shackled (with the closed end of the shackle up) to a guyline that extends as near as possible at right angles with the power unit, but must not be on a guyline with an extension within one hundred feet of the tree. When the top guyline on which the safety strap of the high lead block is fastened is changed, the safety strap must be attached to another guyline or the loosened guyline must be tightened after the change.

(2) All tree straps must be at least 1/4-inch larger than the pulling line. If impossible to use a safety strap, all tree straps must be 1/2-inch larger than the pulling line.

(3) Lead blocks used for yarding, swinging, loading, and unloading used in wood spars must be:

(a) Designed and constructed for this purpose;

(b) Bolted with at least two bolts through the shells below the sheaves in a manner that will retain the sheave and line in case of bearing pin failure (this does not apply to haul-back lead blocks); and

(c) Mainline blocks have a sheave diameter of at least twenty times the diameter of the mainline.

#### NEW SECTION

**WAC 296-54-703 Tongs, hooks, grapples.** (1) Tongs must be maintained in good condition, properly aligned and with sharp points.

(2) Tongs must not be carried by being rested on both shoulders with the tong points around the neck.

(3) When loading logs, straps of sufficient size and length must be used where there is a danger of tongs or hooks pulling out of the log.

(4) When loading logs, tongs may be used on large logs if the logs are barked and notched to ensure a secure hold.

(5) The closing line must be securely attached to the grapple according to the manufacturer's recommendations.

(6) Loading hooks and tongs must be securely attached on the loading line with screw shackles or equivalent devices.

tered in maintenance shops performing work on logging and related equipment would be very similar to those found in general repair, machine or welding shops; therefore, the rules contained in chapter 296-24 WAC, General safety and health standards and other applicable safety standards promulgated and administered by the department of labor and industries shall apply to such places of work.

NEW SECTION

NEW SECTION

**WAC 296-54-705 Truck and equipment maintenance shops.** It is recognized that the usual hazards encoun-

**WAC 296-54-707 Labor camps.** Temporary labor camps for logging operations must meet the requirements of WAC 296-24-125.

AMENDATORY SECTION (Amending Order 72-14, filed 7/31/72, effective 9/1/72)

**WAC 296-54-99002 Appendix((~~Figure 2 High lead yarding system~~)) 1—Signals.**

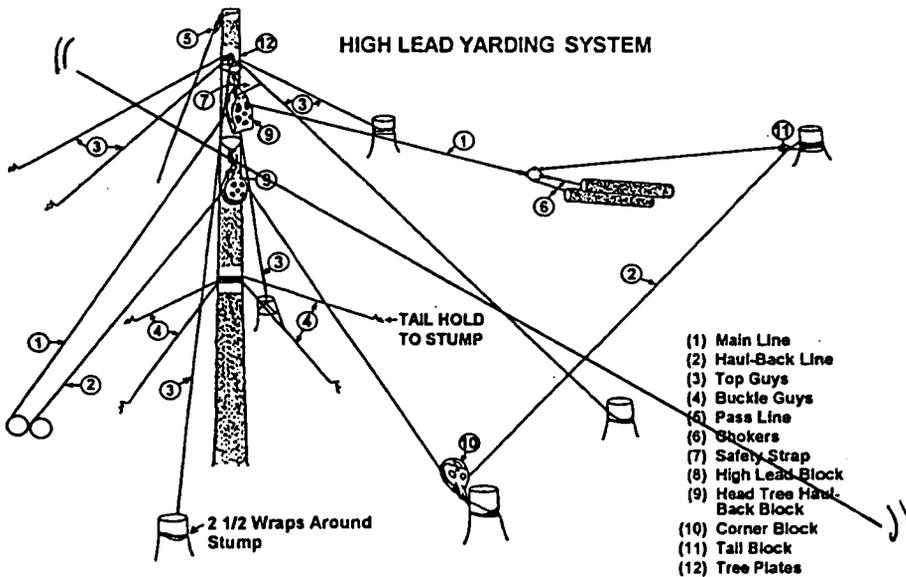


Figure 2.))

PROPOSED

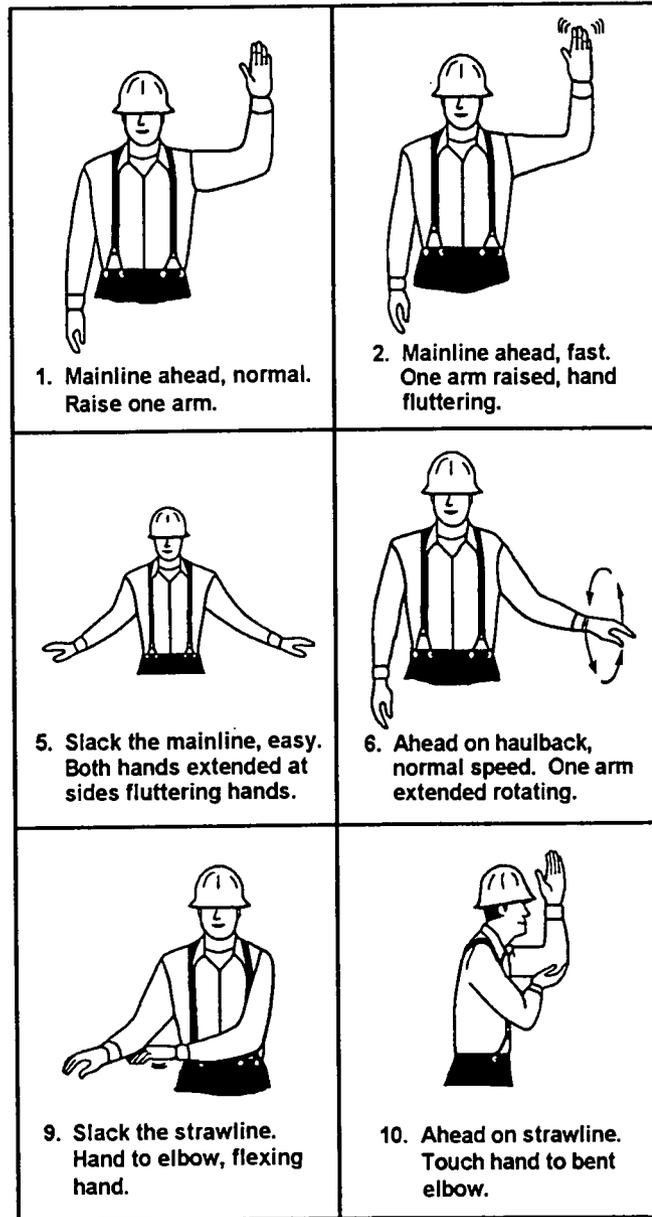


Figure 39: Standard Hand Signals

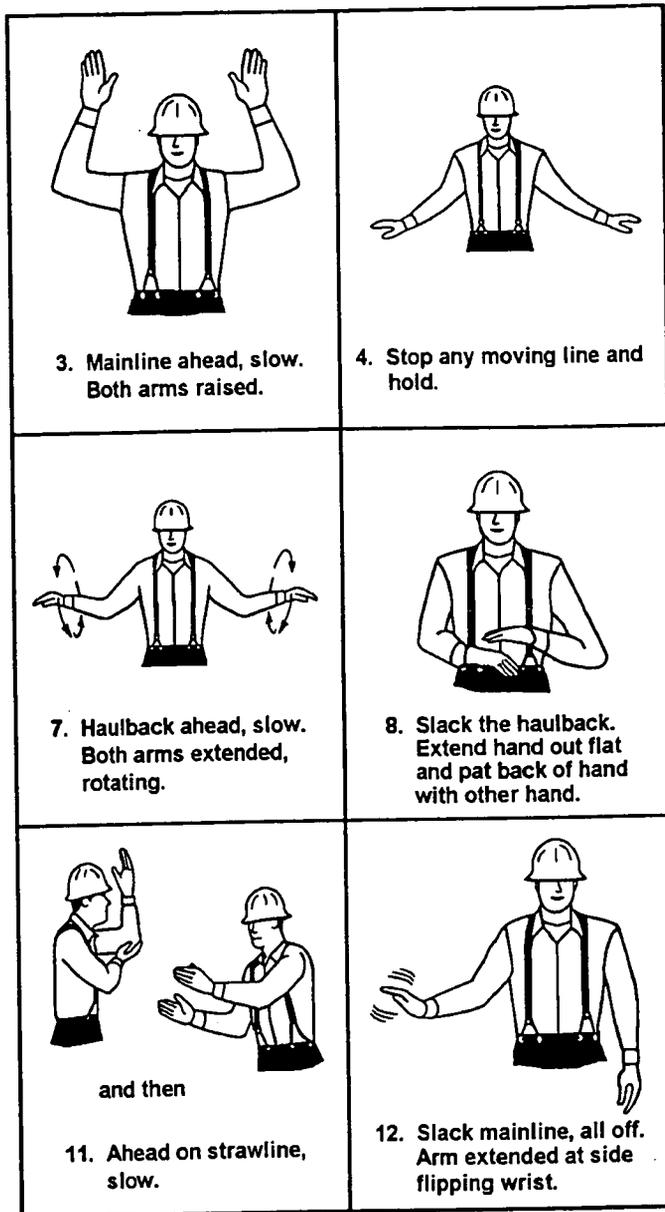


Figure 40: Standard Hand Signals

PROPOSED

PROPOSED

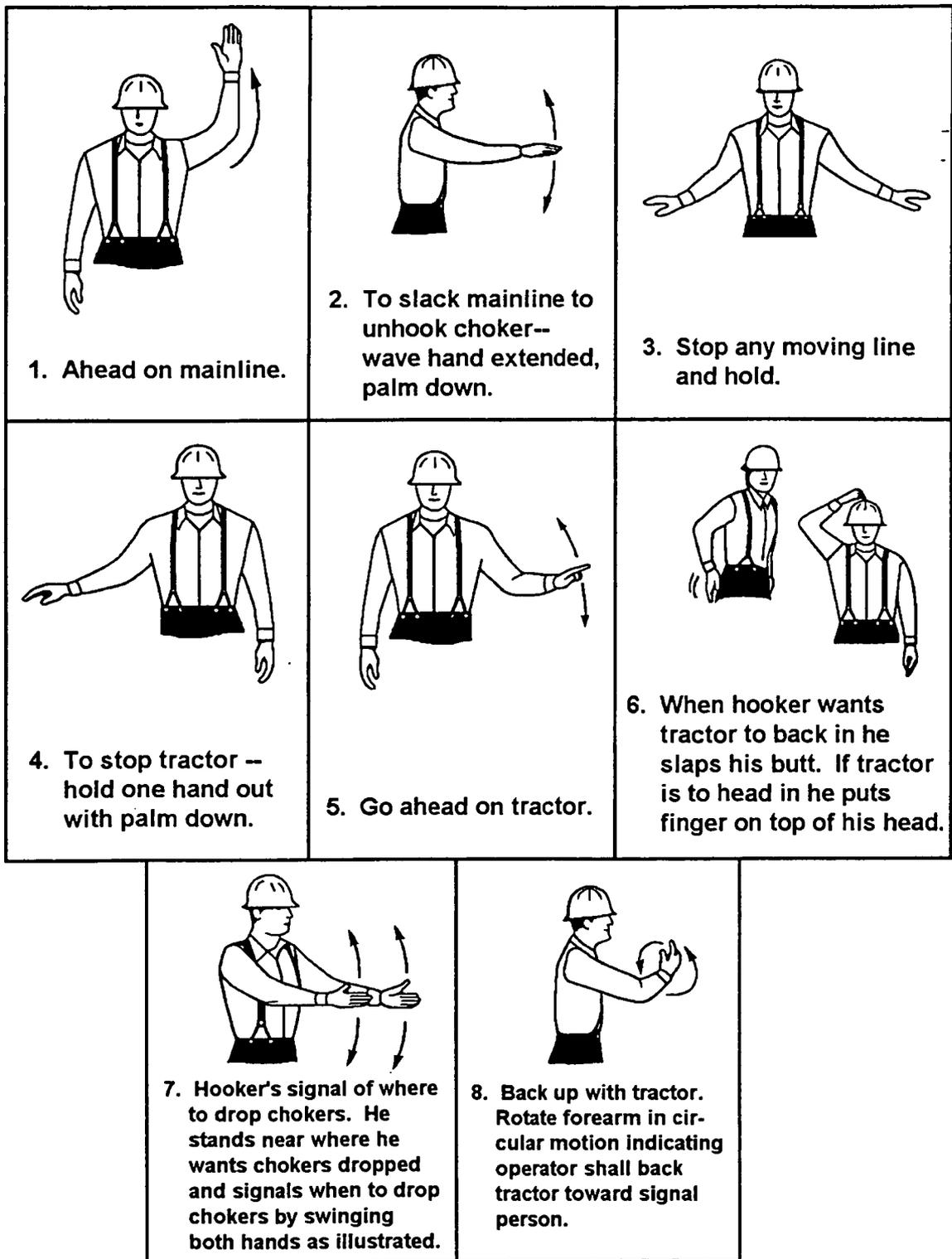


Figure 41: Standard Hand Signals

PROPOSED

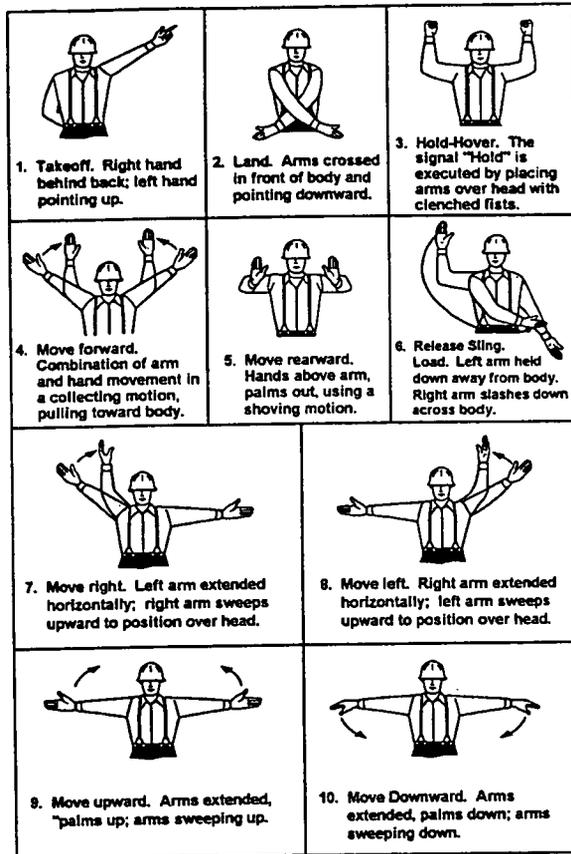


Figure 42: Standard Hand Signals for Helicopters

STANDARD SIGNALS FOR LOADING LOGS

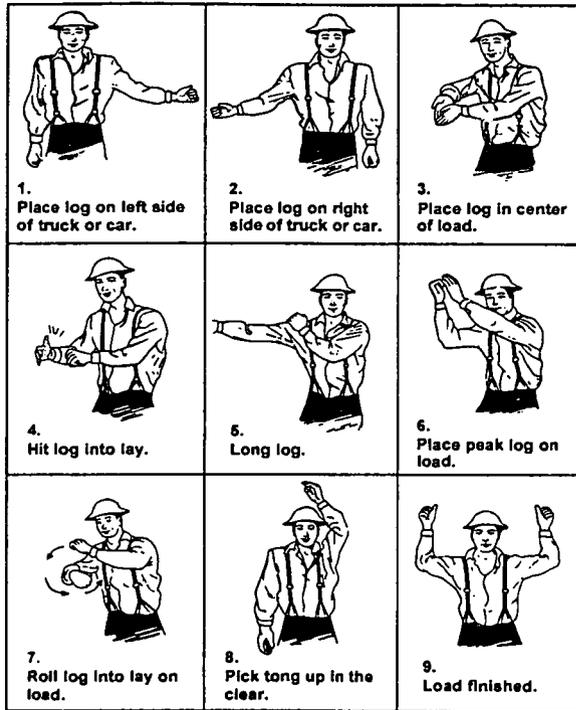


Figure 43: Standard Signals for Loading Logs

**HIGH LEAD LOGGING WHISTLE SIGNALS**  
**Means longer spacing between signals.**

- 1 short Stop all lines.
- 3 short-3 short Ahead slow on mainline.
- 3 short Ahead on mainline.
- 2 short Ahead on haulback.
- 2 short-2 short Ahead slow on haulback.
- 3 short-1 short Ahead on strawline.
- 3 short-1 short-3 short Ahead slow on strawline.
- 4 short or more Slack mainline.
- 2 short-4 short Slack haulback.
- 3 short-1 short-4 short Slack strawline.
- 3 short-2 short Standing tight line.
- 1 short-1 short Tight line while lines are running, or break if running tight.
- 3 short When rigging is in: Strawline back on haulback.
- 3 short / plus "X" number of shorts When rigging is in: Indicates number of sections of strawline back on rigging.
- 3 short-1 short-2 short Strawline back on rigging.

**HIGH LEAD LOGGING WHISTLE SIGNALS**  
**Means longer spacing between signals.**

- 1 short When rigging is in: Chaser inspect and repair rigging.
- 2 short When rigging is in: No chokers back.
- 2 short-1 short / plus "X" number of shorts Number of chokers back.
- 2 short-4 short When rigging is in: Slack haulback-hold all lines until 2 short blown.
- 3 medium Hooker.
- 3 medium-4 short Hooker and that crew.
- 5 long Climber.
- 4 long Foreman.
- 1 long-1 short Start or stop work.
- 7 long-2 short Person injured, call transportation and stretcher.
- 1 long-1 short repeated Fire.
- Grabinski system Slack mainline and haulback together.
- 2 short-1 short

PROPOSED

**HIGH LEAD LOGGING WHISTLE SIGNALS****Means longer spacing between signals.**

<u>2 long</u>	<u>Take off or put on rider block.</u>
<b>SKIDDER WHISTLE SIGNALS</b>	
<b><u>Means longer spacing between signals.</u></b>	
<u>1 short</u>	<u>Stops moving carriage-stops or goes ahead on slack puller, as case may be, if carriage is stopped.</u>
<u>2 short</u>	<u>Go ahead on skidding line holding carriage.</u>
<u>1 short-2 short</u>	<u>Pick up skidding line, easy.</u>
<u>2 short-1 short</u>	<u>Shake up carriage to clear choker.</u>
<u>2 short-2 short</u>	<u>Ahead on receding line.</u>
<u>3 short</u>	<u>Ahead on carriage, holding at present level, using interlock.</u>
<u>3 short-3 short</u>	<u>Ahead easy on skidding line.</u>
<u>2 short-2 short-2 short</u>	<u>Slack skyline, cable down.</u>
<u>2 short-2 short-2 short-1 short</u>	<u>Pick up skyline, cable up.</u>
<u>2 short-2 short-4 short</u>	<u>Slack receding line.</u>
<u>2 short-4 short</u>	<u>Slack skidding line.</u>
<u>2 short-2 short-1 short</u>	<u>Tighten all lines.</u>
<u>1 short-4 short</u>	<u>Slack off slack puller.</u>
<u>1 short-2 short</u>	<u>Pick up slack puller when slack.</u>
<u>2 short-2 short / plus "X" number of shorts</u>	<u>When carriage is in: Number of chokers wanted.</u>
<u>2 short-2 short-1 long</u>	<u>Bull choker.</u>
<u>1 short</u>	<u>When carriage is in: Inspect butt rigging.</u>
<u>2 short-4 short / 1 short</u>	<u>For each additional ten feet of tong line.</u>
<u>1 long / plus "X" number of shorts</u>	<u>Number of coils of strawline wanted.</u>
<u>5 medium</u>	<u>Tail or second rigger.</u>
<u>5 medium-4 short</u>	<u>Tail or second rigger and that crew.</u>
<u>2 medium</u>	<u>Skidder head rigger.</u>
<u>3 medium-4 short</u>	<u>Hooker and that crew.</u>
<u>2 long</u>	<u>Ahead on transfer.</u>
<u>2 long-4 short</u>	<u>Slack transfer.</u>
<u>1 short-3 short</u>	<u>Ahead on carriage with slack puller line.</u>
<u>1 long</u>	<u>Ahead on strawline.</u>

**SKIDDER WHISTLE SIGNALS****Means longer spacing between signals.**

<u>1 long-4 short</u>	<u>Slack strawline.</u>
<u>1 long-3 short</u>	<u>Ahead easy on strawline.</u>
<u>5 long</u>	<u>Climber.</u>
<u>4 long</u>	<u>Foreman.</u>
<u>1 long-1 short</u>	<u>Start or stop work.</u>
<u>7 long-2 short</u>	<u>Person injured, call transportation and stretcher.</u>
<u>1 long-1 short repeated</u>	<u>Fire.</u>

**SLACKLINE WHISTLE SIGNALS****Means longer spacing between signals.**

<u>2 short-2 short-2 short-1 short</u>	<u>First cable up when road has been changed and tail hold made fast.</u>
<u>2 short-2 short-2 short</u>	<u>Drop skyline.</u>
<u>1 short</u>	<u>Stop any moving line.</u>
<u>1 long</u>	<u>When logging, slack skyline.</u>
<u>2 short</u>	<u>Ahead on skyline.</u>
<u>1 long-2 short</u>	<u>Ahead easy on skyline.</u>
<u>3 short</u>	<u>Ahead on skidding line, holding haulback.</u>
<u>3 short-3 short</u>	<u>Ahead easy on skidding line with slack haulback.</u>
<u>4 short</u>	<u>Slack skidding line.</u>
<u>2 short-2 short / 2 short-2 short</u>	<u>Ahead easy on haulback with slack skidding line.</u>
<u>2 short-2 short</u>	<u>Ahead on haulback.</u>
<u>2 short-2 short-4 short</u>	<u>Slack haulback.</u>
<u>2 short / 3 short</u>	<u>Pick up skyline and skid.</u>
<u>2 short / 2 short-2 short</u>	<u>Pick up skyline and skin.</u>
<u>3 short-1 short</u>	<u>When carriage is in: Strawline back on haulback.</u>
<u>3 short-1 short-2 short</u>	<u>When carriage is in: Strawline back on carriage.</u>
<u>3 short-1 short</u>	<u>When strawline is out: Ahead on strawline.</u>
<u>3 short-2 short</u>	<u>Tight line.</u>
<u>3 short-1 short-4 short</u>	<u>Slack strawline.</u>
<u>3 short-1 short-3 short</u>	<u>Pull easy on strawline.</u>
<u>2 long</u>	<u>Ahead on transfer.</u>
<u>2 long-4 short</u>	<u>Slack transfer.</u>
<u>2 long-2 short-2 short</u>	<u>When carriage is in: Transfer back on carriage.</u>
<u>1 long / plus "X" number of shorts</u>	<u>When carriage is in: Number of coils.</u>

PROPOSED

**SLACKLINE WHISTLE SIGNALS**

**Means longer spacing between signals.**

<u>2 short-2 short-1 short /plus "X" number of shorts</u>	<u>When carriage is in: Number of chokers.</u>
<u>1 short</u>	<u>When carriage is in: Inspect rigging, repair and send back.</u>
<u>2 short-2 short-4 short</u>	<u>When carriage is in: Slack haulback and hold all lines until 1 short is blown-then send back.</u>
<u>3 short-3 short</u>	<u>When carriage is in: Send back powder.</u>
<u>5 medium</u>	<u>Tail rigger.</u>
<u>5 medium-4 short</u>	<u>Tail rigger and that crew.</u>
<u>3 medium</u>	<u>Head hooker.</u>
<u>3 medium-4 short</u>	<u>Second hooker and that crew.</u>
<u>5 long</u>	<u>Climber.</u>
<u>4 long</u>	<u>Foreman.</u>
<u>1 long-1 short</u>	<u>Start or stop work.</u>
<u>7 long-2 short</u>	<u>Person injured, call transportation and stretcher.</u>
<u>1 long-1 short repeated</u>	<u>Fire.</u>

**RUNNING SKYLINE WHISTLE SIGNALS**

**Means longer spacing between signals**

<u>1 short</u>	<u>Stop all moving lines.</u>
<u>2 short</u>	<u>Skin carriage back.</u>
<u>2 short-1 short</u>	<u>Slack haulback.</u>
<u>2 short-2 short</u>	<u>Skin carriage easy.</u>
<u>2 short-3 short</u>	<u>Standing tight line.</u>
<u>1 short-2 short</u>	<u>Ahead on drop line.</u>
<u>4 short</u>	<u>Slack drop line.</u>
<u>1 short-4 short</u>	<u>Slack both mainlines.</u>
<u>1 short-1 short</u>	<u>Stop drop line going up and move carriage forward.</u>
<u>3 short</u>	<u>Move carriage forward.</u>
<u>3 short-3 short</u>	<u>Move carriage forward easy.</u>
<u>3 short-1 short</u>	<u>When strawline is out: Ahead on strawline.</u>
<u>3 short-1 short-4 short</u>	<u>Slack strawline.</u>
<u>3 short</u>	<u>When carriage is in: Strawline.</u>
<u>3 short-X short</u>	<u>When carriage is in: Number sections.</u>
<u>3 short-1 short-2 short</u>	<u>When carriage is in: Strawline back on carriage.</u>

**RUNNING SKYLINE WHISTLE SIGNALS**

**Means longer spacing between signals**

<u>2 short-X short</u>	<u>When carriage is in: Number of chokers.</u>
<u>4 short</u>	<u>When carriage is in: Inspect rigging, repair and send back.</u>
<u>1 short</u>	<u>When carriage is in: Hold all lines until 2 shorts, then send back.</u>
<u>3 medium</u>	<u>Head hooker.</u>
<u>3 medium-4 short</u>	<u>Hooker and that crew.</u>
<u>4 long</u>	<u>Foreman.</u>
<u>1 long-1 short</u>	<u>Start or stop work.</u>
<u>7 long-2 short</u>	<u>Person injured; call transportation and stretcher.</u>
<u>1 long-1 short (repeated)</u>	<u>Fire.</u>
<u>3 short-1 long</u>	<u>Acknowledged by engineer to signify hazardous turn.</u>

**TENSION SYSTEM SIGNALS**

<u>4</u>	<u>Release tension.</u>
<u>1 short</u>	<u>Stop carriage and start unspooling tong line.</u>
<u>1 short</u>	<u>Stop tong line.</u>
<u>1 short</u>	<u>Resume unspooling tong line.</u>
<u>1 short</u>	<u>Will stop any moving line or slack tong line when carriage is stopped.</u>
<u>2 short-2 short</u>	<u>Go into interlock and go back.</u>
<u>2 short-4 short</u>	<u>Slack haulback and let carriage down.</u>
<u>After turn is set 2 short</u>	<u>Go ahead on tong line.</u>
<u>2 short-3 short</u>	<u>Go ahead easy on tong line.</u>
<u>3 short</u>	<u>Go into interlock and take carriage to landing.</u>
<u>3 short-3 short</u>	<u>Ahead on carriage easy.</u>
<u>1 short-2 short</u>	<u>Increase tension on tong line when carriage is going in.</u>
<u>short-1 short</u>	<u>Decrease tension on tong line when carriage is going in.</u>

**PROPOSED**

AMENDATORY SECTION (Amending Order 72-14, filed 7/31/72, effective 9/1/72)

WAC 296-54-99003 Appendix ((~~1~~—Figure 3—North Bend yarding system)) ~~2~~—Sample minimum lockout/tagout procedure.

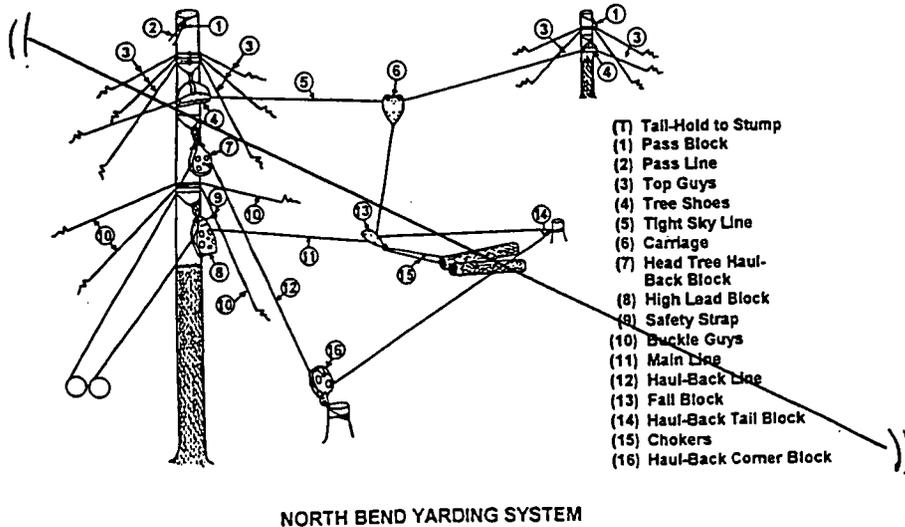


Figure 3.))

(Company Name) has established this lockout/tagout program to provide protection for employees performing maintenance or servicing of logging equipment.

Before any employee begins maintenance or servicing of equipment where the unexpected energizing, start-up, or release of stored energy could cause injury, the equipment must be shut down, isolated from all potentially hazardous energy and locked or tagged out.

Employees must not start, attempt to start, energize or use equipment that has been locked or tagged out. Tags and/or padlocks will be provided for tagging and/or locking out logging machinery and will be durable enough to withstand the environment. Tags will contain a legend such as: "Do Not Start" or "Do Not Operate." When tagout is used, tags must be located in a position that will be obvious to anyone attempting to operate the machinery. In lockout, padlocks are commonly used to prevent access to ignition/master switches or battery disconnects.

Employees performing maintenance or servicing must determine which sources of hazardous energy must be disabled for a particular job. The following are examples of hazardous stored energy found on logging equipment:

- Equipment
- Hydraulic or pneumatic pressure
- Mechanical (rotating saws, springs, shafts, gears, etc.)
- Gravity (elevated blades, booms, grapples, sawheads, etc.)

The following steps must be followed for lockout/tagout:

- Ensure that the brakes, swing locks, etc. are applied.
- Place the transmission in the manufacturer's specified park position.
- Lower or secure each moving element such as, but not limited to, blades, booms, grapples, buckets, saws, and shears to prevent a release of stored energy.

- Shut down machinery, and ensure that a responsible person removes and keeps the ignition/master key.

- Engage hydraulic safety locks when applicable.

- Before working on hydraulic or air systems, relieve pressure by bleeding tanks or lines and operate controls to dissipate residual stored energy (pressure).

- Place lockout and/or tagout device.

Before lockout or tagout devices are removed and machinery is started, inspect the work area to ensure all tools have been removed, guards are replaced, and employees are in the clear.

We will provide training to ensure that the purpose and function of the lockout/tagout program are understood by employees performing maintenance or repair of equipment.

PROPOSED

AMENDATORY SECTION (Amending Order 72-14, filed 7/31/72, effective 9/1/72)

WAC 296-54-99004 Appendix ((~~1~~ ~~Figure 4~~ ~~Slack skyline yarding system~~) ~~3~~ Industry consensus standards.

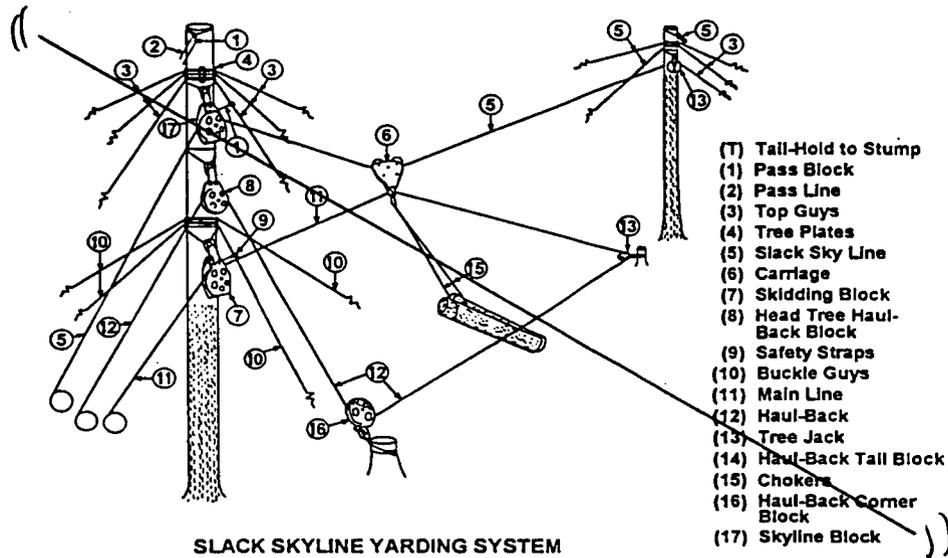


Figure 4.))

American Society of Mechanical Engineers  
ASME  
 345 East 47th Street  
 New York, NY 10017  
 (212) 591-7000

Society of Automotive Engineers, Incorporated  
SAE  
 400 Commonwealth Drive  
 Warrendale, PA 15096-0001  
 (412) 776-4841

American National Standards Institute  
 11 West 42nd Street  
 New York, NY 10036  
 (212) 642-4900

Occupational Safety and Health Administration's Office of Publications  
OSHA  
 Room N 3101, 200 Constitution Avenue Northwest  
 Washington, DC 20210  
 (202) 219-4667

NEW SECTION

WAC 296-54-99013 Appendix 4—Various types of cable logging systems.

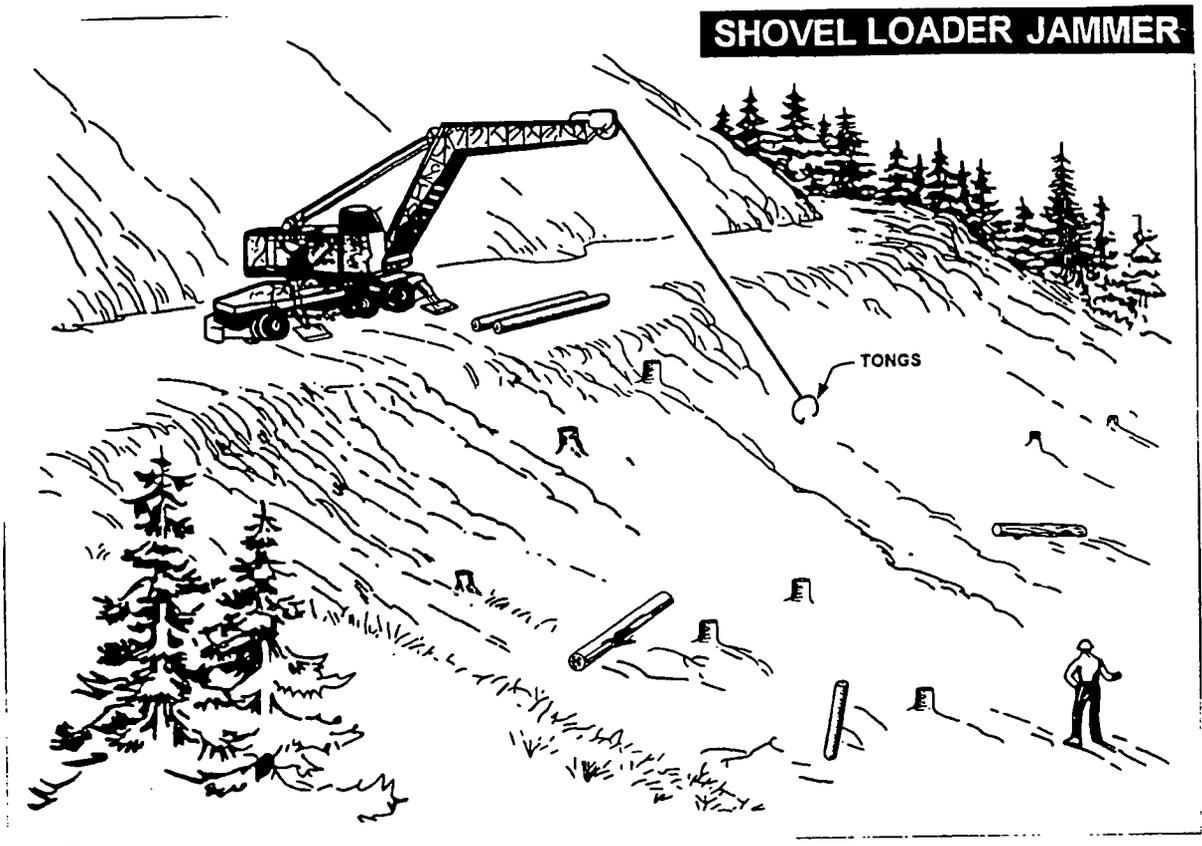


Figure 44: Shovel Load Jammer

PROPOSED

PROPOSED

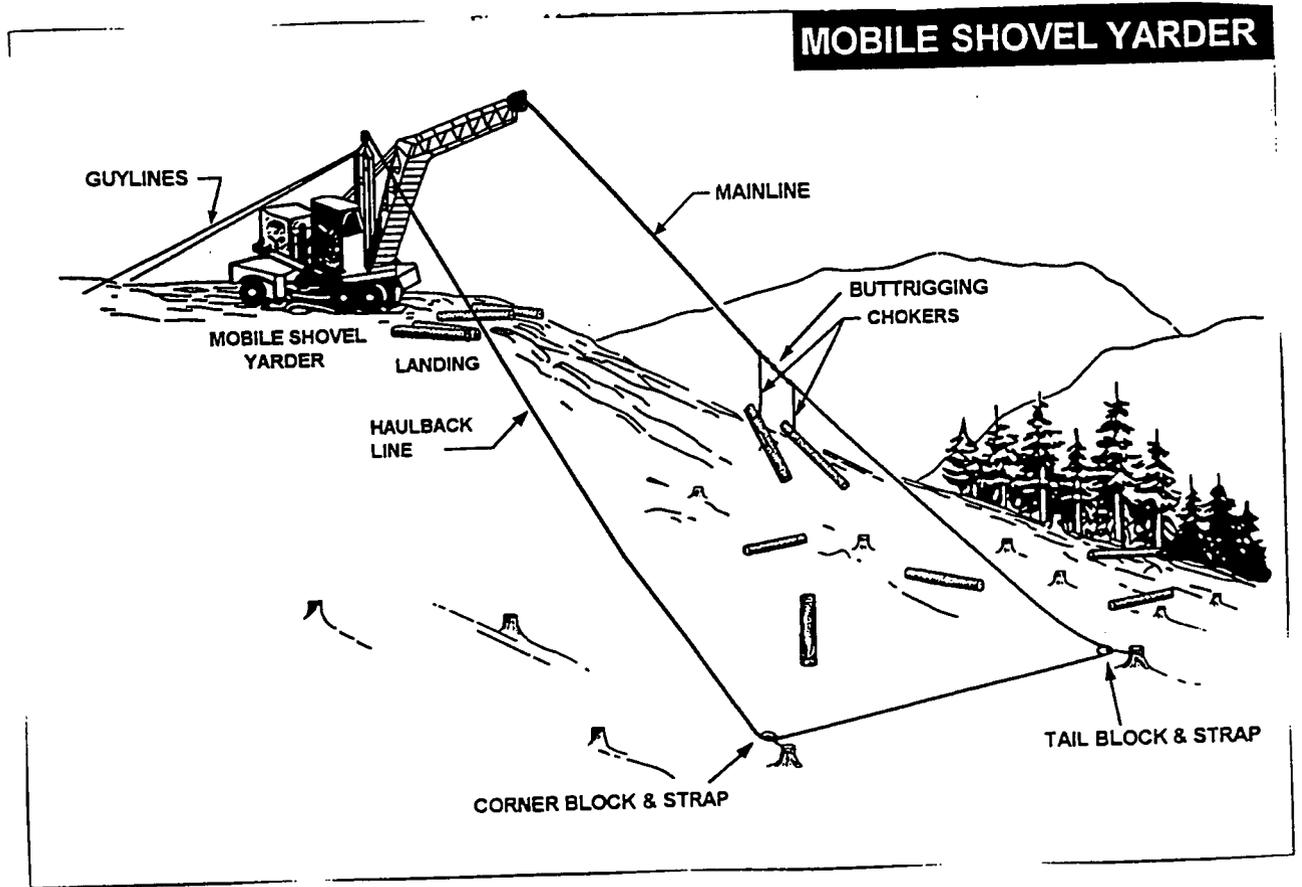
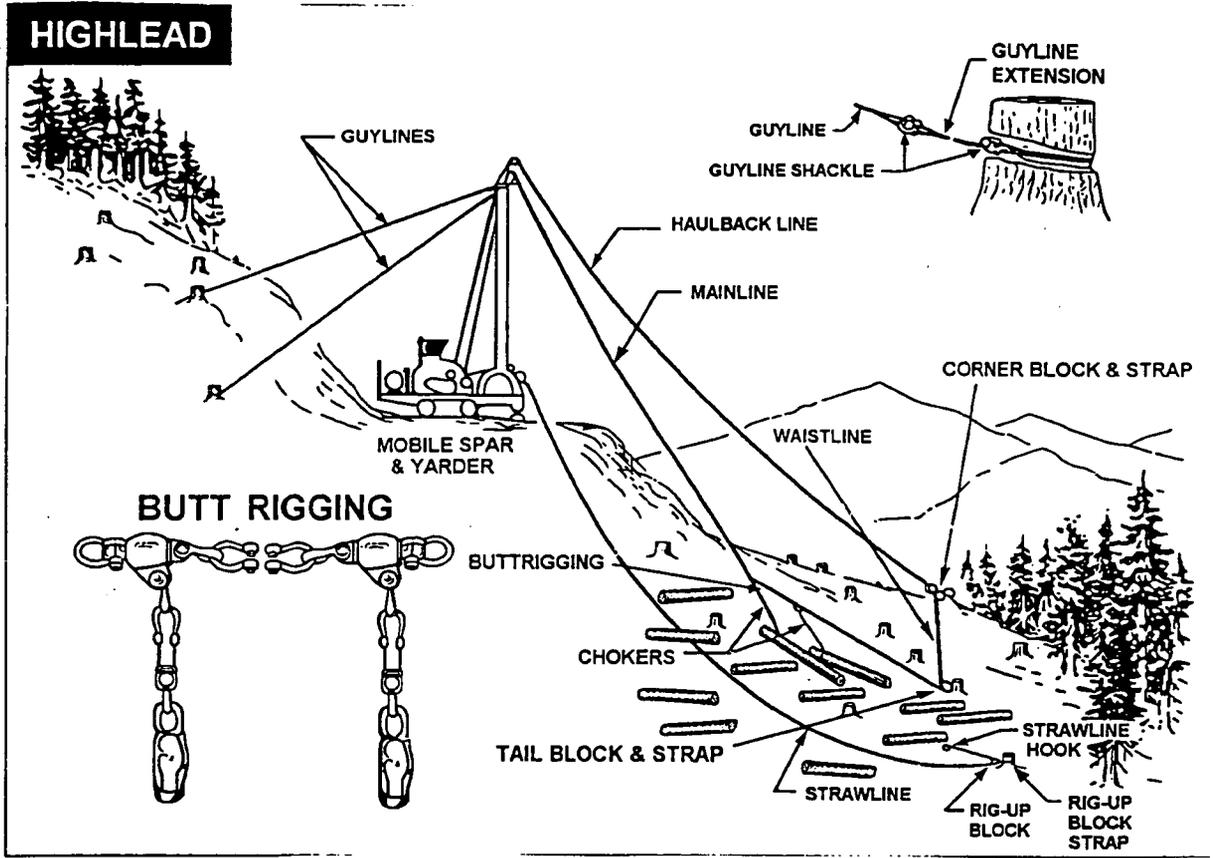


Figure 45: Mobile Shovel Yarder



PROPOSED

Figure 46: Highlead

PROPOSED

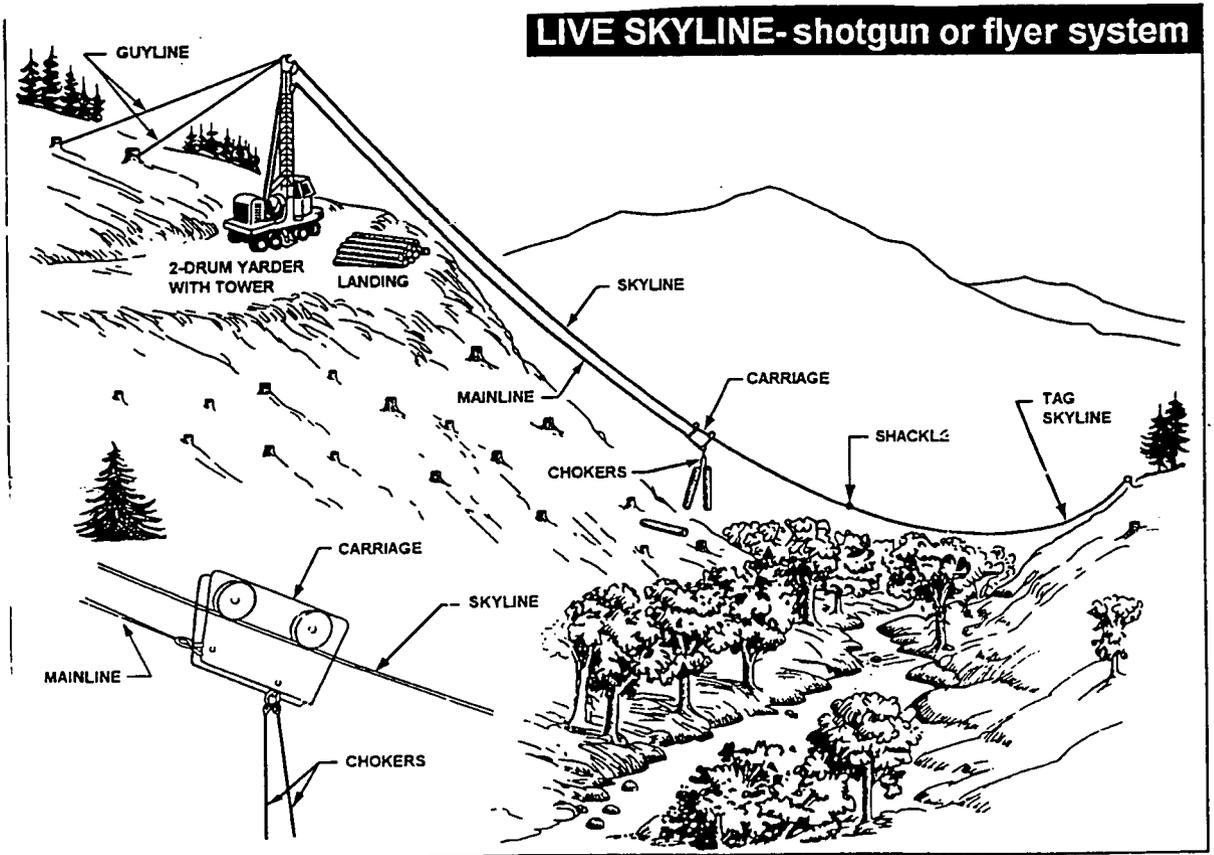
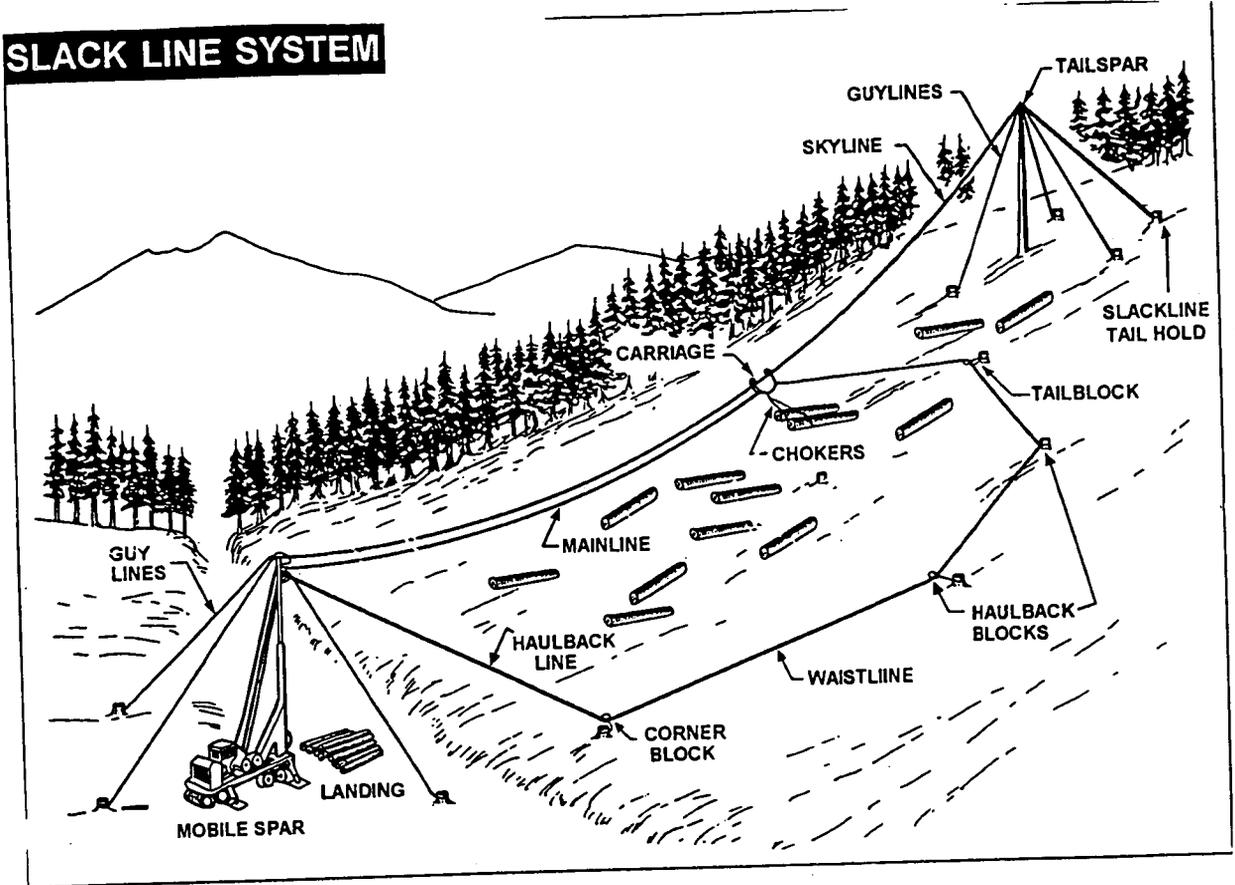


Figure 47: Live Skyline – Shotgun or Flyer System



PROPOSED

Figure 48: Slack Line System

PROPOSED

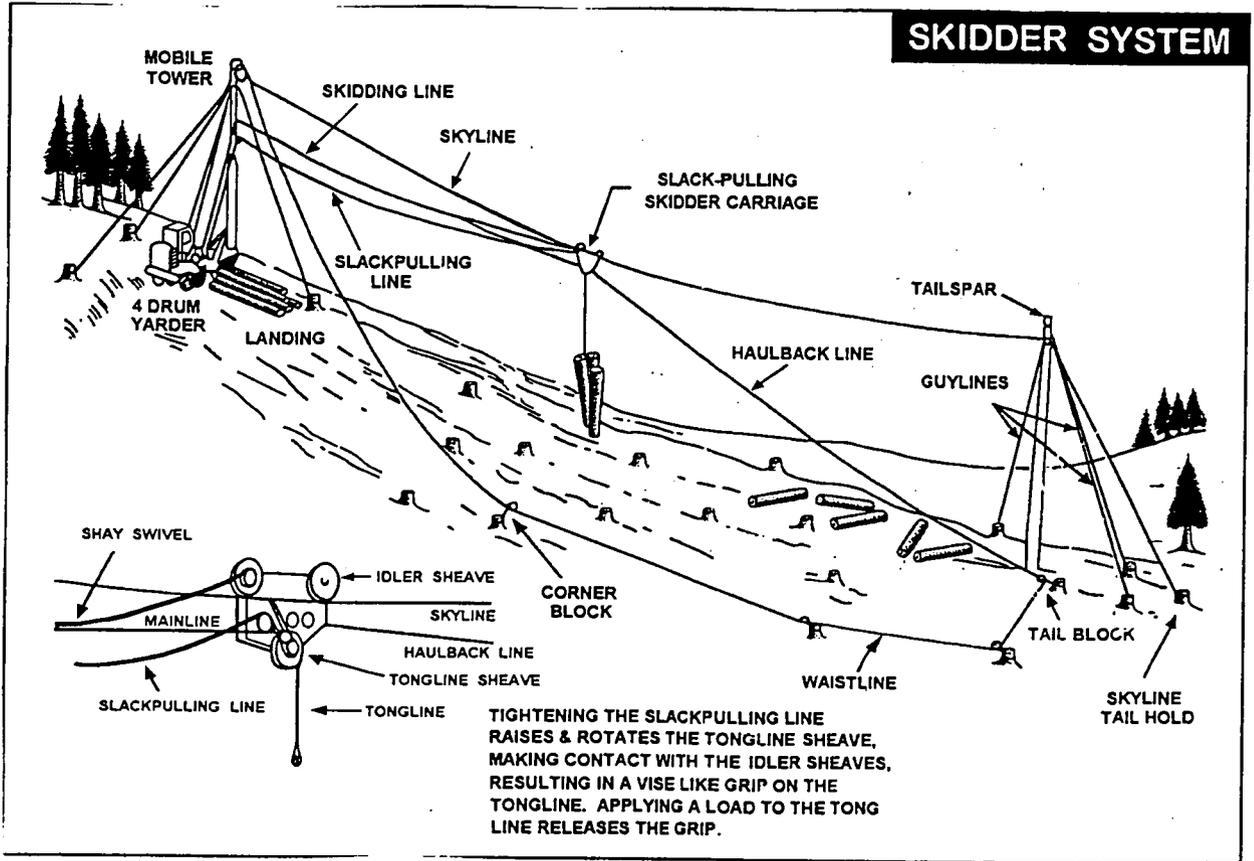
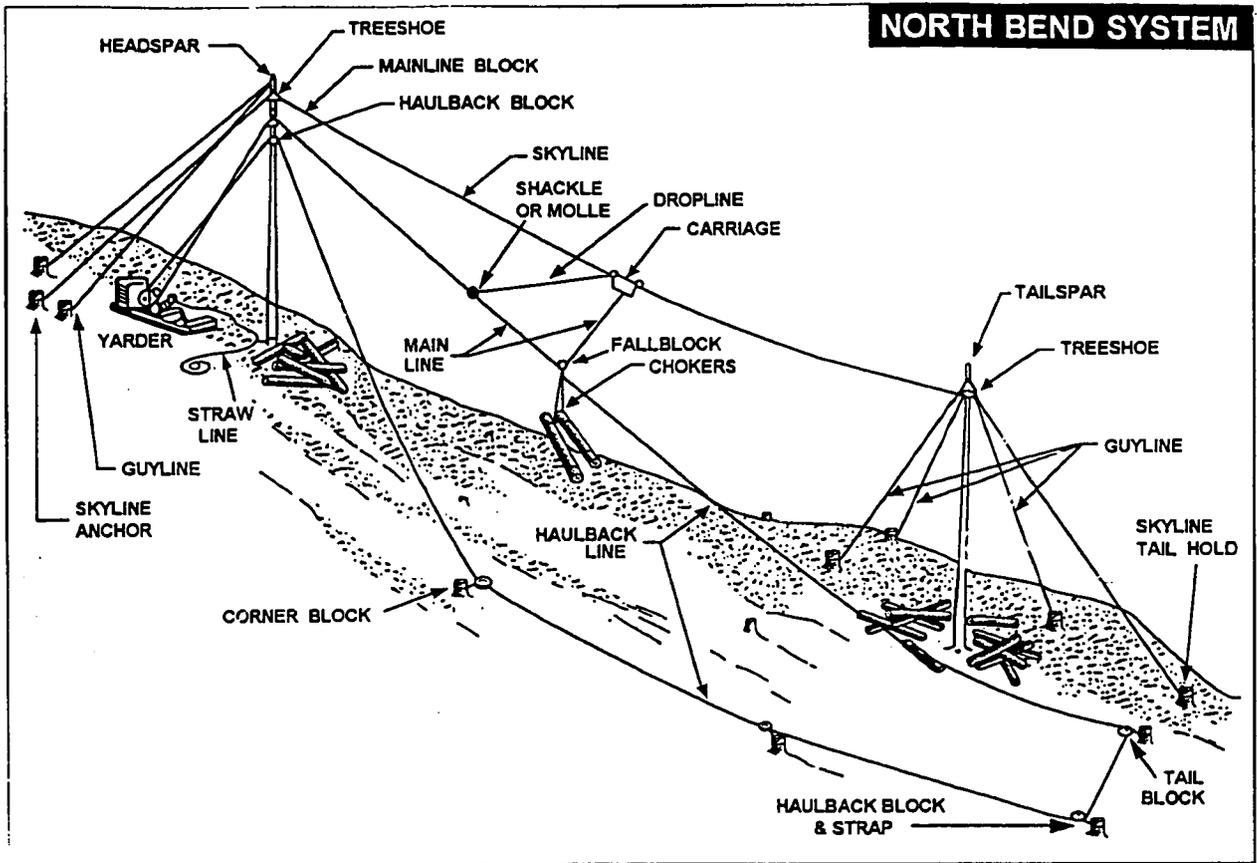


Figure 49: Skidder System



PROPOSED

Figure 50: North Bend System

PROPOSED

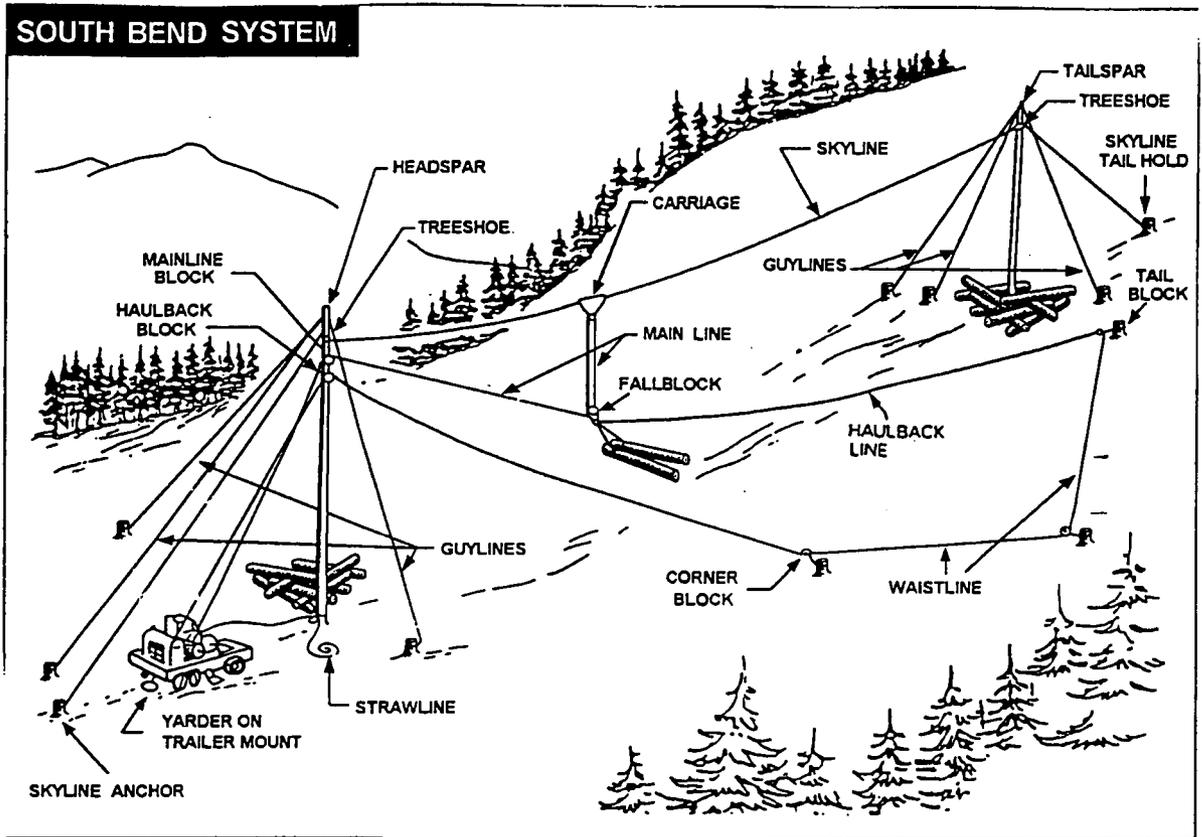
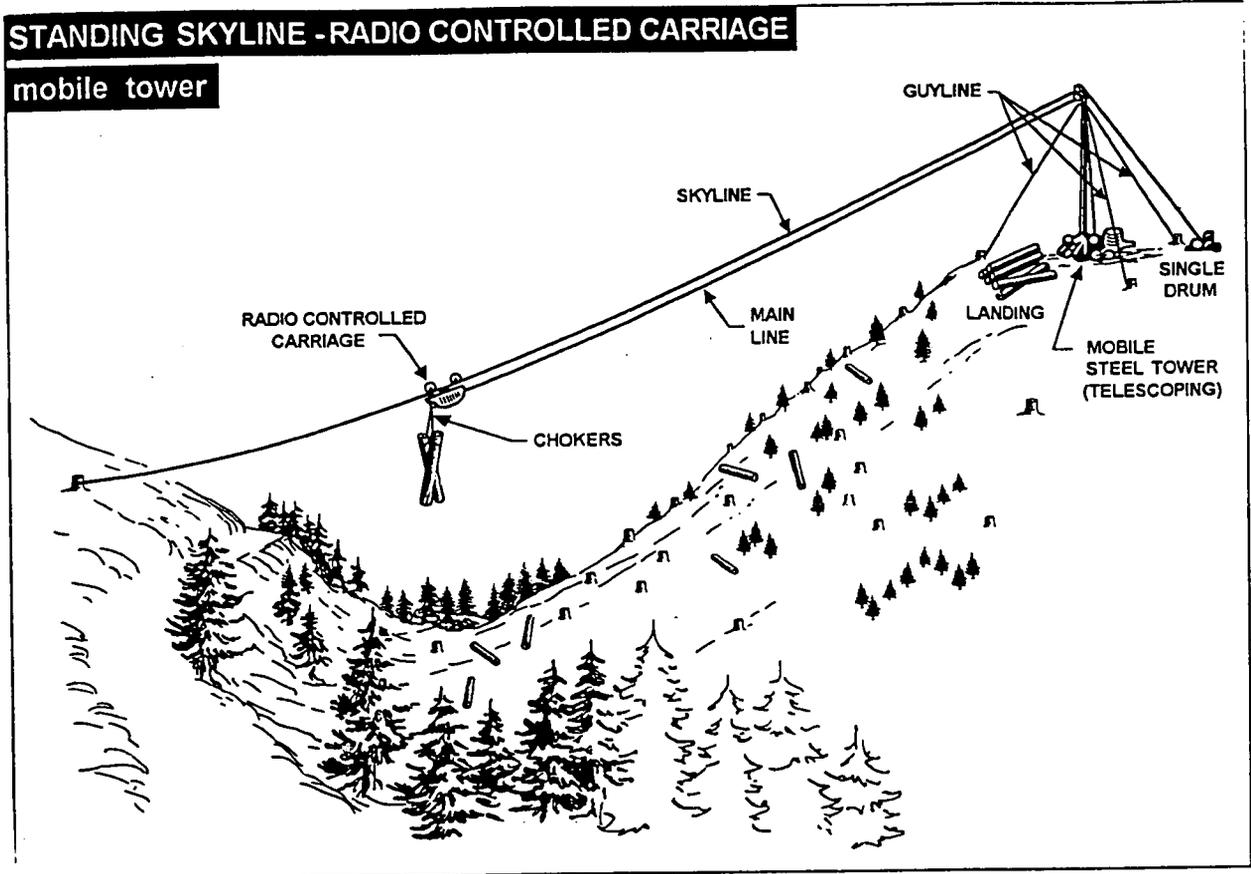


Figure 51: South Bend System



**PROPOSED**

Figure 52: Standing Skyline – Radio Controlled Carriage – Mobile Tower

PROPOSED

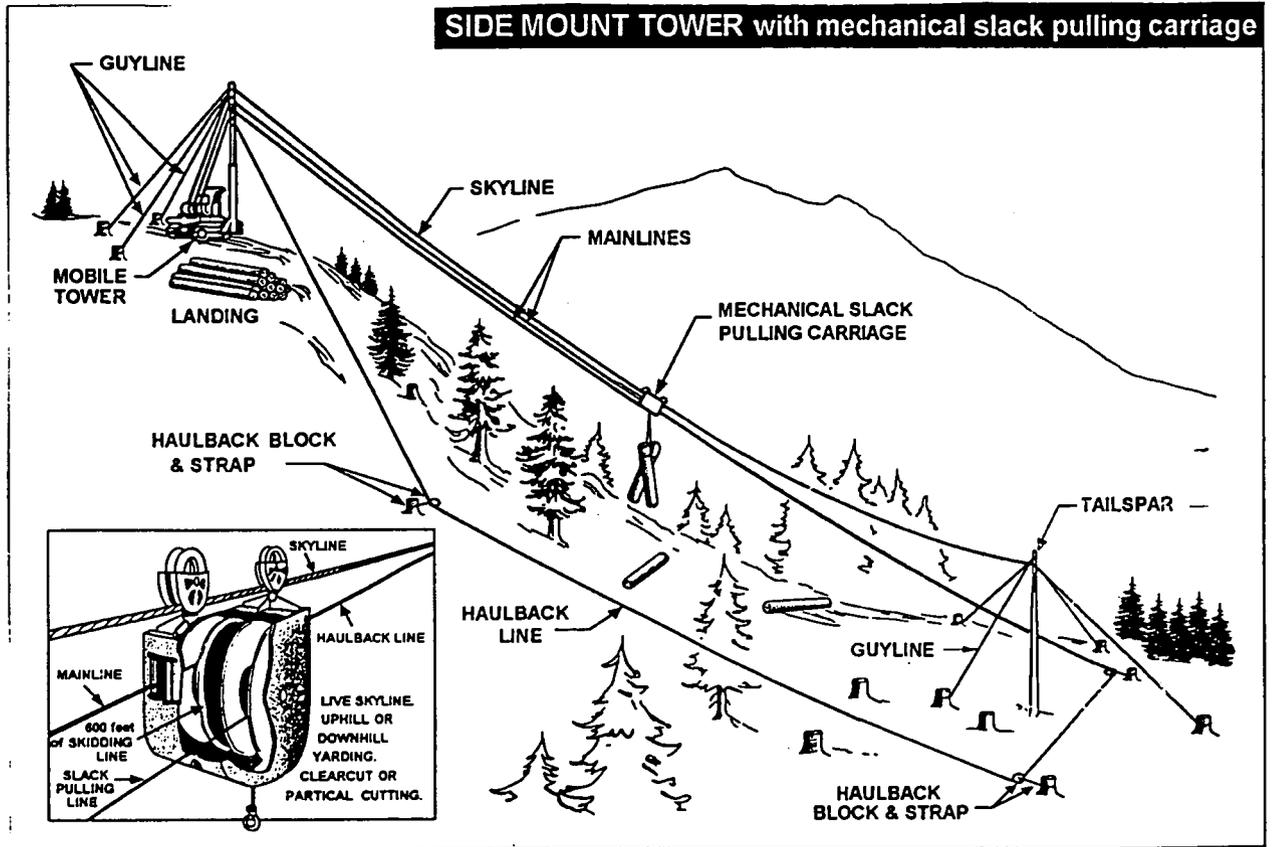


Figure 53: Side Mount Tower with Mechanical Slack Pulling Carriage

**PARTIAL CUTTING WITH RUNNING SKYLINE**

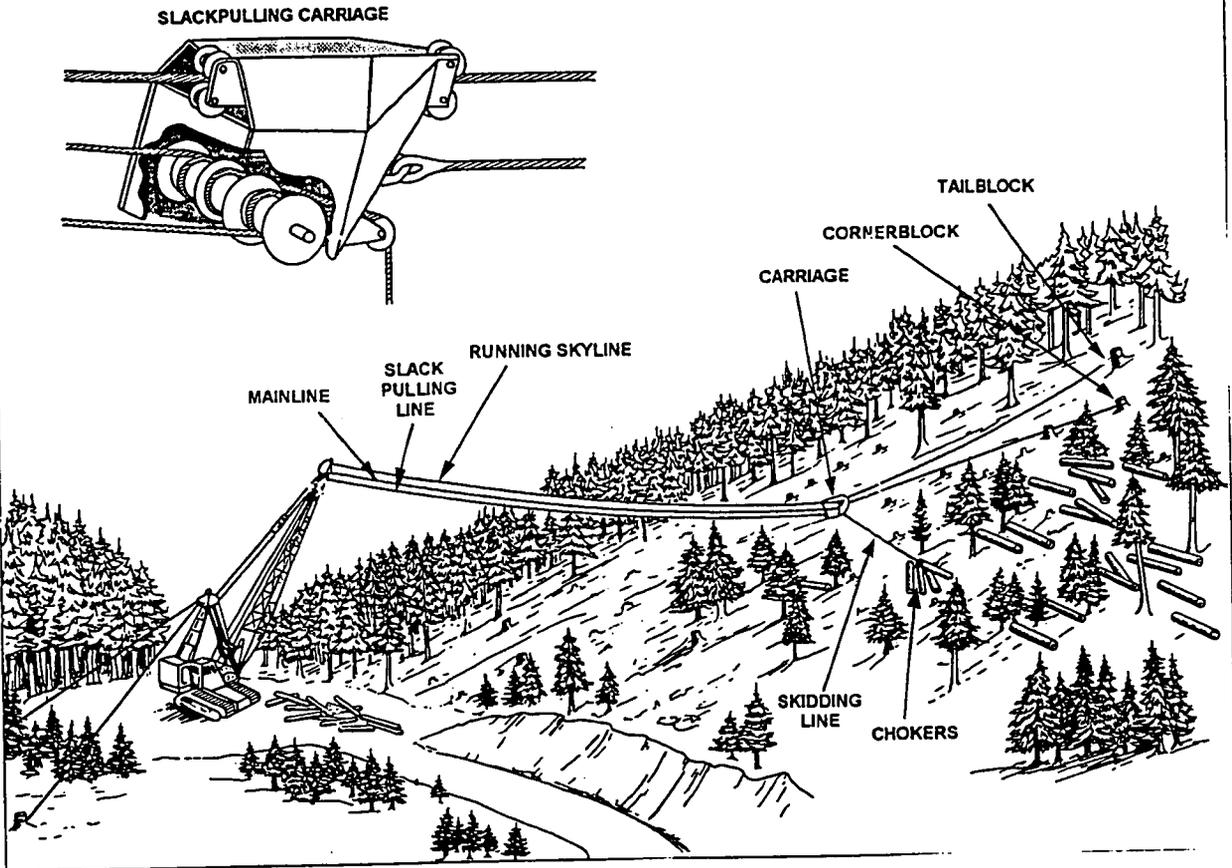


Figure 54: Partial Cutting with Running Skyline

PROPOSED

**RUNNING SKYLINE with chokers (GRABINSKI)**

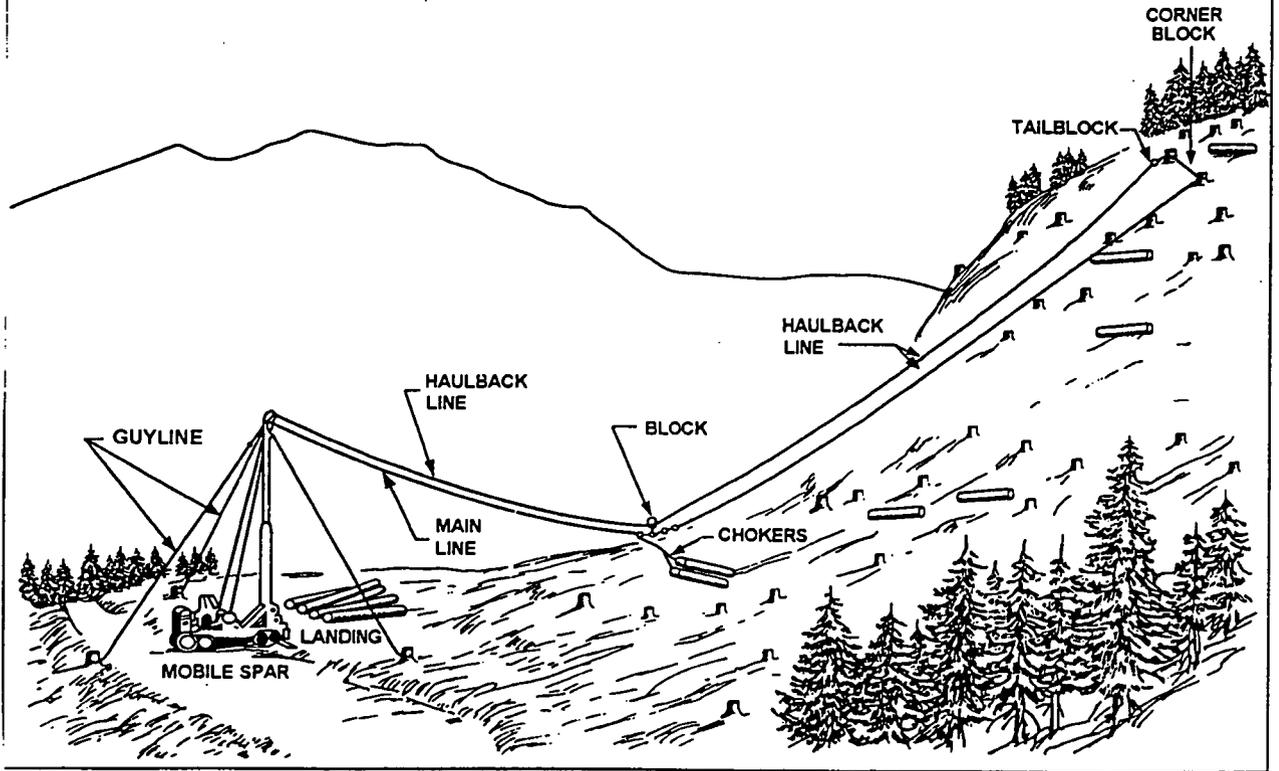
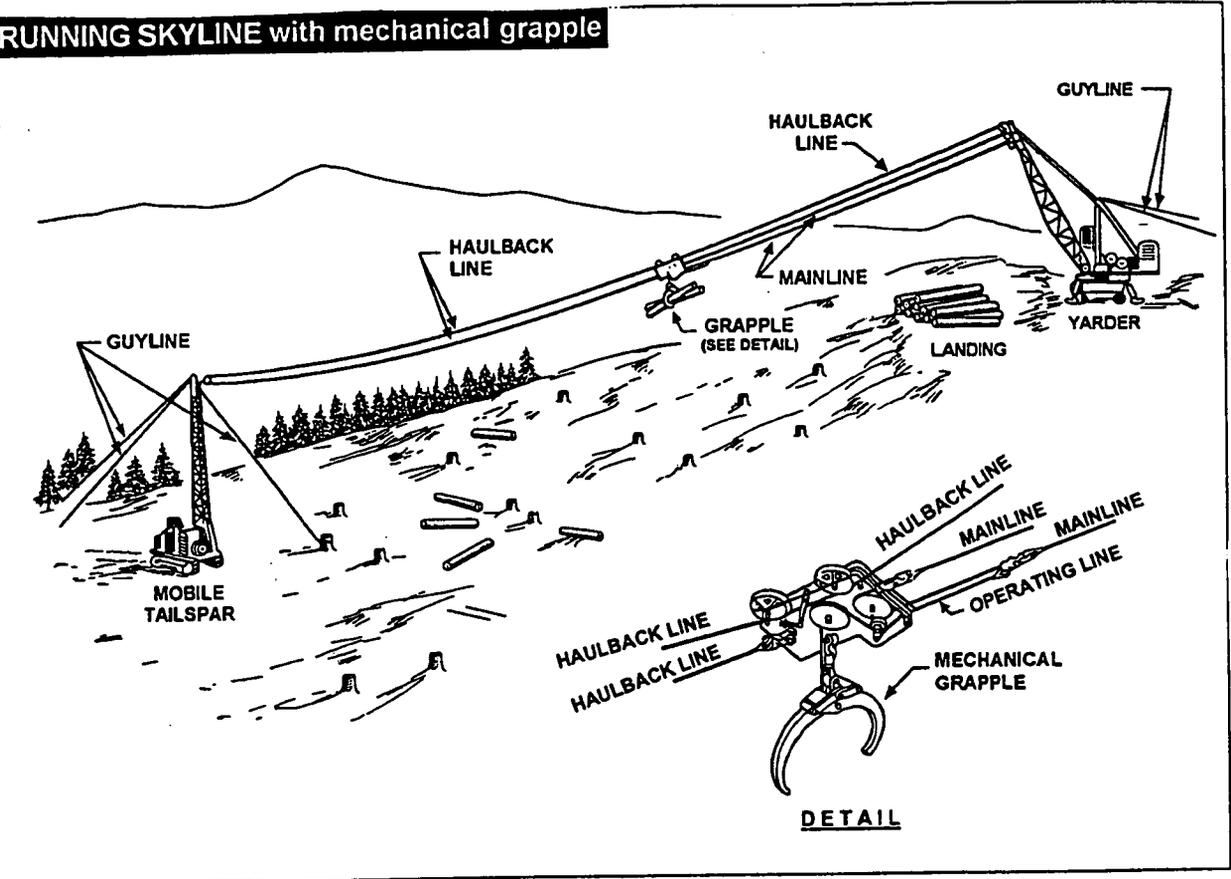


Figure 55: Running Skyline with Chokers (Grabinski)

PROPOSED

**RUNNING SKYLINE with mechanical grapple**



PROPOSED

Figure 56: Running Skyline with Mechanical Grapple

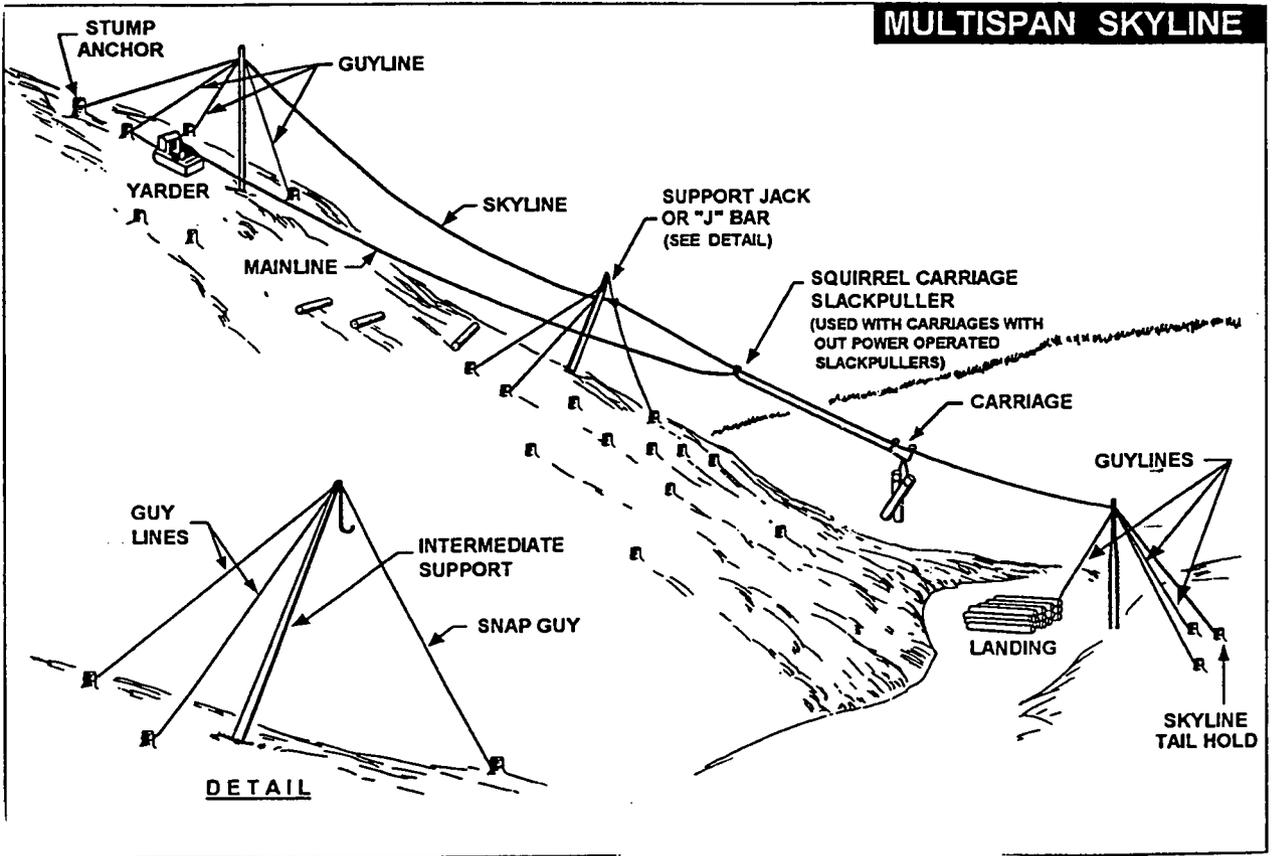


Figure 57: Multi-span Skyline

PROPOSED

**BALLOON LOGGING - inverted skyline configuration**

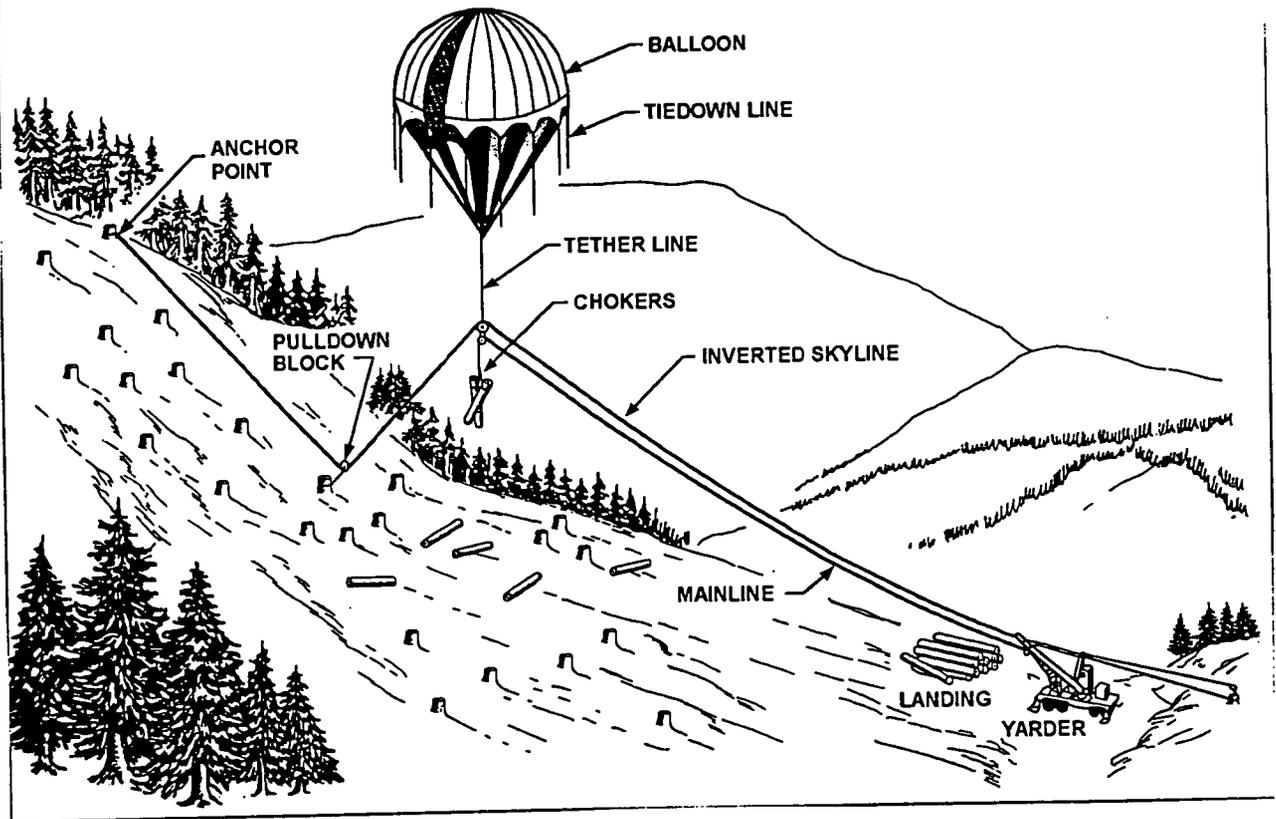


Figure 58: Balloon Logging – Inverted Skyline Configuration

PROPOSED

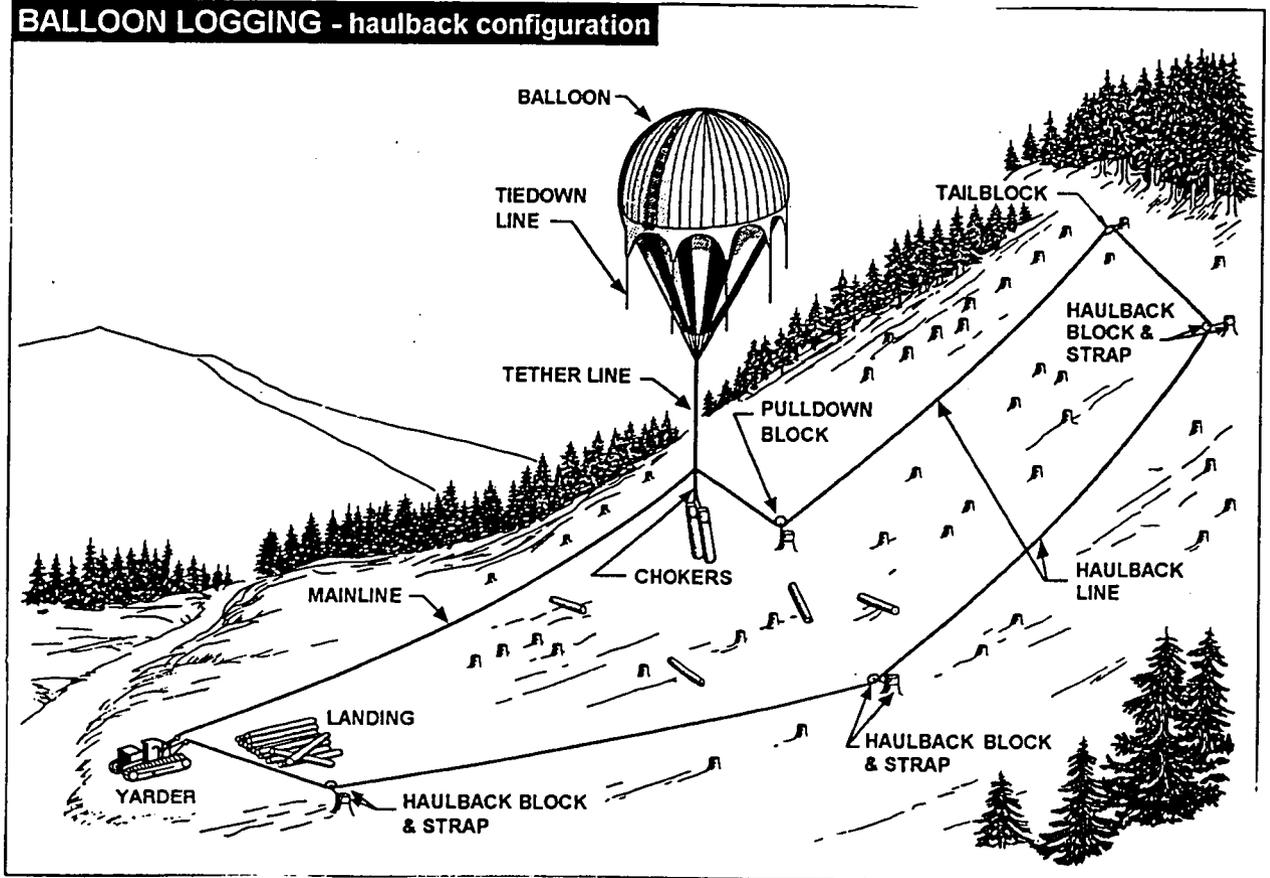
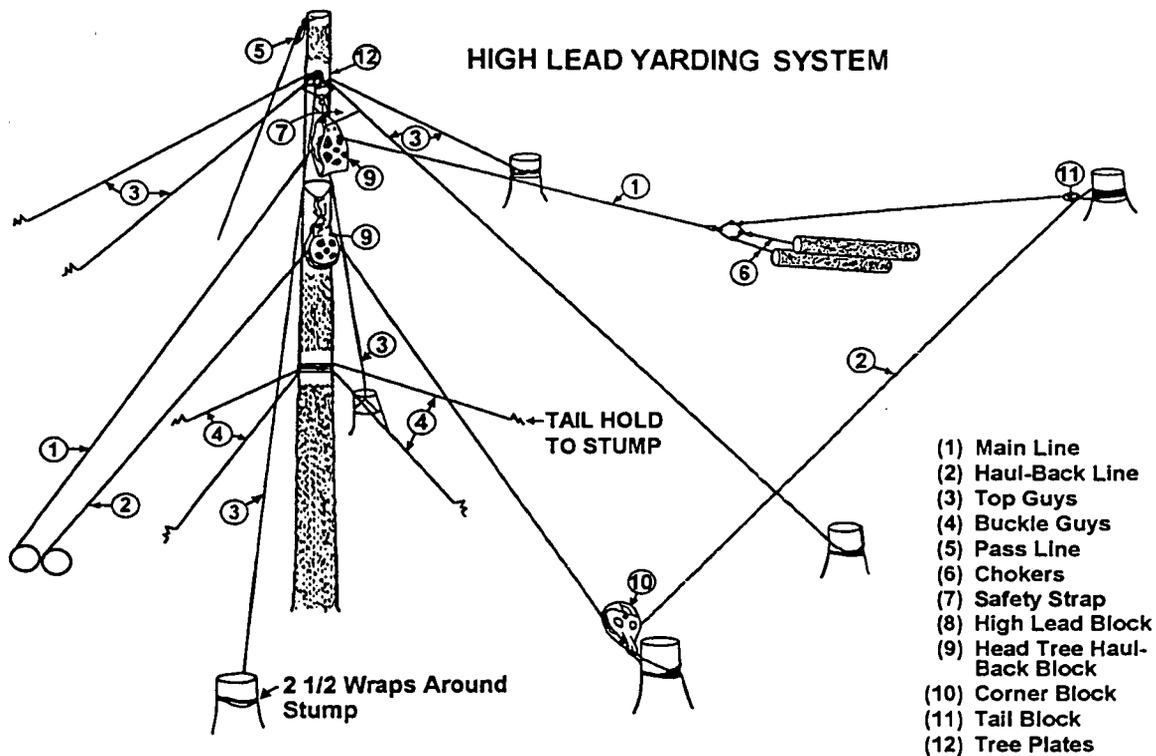


Figure 59: Balloon Logging - Haulback Configuration

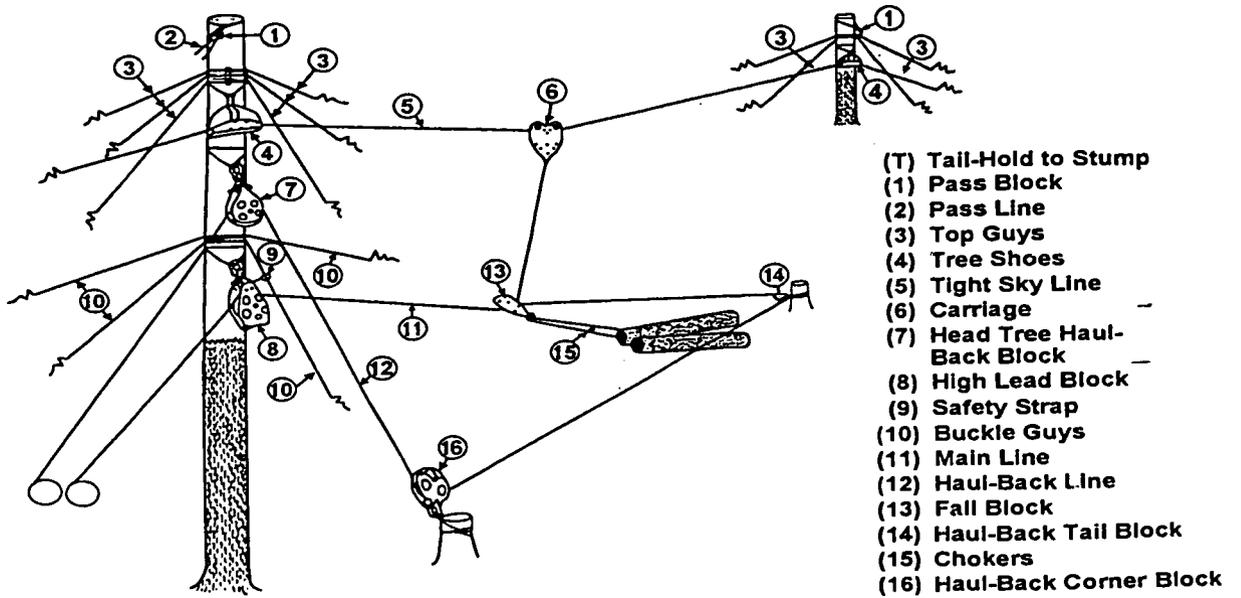
NEW SECTION

WAC 296-54-99014 Appendix 5—Wooden tree yarding and loading systems.



PROPOSED

Figure 60: High Lead Yarding System



**NORTH BEND YARDING SYSTEM**

Figure 61: North Bend Yarding System

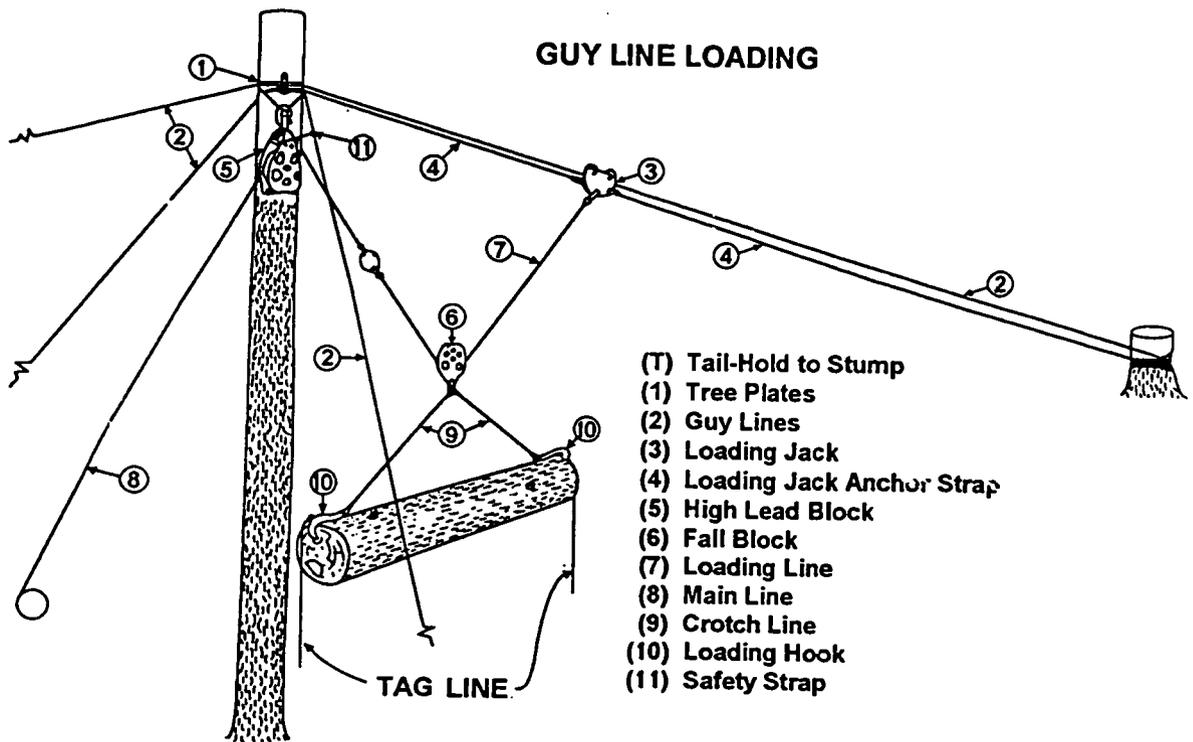
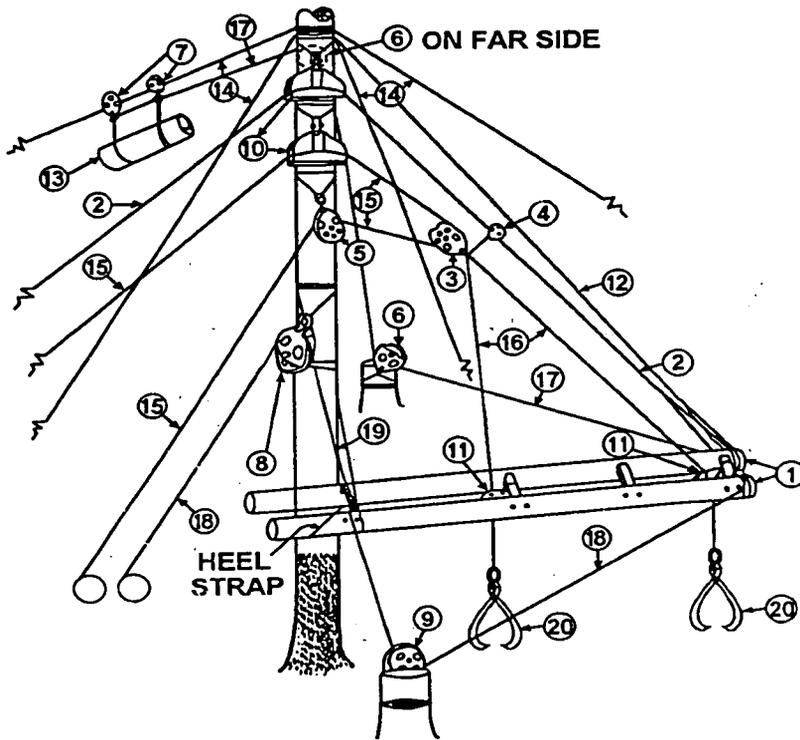


Figure 64: Guy Line Loading

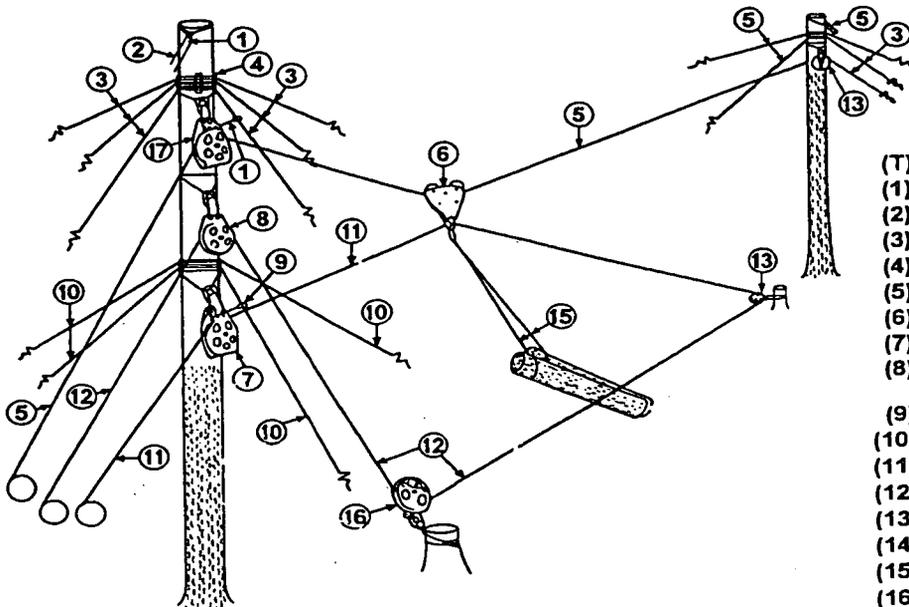
PROPOSED

**HAYRACK BOOM LOADING**



- (T) Tail-Hold to Stump
- (1) Loading Boom
- (2) Sail Guy
- (3) Loading Block
- (4) Sail Block
- (5) Load Line Lead Block
- (6) Squirrel Line Swing Block
- (7) Squirrel Suspension Block
- (8) Haul-Back Lead Block
- (9) Haul-Back Swing Block
- (10) Tree Shoe or Jack
- (11) Tong Line Block
- (12) Loading Boom Safety Guy
- (13) Squirrel or Counterweight
- (14) Buckle Guys
- (15) Loading Line
- (16) Tong Lines
- (17) Boom Swing Line
- (18) Boom Haul-Back Line
- (19) Boom Hold-up Straps
- (20) Loading Tongs

Figure 65: Hayrack Boom Loading



- (T) Tail-Hold to Stump
- (1) Pass Block
- (2) Pass Line
- (3) Top Guys
- (4) Tree Plates
- (5) Slack Sky Line
- (6) Carriage
- (7) Skidding Block
- (8) Head Tree Haul-Back Block
- (9) Safety Straps
- (10) Buckle Guys
- (11) Main Line
- (12) Haul-Back
- (13) Tree Jack
- (14) Haul-Back Tail Block
- (15) Chokers
- (16) Haul-Back Corner Block
- (17) Skyline Block

**SLACK SKYLINE YARDING SYSTEM**

Figure 62: Slack Skyline Yarding System

**PROPOSED**

### Heel Boom Loading

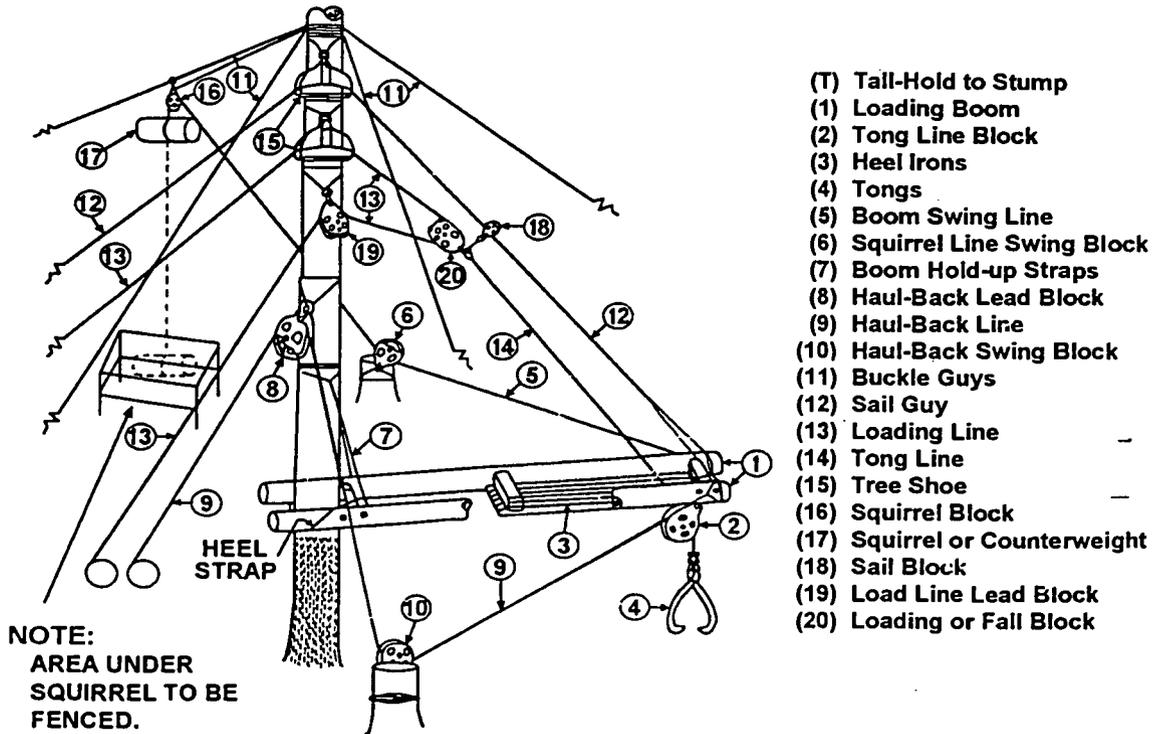
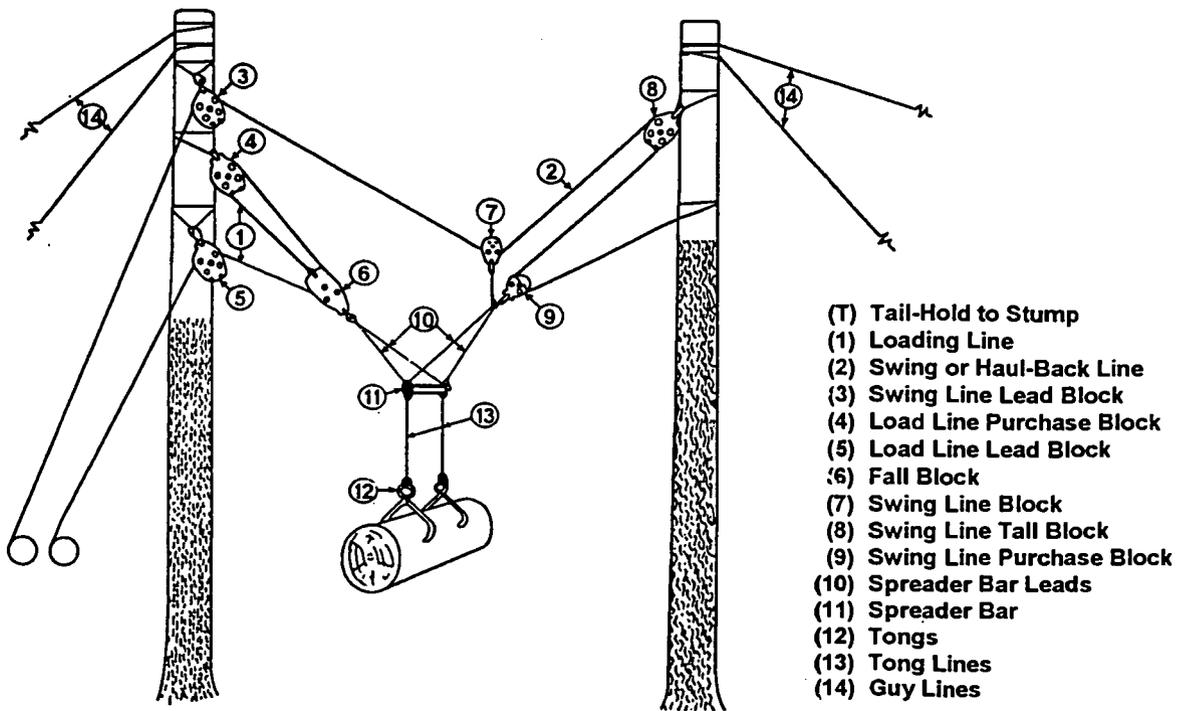


Figure 63: Heel Boom Loading



### SPREADER BAR LOADING

Figure 66: Spreader Bar Loading

PROPOSED

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 296-54-525	Railroad construction and maintenance.
WAC 296-54-599	Truck and equipment maintenance shops.
WAC 296-54-99007	Appendix I—Figure 7—Heel boom loading.
WAC 296-54-99008	Appendix I—Figure 8—Guyline loading.
WAC 296-54-99009	Appendix I—Figure 9—Hayrack boom loading.
WAC 296-54-99010	Appendix I—Figure 10—Spreader bar loading.

**WSR 99-08-121**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
(WorkFirst Division)  
[Filed April 7, 1999, 10:09 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 98-20-096.

Title of Rule: Amends WAC 388-290-010; repeals existing chapter 388-290 WAC; and proposes new rules WAC 388-290-015, 388-290-075, 388-290-125, 388-290-150, 388-290-200, 388-290-250, 388-290-260, 388-290-300, 388-290-350, 388-290-400, 388-290-450, 388-290-475, 388-290-500, 388-290-525, 388-290-550, 388-290-600, 388-290-650, 388-290-700, 388-290-750, 388-290-800, 388-290-850, 388-290-900, 388-290-1000, 388-290-1050, 388-290-1100, 388-290-1150, 388-290-1200, 388-290-1250, 388-290-1300, 388-290-1350, 388-290-1375, and 388-290-1400.

Purpose: To clarify the rules for the working connections child care (WCCC) program, with the goal of making them easier for clients to understand, and for field staff to apply consistently.

Statutory Authority for Adoption: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605.

Statute Being Implemented: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605.

Summary: This new version of chapter 388-290 WAC is necessary to clarify and improve the WCCC program rules in accordance with Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Roger Long, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3259.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This WAC chapter will clarify and streamline eligibility rules for the WCCC program to be more consistent with: (1) The recommendations of the child care quality improvement team; (2) best practices in the field; and (3) the principles of clear rules laid out in Executive Order 97-02.

Proposal Changes the Following Existing Rules: Amends WAC 388-290-010; and repealed existing chapter 388-290 WAC. See also Explanation of Rule, Purpose and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not impact small business.

RCW 34.05.328 does not apply to this rule adoption. These changes are editorial in nature and do not meet the definition of a significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo O'Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey WA 98503, on May 25, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by May 14, 1999, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by May 25, 1999.

Date of Intended Adoption: May 26, 1999.

April 6, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policy Assistance Unit

**AMENDATORY SECTION** (Amending WSR 98-21-005, filed 3/19/98 [10/9/98], effective 4/19/98 [11/9/98])

**WAC 388-290-010** (~~Subsidized child care~~) **What is the purpose** (~~and income limit~~) **of the working connections child care program?** (~~The purpose of this program is to provide child care services necessary to assist~~) **Working connections child care (WCCC) helps low-income families with** (~~dependent~~) **children** (~~to become or remain employed. The department may provide subsidized child care services to families with incomes at or below one hundred seventy-five percent of the Federal Poverty Level (FPL) adjusted for family size~~) **pay for child care to find jobs, keep their jobs, and get better jobs.**

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

**NEW SECTION**

**WAC 388-290-015** **What basic steps does the department take to decide if I'm eligible for WCCC?** We take the following basic steps to decide if you're eligible for WCCC:

"We," for the purposes of this chapter, means the department of social and health services.

(1) We determine:

(a) If you're participating in an approved activity (see WAC 388-290-125, 388-290-150, or 388-290-200);

(b) If you and your children are otherwise eligible for WCCC (see WAC 388-290-300);

(c) Your family size under WCCC guidelines (see WAC 388-290-400);

(d) Your countable income, which must be at or below one hundred seventy-five percent of the Federal Poverty Level (FPL) (see WAC 388-290-600);

(e) Your share of the child care cost, called a copayment (see WAC 388-290-650);

(2) After you make your own child care arrangements, we decide if we can pay your child care provider under WCCC guidelines (see WAC 388-290-850).

(3) We look at other WCCC program requirements, when needed (see WAC 388-290-900, 1000, 1050, 1100, 1150, 1200, 1250, and 1300).

**NEW SECTION**

**WAC 388-290-075 Who is a consumer in WCCC?** In WCCC, **consumer** means one of the following relatives who has parental control and applies for or receives WCCC for one or more children:

(1) Parents or stepparents;

(2) Adult siblings or step-siblings, first cousins, nephews or nieces;

(3) Aunts, uncles, grandparents or any of these relatives with the prefix great, such as great-aunt.

**NEW SECTION**

**WAC 388-290-125 What activities can the department pay WCCC for if I get a temporary aid for needy families (TANF) grant?** (1) If you get TANF or SFA, we can pay WCCC for your hours of participation in the following activities:

(a) An approved WorkFirst activity under chapter 388-310 WAC;

(b) Employment or self-employment under WAC 388-290-200;

(c) Your education or training program if you have a prior approved JOBS plan and you are:

(i) Making progress that is satisfactory or better, as defined by your program; and

(ii) Working twenty or more hours per week, or sixteen or more hours per week in a workstudy job.

(d) Your training program for up to twelve months if:

(i) You don't have a prior approved JOBS plan;

(ii) The program is adult basic education (ABE), English as a second language (ESL), high school/GED, vocational education or job skills training under chapter 388-310 WAC;

(iii) You're making progress that is satisfactory or better, as defined by your program;

(iv) You're working twenty or more hours per week, or sixteen or more hours per week in a workstudy job; and

(v) You're enrolled at least half-time in your program as defined in chapter 388-310 WAC.

(2) If required, we can also pay WCCC for:

(a) Transportation time between your place of employment or approved activity and the location of child care; and

(b) Sleep time directly related to your job, such as if you work nights and sleep days.

**NEW SECTION**

**WAC 388-290-150 What activities can the department pay WCCC for if I don't get a TANF grant?** (1) If you don't get TANF, we can pay WCCC for your hours of participation in the following activities:

If you are:	Then to get WCCC you must be:
(2) Employed or self-employed.	Employed or self-employed under WAC 388-290-200
(3) In an education or training program and you have a prior approved JOBS plan for that program.	(a) Making progress that is satisfactory or better, as defined by your program; and (b) Working: (i) Twenty or more hours per week; or (ii) Sixteen or more hours per week in a workstudy job.
(4) In an education or training program and you don't have a prior approved JOBS plan.	(c) Enrolled in adult basic education (ABE), English as a second language (ESL), high school/GED, vocational education or job skills training under chapter 388-310 WAC; (d) Making progress that is satisfactory or better, as defined by your program; (e) Working: (i) Twenty or more hours per week; or (ii) Sixteen or more hours per week in a workstudy job; and (f) Enrolled in a program no longer than thirty-six months.
(5) In an employment retention activity under chapter 388-310 WAC.	Engaged in employment retention: (a) For no more than one year following your exit from TANF; and (b) Working: (i) Twenty or more hours per week; or (ii) Sixteen or more hours per week in a workstudy job.

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<b>If you are:</b>	<b>Then to get WCCC you must be:</b>
(6) In a labor exchange activity under chapter 388-310 WAC.	Engaged in labor exchange: (a) For no more than two years following your exit from TANF; and (b) Working: (i) Twenty or more hours per week; or (ii) Sixteen or more hours per week in a workstudy job.
(7) A food stamp recipient.	Eligible for the food stamp employment and training program under WAC 388-444-0025.
(8) In the re-employ Washington workers (RWW) program, operated by the employment security department.	Enrolled in the RWW program, operated by the employment security department.

(9) If required, we can also pay WCCC for:

- (a) Transportation time between your place of employment or approved activity and the location of child care; and
- (b) Sleep time directly related to your job, such as if you work nights and sleep days.

**NEW SECTION**

**WAC 388-290-200 Can the department pay WCCC if I'm self-employed?** We can pay WCCC if you're self-employed, as follows:

- (1) If you get TANF, you must have an approved self-employment plan under chapter 388-310 WAC.
- (2) If you don't get TANF, for your first six months of self-employment starting from when you become eligible for WCCC, the amount of WCCC you can get each month is based on the greater of:
  - (a) A written statement from you on the number of hours you need based on the number of hours you work; or
  - (b) The number of hours equal to dividing your monthly self-employment income by the federal or state minimum wage, whichever is lower.

"Self-employment income" means your gross income from self-employment minus allowable business expenses in WAC 388-450-0085.

- (3) After the first six months, the amount of WCCC you can get each month is based on the lesser of subsections (2)(a) or (b) of this section.
- (4) You must make available to the department records which show all your business expenses and income.

**NEW SECTION**

**WAC 388-290-270 Can the department authorize WCCC if I'm not working or in an approved activity right now?** (1) We can authorize WCCC payments for up to

two weeks if you get TANF and you're waiting to enter an approved activity.

- (2) We can authorize WCCC payments for up to four weeks if you experience a gap in employment, or approved activity, and you meet all the following conditions:
  - (a) The gap happens for reasons out of your control, such as a layoff;
  - (b) Employment, or the approved activity, will resume within that period or you're looking for another job; and
  - (c) You received WCCC immediately before the gap in employment, or approved activity.

**NEW SECTION**

**WAC 388-290-280 Can the department pay WCCC for activity fees or bonuses?** (1) We pay initial and ongoing annual registration fees up to fifty dollars per child to your child care provider, only if the fees are:

- (a) Required of all parents whose child(ren) are in care with that provider; and
- (b) Needed to maintain a child care arrangement.
- (2) We can pay child care providers a one-time bonus of up to two hundred fifty dollars for each infant they newly enroll in care if all the following conditions are met:
  - (a) The child being cared for is less than twelve months of age;
  - (b) The child care provider is licensed by the department; and
  - (c) We expect care to be provided for five days or more.
- (3) We can pay child care providers a nonstandard hour bonus under chapter 388-15 WAC.

**NEW SECTION**

**WAC 388-290-300 Which children and consumers can and cannot get WCCC?** Depending on your circumstances, or those of your child(ren), you might be eligible for WCCC as follows:

<b>If this situation describes you:</b>	<b>Then am I or my children eligible for WCCC?</b>
(1) You are: (a) An employee of the same child care facility where your child(ren) is receiving care; and (b) Caring for your own child(ren) during the time WCCC is authorized.	No. The child(ren) in this situation are not eligible for WCCC.
(c) In sanction status;	Yes, but you can only get WCCC: (i) For an activity needed to remove the sanction; or (ii) For employment.

PROPOSED

PROPOSED

If this situation describes you:	Then am I or my children eligible for WCCC?
<p>(d) A parent in a two-parent family and the other parent is able and available to provide care for your child(ren) while you are working, looking for work, or preparing for work.</p> <p>"Able" means an adult physically, mentally, and emotionally capable of caring for a child in a responsible manner.</p> <p>"Available" means an adult able to provide care due to not participating in an approved work activity under WAC 388-290-125, 150, and 200 during the time you need child care.</p>	<p>No. You are not eligible for WCCC during the time the other parent is able and available to provide child care.</p>
<p>(2) Your child or children is: (a) Birth through twelve years old;</p>	<p>Yes. The child(ren) in this situation are eligible for WCCC.</p>
<p>(b) Thirteen to nineteen years old;</p>	<p>Yes, but the child(ren) must be: (i) Under court supervision; or (ii) Physically, mentally, or emotionally incapable of self-care, as verified by a doctor, nurse, nurse practitioner, or masters-level or above mental health, education, or social service professional.</p>
<p>(c) Not legally residing in the country.</p>	<p>No. The child(ren) in this situation are not eligible for WCCC.</p>

**NEW SECTION**

**WAC 388-290-350 If I'm in an approved activity, what are the steps the department takes to figure my WCCC copayment?** If you're in an approved activity, we take the following steps to figure your WCCC copayment:

- (1) Determine your family size (see WAC 388-290-400);
- (2) Verify and calculate all nonexempt income that is received directly by your family (see WAC 388-290-450);
- (3) Figure your family's expected average monthly earned and unearned income (see WAC 388-290-500 and 525);
- (4) Figure your family's adjusted earned income based on your expected average monthly earnings (see WAC 388-290-550);

(5) Add your expected average monthly unearned income and the result of subsection (4) of this section together to get your family's countable income (see WAC 388-290-600).

(6) Use your family's countable income to figure your WCCC copayment (see WAC 388-290-650).

- (7) Assess the minimum copayment if:
  - (a) You're a minor parent and meet certain guidelines (see WAC 388-290-700); or
  - (b) You meet other guidelines not specifically for minor parents (see WAC 388-290-750).

**NEW SECTION**

**WAC 388-290-375 How is the income that my family receives used in WCCC?** All nonexempt income that your family receives directly is used to:

- (1) Determine your eligibility for WCCC;
- (2) Figure your expected average monthly income; and
- (3) Calculate your WCCC copayment.

**NEW SECTION**

**WAC 388-290-400 What makes up a family in the WCCC program?** "Family" in WCCC means one or more individuals in WAC 388-290-400 who live in the same household. Only you and the people living in your household can be included in family size, as follows:

If these are the people living in my household (including myself):	Then is my household considered a family in WCCC?
(1) Related adults, other than spouses, and their respective child(ren).	No, but see subsections (2) - (4), and (6) of this section, below.
(2) Unmarried parents and their mutual child(ren).	Yes.
(3) Married parents with or without a mutual child(ren).	Yes.
(4) Married or unmarried parents and their mutual and nonmutual children, if there is at least one mutual child.	Yes.
(5) Unmarried adults with no mutual child(ren).	No, but see subsection (6) of this section, below.
(6) An unmarried parent and their child(ren).	Yes.
(7) A non-TANF minor parent living independently with one or more children.	Yes.
(8) Child(ren) related by blood, marriage, or adoption who live with a WCCC consumer who is not legally and financially responsible for the child(ren).	No. Only the child(ren) are included in family size.

(9) Child(ren) not related by blood, marriage, or adoption who live in a situation described in subsection (8) of this section, above.	No. Each unrelated child(ren) is considered a separate family.
(10) A minor parent living in a situation described in WAC 388-290-700.	Yes.

**NEW SECTION**

**WAC 388-290-450 What income does the department count in WCCC?** (1) We count the following as earned income when figuring your copayment:

- (a) Earnings from employment or self-employment;
- (b) Military housing and food allowance;
- (c) Income in-kind.

"Income in-kind" means income received in a form other than cash, such as goods, services, or room and board.

(2) We count the following as unearned income when figuring your WCCC copayment:

- (a) Your TANF grant, except when exempt under WAC 388-290-475;
- (b) Child support payments;
- (c) General assistance;
- (d) Supplemental Security Income (SSI);
- (e) Other social security payments, such as SSA and SSDI;
- (f) Refugee assistance payments;
- (g) Payments from the Veterans' Administration, disability payments, or payments from labor and industries (L&I);
- (h) Unemployment compensation; and
- (i) Other types of unearned income not exempted in WAC 388-290-475.

**NEW SECTION**

**WAC 388-290-475 What income does the department exempt in WCCC?** We exempt the following when figuring your copayment:

- (1) Income types in WAC 388-450-0015, WAC 388-450-0035, WAC 388-450-0035, and WAC 388-450-0055;
- (2) The earned income of a child, unless otherwise indicated in WAC 388-290-400;
- (3) Diversion Cash Assistance; and
- (4) The TANF grant for the first three consecutive calendar months after you start a new job. The first calendar month is the month in which you start working.

**NEW SECTION**

**WAC 388-290-500 What are the different kinds of income in WCCC the department uses to get my expected average monthly income?** (1) There are two kinds of income in WCCC that the department uses to get your expected average monthly income. They are:

- (a) Ongoing income; and
- (b) Lump sum payments.

(2) Ongoing income means:

- (a) You expect to receive the income more than once, such as a paycheck;
- (b) The income is not exempt in WCCC; and
- (c) You have enough income history to make an accurate estimate of your future income; or
- (d) Evidence of you income in the future is available, such as a letter from your employer.

(3) Lump sum payment means a one-time payment that is not exempt in WCCC, such as back child support, an insurance settlement, or gambling winnings.

(4) Expected average monthly income means the average monthly income amount used to figure your countable income.

**NEW SECTION**

**WAC 388-290-525 How does the department figure my expected average monthly income?** (1) If you have ongoing income, we figure your expected average monthly income by taking the following steps:

- (a) Verifying the income presented to us; and
- (b) Dividing the amount in subsection (1)(a) of this section by the number of months it took your family to get the income.

(2) If you get a lump sum payment during you WCCC authorization period, we:

- (a) Divide the lump sum payment by twelve; and
- (b) Count the result of subsection (2)(a) of this section as part of your expected average monthly income.

(3) If you have a combination of ongoing income and one or more lump sum payments, we use the appropriate guideline for each kind of income to figure your expected average monthly income.

**NEW SECTION**

**WAC 388-290-550 How does the department figure my adjusted earned income?** We figure your adjusted earned income as follows:

(1) If your family's gross expected average monthly earnings are at or below one hundred percent of the FPL, then ...	<b>We multiply gross earnings by ninety percent to get adjusted earned income.</b>
(2) If your family's gross expected average monthly earnings are above one hundred percent of the FPL up to and including one hundred seventy-five percent of the FPL, then ...	<b>We multiply gross earnings by eighty-five percent to get adjusted earned income.</b>

**NEW SECTION**

**WAC 388-290-600 How does the department figure my countable income, and what is countable income used for?** (1) To get your countable income, we add together the following kinds of expected average monthly income:

**PROPOSED**

- (a) Adjusted earned income; and
  - (b) Unearned income that is not exempt (see WAC 388-290-450).
- (2) All countable income received directly by your family is used to calculate your WCCC copayment except if you automatically pay the minimum copayment under WAC 388-290-700 or 388-290-750.

**NEW SECTION**

**WAC 388-290-650 How does the department figure my copayment, once my countable income is known?**

<b>If your family's countable income falls within this range ...</b>	<b>... Then your copayment is ...</b>
(1) At or below seventy-four percent of the Federal Poverty Level (FPL).	Ten dollars.
(2) Above seventy-four percent and up to one hundred percent FPL.	Twenty dollars.
(3) Over one hundred percent of the FPL.	The greater of: (a) Twenty dollars, or; (b) Forty-seven percent of your countable income over one hundred percent of the FPL.

**NEW SECTION**

**WAC 388-290-700 Does the department set the minimum copayment if I'm a minor parent?** We set the minimum copayment if you are a minor parent, and

- (1) Receiving TANF and living independently; or
- (2) Part of your parent or relative's TANF grant.

**NEW SECTION**

**WAC 388-290-750 Are there other times when the department sets the minimum copayment?** We also set the minimum copayment:

- (1) In the first full month following the month you get a job, if you get TANF at the time of application for WCCC;
- (2) In all the months you are a WCCC consumer, if your family's only source of income during this time is a TANF grant; or
- (3) In the first month you apply for WCCC, if you don't get TANF at the time of application for WCCC.

**NEW SECTION**

**WAC 388-290-800 When does the department calculate copayments?** We calculate your copayment:

- (1) At the time of the initial eligibility determination;
- (2) At least every six months, starting from the first month of eligibility;
- (3) When your monthly income decreases, except if your TANF grant goes down due to a sanction;

- (4) When your family size changes; and
- (5) When you are no longer eligible for:
  - (i) The three-month TANF grant exemption under WAC 388-290-475; or
  - (ii) The minimum copayment under WAC 388-290-700 or 750.

**NEW SECTION**

**WAC 388-290-850 What child care providers can the department pay under the WCCC program?** To receive payment under the WCCC program, your child care provider must fall into one of the following categories:

- (1) Licensed as required by chapter 74.15 RCW and chapters 388-73, 388-155 (Minimum licensing requirements for family child day care homes), or 388-150 WAC (Minimum licensing requirements for child day care centers).
- (2) Exempt from licensing but certified by the department, including:
  - (a) Tribal child care facilities meeting the requirements of tribal law;
  - (b) Child care facilities on a military installation;
  - (c) Child care facilities operated on public school property by a school district.
- (3) Exempt from licensing and certification, but the provider must:
  - (a) Be one of the following adult relatives providing care in either the child's or relative's home:
    - (i) An adult sibling living outside the child's home; or
    - (ii) A grandparent, aunt, uncle, first cousin, or great-grandparent, great-aunt, or great-uncle; and
    - (iii) Not the child's biological, adoptive, or step-parent.
  - (b) Be an adult friend or neighbor providing care in the child's own home; or
  - (c) Be an adult extended tribal family member as defined under chapter 74.15 RCW;
  - (d) Be a citizen or legally residing in the country;
  - (e) Meet the in-home relative provider requirements in chapter 388-15 WAC. We can refuse to pay toward the cost of in-home/relative care if we have evidence they don't meet these requirements.

**NEW SECTION**

**WAC 388-290-900 When can the department establish a protective payee to pay my in-home/relative provider?** We can establish a protective payee to receive WCCC warrants for you when:

- (1) You do not pay your in-home/relative child care provider; and
- (2) We issued a child care warrant to the correct address and twelve or more working days have passed since the issuance date;
- (3) You have not reported the WCCC warrant lost, stolen, or destroyed; or
- (4) You have a history of failing to pay your in-home/relative provider(s).

PROPOSED

**NEW SECTION**

**WAC 388-290-1000 What responsibilities does the department have under the WCCC program? We will:**

- (1) Inform you of your rights and responsibilities under the WCCC program;
- (2) Inform you which child care providers we can pay;
- (3) Permit you to choose your own child care provider, as long as we can pay the provider under WAC 388-290-850;
- (4) Inform you of the community resources that can help you select child care, if needed;
- (5) Only authorize payment when no adult in your family is able and available to care for your children;
- (6) Only authorize payment to child care providers who allow you to see your children whenever they are in care;
- (7) Respond to you within ten days if you report a change of circumstance;
- (8) Provide prompt child care payments to your provider; and
- (9) Notify you whenever we establish or change your WCCC copayment.

**NEW SECTION**

**WAC 388-290-1050 What responsibilities do I have under the WCCC program? You will:**

- (1) Be responsible to choose your provider and make your own child care arrangements;
- (2) Notify the department of any change in providers within five days;
- (3) Pay your in-home/relative provider after we send you a check for in-home/relative care;
- (4) Pay, or make arrangements to pay, your WCCC copayment directly to your child care provider;
- (5) Supply the department with necessary information to allow proper payment to your provider;
- (6) Notify your provider within five days when we change your child care authorization;
- (7) Provide notice to the department within ten days of any change in family size or income level; and
- (8) Assure your in-home/relative provider provides a valid social security number to the department, if you choose an in-home/relative provider.

**NEW SECTION**

**WAC 388-290-1100 When do WCCC payments start?** If you are eligible for WCCC, the department authorizes WCCC payments the date you apply for the program, or the date you choose a child care provider we can pay under WAC 388-290-850, whichever is later.

**NEW SECTION**

**WAC 388-290-1150 When does the department provide me with advance and adequate notice of WCCC payment changes?** (1) We provide you with advance and adequate notice for changes in payment when the change results in a discontinuation, suspension, reduction, termination, or forces a change in child care arrangements, except as noted in WAC 388-290-1200, below.

(2) "Advance notice," means a notice of a WCCC reduction, suspension, or termination that is mailed at least ten days before the date of the intended action.

(3) "Adequate notice" means a written statement of the action the department intends to take, the facts relating to the decision, the Washington Administrative Code (WAC) supporting the action, and your right to request a fair hearing.

**NEW SECTION**

**WAC 388-290-1200 When do advance and adequate notice rules not apply?** Advance and adequate notice requirements don't apply in the following circumstances:

- (1) You tell the department you no longer want WCCC;
- (2) The department receives information requiring termination of WCCC benefits and you waive your advance and adequate notice rights;
- (3) Your whereabouts are unknown to the department; or
- (4) You are receiving duplicate child care benefits.

**NEW SECTION**

**WAC 388-290-1250 Under what circumstances does my eligibility for WCCC end?** Your eligibility for WCCC ends if:

- (1) Copayment fees assessed by the department are not paid; and
- (2) Mutually acceptable payment arrangements are not made with your child care provider; or
- (3) You don't meet other WCCC eligibility requirements.

**NEW SECTION**

**WAC 388-290-1300 When might I be eligible for WCCC again?** You might be eligible for WCCC again when:

- (1) Back copayment fees are paid; or
- (2) Mutually acceptable payment arrangements are made with your child care provider(s); and
- (3) You meet other WCCC eligibility requirements.

**NEW SECTION**

**WAC 388-290-1350 Do I have the right to request a fair hearing?** WCCC consumers and child care providers can request fair hearings under chapter 388-08 WAC on any action affecting WCCC benefits except for mass changes resulting from a change in policy or law.

**NEW SECTION**

**WAC 388-290-1375 Can I get WCCC pending the outcome of a fair hearing?** (1) If you are a WCCC consumer, you can get WCCC pending the outcome of a fair hearing if you request the fair hearing:

- (a) On or before the effective date of an action; or
- (b) No more than ten days after the department sends you a notice of adverse action.

PROPOSED

"Adverse action" means an action to reduce or terminate your WCCC, or to set up a protective payee to receive your WCCC warrant for you.

(2) If you lose the fair hearing, any WCCC you use between the date of the adverse action and the date of the fair hearing or fair hearing decision is an overpayment to you, the consumer.

**NEW SECTION**

**WAC 388-290-1400 When does the department collect overpayments?** (1) In areas not covered by this section, WCCC consumers are subject to chapter 388-410 WAC (Benefit errors).

(2) When setting up an overpayment, we reduce the WCCC overpayment by the amount of the WCCC underpayment when applicable.

(3) We set up WCCC overpayments for child care providers to pay back, regardless of whether you are a current or past WCCC consumer, if:

(a) The amount we overpay is more than one hundred dollars; and

(b) Your child(ren) attend child care when not authorized by the department to do so;

(c) A member of a different overpaid family later becomes a member of your family;

(d) Cost of recovery does not exceed the overpayment amount;

(e) You:

(i) Do not report a change of circumstance within ten days under WAC 388-290-1050; and

(ii) Use WCCC during a period of time when you would otherwise have been ineligible or eligible for a smaller amount of care; or

(f) You knowingly fail to give the department information that affects the amount of WCCC you are eligible for.

(4) We recover WCCC overpayments from child care providers, if:

(a) The amount we overpay is more than one-hundred dollars;

(b) The provider receives payment for WCCC services not provided; or

(c) We pay the provider more than the cost of providing WCCC under chapter 388-15 WAC; and

(d) The cost of recovery does not exceed the overpayment amount.

(5) We set up overpayments starting the date that:

(a) You use WCCC when not authorized by the department to do so; or

(b) The child care provider provides care when not authorized by the department to do so.

(6) Recovery of overpayments cannot force a change in your child care arrangements.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 388-290-020	Subsidized child care—Definitions.
WAC 388-290-025	Subsidy units and copayments.
WAC 388-290-030	Responsibilities for the department, the consumer, and the provider under the subsidized child care program.
WAC 388-290-035	Providers eligible for payment under the subsidized child care program.
WAC 388-290-050	Eligible children and consumers under the subsidized child care program.
WAC 388-290-055	Payment for subsidized child care.
WAC 388-290-060	Adequate notice requirements and effective dates.
WAC 388-290-070	Self-employment and subsidized child care.
WAC 388-290-080	Subsidized child care—Fair hearings.
WAC 388-290-090	Subsidized child care—Income eligibility, copayments rates, and when to calculate copayments.
WAC 388-290-105	Subsidized child care—Overpayments.

**WSR 99-09-043  
PROPOSED RULES  
DEPARTMENT OF LICENSING**

[Filed April 16, 1999, 3:56 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-24-007.

Title of Rule: Certificate of title—Motor vehicles, etc.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01.110, 46.12.101.

Summary: Amending WAC 308-56A-300 Application for certificate of ownership for abandoned vehicles, 308-56A-305 Law enforcement sale, 308-56A-310 Personal property lien—Chattel, landlord, 308-56A-315 Name change, 308-56A-320 Transfer by court order, 308-56A-325 Owner incompetent, and 308-56A-330 Owner bankrupt.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

PROPOSED

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, 902-4045.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 303, 1125 Washington Street S.E., Olympia, WA 98507, on May 25, 1999, at 10:00.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by May 24, 1999, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by May 24, 1999.

Date of Intended Adoption: June 19, 1999.

April 16, 1999

Deborah McCurley

Acting Administrator

Title and Registration Services

AMENDATORY SECTION (Amending Order TL/RG/36, filed 10/9/87)

WAC 308-56A-300 Application for ((title)) certificate of ownership for abandoned vehicles. ((An application for title for any abandoned vehicle, as defined in RCW 46.55.010(1), sold by a registered tow truck operator, as defined in RCW 46.55.010(6), must be accompanied by a copy of the properly completed abandoned vehicle report - affidavit of sale submitted and processed in accordance with RCW 46.55.130 (2)(h).)) What ownership document does the department require to issue a certificate of ownership for a vehicle which has been abandoned? A properly completed, department required, abandoned vehicle report - affidavit of sale form, as provided in chapter 46.55 RCW.

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-305 ((Sheriff's)) Law enforcement sale. ((1) An application for title for a vehicle sold by a sheriff pursuant to Washington state law transfers only the interests of the person shown on the bill of sale, or if the former

owner is not shown, only the interests of the registered owner of record, and shall be accompanied by:

(a) The sheriff's bill of sale; and

(b) A copy of the court order directing the sale, if any.

~~(2) The vehicle must be titled in the name of the purchaser shown on the bill of sale.)~~ (1) What ownership document does the department require to issue a certificate of ownership for a vehicle which has been purchased at a sheriff sale? The department requires, in addition to other documents required by law:

(a) The current certificate of ownership, if it is available; and

(b) A bill of sale from the sheriff to the purchaser stating that the vehicle was sold in accordance with chapter 63.32, 63.35 or 63.40 RCW; or

(c) A copy of an order from any district or superior court of any county of this state authorizing the sheriff to sell the vehicle.

(2) Does the sale of a vehicle at a sheriff sale remove any previous security interest? Yes, security interests are released upon the sale of a vehicle at a sheriff sale.

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-310 Personal property lien—Chattel landlord. ((The application for title for any vehicle sold under a personal property lien shall transfer only the registered owner's interest and shall be accompanied by the seller's bill of sale and

(1) Court decree directing sale; or

(2) Affidavit from the seller

(a) In a form approved by the department, and

(b) A statement explaining how the lien was acquired supported by documentation satisfactory to the department.))

(1) What documents does the department require to issue a certificate of ownership for a vehicle which has been processed through the chattel lien procedure? The department requires, in addition to other documents required by law:

(a) A copy of a court order; or

(b) An affidavit of sale chattel/landlord lien form provided or approved by the department.

If there is a lienholder, we require a release of interest from the lienholder. If no release of interest is obtained the lien will be shown on the new certificate of ownership.

(2) When does the department require a court order to issue a certificate of ownership as a result of a chattel lien? A court order is required when:

(a) The vehicle is no longer in the possession of the person/business who is claiming the chattel/landlord lien; or

(b) Someone other than the owner requested the services.

(3) What documents does the department require to issue a certificate of ownership for a vehicle, which has been processed through the landlord lien procedure? The department requires, in addition to other documents required by law:

(a) A copy of a court order; or

PROPOSED

(b) An affidavit of sale chattel/landlord lien form provided or approved by the department.

(4) When does the department require a court order to issue a certificate of ownership as a result of a landlord lien? A court order is required when:

(a) The vehicle is no longer in the possession of the person/business who is claiming the landlord lien; or

(b) There is more than one lien claimed against the vehicle.

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-315 Name change. ((On any application for reissue of title where the name of the registered owner has been changed by court action, a certified copy of the court order authorizing the name change shall be attached to the application-)) What documentation does the department require to change my name shown on the certificate of ownership? In addition to other documents required by law the department requires:

(1) A court order if the name was changed by a court order; or

(2) An affidavit signed by you stating:

(a) Your previous and current names; and

(b) The reason for the name change; and

(c) That the purpose of the name change is not to defraud creditors.

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-320 Transfer by court order. ((Any application for certificate of title, where a change of legal or registered owner of a vehicle is the result of the order of a court, shall be accompanied by a certified copy of the order or a certification from the clerk of court on a department approved form confirming the court's action. If the last issued certificate of title is not attached to the application, an affidavit of lost or destroyed title or an affidavit explaining the non-availability of the title document shall also be attached to the application-)) (1) What does the department require if ownership of a vehicle is awarded by court order? In addition to other documents required by law, the department requires:

(a) A copy of the Washington state court order, or certification from the clerk of court confirming the courts action, for vehicles titled in Washington state;

(b) A copy of the foreign court order if a vehicle for which ownership was most recently established is in the same jurisdiction as the court action;

(c) The court order to be filed in accordance with RCW 6.36.025 if the court order and vehicle certificate of ownership are not from the same jurisdiction;

(d) In lieu of (b) and (c) of this subsection, the owner of a vehicle may obtain a certificate of ownership in their name from a foreign jurisdiction.

(2) What information needs to be on the court order for the department to accept it? The department requires at minimum, the court order to contain:

(a) The name of the person to whom the property is awarded;

(b) A description of the vehicle(s) awarded, including the vehicle identification number or Washington license plate, if available;

(c) Validation that the court order has been filed;

(d) An indication that the court order is the final judgment of the court in this matter; and

(e) A signature of an authorized representative of the court.

(3) Does the department require all pages of the final court order? No, the department requires only copies of pages of the final court order containing:

(a) The information listed in subsection (2) of this section; and

(b) If the court order identifies any collateral agreements, those portions of the collateral agreement identifying the vehicle and its disposition, the first page and the signature page of that collateral agreement; and

(c) The page of the order actually signed by the judge/commissioner.

(4) Does the copy of the court order need to be certified? The copy of the court order does not need to be certified.

(5) What does the department require if the court order does not describe the vehicle by vehicle identification number or Washington license plate number? The department requires a certified or notarized statement from the owner describing the vehicle in the court order by year, make and VIN.

(6) Does the court order remove the security interest recorded on the current certificate of ownership? Unless specifically directed to do so in the court order, the department will not remove a security interest from a certificate of ownership. The security interest will not be transferred to the new owner. The new owner may:

(a) Negotiate with a secured party to obtain either a release of interest or a new security agreement; or

(b) Petition the original court that issued the order, or higher court, to have the matter of the secured interest resolved.

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-325 Owner incompetent. ((On any application for certificate of title where the former owner of record of the vehicle has been declared legally incompetent, the incompetent's interest in the vehicle shall be released by signature of the court appointed guardian. A certified copy of the court order appointing the guardian shall be attached to the application-)) (1) How is the interest of a person who has been declared incompetent recorded on the certificate of ownership issued by the department? The department will record on the certificate of ownership the name of the court appointed guardian(s) followed by the designation GDN and the name of the estate of the person declared incompetent. Example: John Doe GDN, Estate of Mary Smith.

**(2) What documentation does the department require to show guardianship has been appointed for a person who has been declared incompetent? The department requires a copy of an order from any district or superior court of competent jurisdiction.**

**(3) Who releases interest on a vehicle ownership document if the owner is declared incompetent? Only the court appointed guardian may release interest in a vehicle owned by an individual who has been declared incompetent. The release of interest must be accompanied by a copy of the court order appointing the guardian if guardianship is not recorded on the current certificate of ownership.**

**AMENDATORY SECTION** (Amending Order MV 208, filed 7/31/74)

**WAC 308-56A-330 Owner bankrupt.** (~~On any application for certificate of title where the prior owner's interest has been terminated through bankruptcy proceedings, the interest of the bankrupt in the vehicle may be released by his/her trustee. If the release is by his/her trustee, a certified copy of the court order appointing the trustee shall be attached to the application.~~) **Who releases interest in a vehicle when an owner has been declared bankrupt? The owner or a trustee appointed by the court has the authority to release interest on a vehicle certificate of ownership when the owner has been declared bankrupt. The release of interest shall be accompanied by a copy of the court order appointing the trustee.**

**WSR 99-09-044**

**PROPOSED RULES**

**DEPARTMENT OF LICENSING**

[Filed April 16, 1999, 3:58 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-07-080.

Title of Rule: Chapter 308-57 WAC, Motor vehicle excise tax.

Purpose: The rule will assist in the implementation of motor vehicle excise tax credit authorized under RCW 82.44.022.

Statutory Authority for Adoption: RCW 46.12.225 and 46.01.110.

Statute Being Implemented: RCW 88.44.022.

Summary: WAC 308-57-500 Personal use motor vehicle excise tax credit—Qualifications.

Reasons Supporting Proposal: Rule making as a result of Referendum 49.

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, 902-4045.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule implements the requirements of RCW

88.42.022. It clarifies what personal use vehicles qualify and how the credit applies.

The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 303, 1125 Washington Street S.E., Olympia, WA 98507, on May 27, 1999, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by May 26, 1999, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by May 26, 1999.

Date of Intended Adoption: June 19, 1999.

April 16, 1999

Deborah McCurley

Acting Administrator

Title and Registration Services

#### **NEW SECTION**

**WAC 308-57-500 Personal use motor vehicle excise tax credit—Qualifications.** (1) **When will I receive my motor vehicle excise tax credit?** You will receive motor vehicle excise tax credit whenever you pay motor vehicle excise tax for your personal use motor vehicle. The excise tax credit applies to registrations that are due or become due July 1, 1999, or after as authorized by chapter 82.44 RCW.

(2) **What is a personal-use motor vehicle?** For the purposes of this section a personal-use motor vehicle is one which is:

(a) Registered to an individual(s) rather than a business; and

(b) Registered with a passenger (PAS), motorcycle (CYC) or truck (TRK) use class. The scale weight of the truck may not exceed six thousand pounds.

(3) **What is the amount of motor vehicle excise tax credit?** The maximum credit is thirty dollars and applies to motor vehicle excise tax authorized by chapter 82.44 RCW only.

(4) **What amount of credit do I receive if my motor vehicle excise tax is less than thirty dollars?** If the motor vehicle excise tax assessed for your vehicle is less than thirty dollars, you will receive a credit equal to the amount of motor vehicle excise tax due.

(5) **May the thirty dollar motor vehicle excise tax credit be applied to any other fees or taxes collected at the time of registration?** No, the thirty dollar motor vehicle excise tax credit does not apply toward any other fees or taxes

collected at the time of vehicle registration. The credit cannot be applied to taxes or fees such as regional transit authority taxes, sales or use taxes, gross weight fees, etc.

(6) **If I am exempt from payment of motor vehicle excise tax, will I receive a thirty dollar motor vehicle excise tax credit?** No, if you are exempt from motor vehicle excise tax, you will not receive a motor vehicle excise tax credit.

(7) **If the registration period for my vehicle is for more or less than twelve months, is the thirty dollar credit adjusted accordingly?** No, the up to thirty dollar motor vehicle excise tax credit is a fixed amount applied when motor vehicle excise tax is paid or a registration period regardless of the number of months your personal use vehicle is registered.

**WSR 99-09-050**  
**PROPOSED RULES**  
**COMMISSION ON**  
**JUDICIAL CONDUCT**  
[Filed April 19, 1999, 1:06 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Commission on Judicial Conduct rules of procedure (CJCRP).

Purpose: To amend and clarify existing rules of procedure and confidentiality, and to add a new rule for compliance proceedings.

Statutory Authority for Adoption: Article IV, Section 31, Washington State Constitution.

Statute Being Implemented: Chapter 2.64 RCW and Article IV, Section 31, Washington State Constitution.

Summary: The proposed action would modify existing rules of procedure and would create a new section for post-decision proceedings before the commission.

Reasons Supporting Proposal: The commission is directed to provide for rules of procedure and for confidentiality.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Akana, P.O. Box 1817, Olympia, WA 98507, (360) 753-4585.

Name of Proponent: Commission on Judicial Conduct, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The new rule and amendments to existing rules clarify procedures used in proceedings before the commission.

Proposal Changes the Following Existing Rules: The amendments to existing rules would be clarified in proceedings before the commission.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business impact statement is required for this proposal by chapter 19.85 RCW. The rules are procedural in nature.

RCW 34.05.328 does not apply to this rule adoption. The action would amend or adopt procedural rules.

Hearing Location: The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, on August 6, 1999, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Kathy Sullivan by July 30, 1999, TDD (360) 753-4585.

Submit Written Comments to: Commission on Judicial Conduct, P.O. Box 1817, Olympia, WA 98507, fax (360) 586-2918, by July 21, 1999.

Date of Intended Adoption: August 6, 1999.

April 19, 1999

David Akana

Executive Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 99-11 issue of the Register.

**WSR 99-09-057**  
**PROPOSED RULES**  
**PUBLIC DISCLOSURE COMMISSION**  
[Filed April 19, 1999, 2:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-058.

Title of Rule: WAC 390-14-055 Record request form.

Purpose: Designate a specific form for requesting public records from the Public Disclosure Commission.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.260.

Summary: Repeal the designation of a specific form for requesting public documents.

Reasons Supporting Proposal: Since the Public Disclosure Commission accepts records requests by telephone, facsimile, electronic mail and in-person, there is no need for a specific form for this purpose.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Given the variety of ways in which the public may request documents from the Public Disclosure Commission, there is no need for a formal records request form. The proposed rule-making action will eliminate an unnecessary rule.

Proposal Changes the Following Existing Rules: Although the proposal will repeal an existing rule, in practice, the public will not be impacted by this change.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Alloway, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999

Vicki Rippie  
Assistant Director

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 390-14-055                      Record request form.

**WSR 99-09-058**

**PROPOSED RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed April 19, 1999, 2:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-060.

Title of Rule: WAC 390-14-105 List of elected public officials—Responsibility for developing.

Purpose: This rule designates the commission's executive director as the person responsible for maintaining the list of elected public officials.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.180.

Summary: Repeal the designation as the executive director as the person responsible for creating this document.

Reasons Supporting Proposal: The executive director is the Public Disclosure Commission staff person responsible for the day-to-day operation of the agency. Another rule, WAC 390-14-100 requires that the agency produce the list of elected public officials. WAC 390-14-105 is not necessary.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The Public Disclosure Commission is required to produce a list that assists lobbyist employers and other persons in filing reports required by RCW 42.17.180. It is not necessary to specify in rule which staff person is responsible for the list's production. Repeal of this rule will not impact persons subject to RCW 42.17.180 or the public.

Proposal Changes the Following Existing Rules: The proposal repeals a rule that is no longer warranted.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Alloway, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999

Vicki Rippie  
Assistant Director

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 390-14-105                      List of elected public officials—Responsibility for developing.

**WSR 99-09-059**

**PROPOSED RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed April 19, 1999, 2:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-067.

Title of Rule: WAC 390-20-023 Contributions to candidates, elected officials, political committees, or public office fund—Identification of source.

Purpose: Assist campaigns in obtaining accurate information about the source of contributions received from lobbyists.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.120.

Summary: Repeals the rule that requires lobbyists who are acting as an agent for another person when they make a

**PROPOSED**

campaign contribution to inform the contribution's recipient of its true source.

Reasons Supporting Proposal: Rule is no longer necessary.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Initiative 134 prohibits a person being reimbursed for a contribution. Therefore, if a lobbyist employer wants to make a monetary contribution to a candidate or political committee, that lobbyist employer must issue a check or other written instrument, rather than having his or her lobbyist issue a check to the campaign and then reimbursing the lobbyist for this contribution. Since monetary contributions must be from the actual source of the contribution, WAC 390-20-023 is no longer necessary.

The proposed repeal will not have any effect because lobbyists and lobbyist employers have been aware of the ban on reimbursements of contributions for a number of years.

Proposal Changes the Following Existing Rules: The existing rule would be repealed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Alloway, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999  
Vicki Rippie  
Assistant Director

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-20-023	Contributions to candidates, elected officials, political committees, or public office fund—Identification of source.
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WSR 99-09-060

PROPOSED RULES

## PUBLIC DISCLOSURE COMMISSION

[Filed April 19, 1999, 2:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-068.

Title of Rule: WAC 390-20-100 Effect of Public Disclosure Act—Freedom of communication—Employer interference.

Purpose: Assure members of the public that their right to communicate with state officials would not be restricted by the implementation of the disclosure law.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.150 through 42.17.180.

Summary: Repeals WAC 390-20-100.

Reasons Supporting Proposal: This rule was originally adopted to address a public concern that no longer appears to exist.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: In 1973, when the initiative establishing the public disclosure law was being implemented, there was considerable concern that the lobbyist reporting provisions of the new statute might be construed as abridging in some way the public's right to communicate with governmental officials. WAC 390-20-100 was adopted to address that concern. It is likely that the public's anxiety has disintegrated over the years.

The elimination of this rule will have no impact on the public's ability to communicate with elected officials.

Proposal Changes the Following Existing Rules: The existing rule would be repealed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Alloway, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999  
Vicki Rippie  
Assistant Director

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-20-100      Effect of Public Disclosure Act—Freedom of communication—Employer interference.

### **WSR 99-09-061**

#### **PROPOSED RULES**

### **PUBLIC DISCLOSURE COMMISSION**

[Filed April 19, 1999, 2:42 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-069.

Title of Rule: WAC 390-20-115 Forms for report of legislative activity by legislators and legislative staff.

Purpose: Implement a statutory requirement that legislators and committees of the legislature file quarterly reports identifying employees who assist in the preparation of legislation.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.190(1).

Summary: Repeals WAC 390-20-115.

Reasons Supporting Proposal: Statutory language requiring these reports was eliminated in 1995.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 397, Laws of 1995, removed the requirement that legislators and committees of the legislature file reports identifying employees who assist in the preparation of legislation. WAC 390-20-115 created the L-4 form to implement this section of law. Although the Public Disclosure Commission has not enforced this requirement or distributed the form since 1995, the rule needs to be formally repealed.

Proposal Changes the Following Existing Rules: The existing rule would be repealed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Alloyd, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999  
Vicki Rippie  
Assistant Director

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-20-115      Forms for report of legislative activity by legislators and legislative committees.

### **WSR 99-09-062**

#### **PROPOSED RULES**

### **PUBLIC DISCLOSURE COMMISSION**

[Filed April 19, 1999, 2:45 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-050.

Title of Rule: WAC 390-12-255 Petitions for rule making, amendment or repeal—Form—Consideration—Disposition.

Purpose: Establish a formal process for the public to petition the Public Disclosure Commission for rule making.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 34.05.330.

Summary: The proposed rule amends existing language.

Reasons Supporting Proposal: The amendment implements the uniform procedure and format adopted by the Office of Financial Management.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will have little, if any, effect on

PROPOSED

the public. It simply substitutes the statutorily mandated rule-making procedure and format adopted by the Office of Financial Management (OFM) for the one that had been used by the commission. The two procedures are not that dissimilar.

Proposal Changes the Following Existing Rules: The proposal formally implements the OFM procedure and format for rule-making petitions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Alloway, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112 by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999

Vicki Rippie

Assistant Director

**AMENDATORY SECTION** (Amending WSR 90-16-083, filed 7/31/90, effective 8/31/90)

**WAC 390-12-255 Petitions for rule making, amendment or repeal—Form—Consideration—Disposition.**

~~((+)) Any person may submit a petition requesting the ((promulgation)) adoption, amendment or repeal of any rule by the commission, pursuant to RCW 34.05.330 and the uniform rules adopted by the office of financial management that are set forth in chapter 82-05 WAC.~~

~~((2) The petition for rule making should contain a draft of any proposed rule and any argument in favor of its adoption, but no particular form is necessary.~~

~~(3) The commission will consider the petition at its next regular meeting after its submission. The petitioner shall be given notice of the time of that meeting.~~

~~(4) Within 60 days after its submission, the commission shall advise the petitioner that the petition has been denied, giving its reasons in detail, or initiate rule making proceedings under RCW 34.05.330.)~~

WSR 99-09-063

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed April 19, 1999, 2:46 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-051.

Title of Rule: WAC 390-14-015 Public records officer.

Purpose: Specifies the responsibilities of the commission's public records officer.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.250 through 42.17.320.

Summary: The proposed amendment identifies the commission's executive director as its public records officer.

Reasons Supporting Proposal: The proposed amendment gives additional guidance to the public.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment is technical and simply specifies that the commission's executive director is its public records officer.

Proposal Changes the Following Existing Rules: The proposal adds language indicating that the commission's executive director is the public records officer.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Alloway, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112 by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999

Vicki Rippie

Assistant Director

**AMENDATORY SECTION** (Amending Order 85-03, filed 7/9/85)

**WAC 390-14-015 Public records officer.** The ~~executive director is the~~ commission's public records officer (~~who is located in the administrative office of the commission~~). The public records officer is responsible for implementing the commission's administrative rules (~~and regulations~~) regarding release of public records, coordinating the staff of the commission in this regard, and insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

PROPOSED

**WSR 99-09-064****PROPOSED RULES****PUBLIC DISCLOSURE COMMISSION**

[Filed April 19, 1999, 2:47 p.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-052.

Title of Rule: WAC 390-14-020 Hours for records inspection and copying.

Purpose: Specifies the hours during which the public may examine and copy public records maintained by the agency.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.280.

Summary: The proposed amendment specifies the office hours during which public records are available to the public.

Reasons Supporting Proposal: The proposed amendment gives more precise information to the public.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment states that public records will be available for inspection and copying weekdays, excluding state holidays, between 8:00 a.m. and 5:00 p.m. This proposal does not represent a change from current practice.

Proposal Changes the Following Existing Rules: The proposed amendment expressly states the agency's office hours.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Alloway, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112 by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999

Vicki Rippie  
Assistant Director

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

**WAC 390-14-020 Hours for records inspection and copying.** Public records shall be available for inspection and copying (~~during the customary office hours of the commission~~) weekdays, excluding legal holidays, between 8:00 a.m. and 5:00 p.m.

**WSR 99-09-065****PROPOSED RULES****PUBLIC DISCLOSURE COMMISSION**

[Filed April 19, 1999, 2:47 p.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-053.

Title of Rule: WAC 390-14-025 Requests for public records.

Purpose: Indicates the manner in which members of the public may submit public records requests.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.290.

Summary: The proposed amendment specifies that public records requests may be submitted in person or by letter, telephone or electronic means.

Reasons Supporting Proposal: The language of the proposed amendment is clearer than the current rule and emphasizes that the commission is committed to providing full public access to public records.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment recognizes changes that have been made to RCW 42.17.290 since the rule was last amended in 1985. The proposed amendment adds language indicating that public records may be requested electronically. The amendment is technical rather than substantive in nature.

Proposal Changes the Following Existing Rules: The proposed amendment rewrites current language to make it more understandable. The new language is intended to assure persons requesting public documents or assistance in locating public documents that they will receive quality service.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as

PROPOSED

being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Allo-way, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112 by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999

Vicki Rippie  
Assistant Director

**AMENDATORY SECTION** (Amending Order 85-03, filed 7/9/85)

**WAC 390-14-025 Requests for public records.** (1) In accordance with requirements of chapter 42.17 RCW that agencies (~~((present) [prevent] unreasonable invasions of privacy))~~ provide full public access to public records, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, requests to inspect or copy public records may be (~~((inspected or copied by requesting))~~) made in person, by letter, (~~((or))~~) by telephone (~~((the desired record(s)))~~) or by electronic means.

The commission office is located at 711 Capitol Way, Suite 403, Olympia, Washington. The mailing address is: Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908. Telephone number: (360) 753-1111. Fac-simile number: (360) 753-1112. Electronic mail: pdc@pdc.wa.gov.

(2) (~~((In all cases in which))~~) Whenever a member of the public (~~((is making a request, it shall be the obligation of the public records officer or))~~) requests assistance, the staff member to whom the request is made (~~((to))~~) shall assist the member of the public in (~~((appropriately))~~) identifying the appropriate public record (~~((requested))~~).

### WSR 99-09-066

#### PROPOSED RULES

### PUBLIC DISCLOSURE COMMISSION

[Filed April 19, 1999, 2:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-054.

Title of Rule: WAC 390-14-030 Copying of public records.

Purpose: Specifies the amounts the agency will charge for copies of public records.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.300.

Summary: The amendment adds language indicating the cost to the public for obtaining public records on diskette or CD ROM. The cost of paper copies and microfiche film remain the same.

Reasons Supporting Proposal: The proposed amendment gives additional guidance to the public.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment indicates that obtaining copies of public documents on paper costs ten cents per page, on microfiche costs twenty-five cents per film, on diskette costs twenty cents per diskette and on CD ROM costs \$2.00.

Proposal Changes the Following Existing Rules: The proposed amendment adds language specifying the cost to the public of obtaining records in various forms.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Allo-way, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112 by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999

Vicki Rippie  
Assistant Director

**AMENDATORY SECTION** (Amending Order 85-03, filed 7/9/85)

**WAC 390-14-030 Copying of public records.** No fee shall be charged for the inspection of public records. The commission shall charge a fee of:

- Ten cents per page (~~((of copy))~~) for (~~((providing))~~) paper copies of public records maintained on paper (~~((A fee of))~~) or electronically;

- Twenty-five cents per film (~~((shall be charged))~~) for copies of public records maintained on microfiche;

- Twenty cents per diskette for copies of electronically maintained public records; and

- Two dollars per CD ROM for copies of electronically maintained public records.

The commission shall charge persons who use agency equipment to make paper copies from microfiche ten cents per page. These charges are the amounts necessary to reimburse the commission for its actual costs incident to (~~((such))~~)

copying, including the use of the commission's ((copy)) equipment. Charges will not be assessed if the total cost involved in a particular request is less than one dollar.

**WSR 99-09-067**

**PROPOSED RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed April 19, 1999, 2:49 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 99-06-055.

Title of Rule: WAC 390-14-035 Exempting records from public inspection.

Purpose: Specifies when information is to be deleted from records prior to public release.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.310 and 42.17.320.

Summary: The proposed amendment brings WAC 390-14-035 into full compliance with the statutes that it implements.

Reasons Supporting Proposal: Updates the rule to reflect statutory changes.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The public records provisions of chapter 42.17 RCW have been amended over the years to provide specific exemptions from disclosure. Currently, WAC 390-14-035 includes general language regarding when the agency's public records officer is to redact information from documents before making them public. The proposed amendment removes this general language and says that redaction will occur if information in the document is exempt from disclosure pursuant to RCW 42.17.310 or elsewhere in the public disclosure law. Since the law has always been the controlling document, this proposed change will no impact the public.

Proposal Changes the Following Existing Rules: The change is technical rather than substantive.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Allo-way, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112 by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999

Vicki Rippie

Assistant Director

**AMENDATORY SECTION** (Amending Order 85-03, filed 7/9/85)

**WAC 390-14-035 Exempting records from public inspection.** (1) The public records officer shall delete information ~~((the disclosure of which would violate personal privacy or endanger vital government interests from any record prior to permitting public inspection or copying))~~ from any record prior to permitting public inspection or copying if the information is exempt from disclosure according to RCW 42.17.310 or another section of chapter 42.17 RCW. After such data is deleted, the remainder of the record shall be made available.

(2) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

**WSR 99-09-068**

**PROPOSED RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed April 19, 1999, 2:50 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 99-06-056.

Title of Rule: WAC 390-14-040 Review of denials of public records requests.

Purpose: Establish an internal review process in the event a requester is denied access to information maintained by the agency.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 43.17.320.

Summary: Outlines the steps the Public Disclosure Commission must take if a person who was denied access to information requests internal review of that denial.

Reasons Supporting Proposal: The proposed amendment gives additional guidance to the public.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

PROPOSED

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule assures the public that if a person is denied access to information by Public Disclosure Commission staff, that person may request the chair of the Public Disclosure Commission to review the denial. The proposed amendment does not alter this purpose. The amendment does specify that the chair may affirm or reverse the denial in whole or in part and references the statutory section which the rule implements.

Proposal Changes the Following Existing Rules: The changes make technical adjustments to the rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Alloway, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112 by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999

Vicki Rippie

Assistant Director

**AMENDATORY SECTION** (Amending WSR 94-05-010, filed 2/3/94, effective 3/6/94)

**WAC 390-14-040 Internal review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition the commission chair for prompt review of such decision by tendering a written request for review to the public records officer. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer (~~or other staff member denying the request~~) shall refer it to the chair of the commission. The chair shall immediately consider the matter and either affirm or reverse, in whole or in part, such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial in accordance with RCW 42.17.320.

WSR 99-09-069

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed April 19, 1999, 2:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-057.

Title of Rule: WAC 390-14-045 Records index.

Purpose: Establish and implement a system of indexing public records.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.260.

Summary: The amendment specifies the hours during which the public may examine and copy the agency's indexes and requires more frequent updating of indexes.

Reasons Supporting Proposal: The proposed amendment gives additional information to the public.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule identifies the records that must be indexed as well as what information is to be included in an index. The proposed amendment states that the indexes will be updated quarterly, rather than annually, and provides that the indexes are available for inspection and copying weekdays, excluding legal state holidays, between the hours of 8:00 a.m. and 5:00 p.m.

Proposal Changes the Following Existing Rules: The only substantive change mandates that indexes of the Public Disclosure Commission records be updated quarterly. The current rule calls for annual updates.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Alloway, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999

Vicki Rippie

Assistant Director

**AMENDATORY SECTION** (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

**WAC 390-14-045 Records index.** (1) The commission has established and implemented a system of indexing for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the commission has maintained an index.

(b) Final adjudicative orders and declaratory orders issued after June 30, 1990, that contain an analysis or decision of substantial importance to the commission in carrying out its duties.

(c) Interpretive and policy statements that were ~~(entered)~~ issued after June 30, 1990.

(2) Final and declaratory orders shall be evaluated by the executive director or executive director's designee. Those orders which are determined to have substantial importance shall be ~~(included in the index)~~ indexed.

(3) Final orders shall be indexed by the name of the person against whom the order was issued~~(;)~~ and by citation to the law involved.

(4) Declaratory orders shall be indexed by number, subject matter, phrase describing the issue or holding~~(, or by a)~~ and citation to the law involved.

(5) Interpretive statements and policy statements shall be indexed by number and subject matter~~(, topic, calendar year, or a combination of these, as appropriate)~~.

(6) The ~~(index is)~~ indexes are available for public inspection and copying ~~(during regular business hours)~~ weekdays, excluding legal holidays, between 8:00 a.m. and 5:00 p.m. at the Public Disclosure Commission, ~~(403 Evergreen Plaza)~~ 711 Capitol Way, Suite 403, Olympia, Washington 98504-0908.

(7) The indexes shall be ~~(kept current and)~~ updated ~~(annually)~~ quarterly.

#### WSR 99-09-070

#### PROPOSED RULES

#### PUBLIC DISCLOSURE COMMISSION

[Filed April 19, 1999, 2:52 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-059.

Title of Rule: WAC 390-14-100 List of elected public officials.

Purpose: Assist lobbyist employers and other persons who file disclosure reports under RCW 42.17.180.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.180.

Summary: The proposed amendment requires that the list of elected officials be prepared annually by January 15.

Reasons Supporting Proposal: The proposed amendment provides a date certain by which the list will be prepared.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure

Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule requires the Public Disclosure Commission annually to publish a list of elected public officials in order to assist lobbyist employers and others filing pursuant to RCW 42.17.180 to disclose whether they paid compensation to state elected officials, successful candidates for state office, their family members or businesses with which officials or candidates (or their family members) held an ownership interest or directorship or other office.

The list identifies elected officials, successful candidates for state office, their family members and the entities in which they reported having an ownership interest or held a directorship or other office.

The proposed changes will have no impact on the public other than giving a date certain by which the list will be prepared.

Proposal Changes the Following Existing Rules: The proposed changes are technical.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Alloway, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112 by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999

Vicki Rippie

Assistant Director

**AMENDATORY SECTION** (Amending Order 85-03, filed 7/9/85)

**WAC 390-14-100 List of elected public officials.** (1) The public disclosure commission shall prepare~~(, collate and make available for public distribution)~~ a list of all state elected officials of the state of Washington. The list shall be ~~(published by the commission and)~~ updated annually by January 15.

(2) ~~(In addition,)~~ The list shall contain the names of those entities ~~(which)~~ that are reported by ~~(those)~~ state elected officials and successful candidates for state office pursuant to RCW 42.17.241 (1)(g).

~~((3) This list shall contain the most recent information on file with the commission as of February 1 each year.)~~

**WSR 99-09-071**  
**PROPOSED RULES**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed April 19, 1999, 2:54 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 99-06-061.

Title of Rule: WAC 390-14-110 List of elected public officials—Name not on list, impact.

Purpose: Assist lobbyist employers and other persons who file disclosure reports under RCW 42.17.180.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.180.

Summary: The proposed amendment rewrites the rule for clarity and updates it to include all persons who file under RCW 42.17.180.

Reasons Supporting Proposal: The rule will be more easily understood by the public and persons subject to RCW 42.17.180.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: By law, lobbyist employers and other filers must report compensation paid to state elected officials, successful candidates for state office, their family members and corporations and other entities with which these individuals are involved. This list prepared by the commission identifies each state official and successful candidate for state office, their family members and the entities in which they reported having an ownership interest or held directorship or other office.

The rule says that the commission will consider it a manifestly unreasonable hardship for lobbyist employers and other filers to report compensation paid to the recipients listed above if these recipients are not shown on the list prepared by the Public Disclosure Commission and the lobbyist employer or other filer does not have actual knowledge of the compensation being paid.

The proposed amendment does not change the intent or effect of the rule. Primarily, it is being rewritten for clarity.

Proposal Changes the Following Existing Rules: The rule is being rewritten for clarity and to reference all persons who file under RCW 42.17.180, not just lobbyist employers.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Alloway, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112 by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999

Vicki Rippie  
 Assistant Director

AMENDATORY SECTION (Amending Order 80-05, filed 5/2/80)

**WAC 390-14-110 List of elected public officials—Name not on list, impact.** (1) The commission has as part of its authority the power to suspend or modify reporting requirements of chapter 42.17 RCW, if it finds after hearing that literal application of the act would work a ~~((manifest))~~ manifestly unreasonable hardship ~~((:))~~ and ~~((if it finds that))~~ suspension or modification will not frustrate the purposes of the act.

~~((2))~~ ~~((Upon a hearing of this nature, the commission shall presume the reporting of the name of any elected official as required by the act to be an unreasonable hardship, if the name of that elected official does not appear on the list compiled pursuant to this chapter.~~

~~((3))~~ The commission shall presume it is a manifestly unreasonable hardship for a lobbyist employer or other person filing pursuant to RCW 42.17.180 to report the compensation paid to a state elected official, a successful candidate for state office, an immediate family member of a state elected official or successful candidate for state office, or a corporation, partnership, joint venture, association, union or other entity in which ~~((a state elected official or member of his immediate family))~~ one of these individuals holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more, if:

(a) The name of such official, candidate, family member ~~or~~ entity does not appear on the most recent list of state elected officials ~~((published))~~ prepared by the commission pursuant to WAC 390-14-100; and

(b) The lobbyist employer or other filer does not have actual knowledge of ~~((such))~~ compensation being paid to such official, candidate, family member or entity.

**WSR 99-09-072**

**PROPOSED RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed April 19, 1999, 2:56 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 99-06-062.

Title of Rule: WAC 390-17-030 Sample ballots.

PROPOSED

Purpose: Defines the term "sample ballots" for purposes of RCW 42.17.640 (14)(a).

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.640(14).

Summary: The proposed amendment deletes the existing definition of sample ballots and substitutes language that is consistent with the approach taken by the Federal Election Commission for federal elections.

Reasons Supporting Proposal: The proposed amendment implements a definition of sample ballots that is more consistent with the intent of Initiative 134 and more workable for political parties and other persons who produce candidate slate cards for distribution to voters.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment strikes the current language of WAC 390-17-030 and substitutes language that conforms with the Public Disclosure Commission Interpretation 98-01 regarding slate cards and other candidate listings. Under that interpretation, the term "sample ballots" includes slate cards and other candidate listings, so long as the slate cards and listings satisfy certain criteria. Those criteria are consistent with the ones used by the Federal Election Commission.

RCW 42.17.640 (14)(a) says that expenditures and contributions earmarked for sample ballots are exempt from the contribution limits of Initiative 134. The commission has interpreted this statute to mean that anyone who makes expenditures for sample ballots is not making a contribution to the candidates listed on the sample ballot and that political parties may use their exempt funds account (their state soft money account) to pay for sample ballots.

Proposal Changes the Following Existing Rules: The proposed amendment gives a broader meaning to the term "sample ballots" used in RCW 42.17.640 (14)(a) and, thus, allows political parties and other sponsors of slate cards that meet certain criteria to tell the general public which candidates they support without those slate card expenditures constituting a contribution to the candidates listed. The exemption is not intended as a device for circumventing the contribution limits and full reporting requirements by allowing any significant degree of campaigning on behalf of candidates.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Alloway, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112 by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999

Vicki Rippie

Assistant Director

**AMENDATORY SECTION** (Amending WSR 96-05-001, filed 2/7/96, effective 3/9/96)

**WAC 390-17-030 Sample ballots and slate cards.** (1) ~~((Sample ballot, as that term is used in RCW 42.17.640 (14)(a), means a printed list that includes a majority of all of the partisan offices on the ballot and that also may include ballot measures and nonpartisan races to be voted on at a particular primary, general or special election; all without promotion of or political advertising for specifically named individual candidates.~~

~~(2) A sample ballot shall not indicate the sponsor's preference for any specific candidate or candidates listed on the ballot.~~

~~(3) A sample ballot may contain a list of candidates, limited to the identification of the candidates (pictures may be used), the office or position currently held, the elective office sought and the party affiliation, as long as the same category of information is given for all candidates listed. The list shall not include additional biographical data on candidates, their positions on political issues or statements on party philosophy.~~

~~(4) A sample ballot which meets the above criteria is not considered a contribution to any of the candidates listed in the ballot.)~~ **Intent.** The commission finds that, under certain conditions, expenditures for slate cards and other candidate listings fall within the parameters of RCW 42.17.640 (14)(a) and are, therefore, exempt from contribution limits and eligible for payment with a bona fide political party's exempt funds. Slate cards remain reportable under chapter 42.17 RCW and subject to the political advertising provisions of the law.

The purpose of this exemption from the contribution limits is to allow political parties and other sponsors to tell the general public which candidates they support. The exemption is not intended as a device to circumvent the contribution limits and full reporting requirements by undertaking any degree of significant campaigning on behalf of candidates.

(2) For purposes of RCW 42.17.640 (14)(a), "sample ballots" means slate cards, or other candidate listings, that satisfy the qualifying criteria specified in subsection (10) of this section.

(3) Sample ballots constitute political advertising for a slate or list of candidates and must be properly identified and otherwise in compliance with the political advertising provisions, RCW 42.17.505 through 42.17.550.

PROPOSED

(4)(a) A bona fide political party may use contributions it receives pursuant to RCW 42.17.640(14) to design, print and distribute sample ballots.

(b) Expenditures for sample ballots do not count against a bona fide political party's contribution limit to the candidates listed on the sample ballot. Further, when reporting sample ballot expenditures, a bona fide political party is not required to attribute a portion of the expenditure to each of the candidates listed on the sample ballot, but the names of the candidates must be reported along with the other information required by chapter 42.17 RCW and chapter 390-17 WAC.

(5) Any person, as defined by RCW 42.17.020, who makes an expenditure for sample ballots has made an expenditure that does not count against that person's contribution limit to the candidates listed.

(6) An in-state political committee, when disclosing expenditures for sample ballots as part of its C-4 report, is not required to attribute a portion of the expenditure to the candidates listed on the sample ballot, but the names of the candidates and their respective party affiliations must be reported along with other information required by chapter 42.17 RCW and chapter 390-17 WAC.

(7) An out-of-state or federal committee, when disclosing expenditures for sample ballots on a C-5 report, is not required to allocate a portion of the expenditure to the candidates listed on the sample ballot, but must report that an expenditure for sample ballots was made, the name and address of the person to whom the expenditure was made, the full amount of the expenditure, and the name, office sought and party affiliation of each candidate listed on the sample ballot. The report is due within ten days of the date the sample ballot is received by recipients.

(8) If a lobbyist or lobbyist employer makes expenditures for sample ballots, those expenditures are required to be reported in detail on the lobbyist's monthly L-2 report. Itemization of these expenditures must include the names and respective party affiliations of the candidates listed on the sample ballot, but no portion of the expenditure need be allocated to individual candidates listed on the sample ballot.

(9) The candidates listed on a sample ballot are not required to report any portion of the expenditure as an in-kind contribution to their campaigns.

(10) Qualifying criteria for sample ballots, slate cards and other candidate listings. In order not to count against a person's contribution limit to the candidates listed on a sample ballot and, in the case of a bona fide political party, in order to be eligible for payment with contributions received pursuant to RCW 42.17.640(14), a sample ballot must satisfy all of the criteria in (a) through (d) of this subsection.

(a) The sample ballot must list the names of at least three candidates for election to public office in Washington state. That is, identify any combination of three or more candidates, whether the candidates are seeking federal, state or local office in Washington.

(b) The sample ballot must not be distributed through public political advertising; for example, through broadcast media, newspapers, magazines, billboards or the like. The sample ballot may be distributed through direct mail, elec-

tronic mail, Web sites, electronic bulletin boards, electronic billboards or personal delivery by volunteers.

(c) The content of a sample ballot is limited to:

• The identification of each candidate (pictures may be used);

• The office or position currently held;

• The office sought;

• Party affiliation; and

• Information about voting hours and locations.

Therefore, the sample ballot must exclude any additional biographical data on candidates and their positions on issues as well as statements about the sponsor's philosophy, goals or accomplishments. The list must also exclude any statements, check marks or other indications showing support of or opposition to ballot propositions.

(d) The sample ballot is a stand-alone political advertisement. It must not be a portion of a more comprehensive message or combined in the same mailing or packet with any other information, including get-out-the-vote material, candidate brochures, or statements about the sponsor's philosophy, goals or accomplishments. On Web sites, electronic bulletin boards or electronic billboards, the sample ballot must be separate from other documents or information available at the site.

## WSR 99-09-073

### PROPOSED RULES

#### PUBLIC DISCLOSURE COMMISSION

[Filed April 19, 1999, 2:57 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-063.

Title of Rule: WAC 390-18-020 Political advertising—Political party identification.

Purpose: Assist sponsors of political advertising.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.510.

Summary: The proposed amendment rewrites the rule to make it more easily understood.

Reasons Supporting Proposal: The proposed amendment provides better guidance to the public.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the rule is to help sponsors of political advertising comply with the statutory requirement that ads regarding candidates for partisan office identify the candidate's political party. The rule obligates the commission to adopt a list of abbreviations or symbols that clearly identify

PROPOSED

political party status. The proposed amendment rewrites the rules for clarity.

**Proposal Changes the Following Existing Rules:** The proposed changes make the rule clearer without altering its effect.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

**Hearing Location:** Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

**Assistance for Persons with Disabilities:** Jennifer Alloway, 753-1111.

**Submit Written Comments to:** Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112 by May 12, 1999.

**Date of Intended Adoption:** May 25, 1999.

April 16, 1999

Vicki Rippie

Assistant Director

**AMENDATORY SECTION** (Amending WSR 93-16-064, filed 7/30/93, effective 8/30/93)

**WAC 390-18-020 Political advertising—Political party identification.** According to RCW 42.17.510, sponsors of political advertising supporting or opposing a candidate for partisan office must clearly identify the candidate's political party in the advertising. To assist sponsors in complying with this requirement, the commission shall publish a ((suggested)) list of abbreviations or symbols ((which may be used by candidates and political committees which the commission finds will)) that clearly identify political party affiliation. These abbreviations may be used by sponsors of political advertising to identify a candidate's political party.

**WSR 99-09-074**

**PROPOSED RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed April 19, 1999, 2:59 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-064.

**Title of Rule:** WAC 390-18-050 Commercial advertisers—Public inspection of records.

**Purpose:** Assist commercial advertisers in complying with the law.

**Statutory Authority for Adoption:** RCW 42.17.370(1).

**Statute Being Implemented:** RCW 42.17.110.

**Summary:** The proposed amendment rewrites the rule to make it more easily understood.

**Reasons Supporting Proposal:** The proposed amendment provides better guidance to commercial advertisers and the public.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and **Enforcement:** Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

**Name of Proponent:** Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

**Explanation of Rule, its Purpose, and Anticipated Effects:** The rule implements RCW 42.17.110 by clarifying what types of records commercial advertisers must make available for public inspection. The proposed amendment provides clearer guidance.

**Proposal Changes the Following Existing Rules:** The changes are stylistic rather than substantive.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

**Hearing Location:** Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

**Assistance for Persons with Disabilities:** Jennifer Alloway, 753-1111.

**Submit Written Comments to:** Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112 by May 12, 1999.

**Date of Intended Adoption:** May 25, 1999.

April 16, 1999

Vicki Rippie

Assistant Director

**AMENDATORY SECTION** (Amending WSR 93-04-072, filed 1/29/93, effective 3/1/93)

**WAC 390-18-050 Commercial advertisers—Public inspection of records.** (1) Pursuant to RCW 42.17.110, any person, without reference to or permission from the public disclosure commission, is entitled to inspect the political advertising records of a commercial advertiser.

(2) No commercial advertiser shall be required to make available for public inspection information regarding political advertising prior to the time when the advertisement has initially received public distribution or broadcast.

(3) The documents and books of account ~~((which)) that must be maintained open for public inspection pursuant to RCW 42.17.110 (1)((a), (b) and (e) shall at a minimum include the following information))~~ are:

(a) The name of the candidate or ballot measure supported or opposed;

PROPOSED

(b) The name and address of the person who sponsored the advertising;

(c) The total cost of the advertising, how much of that amount has been paid, who made the payment, when it was paid, and ~~((how))~~ what method of payment was ((made)) used; and

(d) Date(s) ~~((the services of))~~ the commercial advertiser ~~((was))~~ rendered~~((;))~~

~~((e) RCW 42.17.110 (1)(e) requires the maintenance of records which show the exact nature and extent of services rendered. Sufficient information describing))~~ service.

(4) In addition to subsection (3) of this section and pursuant to RCW 42.17.110 (1)(b), the documents and books of account open for public inspection must include a description of the major work components or tasks ((which)), as specified in (a) through (f) of this subsection, that were required to provide the advertising services ((satisfies this requirement; examples of which include, but are not limited to, the following:)).

~~((i))~~ (a) For printers, reproducers and ((similar print commercial advertisers)) other persons who provide commercial duplicating services: Quantity ((of)) of items, ((amount of space,)) item description, design, layout, typesetting, photography, printing, silk screening, ((bindery;)) binding.

~~((ii))~~ (b) For mailing services: Quantity of items mailed, ((bindery or)) binding, stuffing, labeling, list or directory services, postage or delivery((;)).

~~((iii))~~ (c) For broadcast media: Time ((of)) and number of spot advertisements. If the broadcaster provides additional services such as copy writing, talent, production, and tape reproduction, some type of record or notation evidencing the additional service ~~((should))~~ must be available.

~~((iv))~~ (d) For billboard or sign companies: Number and location of signs, design, printing and art work, erection/removal costs((;)).

~~((v))~~ (e) For specialty or novelty commercial advertisers: Quantity of items provided, silk screening, design, printing and art work((;)).

~~((vi))~~ (f) For newspapers and other print media: Amount of advertising space and ~~((frequency that advertisement is run))~~ dates of publication. If the advertiser provides additional services such as design or layout, some type of record evidencing such additional services ~~((should))~~ must be available.

### WSR 99-09-075

#### PROPOSED RULES

### PUBLIC DISCLOSURE COMMISSION

[Filed April 19, 1999, 3:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-065.

Title of Rule: WAC 390-20-014 Registration during last calendar quarter of the biennial registration period.

Purpose: Assist lobbyists in complying with the lobbyist registration provisions of the disclosure law.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.150.

Summary: The proposed amendment would automatically carry forward a lobbyist's registration to an upcoming session of the legislature when a lobbyist registers during the last calendar quarter of an even-numbered year.

Reasons Supporting Proposal: The proposed amendment eliminates duplication of registration for those small number of lobbyists who register late in an even-numbered year.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Currently, WAC 390-20-014 requires a lobbyist who registers during the last calendar quarter of an even-numbered year to notify the Public Disclosure Commission in writing if the lobbyist wants this registration to carry forward to the next two-year period. The proposed amendment would automatically make these registrations valid for the upcoming two-year legislative session unless the registrations are terminated sooner. Only a small number of lobbyists would be affected, since most lobbyists register in January of odd-numbered years.

Proposal Changes the Following Existing Rules: The proposed amendment eliminates the need for some lobbyists to notify the Public Disclosure Commission in writing that they wish their lobbyist registrations to be in effect for the upcoming two-year legislative session.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Alloway, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112 by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999

Vicki Rippie

Assistant Director

PROPOSED

AMENDATORY SECTION (Amending Order 87-02, filed 3/25/87)

**WAC 390-20-014 Registration during last calendar quarter of the biennial registration period.** (1) The registration of a lobbyist who registers during the last calendar quarter of an even-numbered year (~~may request in writing that the registration be~~) is valid until the second Monday of January three years hence, unless it is terminated or suspended before that day.

(2) The lobbyist (~~will be~~) is required to file monthly expense reports (PDC Form L-2) for each month in which he(~~f~~) or she is registered, even if no reportable lobbying expenditures are made.

(3) The lobbyist employer shall file the employer's report (PDC Form L-3) for each calendar year or portion thereof in which a lobbyist is registered.

**WSR 99-09-076**

**PROPOSED RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed April 19, 1999, 3:02 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 99-06-066.

Title of Rule: WAC 390-20-015 Lobbyist registration—Termination.

Purpose: Establish a process for terminating lobbyist registrations.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.150.

Summary: The proposed amendment clarifies when a lobbyist may terminate his or her registration and makes the language of the rule gender neutral.

Reasons Supporting Proposal: The proposed amendment provides clearer guidance to lobbyists and the public.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 390-20-015 indicates when a registered lobbyist is eligible to terminate his or her registration. Currently, the rule says termination may occur when a lobbyist intends to cease lobbying activity. The proposed amendment modifies this language to when the lobbyist actually stops lobbying and is no longer being compensated for lobbying.

The termination process set out in the existing rule is not changed by the proposed amendment.

Proposal Changes the Following Existing Rules: The proposed amendment makes the language of the rule gender neutral and specifies that a lobbyist may terminate his or her

registration and cease filing lobbying reports with the Public Disclosure Commission when the lobbyist is no longer lobbying or being compensated to lobby.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room #2, John A. Cherberg Building, First Floor, 304 15th Avenue, Capitol Campus, Olympia, WA, on May 25, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Jennifer Allovay, 753-1111.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112 by May 12, 1999.

Date of Intended Adoption: May 25, 1999.

April 16, 1999

Vicki Rippie

Assistant Director

PROPOSED

AMENDATORY SECTION (Amending Order 85-05, filed 11/26/85)

**WAC 390-20-015 Lobbyists registration—Termination.** A lobbyist who (~~intends to~~) ceases lobbying activity may terminate his or her registration at any time by filing with the commission a signed statement, consistent with RCW 42.17.150(3), indicating (~~his intention to terminate any further activity as a lobbyist or by so indicating~~) that he or she is not lobbying or being compensated to lobby. This notice of termination may be provided on an L-2 report for the month (~~that~~) in which termination has taken place. A lobbyist who terminates (~~such~~) his or her registration shall file (~~any~~) all reports required (~~under the lobbyist reporting provisions~~) by chapter 42.17 RCW for the period during which he or she was registered as a lobbyist. The employer of (~~any such~~) a lobbyist who terminates his or her registration shall not be relieved of any duty to file the reports otherwise required by chapter 42.17 RCW (~~(42.17.180)~~).

**WSR 99-09-078**

**PROPOSED RULES**

**FOREST PRACTICES BOARD**

[Filed April 20, 1999, 8:53 a.m.]

Continuance of WSR 98-21-015.

Preproposal statement of inquiry was filed as WSR 98-16-099.

Title of Rule: Amendments to forest practices rules, Title 222 WAC.

Purpose: Current forest practices rules are not providing adequate protection for salmon and other public resources. The Forest Practices Board and the Department of Natural Resources face many new resource protection challenges, the

most significant of which are the current and proposed listings of salmonids under the federal Endangered Species Act (ESA) and water quality-limited waters under the federal Clean Water Act (CWA).

At its September 22, 1998, [meeting] the Forest Practices Board approved the following goals for this rule package:

1. To provide compliance with the Endangered Species Act for aquatic and riparian-dependent species;
2. To restore and maintain riparian habitat on state and private forest lands to support a harvestable supply of fish;
3. To meet the requirements of the Clean Water Act for water quality on state and private forest lands; and
4. To keep the timber industry economically viable in Washington.

The Forest Practices Board is conducting rule making on a comprehensive package of new and revised rules. Timber, Fish and Wildlife (TFW) participants have been negotiating some of the issues covered by this proposal, but have not yet reached consensus. Should a consensus be reached during this rule-making process, the proposal may be modified to include their recommendation as an alternative.

Statutory Authority for Adoption: Chapter 35.05 [34.05] RCW, RCW 76.09.040, [76.09.]050.

Statute Being Implemented: Chapter 76.09 RCW.

Summary: Modify forest practices rules (Title 222 WAC) to incorporate new public resource protection requirements. Categories of rules include riparian protection for fish-bearing and nonfish-bearing streams; water typing; wetlands; Class IV-Special; SEPA guidance; application procedures; roads; slope stability; forest chemicals; enforcement; monitoring; adaptive management; and watershed analysis.

Citation of existing rules amended by this order: WAC 222-08-035 Continuing review of forest practices rules, 222-12-045 Adaptive management, 222-12-090 Forest practices board manual, 222-16-010 General definitions, 222-16-030 Water typing system, 222-16-050 Classes of forest practices, 222-20-010 Applications and notifications—Policy, 222-20-020 Application time limits, 222-20-070 Emergency forest practices plan, 222-22-010 Policy-watershed analysis, 222-22-030 Qualification of analysts, 222-22-040 Watershed prioritization, 222-22-050 Level 1 watershed assessment, 222-22-060 Level 2 watershed assessment, 222-22-070 Prescription recommendation, 222-22-090 Use and review, 222-24-010 Policy-road construction, 222-24-020 Road location and design, 222-24-030 Road construction, 222-24-035 Landing location and construction, 222-24-040 Water crossing structures, 222-24-050 Road maintenance, 222-24-060 Rock quarries, etc., 222-30-010 Policy-timber harvesting, 222-30-020 Harvest unit planning and design, 222-30-070 Tractor and wheeled skidding systems, 222-38-020 Handling, storage, and aerial application of pesticides, 222-38-030 Handling, storage, and aerial application of fertilizers, 222-46-060 Civil penalties, and 222-46-065 Base penalty schedule.

New sections added: WAC 222-10-020 SEPA policies for certain forest practices within 200 feet of a Type S water, 222-10-030 Class IV-Special construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas or timber harvest on unstable landforms or slide prone areas SEPA policies, 222-12-044 Cooperative opportunities, 222-20-015 Multi-year permits, 222-22-035 Watershed

screening, 222-22-065 Review of assessments, 222-22-075 Monitoring, 222-22-076 Restoration, and 222-46-055 Compensation for resource damages.

See rule text for sections marked \* indicating coadoption by the Department of Ecology.

Reasons Supporting Proposal: Modifications to rules are needed to better protect Washington's public resources. See Purpose above.

Name of Agency Personnel Responsible for Drafting: Judith Holter, 1111 Washington Street S.E., Olympia, WA 98504-7012, (360) 902-1412; Implementation and Enforcement: Catherine Elliott, 1111 Washington Street S.E., Olympia, WA 98504-7012, (360) 902-1041.

Name of Proponent: Forest Practices Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule:

- Revises the water typing system used to identify fish-bearing and nonfish-bearing streams so that more adequate protection is provided for fish habitat.
- Provides a five-year forest practices permit for landowners who have completed watershed analysis or who have submitted an application for a road maintenance and abandonment plan that will take longer than two years to implement.
- Adds shorelines of the state to the Class IV-Special list and gives SEPA guidance for the applicant to follow.
- Expands the Class IV-Special SEPA trigger for unstable slopes, gives SEPA guidance, and adds twenty-four definitions related to unstable slopes.
- Revises riparian management zone requirements for eastern and western Washington, and includes options for possible buffer widths.
- Presents options for variable buffer widths for aerial application of pesticides and adds best management practices to the Forest Practices Board manual.
- Adds best management practices related to roads to the FPB manual; revises requirements for road location and design, relief drainage structures, water crossing structures, and road maintenance and abandonment.
- Makes watershed analysis a more public process; allows DNR to write the prescriptions if the prescription team does not reach consensus; requires a prescription monitoring plan.
- Enables DNR to develop a schedule of penalties for compensation of resource damages where there has been material damage to public resources; adds a base penalty of \$10,000 for operating without an approved forest practices permit.
- Expands adaptive management requirements by formally establishing the cooperative monitoring, evaluation, and research (CMER) committee of TFW and charging them with implementing adaptive management based on scientific findings; encour-

ages cooperative opportunities for working with the board.

tion of public resources while maintaining a viable forest products industry.

The anticipated effects for these rules include improved water quality and fish habitat, as well as better overall protec-

Proposal Changes the Following Existing Rules:

Rule Category	WAC 222	Current Rules - No Change Alternative	Initial Draft Alternative - Summary of Additions and Revisions
Adaptive Management	08-035, 12-044, 12-045		Expands adaptive management by spelling out CMER's reporting responsibilities and its relationship to the board. Adds a new section on cooperative opportunities.
FPB Manual	12-090		Adds guidelines for roads, aerial applications of pesticides, channel disturbance zones.
Definitions	16-010		Adds thirty-six definitions: Twenty-four for unstable slopes; others for roads, RMZ, pesticides.
Water Typing	16-030	Types 1 through 5 waters	New water typing system provides three categories: S=shorelines; F=fish-habitat waters; N=nonfish-habitat waters; fish habitat is defined.
Class IV-Special & SEPA Guidance	16-050, 10-020, 10-030	9 categories listed for Class IV-Special designation	Adds certain fp operations w/in two hundred feet of a Type S water to the IV-Special list; changes how roads and harvesting on unstable slopes are triggered - focuses on high and moderate hazard areas; new SEPA guidance sections written for shorelines and unstable slopes.
Applications: Multi-year Permits	20-015, 20-020, 20-010, 20-070	Permits are valid for two years	Five year permit option for landowners within a completed watershed analysis; multi-year permit provided for road maintenance and abandonment plans. Name of operator and notice to the department required to begin forest practices operations. Plan for emergency forest practices required with road maintenance plan.
Watershed Analysis	22-010 to 22-076	Process and requirements for watershed analysis are prescribed	New sections for watershed screening (WAC 222-22-035), review of assessments (WAC 222-22-065), monitoring (WAC 222-22-075) and restoration (WAC 222-22-076). Revisions include making watershed analysis a public process; authorizing the department to write prescriptions if the prescription team takes longer than the thirty days provided; adds a cross reference to multi-year permits.
Roads	24-010 to 24-060	Road plans required upon dept. request	Adds mandatory road maintenance and abandonment plan requirements; revises road design and water crossing sections; adapts road information to new water typing system; provides HPA requirements for nonfish-habitat waters; outcome-based standards clarified. No roads are allowed through bogs and wetlands policy in relation to roads is clarified: No net loss of wetland functions and mitigation sequence is given; BMPs to be written for FPB manual.
Riparian Management Zones	30-010, 30-020, 30-070	W. Wash: 25' to 100' E. Wash: 30'-300' + leave tree requirements	Revises riparian management zone requirements (RMZs) on fish-habitat waters: W. Wash: 100' no-harvest; SPTH 10-40 trees/acre; management w/in 100' alternate plan E. Wash: 100' no-harvest buffer/SPTH; management w/in 100' for fire, disease as altern. plan Revises RMZs on nonfish-habitat waters that are perennial:

PROPOSED

PROPOSED

Rule Category	WAC 222	Current Rules - No Change Alternative	Initial Draft Alternative - Summary of Additions and Revisions
			<p><u>Option 1</u> - 500' no harvest above fish-habitat type changes sensitive sites provisions 50% shade — stream length 30' equipment limitation zone everywhere else, including seasonal streams</p> <p>OR: <u>Option 2</u> - 2/3 SPTH on perennial Ns 1/2 SPTH on seasonal Ns</p>
Pesticides	38-020 38-030	50' buffers	Three buffer options provided for aerial application of pesticides: Two hundred fifty feet; fifty to three hundred twenty-five feet, fifty feet for Type N; technical details to be placed in FPB manual.
Enforcement	46-055, 46-060, 46-065		Increases civil penalty for operating without permit; adds compensation requirement for resource damage assessment; eliminates one step of remission/mitigation for civil penalties.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

The small business economic impact statement was filed with the original notice on October 12, 1999[1998], and published in issue 98-23.

A copy of the statement may be obtained by writing to Forest Practices Board Recording Secretary, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 90504[98504]-7012, phone (360) 902-1413, fax (360) 902-1789, e-mail forest.practices-board@wadnr.gov.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Some of the sections proposed are significant legislative rules.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on November 9, 1999, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Forest Practices Board Secretary, (360) 902-1413, by November 1, 1999, TTY (360) 902-1125.

Submit Written Comments to: Judith Holter, Department of Natural Resources, Forest Practices Division, fax (360) 902-1789, by November 9, 1999.

Date of Intended Adoption: November 10, 1999.

March 31, 1999

Jennifer M. Belcher

Commissioner of Public Lands

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 99-11 issue of the Register.

**WSR 99-09-081**

**WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

(By the Code Reviser's Office)

[Filed April 20, 1999, 11:15 a.m.]

WAC 296-125-0212, 296-125-0630 and 296-125-0725, proposed by the Department of Labor and Industries in WSR 98-20-093 appearing in issue 98-20 of the State Register, which was distributed on October 21, 1998, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

**WSR 99-09-084**

**PROPOSED RULES  
COUNTY ROAD  
ADMINISTRATION BOARD**

[Filed April 20, 1999, 3:58 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Title 136 WAC.

Purpose: Amend WAC 136-130-050.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Summary: Revision to WAC 136-130-050, the rural arterial program.

Name of Agency Personnel Responsible for Drafting and Implementation: Karen Pendleton, Olympia, 753-5989; and Enforcement: Jay Weber, Olympia, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

**Explanation of Rule, its Purpose, and Anticipated Effects:** This amendment will revise the rural arterial program.

**Proposal Changes the Following Existing Rules:** Amends Title 136 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption.

**Hearing Location:** Pend Oreille County Public Works, P.O. Box 5040, Newport, WA 99156, on July 8, 1999, at 1:00 p.m.

**Assistance for Persons with Disabilities:** Contact Karen Pendleton by June 30, 1999, TDD 1-800-833-6384, or (360) 753-5989.

**Submit Written Comments to:** Karen Pendleton, fax (360) 586-0386, by June 30, 1999.

**Date of Intended Adoption:** July 8, 1999.

April 19, 1999

Jay Weber

Executive Director

**AMENDATORY SECTION** (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-130-050 Project prioritization in northeast region (NER).** Each county in the NER may submit projects requesting RATA funds not to exceed twenty-five percent of the NER biennial apportionment. Each project shall be rated in accordance with the NER RAP rating procedures. The NER biennial apportionment shall be divided into the following categories at the percentages shown, provided sufficient projects are submitted for prioritization in each category:

- Category 1 - Ten percent for bridge projects where RATA funds are used as a match for federal bridge replacement funds;
- Category 2 - Forty-five percent for reconstruction of rural collectors; and
- Category 3 - Forty-five percent for resurfacing, restoration, rehabilitation (3R) type projects on rural collectors.

In the event that no projects or an insufficient number of projects are submitted in any of the above categories to utilize the RATA funds set aside for the category, all remaining funds in that category or categories shall be divided among the remaining categories as the county road administration board deems appropriate. The intent is to divide all available funds into categories having a sufficient number of submitted projects to fully utilize the funds available at each allocation during the biennium.

Bridge projects may be submitted requesting RATA funds under one of the following conditions:

(1) Bridges must be approved for federal bridge replacement funding and RATA funds shall be used only as a match for such federal funding. Bridges will be ranked for RATA funding using the WSDOT priority list and may be added to

the NER Category 1 priority array at any time during the biennium upon approval of the Bridge for Federal Bridge replacement funding.

(2) A stand-alone bridge project may be submitted as an ordinary RAP project provided that its priority rating has been computed by the bridge rating method in the NER RAP rating procedures. Such projects shall not be considered for funding from the bridge reserve described above.

(3) A RAP project may include a bridge when the cost of the bridge does not exceed twenty percent of the total project cost.

NER RAP rating points for reconstruction projects, 3R projects or non-federal bridge replacement projects shall be assigned on the basis of one hundred points for a condition rating and fifty points for a service rating. The priority rating equals the sum of two and one half times the product of the service rating to the 1.25 power and the common logarithm of the number obtained by dividing one hundred by the condition rating. A total of ten points representing local significance may be added to one project included in each county's biennial submittal. A total of up to ten points representing missing links definition may also be added to one project included in each county's biennial submittal. Prioritization of NER projects shall be on the basis of total NER RAP rating points shown on the appropriate project worksheet and the prospectus form of the project application.

**WSR 99-09-087**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)

[Filed April 21, 1999, 9:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-083.

Title of Rule: WAC 388-550-4900 Disproportionate share payments, 388-550-5000 Payment method—LIDSH, 388-550-5100 Payment method—MIDSH, 388-550-5110 MI Public DSH (new section), 388-550-5120 MI Nonpublic DSH (new section), 388-550-5150 Payment method—GAU DSH, 388-550-5200 Payment method—SRHAPDSH, 388-550-5350 Payment method—CTHFPDSH, and 388-550-5400 Payment method—PHDDSH.

Purpose: To ensure that the department's rules reflect current policy and practice. To put into rule payment methodology for hospitals that receive medically indigent disproportionate share hospital payments. To comply with the Governor's Executive Order 97-02 which mandates that rules be reviewed for clarity, foundation in law, etc.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.730, 42 U.S.C. 1396r-4.

Statute Being Implemented: RCW 74.08.090 and [74.08.]730; 42 U.S.C. 1396r-4.

Summary: Codifies payment methodology for hospitals that receive medically indigent disproportionate share payments.

Reasons Supporting Proposal: To ensure that the department's rules reflect current policy and practice.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Richard Mueller, DOSS, 623 8th Avenue S.E., Olympia, WA 98501, (360) 586-7885.

Name of Proponent: Department of Social and Health Services, Medical Assistance Administration, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Puts into rule the payment methodology for hospitals that receive medically indigent disproportionate share payments. The purpose is to reduce low income disproportionate share (LIDSH) payments to more profitable hospitals, and increase LIDSH payments to less profitable hospitals. The anticipated effects are the same as the purpose.

Proposal Changes the Following Existing Rules: Amends the rules listed in Title of Rule above to add payment methodology for low income disproportionate share (LIDSH) payments and for medically indigent disproportionate share (MIDSH) payments to the state's disproportionate share payment program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed amendments and concludes that no new costs will be imposed on small businesses affected by the amended rules.

RCW 34.05.328 applies to this rule adoption. The rules meet the definition of a significant legislative rule and the department has prepared a cost-benefit analysis which can be obtained by contacting Richard Mueller.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on May 25, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by May 14, 1999, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by May 25, 1999.

Date of Intended Adoption: May 26, 1999.

April 19, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-4900 Disproportionate share payments.** (1) As required by section 1902 (a)(13)(A) of the Social Security Act, the ~~((department shall give))~~ medical assistance administration (MAA) gives consideration to hospitals which serve a disproportionate number of low-income ~~((patients))~~ clients with special needs by making a payment adjustment to eligible hospitals. ~~((The department shall deem))~~ MAA considers this adjustment a disproportionate share payment.

(2) ~~((The department shall deem))~~ MAA considers a hospital a disproportionate share hospital if both the following apply:

(a) The hospital's Medicaid inpatient utilization rate (MIPUR) ~~((as defined in WAC 388-550-1050))~~ is at least one standard deviation above the mean Medicaid inpatient utilization rate for hospitals receiving Medicaid payments in the state, or its low-income utilization rate (LIUR) ~~((as defined in WAC 388-550-1050))~~ exceeds twenty-five percent; and

(b) The hospital has at least two obstetricians who have staff privileges at the hospital and who have agreed to provide obstetric services to eligible individuals ~~((except that))~~. This requirement ((shall)) does not apply to a hospital:

(i) The inpatients of which are predominantly individuals under eighteen years of age; or

(ii) Which did not offer nonemergency obstetric services to the general public as of December 22, 1987, when section 1923 of the Social Security Act was enacted.

(3) For hospitals located in rural areas, "obstetrician" ~~((shall))~~ means any physician with staff privileges at the hospital to perform nonemergency obstetric procedures.

(4) ~~((The department))~~ MAA may ((define or deem)) consider a hospital a disproportionate share hospital if both of the following apply:

(a) The hospital has a ~~((Medicaid inpatient utilization rate-))~~ MIPUR ~~((of))~~ of not less than one percent; and

(b) The hospital meets the requirement of subsection ~~((e))~~ ~~((2))~~ ~~((b))~~ of this section.

(5) ~~((The department shall administer the following disproportionate share programs:~~

~~((a)))~~ MAA administers the low-income disproportionate share ((hospital;)) (LIDSH) program and may administer any of the:

~~((b)))~~ (a) Medically((-) indigent disproportionate share ((hospital)) (MIDSH);

(b) Medically-indigent public disproportionate share (MIPDSH);

(c) Medically-indigent nonpublic disproportionate share (MINPDSH);

(d) General assistance-unemployable disproportionate share ((hospital)) (GAUDSH);

~~((d)))~~ (e) Small rural hospital assistance program disproportionate share ((hospital)) (SRHAPDSH);

~~((e)))~~ (f) Teaching hospital assistance program disproportionate share ((hospital)) (THAPDSH);

~~((f)))~~ (g) State teaching hospital financing program disproportionate share ((hospital)) (STHFPDSH);

~~((g)))~~ (h) County teaching hospital financing program disproportionate share ((hospital)) (CTHFPDSH); and

~~((h)))~~ (i) Public hospital district disproportionate share ((hospital)) (PHDDSH).

(6) ~~((The department shall allow))~~ MAA allows a hospital to receive any one or all of the disproportionate share hospital (DSH) payment adjustments discussed in subsection (5) of this section ~~((if))~~ when the hospital:

(a) ~~((The hospital))~~ Applies to ((the department)) MAA; and

(b) Meets the eligibility requirements for the particular DSH payment program, as discussed in WAC 388-550-5000 through 388-550-5400.

(7) ~~((The department shall ensure))~~ MAA ensures each hospital's total DSH payments do not exceed the individual hospital's DSH limit, defined as:

(a) The cost to the hospital of providing services to Medicaid ~~((patients))~~ clients, including ~~((patients))~~ clients served under Medicaid managed care programs~~((:));~~

(b) Less the amount paid by the state under the non-DSH payment provision of the state plan~~((:));~~

(c) Plus the cost to the hospital of providing services to uninsured patients~~((:));~~ and

(d) Less any cash payments made by uninsured ~~((patients))~~ clients.

(8) ~~((a) The department's))~~ MAA's total annual DSH payments ~~((shall))~~ must not exceed the state's DSH allotment for the federal fiscal year.

~~((b))~~ If the DSH statewide allotment is exceeded, ~~((the department shall recoup))~~ MAA recoups overpayments from hospitals in the following program order:

~~((i) Public hospital district disproportionate share hospital))~~

(a) PHDDSH;

~~((ii) Teaching hospital assistance program disproportionate share hospital))~~

(b) THAPDSH;

~~((iii) County teaching hospital financing program disproportionate share hospital))~~

(c) CTHFPDSH;

~~((iv) State teaching hospital financing program disproportionate share hospital))~~

(d) STHFPDSH;

~~((v) Small rural hospital assistance program disproportionate share hospital))~~

(e) SRHAPDSH;

~~((vi) Medically indigent disproportionate share hospital))~~

(f) MIDSH;

~~((vii) General assistance unemployable disproportionate share hospital))~~

(g) MINPDSH; ~~((and~~

~~((viii) Low income disproportionate share hospital.~~

~~((9) The department shall make periodic DSH payments to eligible hospitals. The department shall have sole discretion regarding the timing of DSH payments))~~

(h) MIPDSH;

(i) GAUDSH; and

(j) LIDSH.

**AMENDATORY SECTION** (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-5000 Payment method—LIDSH.** (1) ~~((The department shall deem))~~ A hospital serving the department's clients is eligible for a low-income disproportionate share hospital (LIDSH) payment adjustment if the hospital meets the requirements of WAC 388-550-4900(2).

(2) ~~((The department shall pay))~~ MAA pays hospitals ~~((deemed))~~ considered eligible under the criteria in subsec-

tion (1) of this section ~~((DSH payment amounts which in)),~~ The total LIDSH payment amounts equal the funding set by the state's appropriations act for LIDSH. The amount ~~((appropriated))~~ that the state appropriates for LIDSH may vary from year to year.

(3) ~~((The department shall apportion))~~ MAA distributes LIDSH payments to individual hospitals as follows by:

(a) For each LIDSH-eligible hospital, ~~((the department shall determine))~~ determining the standardized Medicaid inpatient utilization rate (MIPUR). The MIPUR is standardized by dividing the hospital's MIPUR by the average MIPUR of all LIDSH-eligible hospitals~~((:));~~ then

(b) Multiplies the hospital's standardized MIPUR ~~((is multiplied))~~ by the hospital's most recent ~~((fiscal year))~~ case mix index, and then by the hospital's most recent fiscal year Title XIX admissions, and lastly by the hospital's profitability factor. MAA then multiplies the product ~~((is then multiplied))~~ by an initial random base amount~~((:));~~ then

(c) Compares the sum of all annual LIDSH ~~((payment so calculated for individual hospitals shall be added and compared))~~ payments to the appropriated amount. If the amounts differ, MAA progressively selects a new base amount ~~((shall be selected progressively))~~ by trial and error until the sum of the LIDSH payments to hospitals equals the appropriated amount.

**AMENDATORY SECTION** (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-5100 Payment method—MIDSH.** (1) ~~((The department shall deem))~~ MAA considers a hospital eligible for the medically indigent disproportionate share hospital (MIDSH) payment if the hospital:

(a) Meets the criteria in WAC 388-550-4900 (2)~~((e))~~(b) and (4);

(b) Is an in-state or border area hospital;

(c) Provides services to clients under the medically indigent program; and

(d) Has a low-income utilization rate of one percent or more.

(2) ~~((The department shall determine))~~ MAA determines the MIDSH payment for each eligible hospital in accordance with WAC 388-550-4800.

#### **NEW SECTION**

**WAC 388-550-5110 Payment method—MI public DSH.** (1) MAA considers a hospital eligible for the medically indigent public disproportionate share hospital (MIDSH) payment if the hospital:

(a) Meets the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) Is an in-state public hospital;

(c) Provides services to clients under the medically indigent program; and

(d) Has a low-income utilization rate of one percent or more.

(2) MAA determines the MI public DSH payment for each eligible hospital in accordance with WAC 388-550-4900.

NEW SECTION

**WAC 388-550-5120 Payment method—MI nonpublic DSH.** (1) MAA considers a hospital eligible for the medically indigent disproportionate share hospital (MIDSH) payment if the hospital:

- (a) Meets the criteria in WAC 388-550-4900 (2)(b) and (4);
- (b) Is an in-state nonpublic hospital;
- (c) Provides services to clients under the medically indigent program; and
- (d) Has a low-income utilization rate of one percent or more.

(2) MAA determines the MI nonpublic DSH payment for each eligible hospital in accordance with WAC 388-550-4900.

AMENDATORY SECTION (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-5150 Payment method—GAUDSH.**

(1) ~~((The department shall deem))~~ MAA considers a hospital eligible for the general assistance-unemployable disproportionate share hospital (GAUDSH) payment if the hospital:

- (a) Meets the criteria in WAC 388-550-4900 (2)~~((e))~~(b) and (4);
- (b) Is an in-state or border area hospital;
- (c) Provides services to clients under the medical care services program; and
- (d) Has a low-income utilization rate (LIUR) of one percent or more.

(2) ~~((The department shall determine))~~ MAA determines the GAUDSH payment for each eligible hospital in accordance with WAC 388-550-4800, except that the payment ~~((shall))~~ is not ~~((be))~~ reduced by the additional three percent specified in WAC 388-550-4800(4).

AMENDATORY SECTION (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-5200 Payment method—SRHAPDSH.** (1) ~~((The department shall deem))~~ MAA considers a hospital eligible for the small rural hospital assistance program disproportionate share hospital (SRHAPDSH) payment if the hospital:

- (a) Meets the criteria in WAC 388-550-4900 (2)~~((e))~~(b) and (4);
- (b) Is an in-state hospital;
- (c) Is a small, rural hospital, defined as a hospital with fewer than seventy-five licensed beds and located in a city or town with a nonstudent population of thirteen thousand or less; and
- (d) Provides at least one percent of its services to low-income patients in rural areas of the state.

(2)(a) ~~((The department shall pay))~~ MAA pays hospitals qualifying for SRHAPDSH payments from a legislatively appropriated pool.

(b) ~~((The department shall determine))~~ MAA determines each individual hospital's SRHAPDSH payment as follows: The total dollars in the pool will be multiplied by the percent-

age derived from dividing the Medicaid payments to the individual hospital during the fiscal year that is two years previous to the state fiscal year immediately preceded by the total Medicaid payments to all SRHAPDSH hospitals during the same hospital fiscal year.

(3) ~~((The department's))~~ MAA's SRHAPDSH payments to a hospital may not exceed one hundred percent of the projected cost of care for Medicaid clients and uninsured indigent patients. ~~((The department shall reallocate dollars not allocated because a hospital would otherwise exceed this ceiling to the remaining hospitals in the SRHAPDSH pool))~~ MAA reallocates dollars as defined in the state plan.

AMENDATORY SECTION (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-5250 Payment method—THAPDSH.**

(1) ~~((The department shall deem))~~ MAA considers a hospital eligible for the teaching hospital assistance program disproportionate share hospital (THAPDSH) program if the hospital:

- (a) Meets the criteria in WAC 388-550-4900 (2)~~((e))~~(b) and (4);
- (b) Is a Washington State University hospital; and
- (c) Has a Medicaid inpatient utilization rate (MIPUR) of twenty percent or more.

(2) ~~((The department shall fund))~~ MAA funds THAPDSH payments with legislatively appropriated monies. ~~((The department shall divide))~~ MAA divides the legislatively appropriated THAPDSH amount equally between qualifying hospitals.

AMENDATORY SECTION (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-5300 Payment method—STHFPDSH.**

(1) ~~((The department shall deem))~~ MAA considers a hospital eligible for the state teaching hospital financing program disproportionate share hospital (STHFPDSH) program if the hospital:

- (a) Meets the criteria in WAC 388-550-4900 (2)~~((e))~~(b) and (4);
- (b) Is a state-owned university or public corporation hospital (border area hospitals are excluded);
- (c) Provides a major medical teaching program, defined as a program in a hospital with more than one hundred residents and/or interns; and
- (d) Has a Medicaid inpatient utilization rate (MIPUR) of at least twenty percent.

(2) MAA:

(a) ~~((The department shall pay))~~ Pays hospitals deemed eligible under the criteria in subsection (1) of this section a STHFPDSH payment from the legislatively appropriated pool specifically designated for DSH payments to state and county teaching hospitals.

(b) ~~((The department shall limit))~~ Limits STHFPDSH payments to eligible hospitals to seventy percent of the legislatively appropriated pool for DSH payments to state and county teaching hospitals.

**AMENDATORY SECTION** (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-5350 Payment method—CTHFP-DSH.** (1) ~~((The department shall deem))~~ MAA considers a hospital eligible for the county teaching hospital financing program disproportionate share hospital (CTHFPDSH) payment if the hospital:

(a) Meets the criteria in WAC 388-550-4900 (2)~~((e))~~(b) and (4);

(b) Is a county hospital in Washington state (border area hospitals are excluded), so designated by the county in which located;

(c) Provides a major medical teaching program, defined as a program in a hospital with more than one hundred residents and/or interns; and

(d) Has a low-income utilization rate (LIUR) of at least twenty-five percent.

(2) MAA:

(a) ~~((The department shall pay))~~ Pays hospitals ~~((deemed))~~ considered eligible under the criteria in subsection (1) of this section a CTHFPDSH payment from the legislatively appropriated pool specifically designated for DSH payments to state and county teaching hospitals.

(b) ~~((The department shall limit))~~ Limits CTHFPDSH payments to eligible hospitals to thirty percent of the legislatively appropriated pool for DSH payments to state and county teaching hospitals.

**AMENDATORY SECTION** (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-5400 Payment method—PHDDSH.** (1) ~~((The department shall deem))~~ MAA considers a hospital eligible for the public hospital district disproportionate share hospital (PHDDSH) payment if the hospital:

(a) Meets the criteria in WAC 388-550-4900 (2)~~((e))~~(b) and (4);

(b) Is a public district hospital in Washington state or a border area hospital owned by a public corporation; and

(c) Provides at least one percent of its services to low-income patients.

(2) ~~((The department shall pay))~~ MAA pays hospitals ~~((deemed))~~ considered eligible under the criteria in subsection (1) of this section a PHDDSH payment amount from the legislatively appropriated PHDDSH pool.

**WSR 99-09-088**

**PROPOSED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed April 21, 1999, 9:55 a.m.]

**Purpose:** To comply with the Governor's Executive Order 97-02, which mandates that rules be reviewed for clarity, foundation in law, etc.

**Statutory Authority for Adoption:** RCW 74.08.090, 74.09.730, 42 U.S.C. 1395x(v), 42 C.F.R. 447.271, .11303, and .2652.

**Statute Being Implemented:** 42 C.F.R. 447.271, .11303, and .2652.

**Summary:** Clarifies certain defined terms and adds previously undefined terms used in rule.

**Reasons Supporting Proposal:** Clarifying and adding terms will help a person who reads the rule to understand the rule.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Larry Linn, DOSS, 623 8th Street S.E., Olympia, WA 98501, (360) 753-4338.

**Name of Proponent:** Department of Social and Health Services, Medical Assistance Administration, governmental.

**Rule is not necessitated by federal law, federal or state court decision.**

**Explanation of Rule, its Purpose, and Anticipated Effects:** The rule clarifies and adds certain terms to the definitions section of the hospital rules. The purpose and anticipated effect of doing this is to make it easier for a person who reads the rules to understand them.

**Proposal Changes the Following Existing Rules:** Amends the existing rule listed in Title of Rule above to add certain previously undefined terms used in rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has reviewed the proposed amendments and concludes that no new costs will be imposed on the small businesses affected by the amendments to the rule.

RCW 34.05.328 does not apply to this rule adoption. The rule does not fit the definition of a significant legislative rule.

**Hearing Location:** Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on June 8, 1999, at 10:00 a.m.

**Assistance for Persons with Disabilities:** Contact Paige Wall by May 25, 1999, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

**Submit Written Comments to:** Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by June 8, 1999.

**Date of Intended Adoption:** June 8, 1999.

April 20, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 99-10 issue of the Register.

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-087.

Title of Rule: WAC 388-550-1050 Hospital definitions.

**WSR 99-09-089**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed April 21, 1999, 9:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-086.

Title of Rule: WAC 388-550-6000 Payment—Outpatient hospital services.

Purpose: To comply with the Governor's Executive Order 97-02 which mandates that rules be reviewed for clarity, foundation in law, etc. To clarify department policy without changing policy.

Statutory Authority for Adoption: RCW 74.08.090, 42 U.S.C. 1395x(v), 42 C.F.R. 447.271, 42 C.F.R. 11303.

Statute Being Implemented: 42 U.S.C. 1395x(v), 42 C.F.R. 447.271, 42 C.F.R. 11303.

Summary: No substantive change has been made. The rule has been rewritten in order to clarify depart policy and comply with the Governor's Executive Order 97-02.

Reasons Supporting Proposal: To comply with the Governor's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Amy White, DOSS, 623 8th Avenue S.E., Olympia, WA 98501, (360) 586-2599.

Name of Proponent: Department of Social and Health Services, Medical Assistance Administration, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule lists department-covered outpatient hospital care and services, with limitations and requirements for payment. No effects from the rewording are anticipated.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No substantive change is being made to the rule, so there is no economic impact on small businesses.

RCW 34.05.328 applies to this rule adoption. This rule does meet the definition of a significant legislative rule and a cost benefit analysis has been prepared. To receive a copy contact Amy White, DOSS, 623 8th Avenue S.E., Olympia, WA 98501, (360) 586-2599.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on May 25, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by May 14, 1999, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by May 25, 1999.

Date of Intended Adoption: May 26, 1999.

April 19, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-06-046, filed 12/18/97[2/26/99], effective 1/18/98[3/29/99])

**WAC 388-550-6000 Payment—Outpatient hospital services.** (1)(a) Excluding nonallowable revenue codes and the services specified in subsection (2) below MAA determines allowable costs for hospital outpatient services (~~(excluding nonallowable revenue codes),~~) by the application of the hospital-specific outpatient ratio of costs to charges (RCC) (~~(except as specified in subsection (2) below)~~).

(b) MAA does not pay separately for ancillary hospital services which are included in the hospital's RCC reimbursement rate.

(2) MAA pays the lesser of billed charges or MAA's published maximum allowable fees for the following outpatient services:

- (a) Laboratory/pathology;
- (b) Radiology, diagnostic and therapeutic;
- (c) Nuclear medicine;
- (d) Computerized tomography scans, magnetic resonance imaging, and other imaging services;
- (e) Physical therapy;
- (f) Occupational therapy;
- (g) Speech/language therapy; and
- (h) Other hospital services as identified and published by the department.

(3) MAA is not responsible for payment of hospital care and/or services provided to a client enrolled in a MAA-contracted, prepaid medical plan when the client fails to use:

- (a) For a nonemergent condition, a hospital provider under contract with the plan;
- (b) In a bona fide emergent situation, a hospital provider under contract with the plan; or
- (c) The provider whom MAA has authorized to provide and receive payment for a service not covered by the prepaid plan, but covered under the client's medical assistance program.

(4) Providers or managed care entities that charge Medicare beneficiaries excess amounts are subject to sanctions as listed in 42 U.S.C. 1320A-7b (d)(1). These sanctions include a fine of up to twenty-five thousand dollars or imprisonment of up to five years, or both.

(5) MAA considers a hospital stay of twenty-four hours or less as an outpatient short stay. MAA does not pay an outpatient short stay under the ~~((diagnosis-related group))~~ DRG system except when it involves one of the following situations:

- (a) Death of a client;
  - (b) Obstetrical delivery;
  - (c) Initial care of a newborn; or
  - (d) Transfer of a client to another acute care hospital.
- ~~((5))~~ (6) MAA does not pay for patient room and ancillary services charges beyond the twenty-four period for outpatient stays.

~~((6))~~ (7) MAA does not cover short stay unit, emergency room facility ~~((charges))~~, and labor room charges in combination when ~~((the billed))~~ these billing periods overlap.

~~((7))~~ (8) MAA requires that the hospital's bill to the department shows the admitting, principal, and secondary

PROPOSED

diagnoses(~~(, and)~~). Include the attending physician's name and MAA provider number.

~~((8))~~ (9) Payments for trauma services may be enhanced per WAC 246-976-935.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

**WSR 99-09-090**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)

[Filed April 21, 1999, 9:57 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 388-550-4800 Hospital payment method—State only programs.

Purpose: Amend rule to reflect current policy and practice. Reorganize and consolidate sections and clarify language to meet the goals of the Governor's Executive Order 97-02, which mandates that rules be reviewed for clarity, foundation in law, etc.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.730, 42 U.S.C. 1395x(v) and 1396r-4, 42 C.F.R. 447.271, 2652, and 11303.

Statute Being Implemented: RCW 74.08.090, 74.09.730, 42 U.S.C. 1395x(v) and 1396r-4, 42 C.F.R. 447.271, 2652, and 11303.

Summary: Amending rule to reflect current policy and practice. Reorganizing and consolidating sections to eliminate duplication. Rewriting sections to clarify language.

Reasons Supporting Proposal: To comply with the Governor's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Alan McMullen, DOSS, 623 8th Avenue S.E., Olympia, WA 98501, (360) 586-6698.

Name of Proponent: Department of Social and Health Services, Medical Assistance Administration, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule states the payment methodology for hospitals participating in state-only funded medical assistance programs.

The purpose is to state the methodology clearly, consolidate certain sections that are repeated several times, and ensure that rule reflects current policy and practice.

The anticipated effect is to increase user understanding.

Proposal Changes the Following Existing Rules: Amends rules listed in Title of Rule above to reflect current policy and clarify payment methodology.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rules and concludes that no new costs will be imposed on small businesses that are affected by the rules.

RCW 34.05.328 does not apply to this rule adoption. This rule does not meet the definition of a significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on May 25, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by May 14, 1999, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by May 25, 1999.

Date of Intended Adoption: May 26, 1999.

April 19, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-06-046, filed 12/18/97 [2/26/99], effective 1/18/98 [3/29/99])

**WAC 388-550-4800 Hospital payment method—State-only programs.** (1) The medical assistance administration (MAA):

(a) ~~((MAA))~~ Calculates payments to hospitals for state-only MI/medical care services to clients according to the:

(i) Diagnosis-related group (DRG); or

(ii) Ratio of costs-to-charges (RCC) methodologies; and

(b) ~~((MAA))~~ Reduces hospitals' Title XIX rates by their ratable and/or equivalency ~~((EQ))~~ factors (EQ), as applicable.

(2) MAA calculates ratables ~~((as follows))~~ by:

(a) Adding together a hospital's Medicare and Medicaid revenues ~~((are added together))~~, along with the value of the hospital's charity care and bad debts. MAA deducts the hospital's low-income disproportionate share (LIDSH) revenue ~~((is deducted))~~ from this total to arrive at the hospital's community care dollars~~(-)~~; then

(b) Subtracting revenue generated by hospital-based physicians ~~((as reported in the hospital's HCFA 2552 report, is subtracted))~~ from total hospital revenue~~((, also))~~. Both revenues are as reported in the hospital's HCFA 2552 cost report((-)); then

(c) Divides the amount derived in step (2)(a) ~~((is divided))~~ by the amount derived in step (2)(b) to obtain the ratio of community care dollars to total revenue~~((-))~~; then

(d) Subtracts the result of step (2)(c) ~~((is subtracted))~~ from 1.000 to ~~((derive))~~ obtain the hospital's ratable. The hospital's Title XIX cost-based conversion factor (CBCF) or RCC rate is multiplied by (1-ratable) for ~~((an))~~ a MI or medical care services client.

(e) The ~~((reimbursements))~~ payments for MI/medical care services clients are mathematically represented as follows:

MI/medical care services RCC = Title XIX RCC x (1-Ratable)

MI/medical care services CBCF = Title XIX Conversion Factor x (1-Ratable) x EQ

PROPOSED

(3) MAA (~~updates each hospital's ratable annually on August 1~~) may adjust all cost-based conversion factors (CBCF) by an inflation factor determined by the legislature.

(4) MAA:

(a) (~~MAA~~) Uses the (equivalency factor)EQ() to hold the DRG reimbursement rates for the MI/medical care services programs at their current level prior to any rebasing. MAA applies the EQ only to the Title XIX DRG CBCFs. MAA does not apply the EQ when the DRG rate change is due to the application of ~~(the annual)~~ an inflation factor (from the PPS type hospital market basket index from the most recent McGraw-Hill Data Resources, Inc., (DRI) forecast).

(b) (~~MAA~~) Calculates a hospital's equivalency factor as follows:

EQ = (Current MI/medical care services conversion factor)/(Title XIX DRG rate x (1-ratable))

(5) Effective for hospital admissions on or after December 1, 1991, MAA reduces its payment for MI (but not medical care services) clients further by multiplying ~~(it)~~ the payment by ninety-seven percent. MAA applies this payment reduction adjustment to the MIDSH methodology in accordance with section 3(b) of the "Medicaid Voluntary Contributions and Provider-Specific Tax Amendment of 1991."

(6) When the MI/medical care services client has a trauma that qualifies under the trauma program, MAA pays the full Medicaid Title XIX amount when care has been provided in a nongovernmental hospital designated by the department of health (DOH) as a trauma services center. MAA ~~(applies the reduction in MI cases which do not qualify under the trauma program. MAA)~~ gives an annual grant for trauma services to governmental hospitals certified by DOH.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

**WSR 99-09-091**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)

[Filed April 21, 1999, 9:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-084.

Title of Rule: WAC 388-550-2800 Establishing inpatient payment rates, 388-550-2900 Payment limits—Inpatient hospital services, 388-550-3450 Payment method—CBCF calculation, 388-550-3500 inflation adjustments, 388-550-3900 Border area hospitals payment method, 388-550-4100 New hospitals payment method, and 388-550-4500 Payment method—RCC.

Purpose: To eliminate duplication by consolidating certain information into a single section. To update rule content to reflect current department policy. To comply with the Governor's Executive Order 97-02, which mandates that rules be reviewed for clarity, foundation in law, etc.

Statutory Authority for Adoption: RCW 74.08.090, 42 U.S.C. 1395x(v) and 1396r-4, 42 C.F.R. 447.271, 42 C.F.R. 11303, 42 C.F.R. 2652.

Statute Being Implemented: RCW 74.08.090, 42 U.S.C. 1395x(v) and 1396r-4, 42 C.F.R. 447.271, 42 C.F.R. 11303, 42 C.F.R. 2652.

Summary: These amendments consolidate in to one section those sections of information that are repeated in several places. The amendments also update the method by which the department calculates hospital rate reimbursement amounts, inflation adjustments, and the ratio of costs-to-charges.

Reasons Supporting Proposal: To simplify rule use by eliminating duplication; to codify current department policy.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Alan McMullen, DOS/MAA, 623 8th Avenue S.E., Olympia, WA 98501, (360) 586-6698.

Name of Proponent: Department of Social and Health Services, Medical Assistance Administration, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Eliminates duplication of rule by consolidating into one section several sections where rule is repeated. Reflects updated methods that the department uses to calculate hospital rate reimbursement amounts, adjustments for inflation, and the ratio of costs-to-charges (RCC).

The purpose of the amended rules are to improve staff efficiency and customer compliance by reflecting current policy in rule, as well as clarify, consolidate, and reorganize the rules.

The anticipated effect is that the purpose stated above will be achieved.

Proposal Changes the Following Existing Rules: Amends rules listed in Title of Rule above to consolidate certain sections that are repeated in several places; updates rule to reflect current policy regarding how the department calculate rate reimbursement, inflation adjustments, and the ratio of costs-to-charges (RCC).

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed amendments and concluded that no new costs will be imposed on the small businesses affected by the rules.

RCW 34.05.328 does not apply to this rule adoption. The rules do not fit the definition of a significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on May 25, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by May 14, 1999, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by May 25, 1999.

Date of Intended Adoption: May 26, 1999.

April 19, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending 99-06-046, filed 2/26/99, effective 3/29/99)

**WAC 388-550-2800** (~~(Establishing)~~) **Inpatient payment** (~~(rates)~~) **methods and limits.** (1) MAA pays hospitals for inpatient hospital services using the rate setting methods identified in the department's approved state plan that includes:

Method	Used <del>((by))</del> for
Negotiated conversion factor	Hospitals participating in the <del>((federally-waived))</del> Medicaid hospital selective contracting program <del>((DRG method))</del> <u>under waiver from the federal government</u>
Cost-based conversion factor	Hospitals not participating in or exempt from the Medicaid hospital selective contracting program (DRG method)
Ratio of costs-to-charges	Hospitals <del>((and))</del> or services exempt from DRG payment methods
Fixed per diem rate	<u>Acute Physical Medicine and Rehabilitation (Acute PM&amp;R) Level B contracted facilities</u>

(2) MAA's ~~((total))~~ annual aggregate Medicaid payments to each hospital for inpatient hospital services provided to Medicaid clients must not exceed the hospital's customary charges to the general public for the services (42 CFR § 447.271). MAA will recoup amounts in excess of ~~((total))~~ annual aggregate Medicaid payments ~~((in excess of such charges))~~ to hospitals.

(3) MAA's annual aggregate payments for inpatient hospital services, including ~~((annual aggregate payments to))~~ state-operated hospitals, must not exceed estimated amounts that MAA would have ~~((been))~~ paid ~~((under the))~~ using Medicare payment principles.

(4) When hospital ownership changes, MAA's payment to the hospital must not exceed the amount allowed under 42 U.S.C. Section ~~((1385x))~~ 1395x (v)(1)(O).

(5) Hospitals participating in the medical assistance program must annually submit to the department:

(a) A copy of the hospital's HCFA 2552 ~~((uniform))~~ Medicare Cost Report; and

(b) A disproportionate share hospital application.

(6) Reports referred to in subsection (5) of this section must be completed according to:

(a) Medicare's cost reporting requirements;

(b) The provisions of this chapter; and

(c) Instructions issued by MAA.

(7) ~~((Unless federally or state regulated, providers must))~~ MAA requires hospitals to follow generally accepted accounting principles unless federally or state-regulated.

(8) Participating ~~((providers))~~ hospitals must permit MAA to conduct periodic audits of their financial and statistical records.

(9) Payments for trauma services may be enhanced per WAC ~~((248-976-935))~~ 246-976-935.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 99-06-046, filed 2/26/99, effective 3/29/99)

**WAC 388-550-2900 Payment limits—Inpatient hospital services.** (1) The department pays covered inpatient hospital services only to:

(a) General hospitals that meet the definition in RCW 70.41.020;

(b) Inpatient psychiatric facilities and alcohol or drug treatment centers:

(i) Approved by the department; and

(ii) Not paid directly through the ~~((regional support networks))~~ RSNs.

(c) Out-of-state ~~((hospital providers))~~ hospitals, subject to conditions specified in WAC 388-550-6700.

(2) MAA does not pay for hospital care and/or services provided to ~~((a))~~ an MAA client enrolled with a ~~((MAA contracted))~~ managed care ~~((carrier. An exception is when MAA specifically authorized the provision of and payment for a service not covered by the health carrier's capitation contract but covered under the client's medical assistance program))~~ plan, when the plan covers those services. Plans have the authority to determine the treatment regimen of coverage as long as they cover all the Medicaid services that MAA reimburses them to cover. Plans may also provide coverage of services beyond that for which Medicaid reimburses them.

(3) MAA does not pay a hospital for care or services provided to a client enrolled in the hospice program, except as provided under chapter 388-551 WAC ~~((388-550-2500(3)))~~, subchapter I, Hospice services.

(4) MAA does not pay hospitals for inpatient ancillary services in addition to the ~~((diagnosis-related group ()))~~DRG~~((s))~~ payment. The DRG payment includes ancillary services ~~((which))~~ that include, but are not limited to, the following:

(a) Laboratory services;

(b) Diagnostic X-ray and other imaging services, including, but not limited to, magnetic resonance imaging, magnetic resonance angiography, computerized axial tomography, and ultrasound;

(c) Drugs and pharmacy services;

(d) Respiratory therapy and related services;

PROPOSED

- (e) Physical therapy and related services;
- (f) Occupational therapy;
- (g) Speech therapy and related services;
- (h) Durable medical equipment and medical supplies, including infusion equipment and supplies;
- (i) Prosthetic devices used during the client's hospital stay or permanently implanted during the hospital stay, such as artificial heart or replacement hip joints; and
- (j) Service charges for handling and processing blood or blood derivatives.

(5) Neither MAA nor the client is responsible for payment for additional days of hospitalization when:

(a) A client exceeds the professional activities study (PAS) length of stay (LOS) limitations; and

(b) The provider has not obtained MAA approval for the LOS extension, as specified in WAC 388-550-1700(4).

(6) The LOS limit for a hospitalization is the seventy-fifth percentile of the PAS length of stay for that diagnosis code or combination of codes, published in the *PAS Length of Stay-Western Region edition*, as periodically updated.

(7) Neither MAA nor the client is responsible for payment of elective or nonemergent inpatient services which are included in MAA's selective contracting program and ((received)) which a client receives in a nonparticipating hospital in a selective contracting area (SCA) unless the provider received prior approval from MAA as required by WAC 388-550-1700 (2)(a). The client, however, may be held responsible for payment of such services if ((he or she)) the client contracts in writing with the hospital at least seventy-two hours in advance of the hospital admission to be responsible for payment. See WAC 388-550-4600, Selective contracting program.

(8) MAA may consider hospital stays of twenty-four hours or less short stays, and does not pay such stays under the DRG methodology ((except that)). The exception for stays of twenty-four hours or less involving the following situations are paid under the DRG system:

- (a) Death of a client;
- (b) Obstetrical delivery;
- (c) Initial care of a newborn; or
- (d) Transfer of a client to another acute care hospital.

(9)(a) Under the ratio of costs-to-charges (RCC) method, MAA does not pay for inpatient hospital services provided more than one day prior to the date of a scheduled or elective surgery. These services must not be charged to the client.

(b) Under the DRG method, MAA ((deems)) considers all services provided ((prior to)) the day before a scheduled or elective surgery to be included in the hospital's DRG payment for the case.

(c) MAA does not count toward the threshold for hospital outlier status:

- (i) Any charges for extra days of inpatient stay prior to a scheduled or elective surgery; and
- (ii) The associated services provided during those extra days.

(10) MAA applies the following rules to RCC cases and high-cost DRG outlier cases for costs ((over)) that exceed the high-cost outlier threshold:

(a) MAA covers hospital stat charges only for specific laboratory procedures determined and published by MAA as

qualified stat procedures. ((MAA does not automatically treat)) Tests generated in the emergency room ((as justifying)) do not automatically justify a stat order.

(b) MAA pays hospitals for special care charges only when:

(i) The hospital has a department of health (DOH) or Medicare-((qualified)) certified special care unit;

(ii) The special care service being billed, such as intensive care, coronary care, burn unit, psychiatric intensive care, or other special care, was provided in the special care unit;

(iii) The special care service provided is the kind of service for which the special care unit has been DOH- or Medicare-((qualified)) certified; and

(iv) The client's medical condition required the care be provided in the special care unit.

(11) MAA determines its actual payment for a hospital admission by deducting from the basic hospital ((payment)) reimbursement amount those charges which are the client's responsibility ((;)) (referred to as spend-down ((; or a))) and any third party((s)) liability.

(12) MAA reduces reimbursement rates to hospitals for services provided to MI ((medical care services)) GAU clients according to the ((individual)) hospital((s)) specific ratable and/or equivalency factors, as provided in WAC 388-550-4800.

(13) MAA pays for the hospitalization of a client who is eligible for Medicare and Medicaid only when the client has exhausted ((his or her)) the Medicare part A benefits, including the nonrenewable lifetime hospitalization reserve of sixty days.

(14) MAA pays in-state and border area hospital((s')) accommodation charges ((are paid)) by multiplying the hospital's RCC rate to the lesser of the room rate submitted by the hospital to MAA or the accommodation charges billed on the claim.

(15) MAA pays out-of-state accommodation charges at the in-state average RCC rate times the hospital's billed charge.

(16) With regard to room rate submittals to MAA:

(a) A hospital must submit ((to MAA)) changes on the room rate change form, DSHS 13-687;

(b) Charges must not exceed the hospital's usual and customary charges to the public as required by 42 CFR § 447.271;

(c) New room rates take effect on the effective date stated on the room rate change form, or fourteen calendar days after MAA receives the form, whichever is later;

(d) MAA ((will)) does not make retroactive room rate changes; and

(e) MAA pays private rooms ((are paid)) at the semi-private room rate.

**AMENDATORY SECTION** (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

**WAC 388-550-3450 Payment method((—)) for calculating CBCF ((rate calculation)) rates.** (1) For Medicaid accommodation costs, MAA:

(a) ((The department shall)) Uses each hospital's base period cost data to calculate the hospital's total operating,

capital, and direct medical education costs for each of the nine accommodation categories described in WAC 388-550-3150(5)(-); then

(b) ~~((The department shall divide operating, capital, and direct medical education))~~ Divides those costs per category by total hospital days per category to arrive at a per day accommodation cost(-); then

(c) ~~((The department shall multiply))~~ Multiplies the per day accommodation cost for each category by the total Medicaid days to arrive at total Medicaid accommodation costs per category for the three components.

(2) For ancillary costs MAA:

(a) ~~((The department shall also))~~ Uses the base period cost data to calculate total operating, capital, and direct medical education costs for each of the hospital's twenty-nine ancillary categories(-); then

(b) ~~((The department shall))~~ Divides these costs by total charges per category to arrive at a ~~((cost-to-charge-ratio))~~ ratio of costs-to-charges (RCC) per ancillary category(-); then

(c) ~~((The department shall multiply these cost to charge ratios))~~ Multiplies these RCCs by Medicaid charges per category, as tracked by the Medicaid Management Information System (MMIS), to arrive at total Medicaid ancillary costs per category for the three components (operating, capital, and medical education).

(3) ~~((The department shall combine))~~ MAA:

(a) Combines Medicaid accommodation and ancillary costs to derive the hospital's total costs for operating, capital, and direct medical education components for the base year(- The department shall divide these components' combined total will be divided by the number of Medicaid cases during the base year to arrive at an average cost per DRG admission for the hospital); then

(b) Divides the hospital's combined total cost by the number of Medicaid cases during the base year to arrive at an average Medicaid cost per DRG admission; then

(c) Adjusts, for hospitals with a fiscal year ending different than the common fiscal year end, the Medicaid average cost by a factor determined by MAA to standardize hospital costs to the common fiscal year end. MAA adjust the hospital's Medicaid average cost by the hospital's specific case mix index.

(4) MAA caps the ~~((department shall adjust the))~~ Medicaid average cost per ~~((admission for each component to a common fiscal year end using the appropriate McGraw-Hill Data Resources, Inc., (DRI) Prospective Payment System (PPS) Type Hospital Market Basket update. The department shall standardize these three admission cost components by dividing the average cost by the hospital's case mix index.~~

(5)(a) ~~For hospitals with medical education programs, the department shall remove the indirect medical education costs from operating and capital costs before the peer group cost cap is set.~~

(b) ~~The department shall also remove the cost of outlier cases in accordance with WAC 388-550-3350(1).~~

(e)) case for peer groups B and C at seventy percent of the peer group average. In calculation of the peer group cap, MAA removes the indirect medical education and outlier costs from the Medicaid average cost per admission.

(a) For hospitals in MAA peer groups B ~~((and))~~ or C, ~~((the department shall set))~~ MAA determines aggregate costs for the operating, capital, and direct medical education components at the lesser of hospital-specific aggregate cost or the peer group cost cap(-

~~((6) The department shall add to the lesser of)); then~~

(b) To whichever is less, the hospital-specific aggregate cost or the peer group cost cap determined in subsection ~~((5))~~ (4) of this section, MAA adds:

~~((a))~~ (i) The individual hospital's indirect medical education costs, as determined in WAC 388-550-3250(2); and

~~((b))~~ (ii) An outlier cost adjustment in accordance with WAC 388-550-3350(2).

~~((7)(a) The department shall)~~

(5) For an inflation adjustment MAA may:

(a) Multiply the sum obtained in subsection ~~((6))~~ (4) of this section by ~~((the DRI PPS type hospital market basket update))~~ an inflation factor as determined by the legislature for the period January 1 of the year after the base year through ~~((September 30))~~ October 31 of the rebase year(-); then

(b) ~~((The department shall then))~~ Reduce the product obtained in (a) of this subsection by the outlier set-aside percentage determined in accordance with WAC 388-550-3350(3) to arrive at the hospital's adjusted ~~((cost-based conversion factor for July 1 of the rebase year.))~~ CBCF; then

~~((8) The department shall)~~

(c) Multiply the hospital's adjusted ~~((cost-based conversion factor determined in subsection (7) of this section))~~ CBCF by the applicable DRG relative weight to calculate the DRG payment for each admission.

AMENDATORY SECTION (Amending WSR 99-06-046, filed 2/26/99, effective 3/29/99)

WAC 388-550-3500 Hospital inflation adjustment(s) determinations. ~~((H))~~ Effective on November 1 of each year, MAA may adjust(s) all cost-based conversion factors (CBCF) ~~((for))~~ by an inflation ~~((for the following twelve months.~~

~~(2) MAA makes CBCF adjustments using the annual inflation factor from the PPS type hospital market basket index factor from the most recent McGraw-Hill Data Resources, Inc., (DRI) forecast.~~

~~(3) MAA considers adjustments to negotiated conversion factors according to the terms of the individual hospital's contract) factor, as determined by the legislature. MAA does not automatically give an inflation increase to negotiated conversion factors for contracted hospitals participating in the hospital selective contracting program.~~

AMENDATORY SECTION (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

WAC 388-550-3900 Payment method-Border area hospitals ~~((payment method)).~~ (1) Under the diagnosis-related group (DRG) payment method, ~~((the department shall calculate));~~

PROPOSED

(a) MAA calculates the cost-based conversion factor (CBCF) of a border area hospital as defined in WAC 388-550-1050, in accordance with WAC 388-550-3450.

~~((a)) (b) For a border area hospital with ((insufficient Medicare cost report (HCFA Form 2552) data, the department shall assign a CBCF based on the peer group average final conversion factor for its Washington hospital peer group.~~

~~(b) The department shall include in this average final conversion factor all adjustments to the CBCF, including the outlier set aside factor described in WAC 388-550-3350(3)) no HCFA 2552 for the rebasing year, MAA assigns the MAA peer group average conversion factor. This is the average of all final conversion factors of hospitals in that group.~~

(2) ~~((Under))~~ MAA calculates:

~~(a) The ratio of costs-to-charges (RCC) ((payment method, the department shall calculate a border area hospital's RCC)) in accordance with WAC 388-550-4500.~~

~~(b) For a border area hospital with ((insufficient Medicare cost report ())) no HCFA ((Form)) 2552((-) data, the department shall assign an RCC based on the weighted average of the RCC ratios for in state Washington hospitals)) Medicare cost report, its RCC on the Washington in-state average RCC ratios.~~

AMENDATORY SECTION (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

WAC 388-550-4100 Payment method—New hospitals ~~((payment method)).~~ (1) For rate-setting purposes, ~~((the department shall consider))~~ MAA considers as ~~((a))~~ new:

(a) A hospital ~~((an entity))~~ which began services after the most recent ~~((base period used for calculating))~~ rebased cost-based conversion factors (CBCFs), or

(b) A hospital that has not been in operation for a complete fiscal year.

(2) ~~((The department shall base))~~ MAA determines a new hospital's ~~((cost based rates on the peer group average final conversion factor for its Washington hospital peer group. The department shall include in this average final conversion factor all adjustments to the CBCF, including the outlier set aside factor described in WAC 388-550-3350(3))~~ CBCF as the average of the CBCF of all hospitals within the same MAA peer group.

(3) ~~((The department shall base))~~ MAA determines a new hospital's ratio of costs-to-charges (RCC) ~~((rates on the statewide weighted average RCC rate))~~ by calculating and using the average RCC rate for all current Washington in-state hospitals.

(4) ~~((The department shall not consider))~~ MAA considers that a change in hospital ownership ~~((as constituting creation of))~~ does not constitute a new hospital.

AMENDATORY SECTION (Amending WSR 99-06-046, filed 2/26/99, effective 3/29/99)

WAC 388-550-4500 Payment method—RCC. (1)(a) MAA calculates a hospital's ratio of costs-to-charges (RCC) by dividing allowable operating costs by patient revenues associated with these allowable costs.

(b) MAA bases these figures on the annual Medicare cost report data provided by the hospital.

(c) MAA updates hospitals' RCC rates annually with the submittal of new HCFA 2552 Medicare cost report data. Prior to computing the ratio, MAA excludes increases in operating costs or total rate-setting revenue attributable to a change in ownership.

(2) MAA limits a hospital's RCC to one hundred percent of its allowable charges. MAA recoups payments made to a hospital in excess of its customary charges to the general public.

(3) MAA establishes the basic hospital payment by multiplying the hospital's assigned RCC rate by the allowed charges for medically necessary services. MAA deducts client responsibility (spend-down) or third-party liability (TPL) as identified on the billing invoice or by MAA from the basic payment to determine the actual payment due from MAA for that hospital admission.

(4) MAA uses the RCC payment method to reimburse:

(a) Peer group A hospitals;

(b) Other DRG-exempt hospitals identified in WAC 388-550-4300; and

(c) Any hospital for DRG-exempt services described in WAC 388-550-4400.

(5) MAA deems the RCC for in-state and border area hospitals lacking sufficient HCFA 2552 Medicare cost report data the weighted average of the RCC rates for in-state hospitals.

(6) MAA calculates an outpatient ratio of costs-to-charges by dividing the projected costs by the projected charge multiplied by the average RCC.

(a) In no case may the outpatient adjustment factor exceed 1.0.

(b) The outpatient adjustment factor is updated annually effective November 1.

**Reviser's note:** The above section was filed as an amendatory section; however, there were no amendments made. Pursuant to the requirements of RCW 34.08.040 it is published in the same form as filed by the agency.

## WSR 99-09-092

### PROPOSED RULES

#### DEPARTMENT OF ECOLOGY

[Order 94-32—Filed April 21, 1999, 10:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-12-059.

Title of Rule: Chapter 173-548 WAC, Water resources program in the Methow River Basin, WRIA 48.

Purpose: Amend rule to establish trust water right water bank to assist with water management in the basin.

Statutory Authority for Adoption: Chapters 90.44, 90.54 RCW.

Statute Being Implemented: Chapter 90.54 RCW, Water Resources Act of 1971.

Summary: In early 1998, the Department of Ecology and Okanogan County signed a memorandum of agreement to work together, in conjunction with the Department of Fish

and Wildlife and the Governor's Salmon Recovery Team, to cooperatively develop and implement an improved water resources management program for the Methow River Basin. As part of this agreement, ecology agreed to propose a rule amendment that would establish a water bank in the Methow Basin.

**Reasons Supporting Proposal:** While the basin's water is substantially renewed annually, there is not always water at the right place and time for all existing and proposed uses; the water bank would help address this situation.

**Name of Agency Personnel Responsible for Drafting:** John Monahan, Yakima, Washington, (509) 457-7112; **Implementation and Enforcement:** Bob Barwin, Yakima, Washington, (509) 457-7107.

**Name of Proponent:** Washington Department of Ecology and Okanogan County Commissioners, governmental.

Rule is not necessitated by federal law, federal or state court decision.

**Explanation of Rule, its Purpose, and Anticipated Effects:** Although water in the Methow River Basin is substantially renewed annually through rainfall and snowmelt, there is not always water at the right place and time for all existing and proposed uses. In early 1998, the Department of Ecology and Okanogan County signed a memorandum of agreement to work together, in conjunction with the Department of Fish and Wildlife and the Governor's Salmon Recovery Team, to cooperatively develop and implement an improved water resources management program to address the water situation in the basin.

As part of this agreement, ecology agreed to propose a rule amendment that would establish a trust water right "water bank" in the Methow Basin. The water bank would provide a means to account for water use and availability, and is perceived as a necessary step to assist with water management in the basin.

**Proposal Changes the Following Existing Rules:** The amendment would create a trust water right water bank in the Methow Basin (please see above for more background).

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment of chapter 173-548 WAC establishes an administrative entity, a water bank, which will provide a process for tracking and allocating water in the Methow River Basin. As such, the amendment does not materially add to the administrative requirements for obtaining water rights, building permits, or other development-related permits or approvals in the area. Its effects on small businesses are not expected to differ from those on large businesses.

RCW 34.05.328 does not apply to this rule adoption. This amendment is not a significant rule under RCW 34.05.328 because it is procedural in nature, creating an entity for tracking and allocating water, it does not create additional administrative requirements for the regulated community.

**Hearing Location:** The Barn, 51 North Highway 20, Winthrop, WA, on June 10, 1999, at 7:00 p.m. to 9:00 p.m.

**Assistance for Persons with Disabilities:** Contact Paula Smith by June 1, 1999, TDD (360) 407-6006, or (360) 407-6607.

**Submit Written Comments to:** Thom Lufkin, Water Resources Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, or e-mail at tlhw461.ecy.wa.gov, fax (360) 407-6574, by June 18, 1999.

**Date of Intended Adoption:** July 7, 1999.

April 20, 1999

Daniel Silver

Deputy Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 99-10 issue of the Register.

## WSR 99-09-094

### PROPOSED RULES

### DEPARTMENT OF ECOLOGY

[Order 98-19—Filed April 21, 1999, 10:16 a.m.]

Continuance of WSR 98-22-017.

Preproposal statement of inquiry was filed as WSR 98-16-084.

**Title of Rule:** Forest practices rules and regulations to protect water quality, chapter 173-202 WAC.

**Purpose:** Incorporate by reference revisions to forest practices rules to better protect resources. Current forest practices rules are not providing adequate protection for salmon and other public resources. Resource agencies face many new resource protection challenges, including current and proposed listings of salmonids under the federal Endangered Species Act (ESA) and water quality-limited waters under the federal Clean Water Act (CWA).

At its September 22, 1998, [meeting] the Forest Practices Board approved the following goals for this rule package:

1. To provide compliance with the Endangered Species Act for aquatic and riparian-dependent species;
2. To restore and maintain riparian habitat on state and private forest lands to support a harvestable supply of fish;
3. To meet the requirements of the Clean Water Act for water quality on state and private forest lands; and
4. To keep the timber industry economically viable in Washington.

The Forest Practices Board and ecology are planning to conduct rule making on a comprehensive package of new and revised rules. Called the "forestry module," TFW has identified the need to revise forest practices rules (Title 222 WAC) in order to better protect public resources. At its March 31, 1999, meeting, the Forest Practices Board selected the "Forests and Fish Report" as its preferred alternative. The Forests and Fish Report was submitted by the "5 Caucus Group" comprised of local, state, and federal agencies, landowners (both large and small) and some tribes. Alternative proposals have been submitted by Washington Environmental Council/Audubon; Puyallup Tribe, Muckleshoot Tribe, and Yakama Tribe.

**Other Identifying Information:** The Forest Practices Board filed a companion preproposal as WSR 98-16-099 and a rule-making proposal as WSR 98-21-015. See Purpose above.

PROPOSED

Statutory Authority for Adoption: RCW 90.48.420, 76.09.040, and chapters 34.05 and 43.21A RCW.

Statute Being Implemented: Chapter 90.48 RCW.

Summary: Adopt by reference modifications to forest practices rules (Title 222 WAC) to better protect public resources. Rule categories: Riparian protection for fish-bearing and nonfish-bearing streams; water typing; wetlands; Class IV-Special; SEPA guidance; roads; slope stability; forest chemicals; monitoring; adaptive management; watershed analysis. See Purpose above.

Reasons Supporting Proposal: Modifications to rules are needed to better protect Washington's public resources. See Purpose above.

Name of Agency Personnel Responsible for Drafting: Doug Rushton, 300 Desmond Drive, Lacey, WA 98503, (360) 407-6180; Implementation and Enforcement: Dick Wallace, 300 Desmond Drive, Lacey, WA 98503, (360) 407-6489.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule includes the following forest practices rules that would be adopted by reference:

- Revises the water typing system used to identify fish-bearing and nonfish-bearing streams so that more adequate protection is provided for fish habitat.
- Provides a five-year forest practices permit for landowners who have completed watershed analysis or who have submitted an application for a road maintenance and abandonment plan that will take longer than two years to implement.
- Adds shorelines of the state to the Class IV-Special list and gives SEPA guidance for the applicant to follow.
- Expands the Class IV-Special SEPA trigger for unstable slopes, gives SEPA guidance, and adds twenty-four definitions related to unstable slopes.
- Revises riparian management zone requirements for eastern and western Washington, and includes options for possible buffer widths.
- Presents options for variable buffer widths for aerial application of pesticides and adds best management practices to the Forest Practices Board (FPB) manual.
- Adds best management practices related to roads to the FPB manual; revises requirements for road location and design, relief drainage structures, water crossing structures, and road maintenance and abandonment.
- Makes watershed analysis a more public process; allows DNR to complete prescriptions and requires prescription monitoring plan.
- Expands adaptive management requirements by formally establishing the Cooperative Monitoring, Evaluation, and Research (CMER) committee of TFW and charging them with implementing adaptive management based on scientific findings;

encourages cooperative opportunities for working with the board.

The purpose and anticipated effects for these rules include improved water quality and fish habitat, as well as better overall protection of public resources while maintaining a viable forest products industry. See Purpose above.

Proposal Changes the Following Existing Rules: The proposed rule amendment of chapter 173-202 WAC incorporates by reference changes to the forest practices rules related to water quality.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

See Issue 98-24 for a copy of the small business economic impact statement.

A copy of the statement may be obtained by writing to Judith Holter, Forest Practices Board, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1412, fax (360) 902-1784, e-mail forestpractices.board@wadnr.gov.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Considered to be a significant legislative rule.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on November 9, 1999, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Forest Practices Board Secretary by November 1, 1999, at (360) 902-1413, TDD (360) 902-1125.

Submit Written Comments to: Doug Ruston, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, fax (360) 407-6426, e-mail drus461@ecy.wa.gov, by November 9, 1999.

Date of Intended Adoption: November 10, 1999.

April 18, 1999

Daniel J. Silver

Deputy Director

**AMENDATORY SECTION** (Amending Order 97-46, filed 3/30/98, effective 4/30/98)

**WAC 173-202-020 Certain WAC sections adopted by reference.** The following sections of the Washington Administrative Code existing on (~~March 13~~) October 12, 1998, are hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full:

WAC 222-08-035—Continuing review of forest practices (~~regulations~~) rules.

WAC 222-10-020—SEPA policies for certain forest practices within 200 feet of a Type S Water.

WAC 222-12-010—Authority.

WAC 222-12-040—Alternate plans.

WAC 222-12-045—Adaptive management.

WAC 222-12-046—Cumulative effect

WAC 222-12-070—Enforcement policy.

WAC 222-12-090—Forest practices board manual.

WAC 222-16-010—General definitions.

WAC 222-16-030—Water typing system.  
 WAC 222-16-035—Wetland typing system.  
 WAC 222-16-050 (1)(a), (1)(d), (1)(e), (1)(h), (1)(i), (1)(j), (3)(b), (3)(c), (3)(d), (3)(e), (3)(f), (3)(n), (3)(o), (3)(p), (4)(c), (4)(d), (4)(e), (5)(b), (5)(c), (5)(d), (5)(e), (5)(f), (5)(h), (5)(n), (5)(o)—Classes of forest practices.  
 WAC 222-16-070—Pesticide uses with the potential for a substantial impact on the environment.  
WAC 222-20-015—Multiyear permits.  
WAC 222-20-020(6)—Application time limits.  
 WAC 222-22-010—Policy.  
 WAC 222-22-020—Watershed administrative units.  
 WAC 222-22-030—Qualification of watershed resource analysts, specialists, and field managers.  
 WAC 222-22-040—Watershed prioritization.  
 WAC 222-22-050—Level 1 watershed resource assessment.  
 WAC 222-22-060—Level 2 watershed resource assessment.  
 WAC 222-22-070—Prescription recommendation.  
 WAC 222-22-080—Approval of watershed analysis.  
 WAC 222-22-090—Use and review of watershed analysis.  
 WAC 222-22-100—Application review prior to watershed analysis.  
 WAC 222-24-010—Policy.  
 WAC 222-24-020 (2), (3), (4), (5), (6), (8), (13)—Road location and design.  
 WAC 222-24-025 (2), (5), (6), (7), (8), (9), (10)—Road design.  
 WAC 222-24-030 (2), (4), (5), (6), (7), (8), (9)—Road construction.  
 WAC 222-24-035 (1), (2)(c), (2)(d), (2)(e), (2)(f)—Landing location and construction.  
 WAC 222-24-040 (~~(1)~~, ~~(2)~~, ~~(3)~~, ~~(4)~~)—Water crossing structures.  
 WAC 222-24-050—Road maintenance.  
 WAC 222-24-060 (1), (2), (3), (6)—Rock quarries, gravel pits, borrow pits, and spoil disposal areas.  
 WAC 222-30-010—Policy—Timber harvesting.  
 WAC 222-30-020 (2), (3), (4), (~~(5)~~) (6), (7)(a), (7)(e), (7)(f), (8)(~~(e)~~)—Harvest unit planning and design.  
 WAC 222-30-025—Green-up: Even-aged harvest size and timing.  
 WAC 222-30-030—Stream bank integrity.  
 WAC 222-30-040—Shade requirements to maintain stream temperature.  
 WAC 222-30-050 (1), (2), (3)—Felling and bucking.  
 WAC 222-30-060 (1), (2), (3), (5)(c)—Cable yarding.  
 WAC 222-30-070 (1), (2), (3), (4), (5), (7), (8), (9)—Tractor and wheeled skidding systems.  
 WAC 222-30-080 (1), (2)—Landing cleanup.  
 WAC 222-30-100 (1)(a), (1)(c), (4), (5)—Slash disposal.  
 WAC 222-34-040—Site preparation and rehabilitation.  
 WAC 222-38-010—Policy—Forest chemicals.  
 WAC 222-38-020—Handling, storage, and application of pesticides.

WAC 222-38-030—Handling, storage, and application of fertilizers.  
 WAC 222-38-040—Handling, storage, and application of other forest chemicals.

### WSR 99-09-095

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed April 21, 1999, 10:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-04-067.

Title of Rule: Perishable packaged food goods—Pull dating, establishes uniform standards for pull date labeling and optimum storage conditions for perishable packaged food goods.

Purpose: To establish uniformity in wording and placement of pull dates for perishable packaged food products. It also establishes storage condition requirements for perishable packaged food products. Rule reviewed and rewritten in new clear rule format, repeals WAC 16-142-001, 16-142-010, 16-142-020, 16-142-030, 16-142-040, 16-142-050, and 16-142-060.

Statutory Authority for Adoption: RCW 69.04.915.

Statute Being Implemented: Chapter 69.04 RCW, Intrastate commerce in foods.

Summary: Scheduled review and rewrite of rule that has been in effect since 1975, without updating or amendment. This review changes the language in the rule to the new clear rule question and answer format to make the rule easier to understand and use. The requirements for pull date marking, placement and storage conditions for perishable packaged foods remain the same. It updates the reference to Washington Department of Health regulations to the current regulation in effect. Repeals former WAC 16-142-001, 16-142-010, 16-142-020, 16-142-030, 16-142-040, 16-142-050, and 16-142-060.

Name of Agency Personnel Responsible for Drafting: Verne E. Hedlund, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504, (360) 902-1860; Implementation and Enforcement: Michael Donovan, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504, (360) 902-1883.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes uniform standards for pull dating and optimum storage conditions for perishable packaged foods as required under RCW 69.04.900, [69.04.]905, [69.04.]910, [69.04.]915, and [69.04.]920. It also sets storage conditions for perishable packaged food products. This rule sets uniform requirements for pull date marking and placement of pull date on the label. This rule has been reviewed and rewritten in the clear rule format for ease of use and improved clarity.

Proposal Changes the Following Existing Rules: The rule has been rewritten into the clear rule format to make it easier to use. The current requirements under the rule have

PROPOSED

not been changed. This repeals former WAC 16-142-001, 16-142-010, 16-142-020, 16-142-030, 16-142-040, 16-142-050, and 16-142-060.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not change the requirements under the rule, has no impact on small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Natural Resources Building, Room 205, 1111 Washington Street, Olympia, WA 98504, on May 26, 1999, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by May 19, 1999, TDD (360) 902-1996, or (360) 902-1880.

Submit Written Comments to: Verne E. Hedlund, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1860, fax (360) 902-2087, by May 26, 1999.

Date of Intended Adoption: June 9, 1999.

April 21, 1999

Candace A. Jacobs, DVM

Assistant Director

## Chapter 16-142 WAC

### PERISHABLE PACKAGED FOOD GOODS—PULL DATING

#### NEW SECTION

**WAC 16-142-100 What is the purpose for this rule?** The purpose for this rule is to establish uniform standards for pull date labeling and safe storage conditions for perishable packaged food goods as described in RCW 69.04.900 through 69.04.920.

#### NEW SECTION

**WAC 16-142-110 What is the purpose for pull dates?** The purpose for pull dates is to inform the consumer of the expected length of shelf life for perishable packaged foods in order to allow them a reasonable amount of time to use the product under proper care and storage conditions.

#### NEW SECTION

**WAC 16-142-120 What does the pull date indicate?** The pull date indicates the last day that the product can be sold and still allow the purchaser a reasonable amount of time to use the product under normal usage and storage conditions.

#### NEW SECTION

**WAC 16-142-130 Can products be sold after the pull date? Yes,** products can be sold after the pull date has expired if they are still wholesome, not a danger to health and clearly labeled indicating that the pull date has expired. They must be separated from products that are still within pull date.

#### NEW SECTION

**WAC 16-142-140 How must the pull date be shown?** The pull date must first show the month then the day of the month. The month can either be identified with three letters indicating the month such as DEC for December or by numbers indicating the month from one for January through twelve for December. The day of the month must be shown using two numbers such as 06 for the sixth day or 19 for the nineteenth day. When both the month and day of the month are shown by numbers they must be separated by a space or dash. The pull date must be separated from other numbers or letters on the label so as to prevent confusion.

#### NEW SECTION

**WAC 16-142-150 Can pull dates be changed? No,** pull dates on perishable packaged foods subject to pull dating may not be changed, crossed-out or concealed.

#### NEW SECTION

**WAC 16-142-160 Where must the pull date be placed?** The pull date must be placed on the label in a conspicuous location, that is clearly discernible. The pull date must be legible and of a type size consistent with the size of other required labeling.

#### NEW SECTION

**WAC 16-142-170 What are the storage conditions and temperature requirements for perishable packaged foods?** Storage conditions and temperature requirements for perishable packaged foods are the same as required under chapter 246-215 WAC rules and regulations of the state board of health for food service and chapter 69.10 RCW Food Storage Warehouses.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-142-001	Promulgation.
WAC 16-142-010	Application.
WAC 16-142-020	Date.
WAC 16-142-030	Package dating.
WAC 16-142-040	Placement of "pull date."
WAC 16-142-050	Storage.
WAC 16-142-060	Effective date.

**WSR 99-09-096**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**

[Filed April 21, 1999, 11:00 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 99-07-095 with a published date of April 7, 1999.

Title of Rule: Washington blackjack.

Purpose: Legislation was passed in 1997 allowing house-banked card games, which would include traditional blackjack. Washington blackjack is a derivative of blackjack; therefore, it no longer needed, or, in the alternative should be revised to its pre-1996 version. Three versions of this rule are under consideration, copies of which are shown below.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 438-7654, ext. 374; Implementation: Ben Bishop, Lacey, (360) 438-7640; and Enforcement: Sherri Winslow, Lacey, (360) 438-7654, ext. 301.

Name of Proponent: Staff, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995 apply to this rule adoption.

Hearing Location: DoubleTree Inn, 252 North 20th Avenue, Pasco, WA 98301 [99301], (509) 547-0701, on June 11, 1999, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by May 31, 1999, TDD (360) 438-7638, or (360) 438-7654, ext. 302.

Submit Written Comments to: Susan Arland, Mailstop 42400, Olympia, WA 98504-2400, fax (360) 438-8652, by May 31, 1999.

Date of Intended Adoption: June 11, 1999.

April 21, 1999

Susan Arland

Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 95-23-109, filed 11/22/95, effective 1/1/96)

**WAC 230-40-125 Washington blackjack—Rules of play—Wagering limits.** Washington blackjack is a non-house-banking card game permitted in Class A and E card rooms. Washington blackjack shall be played in the following manner:

(1) Fees to play Washington blackjack shall only be assessed on a time basis and collected using the direct collection method as defined in WAC 230-40-050.

(2) Up to six standard fifty-two-card decks shall be used with suits disregarded and each card valued numerically only as follows: Ace equal 1 or 11; face cards (King, Queen, Jack) equal 10 each; others according to their spots, 10 to 2. The number of decks used shall be established by house rule. The cards shall be dealt from a shoe at all times. The game is played with ~~((either a house dealer and a player/banker or))~~ a player who is ~~((a))~~ both the dealer((#)) and banker (dealer/banker).

~~((2))~~ (3) When starting a new table the cards are cut to determine who the first dealer/banker will be. The dealer/banker shall announce the amount of money that he or she will put into the bank. If a minimum bank ((may be)) is established as per individual house rule it shall not exceed five hundred dollars. ~~((If a house dealer is used, the banker delivers the bank to the dealer and the dealer shall place a marker reading "banker" on the bet line in front of the banker.~~

~~((3))~~ (4) Once the bank has been established, the player to the immediate left of the dealer/banker places his/her wager on the bet line and the dealer/banker covers that wager by matching it with a like amount of chips. Each player makes their wager in turn and each wager is immediately matched by the dealer/banker. The maximum and minimum wager may be set by house rule but in no event shall the maximum wager exceed twenty-five dollars. If the bank runs out of money (tapped out) prior to the commencement of the deal, then only those players with a wager covered will be dealt a hand.

~~((4))~~ (5) The play begins with the dealer/banker dealing one card face up to each covered player including himself/herself, one more card face up to each covered player, and then one down card to himself/herself. A player may be dealt more than one hand by house rule. ~~((When a house dealer is used, no cards are dealt to the banker.))~~ If a player holds an ace and a face card or a ten, it is a "natural" 21 and the player collects 1.5 times the amount of their bet from the dealer/banker, unless the dealer/banker also has a natural which results in a tie (push). All ties result in the players and the dealer/banker recovering their wagers.

~~((5))~~ (6) If the dealer/banker has a "natural," he/she collects the wagers from players who do not have a "natural." If the dealer/banker does not have a "natural," he/she pays off any player with a "natural" starting with the first one to the left of the dealer/banker. Should the dealer/banker not have enough money in the bank to make up the 1.5 for one payoff due on a "natural," then those hands and wagers will be frozen in place until the additional wagers are made up or the hand is over. If after the hand is over, a dealer/banker cannot cover the 1.5 for one, the player shall get the amount of wager that was covered by the dealer/banker.

~~((6))~~ (7) If the dealer/banker does not have a "natural," play continues with the player on the dealer/banker's immediate left. The dealer/banker deals cards face up, one by one, as that player calls for them. The player's aim is to total 21 or as close to 21 without going over. When a player is satisfied with their total, they shall declare "stand." If the player wants more cards, the player declares "hit." If a player goes over a

21 point count, the hand is a "bust" and they must turn the hand down, while the dealer/banker collects the bet. The dealer/banker does the same with each remaining player. Any player who stands must wait while the dealer/banker draws his or her cards. If the dealer/banker goes bust, each standing player is paid the amount of their wager. If the dealer/banker "stands," the down card is turned up and players whose totals are higher than the dealer's/banker's are paid. The dealer/banker collects from any player whose total is less. Action is always to the left of the dealer/banker. Any frozen wagers needing to be "made up" will be done in order, to the left of the dealer/banker from losing wagers the dealer/banker collects.

~~((7))~~ (8) Should the dealer/banker not be able to cover all frozen wagers then those frozen wagers are released to the winning players and the deal passes immediately to the left at which time the new dealer/banker shall announce the amount of the bank and shuffle the cards. The same shall apply if the dealer/banker has no money in the bank. The dealer/banker may, if allowed by house rule, add to their bank in between hands.

~~((8))~~ (9) Upon completion of the shuffle, the player to the right of the dealer/banker shall cut the cards. After the cards have been placed into the shoe the dealer/banker shall insert a blank card approximately three quarters of the way through the deck(s). A dealer/banker may deal from the shoe until he/she reaches the blank card. After the blank card appears, the dealer/banker may continue dealing that hand, but will not start a new hand. ~~((If a house dealer is used, he/she returns the remaining chips in the bank to the banker.))~~ The player on the dealer/banker's immediate left shall be offered the opportunity to be the next dealer/banker ~~((or banker))~~. The discards may only be reshuffled to complete the last hand.

~~((9))~~ (10) Once wagers are placed and covered on the bet line, no player, including the dealer/banker, may touch those wagers until the winner has been determined. Any player touching the wagers may be ruled to have fouled and their wager forfeited.

~~((10))~~ (11) Any player who lifts their cards up from the table or slides their cards out of their own playing area shall be ruled to have fouled and their wager may be forfeited.

~~((11))~~ (12) No player may "buy" the bank. The bank must pass around the table to the left and no player can authorize ~~((anyone other than a house dealer))~~ another person to deal for him or her. No player may be the dealer/banker for more than one consecutive shoe before passing the bank ~~((= Provided, That when there are less than five players at a table a player may deal more than one consecutive shoe only when the remaining players have passed the deal))~~.

~~((12))~~ (13) The dealer/banker must stand on seventeen or above and must take hits on sixteen or below. If a dealer/banker has an ace, it shall be counted as eleven if it brings his or her total to seventeen or more (but not over twenty-one). Provided, the house may elect to play a "soft seventeen," which occurs when the dealer's/banker's first two cards are an ace valued at eleven and a six. If the house elects to play a soft seventeen, house rules must specify that the dealer/banker must hit a soft seventeen, and must stand on a hard seventeen and any eighteen or above. House blackjack

rules must be posted in plain view to the players and the house must ensure they are consistently followed.

~~((13))~~ (14) The conditions for doubling down shall be set by house rule, provided that the wager may be doubled and the player received only one more card. The player must then stand on those three cards. If the dealer's/banker's bank is insufficient to cover a double down wager, the player may wager an amount equal to the dealer's/banker's remaining bank. The dealer/banker must then cover that wager. If the dealer/banker has no bank then a player may not double down.

~~((14))~~ (15) If the dealer's/banker's face-up card is a ten, face card or ace, he/she may look at their face-down card to see if they have a natural; if his/her face-up card is anything else, they may not look at their face-down card until their turn comes to draw.

~~((15))~~ (16) If the dealer/banker's face-up card is an ace, the house may allow the player banking the game to offer an "insurance" bet against losing to the dealer/banker's possible natural. The dealer/banker, before looking at his/her down card, inquires if any player wants insurance. A player who desires insurance places an amount equal to half his/her present wager on his/her own hand. When this bet is made, the dealer/banker looks at his/her down card. If it is a 10 count, the dealer/banker turns it face up and announces a natural. The insurance bettor is paid off at a rate of 2 to 1, and they lose their original wager. If the dealer/banker's down card is not a 10 count card, the player loses his/her insurance bet and continues playing on their original wager.

(17) If a player's first two cards are a pair, then that player may split the pair into two separate hands. The amount of the player's original bet then goes on one of the cards, and they must place an equal amount as a bet on the other card. If the dealer/banker does not have enough in their bank to cover the doubled bet, the dealer/banker must cover an amount equal to the value of their remaining bank. The player then has the option to divide the wagers in any manner between the two hands, not to exceed the allowable limit per hand. If the dealer/banker has no bank then the player may divide their wager in any manner between the two hands, unless the player's original bet was a minimum allowed in that game then they may not split their pair. Additional splits shall be determined by house rule.

~~((16))~~ (18) The dealer/banker will pay only on the value of the cards held by the player and shall not pay on the number of cards received or the card sequence.

#### ALTERNATIVE #1

AMENDATORY SECTION [(Amending WSR 95-23-109, filed 11/22/95, effective 1/1/96)]

**WAC 230-40-125 Washington blackjack—Rules of play—Wagering limits.** Washington blackjack is a non-house banking card game permitted in Class A and E card rooms. Washington blackjack shall be played in the following manner:

(1) Fees to play Washington blackjack shall only be assessed on a time basis and collected using the direct collection method as defined in WAC 230-40-050.

~~((1+))~~ (2) No more than two ~~((Up to six))~~ standard fifty-two-card decks shall be used with suits disregarded and each card valued numerically only as follows: Ace equal 1 or 11; face cards (King, Queen, Jack) equal 10 each; others according to their spots, 10 to 2. The number of decks used shall be established by house rule. The cards shall be dealt from a shoe at all times. The game is played with ~~((either a house dealer and a player/banker or))~~ a player who ~~((is a))~~ deals the cards and banks the game (dealer/banker).

~~((2))~~ (3) When starting a new table the cards are cut to determine who the first dealer/banker will be. The dealer/banker shall announce the amount of money that he or she will put into the bank. If a ~~((A))~~ minimum bank ~~((may be))~~ is established as per individual house rule, it shall not exceed five hundred dollars. ~~((If a house dealer is used, the banker delivers the bank to the dealer and the dealer shall place a marker reading "banker" on the bet line in front of the banker.))~~

~~((3))~~ (4) Once the bank has been established, the player to the immediate left of the dealer/banker places his/her wager on the bet line and the dealer/banker covers that wager by matching it with a like amount of chips. Each player makes their wager in turn and each wager is immediately matched by the dealer/banker. The maximum and minimum wager may be set by house rule but in no event shall the maximum wager exceed twenty-five dollars. If the bank runs out of money (tapped out) prior to the commencement of the deal, then only those players with a wager covered will be dealt a hand.

~~((4))~~ (5) The play begins with the dealer/banker dealing one card face up to each covered player including himself/herself, one more card face up to each covered player, and then one down card to himself/herself. A player may be dealt more than one hand by house rule. ~~((When a house dealer is used, no cards are dealt to the banker.))~~ If a player holds an ace and a face card or a ten, it is a "natural" 21 and the player collects one and a half ~~((1.5))~~ times the amount of their bet from the dealer/banker, unless the dealer/banker also has a natural which results in a tie (push). All ties result in the players and the dealer/banker recovering their wagers.

~~((5))~~ (6) If the dealer/banker's face-up card is a ten, face card or ace, he/she shall look at their face-down card to see if they have a natural; if his/her face-up card is anything else, they may not look at their face-down card until their turn comes to draw. If the dealer/banker has a "natural," he/she collects the wagers from players who do not have a "natural." If the dealer/banker does not have a "natural," he/she pays off any player with a "natural" starting with the first one to the left of the dealer/banker. Should the dealer/banker not have enough money in the bank to make up the one and a half ~~((1.5))~~ for one payoff due on a "natural," then those hands and wagers will be frozen in place until the additional wagers are made up or the hand is over. If after the hand is over, a dealer/banker cannot cover the one and a half ~~((1.5))~~ for one, the player shall get the amount of wager that was covered by the dealer/banker.

(7) If the dealer/banker's face-up card is an ace, the licensee, by house rule, may allow the player banking the game to offer an "insurance" bet against losing to the dealer/banker's possible "natural." The dealer/banker, before look-

ing at his down card, inquires if any player wants insurance. A player who desires insurance places an amount equal to half his/her present wager on his/her own hand. When this bet is made, the dealer/banker looks at his/her down card. If it is a 10 count, the dealer turns it face up and announces a "natural." The insurance bettor is paid off at a rate of 2 to 1 and, unless they have a "natural," lose their original wager. If the dealer/banker's down card is not a 10 count card, the player loses his/her insurance bet and continues playing on their original wager.

~~((6))~~ (8) If the dealer/banker does not have a "natural," play continues with the player on the dealer/banker's immediate left. The dealer/banker deals cards face up, one by one, as that player calls for them. The player's aim is to total 21 or as close to 21 without going over. When a player is satisfied with their total, they shall declare "stand." If the player wants more cards, the player declares "hit." If a player goes over a 21 point count, the hand is a "bust" and they must turn the hand down, while the dealer/banker collects the bet. The dealer/banker does the same with each remaining player. Any player who stands must wait while the dealer/banker draws his or her cards. If the dealer/banker goes bust, each standing player is paid the amount of their wager. If the dealer/banker "stands," the down card is turned up and players whose totals are higher than the dealer/banker's are paid. The dealer/banker collects from any player whose total is less. Action is always to the left of the dealer/banker. Any frozen wagers needing to be "made up" will be done in order, to the left of the dealer/banker from losing wagers the dealer/banker collects.

~~((7))~~ (9) Should the dealer/banker not be able to cover all frozen wagers then those frozen wagers are released to the winning players and the deal passes immediately to the left at which time the new dealer/banker shall announce the amount of the bank and shuffle the cards. The same shall apply if the dealer/banker has no money in the bank. The dealer/banker may, if allowed by house rule, add to their bank in between hands.

~~((8))~~ (10) Upon completion of the shuffle, the player to the right of the dealer/banker shall cut the cards. After the cards have been placed into the shoe the dealer/banker shall insert a blank card approximately three quarters of the way through the deck(s). A dealer/banker may deal from the shoe until he/she reaches the blank card. After the blank card appears, the dealer/banker may continue dealing that hand, but will not start a new hand. ~~((If a house dealer is used, he/she returns the remaining chips in the bank to the banker.))~~ The player on the banker/dealer's immediate left shall be offered the opportunity to be the next dealer/banker ~~((or banker))~~. The discards may only be reshuffled to complete the last hand.

~~((9))~~ (11) Once wagers are placed and covered on the bet line, no player, including the dealer/banker, may touch those wagers until the winner has been determined. Any player touching the wagers may be ruled to have fouled and their wager forfeited.

~~((10))~~ (12) Any player who lifts their cards up from the table or slides their cards out of their own playing area shall be ruled to have fouled and their wager may be forfeited.

PROPOSED

~~((11))~~ (13) No player may "buy" the bank. The ~~((bank))~~ deal must pass around the table to the left and no ~~person~~ ~~((player))~~ can authorize another person ~~((anyone other than a house dealer))~~ to deal for him or her. No player may be the dealer/banker for more than one consecutive shoe before passing the bank. A new player entering the game may not participate as the dealer/banker until at least two other players have dealt. If a player does not wish to deal and passes the deal, that player may not play in the first two hands conducted by the next dealer/banker. A dealer/banker may, after completing one full hand, pass the deal and be able to participate in the next hand. ~~((: Provided, That when there are less than five players at a table a player may deal more than one consecutive shoe only when the remaining players have passed the deal.))~~

~~((12))~~ (14) The dealer/banker must stand on seventeen or above and must take hits on sixteen or below. If a dealer/banker has an ace, it shall be counted as eleven if it brings his or her total to seventeen or more (but not over twenty-one). Provided, That the licensee, by house rule, may allow ~~((house may elect to))~~ play of a "soft seventeen," which occurs when the dealer/banker's first two cards are an ace valued at eleven and a six. If the ~~((house))~~ licensee elects to play a soft seventeen, house rules must specify that the dealer/banker must hit a soft seventeen, and must stand on a hard seventeen and any eighteen or above. House blackjack rules must be posted in plain view to the players and the house must ensure they are consistently followed.

~~((13))~~ The conditions for doubling down shall be set by house rule, provided that the wager may be doubled and the player receives only one more card. The player must then stand on those three cards. If the dealer's bank is insufficient to cover a double down wager, the player may wager an amount equal to the dealer's remaining bank. The dealer must then cover that wager. If the dealer has no bank then a player may not double down.

~~((14))~~ ~~If the dealer's face up card is a ten, face card or ace, he/she may look at their face down card to see if they have a natural; if his/her face up card is anything else, they may not look at their face down card until their turn comes to draw.~~

~~((15))~~ (16) If a player's first two cards are a pair, then that player may split the pair into two separate hands. The amount of the player's original bet then goes on one of the cards, and they must place an equal amount as a bet on the other card. If the dealer/banker does not have enough in their bank to cover the doubled bet, the dealer/banker must cover an amount equal to the value of their remaining bank. The player then has the option to divide the wagers in any manner between the two hands, not to exceed the allowable limit per hand. If the dealer/banker has no bank then the player may divide their wager in any manner between the two hands, unless the player's original bet was a minimum allowed in that game then they may not split their pair. Additional splits shall be determined by house rule.

~~((16))~~ (17) The dealer/banker will pay only on the value of the cards held by the player and shall not pay on the number of cards received or the card sequence.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-40-125

Washington blackjack—  
Rules of play—Wagering  
limits.

**WSR 99-09-097**

**PROPOSED RULES**

## **EMPLOYMENT SECURITY DEPARTMENT**

[Filed April 21, 1999, 11:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-13-097 and 98-18-091.

Title of Rule: New chapter 192-180 WAC, Work search.

Purpose: To implement SSB 6420, codified as RCW 50.20.230 and 50.20.240, and clarify the work registration and job search requirements of unemployment insurance claimants.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040.

Statute Being Implemented: RCW 50.20.230, 50.20.240.

Summary: The proposed rules outline the work registration requirements for unemployment insurance claimants, their work search requirements, define work search directives and job search contacts, specify how work search activities are to be tracked and how the department will monitor these activities, describe the purpose of eligibility review interviews, and list the penalties for failure to comply with work registration and job search requirements.

Reasons Supporting Proposal: New statutes impose new job search requirements on claimants and require the department to develop a job search monitoring program. The proposal rules provide notice to the regulated community about these new requirements.

Name of Agency Personnel Responsible for Drafting: Juanita Myers, 212 Maple Park, Olympia, (360) 902-9665; Implementation and Enforcement: Dale Ziegler, 212 Maple Park, Olympia, (360) 902-9303.

Name of Proponent: Employment Security Department, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules outline the work registration requirements for unemployment insurance claimants, their

PROPOSED

work search requirements, define work search contacts and directives, specify how work search activities are to be tracked and how the department will monitor these activities, describe the purpose of eligibility review interviews, and list the penalties for failure to comply with work registration and job search requirements. The purpose is to implement SSB 6420, codified as RCW 50.20.230 and 50.20.240. It is anticipated that the rules will provide claimants with specific information regarding work registration and job search requirements they must meet to maintain eligibility for unemployment benefits.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not impose any requirements on businesses in general or small businesses in particular. They merely clarify the work registration and job search requirements imposed on unemployment insurance claimants. While the department will be attempting to verify claimants' work search activities on a random basis by contacting employers, there is no requirement that employers maintain additional records or respond to the department's request for information.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. The rules impose requirements which unemployment insurance claimants must meet in order to maintain their eligibility for benefits. As such, these rules meet the definition of "significant legislative" rules.

Hearing Location: Employment Security Department, Public Affairs Conference Room, 2nd Floor, 212 Maple Park, Olympia, WA, on May 26, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Karen LaFreniere by May 25, 1999, TDD (360) 902-9589, or (360) 902-9582.

Submit Written Comments to: Barney Hilliard, Rules Coordinator, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9225, by May 25, 1999.

Date of Intended Adoption: June 2, 1999.

April 19, 1999  
Carver Gayton  
Commissioner

## Chapter 192-180 WAC

### Job Search Requirements

#### NEW SECTION

**WAC 192-180-005 Registration for work—RCW 50.20.010(1) and RCW 50.20.230.** (1) **Am I required to register for work?** You must register for work unless you are:

- (a) Attached to an employer, meaning you are partially unemployed or on standby as defined by WAC 192-110-015, or participating in the shared work program under Title 50.60 RCW;
- (b) A member of a full referral union;
- (c) Participating in a training program approved by the commissioner; or
- (d) The subject of an antiharassment order. This includes any court-issued order providing for your protec-

tion, such as restraining orders, no contact orders, domestic violence protective orders, and similar documents.

(2) **How soon do I have to register?** (a) If you live within the state of Washington, the department will register you automatically based on information contained in your application for benefits. In unusual circumstances where you are not automatically registered, you must register within one week of the date on which you are notified by the department of the requirement to register for work.

(b) If you live in another state, you must register for work within one week of the date your first payment is issued on your new or reopened claim.

(3) **Where do I register for work?** You will be registered for work with your local employment center. However, if you live in another state, you must register for work with the equivalent public employment agency in that state.

(4) **What is the penalty if I do not register for work?** You will not be eligible for benefits for any week in which you are not registered for work as required by this section.

#### NEW SECTION

**WAC 192-180-010 Job search requirements—Directives—RCW 50.20.010(3) and RCW 50.20.240.** (1) **Do I have to look for work?** You must be actively seeking work unless you are:

- (a) Attached to an employer; or
- (b) Participating in a training program approved by the commissioner.

(2) **When should I start my job search?** You must look for work every week that you file a claim for benefits, unless you are exempt under subsection (1).

(3) **What are my weekly job search requirements?** (a) At a minimum, you must:

- (i) Make job search contacts with at least three employers each week; or
- (ii) Participate in a documented in-person job search activity at the local employment center.

(b) Based on your individual circumstances, such as your occupation, experience, or labor market area, the department may issue you a directive requiring more than three employer contacts a week.

(4) **What is a "job search contact"?** Usually a job search contact is contact with an employer in person or by telephone. You may use other job search methods that are customary for your occupation and labor market area. The work applied for must be suitable (see RCW 50.20.100) unless you choose to look for work in a lower skill area. A contact does not count if it is made with an employer whom you know is not hiring, or if the department determines the contact is designed in whole or in part to avoid meeting the job search requirements.

(5) **What is an "in-person job search activity"?** This is an activity provided through the local employment center that will assist you in your reemployment efforts. It includes, but is not limited to, resume development, job search workshops, training classes, and computer tutorials.

(6) **What is a directive?** A directive is a written notice from the department telling you that specific methods of job

search are required in order to meet the job search requirements.

(7) **When is a directive issued?** The department can issue a directive to clarify or to increase the job search requirements you must meet. Examples include, but are not limited to, cases in which you need to:

- (a) Increase the number of employer contacts each week;
- (b) Change your method of seeking work (such as from resumes to in-person contacts);
- (c) Expand the geographic area in which your job search is conducted; or
- (d) Seek work in a secondary occupation.

(8) **When is the directive effective?** The directive is effective when it is given in writing by the department. It stays in effect until a new written directive is given, or it is rescinded in writing.

#### NEW SECTION

**WAC 192-180-015 Tracking job search activities—RCW 50.20.240.** (1) **Do I need to keep track of my job search activities?** You must keep a record or log of your job search contacts and the services you receive through the local employment center unless you are:

- (a) A member of a full referral union; or
- (b) Exempt from job search requirements under WAC 192-180-010(1).

(2) **What information do I need to keep in the log?** Your job search log must contain at least the following information:

- (a) For job search contacts, record the date contact was made; the employer's name, address and telephone number; the type of contact (in-person, telephone, etc.); the name of the person you contacted; the type of work you applied for; and the results of your contact;
- (b) For in-person job search activities at the local reemployment center, record the date contact was made; a description of the services you received or the activities in which you participated; and the results of your contact.

(3) **Is there a specific form I must use?** The department will supply you with a form (EMS 10313) to use in tracking your job search activities. You may use your own form or tracking method as long as all information required by this subsection is recorded.

(4) **How long should I keep my log?** Keep your log for at least sixty days after the end of your benefit year.

#### NEW SECTION

**WAC 192-180-020 Monitoring job search activities—RCW 50.20.240.** (1) **Will my job search activities be monitored?** Every week that you file a claim for benefits, you must certify that you meet the job search requirements. The department may review your job search activities at any time. If you have been paid benefits for five or more weeks in any benefit year, you must provide the department with a copy of your job search log upon request. You must bring a copy of your job search log to any eligibility review interview (see WAC 192-180-025) for which you have been scheduled.

(2) **Will the department verify the information on my job search log?** Employer contacts and other job search activities on your log will be verified whenever the department has a question about the information reported. In addition, when you are scheduled for an eligibility review interview, your log will be verified on a random basis.

#### NEW SECTION

**WAC 192-180-025 Eligibility review interviews.** (1) **What is an eligibility review interview (ERI)?** The ERI is an interview between you and a representative of the local employment center. Its purpose is to identify any barriers to your reemployment, develop a plan for resolving barriers that may be identified, and provide advice on how to improve your job search efforts.

(2) **Will my job search activities be reviewed?** Yes, you must bring your job search log to the interview. The interviewer will review your log with you and discuss areas in which your job search can be improved. The employer contacts and job search activities included in your log will be verified at random. The interviewer may further verify any reported contacts at his or her discretion.

#### NEW SECTION

**WAC 192-180-030 Penalties.** (1) **Is there a penalty if I don't look for work?** Benefits will be denied if you fail to:

- (a) Meet the minimum job search requirements;
- (b) Provide information about your job search activities and, once you have been paid five weeks of benefits, provide a copy of your job search log upon request;
- (c) Comply with any job search directive issued by the department; or
- (d) Report to a scheduled eligibility review interview.

(2) **How long will my benefits be denied?** Benefits will be denied for the specific week or week(s) in which you fail to act as described in subsection (1).

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-24-030 Claimant directive.

**WSR 99-09-099**

**PROPOSED RULES**

**DEPARTMENT OF HEALTH**

[Filed April 21, 1999, 11:30 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Environmental health program fees, chapter 246-225 WAC, [WAC 246-254-053] Radiation machine facility registration fees.

Purpose: Revise fee schedule for x-ray facilities, increasing them to the fiscal growth factor of 3.32%.

Statutory Authority for Adoption: RCW 43.70.250.

Summary: Fees support public health activities in the radiation protection programs, x-ray program and need to be adjusted to compensate for inflation.

Reasons Supporting Proposal: Fees are necessary to continue program activities at their current level.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mike Odlaug, 1511 3rd Avenue, Seattle, WA 98101, (206) 464-5408.

Name of Proponent: Department of Health, Environmental Health Programs, Radiation Protection Program, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of these rules are to guarantee that programs have sufficient revenue to fulfill the obligation to protect public health, in order to do this; fees must be increased to support services the Department of Health provides. With the revenue increased, programs will be able to maintain the current level of public health activities.

Proposal Changes the Following Existing Rules: The change to the existing rule is a proposed fee increase only.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rules that set or adjust fees pursuant to legislative standards are exempt from the Regulatory Fairness Act.

RCW 34.05.328 does not apply to this rule adoption. Rules that set or adjust fees pursuant to legislative standards are exempt from the requirements of RCW 34.05.328.

Hearing Location: Melbourne Tower, 7th Floor Conference Room, 1511 3rd Avenue, Seattle, WA 98101, on May 25, 1999, at 10:00.

Assistance for Persons with Disabilities: Contact Mike Odlaug, (206) 464-5408 by May 18, 1999, TDD 1-800-833-6388.

Submit Written Comments to: Mike Odlaug, fax (206) 464-5408 by May 24, 1999.

Date of Intended Adoption: June 1, 1999.

April 20, 1999  
K. Van Gorkom  
Deputy Secretary

**AMENDATORY SECTION** (Amending WSR 98-11-066, filed 5/19/98, effective 7/1/98)

**WAC 246-254-053 Radiation machine facility registration fees.** ~~((1) Persons owning and/or leasing and using radiation producing machines shall submit a forty five dollar registration fee to the department at the time of application and every year thereafter. In addition, the annual tube fees are:~~

~~(a) Group A—For dental, veterinary, and podiatric uses:  
(i) Forty five dollars for the first tube in Group A; and  
(ii) Twenty two dollars and fifty cents for each additional tube.~~

~~(b) Group B—For hospitals and medical or chiropractic uses:~~

~~(i) One hundred twenty five dollars for the first tube in Group B; and~~

~~(ii) Sixty four dollars and fifty cents for each additional tube.~~

~~(e) Group C—For industrial, research, and other uses:~~

~~(i) Seventy dollars for the first tube in Group C; and~~

~~(ii) Twenty two dollars and fifty cents for each additional tube.~~

~~(d) Group D—No tube fee shall be charged for electron microscopes, mammographic X-ray machines, bone densitometers or airport baggage cabinet X-ray systems.~~

~~(2) The department shall charge a maximum annual total fee of two thousand eight hundred twenty five dollars for any facility or group of facilities where an in-house, full-time staff of at least two or more is devoted entirely to in-house radiation safety.~~

~~(3) A penalty fee of forty five dollars shall be charged for late registration or late reregistration. See WAC 246-224-020 and 246-224-050.~~

~~(4) A fee of ninety dollars per X-ray room shall be charged for review of X-ray shielding calculations and floor plans submitted under WAC 246-225-030.~~

~~(5) A penalty fee of forty five dollars shall be charged to a facility where submittal of X-ray shielding calculations and floor plans required by WAC 246-225-030 was not made before the X-ray machine installation.~~

~~(6) Facilities electing to consolidate X-ray machine registrations into a single registration shall document in writing to DOH that their facilities are under one business license.~~

~~(7) Any X-ray facility found unregistered will be billed registration fees for the period of time since X-ray machine installation and/or operation.)~~ (1) Radiation machine facility fees apply to each person or facility owning, leasing and using radiation-producing machines.

<b>FEE TYPE</b>	<b>FEE</b>
(a) Annual Base Registration Fee	\$46
(b) X-ray Shielding Review Fee	\$90 for each X-ray room
(c) Late registration or re-registration	\$46
(d) Penalty for operating without X-ray Shielding Calculations and Floor Plan Review	\$45
(e) Penalty for operating without registration	\$46 for each year of unregistered operation
(f) Tube Fees	See Table 1

<b>Group</b>	<b>First Tube</b>	<b>Each Additional Tube</b>
<del>(i) Group A: Dental, Podiatric, Veterinary uses</del>	\$46	\$23
<del>(ii) Group B: Hospital, Medical, Chiropractic uses</del>	\$127	\$66
<del>(iii) Group C: Industrial, research, and other uses</del>	\$70	\$23

**PROPOSED**

(iv) <b>Group D:</b> Electron Microscopes, Mammographic X-ray Machines, Bone Densitome- ters, and Airport Baggage Cabinet X-ray Systems	NA	NA
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(2) Radiation safety fee. If a facility or group of facilities under one administrative control employs two or more full-time individuals whose positions are entirely devoted to in-house radiation safety, the facility shall pay a flat, annual fee of two thousand nine hundred dollars.

(3) Consolidation of registration. Facilities may consolidate X-ray machine registrations into a single registration after notifying the department in writing and documenting that a single business license applies.

**WSR 99-09-100  
PROPOSED RULES  
DEPARTMENT OF HEALTH**

[Filed April 21, 1999, 11:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-086.

Title of Rule: Chapter 246-811 WAC, Certified chemical dependency professionals.

Purpose: There is a need to implement the 1998 legislation to further define what will be required for the minimum educational, experience, and examination standards for certification.

Statutory Authority for Adoption: RCW 18.205.060(1).  
Statute Being Implemented: Chapter 18.205 RCW.

Summary: This statute required the department to establish minimum requirements to become certified as a chemical dependency professional. The proposed rules include definitions, educational requirements, experience requirements, examination, renewal, and established fees.

Reasons Supporting Proposal: A collaborative effort was made to include stakeholders, practicing CDP providers, the chemical dependency advisory committee, and the Department of Health. The proposed rules reflect this effort in setting minimum entry-level requirements for certification.

Name of Agency Personnel Responsible for Drafting: Tonya G. Stauffer, Program Manager, 1300 S.E. Quince, Olympia, WA, (360) 236-4906; Implementation and Enforcement: Shellie Pierce, Program Manager, 1300 S.E. Quince, Olympia, WA, (360) 236-4907.

Name of Proponent: Department of Health, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Health professions must be self-supportive per RCW 43.70.250.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules implement chapter 243, Laws of 1998 which requires the department to regulate chemical depen-

gency professionals. The rule establishes the minimum education, experience, and supervision requirements for individuals who apply to the department for certification. The rule sets the fee structure for the chemical dependency program. The purpose of the rule is to set qualifications which will allow the department to evaluate and certify qualified applicants. The department anticipates that these rules will assure that only qualified individuals are certified to practice as chemical dependency professionals.

Proposal does not change existing rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

Chemical dependency professionals are employed in facilities certified by the Department of Social and Health Services, the Division of Alcohol and Drug Abuse (DASA). There are currently 515 facilities certified by DASA. Most of these facilities are small businesses who employ less than fifty people, are non-profit health care organizations, or are part of county governments. It is estimated that 1% or less of DASA facilities are for profit businesses that employ more than fifty people.

An estimated 1926 credentialed providers will have to comply with the requirements of these rules. This number was derived from DASA's statistical report on how many counselors are currently working in state approved facilities.

The standard industrial code classifications used to determine the threshold for more than minor impact were:

STANDARD INDUSTRIAL CODE	ECONOMIC ACTIVITY	MINOR COST THRESHOLD
806	Hospitals	\$ 50.00
809	Misc. Health	53.00
805	Nursing and Personnel Care Facilities	50.00

A significant cost to comply with these rules is the educational requirements. This requirement will apply to applicants not previously certified by DASA<sup>1</sup>. The requirement for an associate degree, ninety quarter hours, or sixty semester hours from an accredited institution is estimated to cost \$6000 -7000.

The cost of the college credits does exceed the minor cost threshold, however an educational program is required in statute, RCW 18.205.090 (1)(a). The purpose of the rule is to clarify the statutory mandate. The Regulatory Fairness Act states that mitigation is required only "where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based," RCW 19.85.030(3). Since the statute requires an educational program, it would be contrary to the objectives of the statute to mitigate the educational requirement for small businesses.

Another significant cost to comply with these regulations is the experience requirement. The amount of experience required depends on the educational level of the applicant. This requirement will apply to applicants not previously certified by DASA. It is estimated that 85% of

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applicants are paid approximately \$10.00 hour while acquiring the experience.

EDUCATIONAL LEVEL	EXPERIENCE REQUIREMENT
AA Degree	2500 hours
BA Degree	2000 hours
Masters Degree or Ph.D.	1500 hours

The cost of the experience requirement is the lower wage applicants may receive while gaining the experience than they might receive in other employment. The exact cost of this is difficult to determine, but it is likely to exceed \$50-\$53.

Since the cost of the experience requirement likely exceeds the minor cost threshold, however an experience requirement is required in statute, RCW 18.205.090 (1)(c). The purpose of the rule is to clarify the statutory mandate which requires fewer hours of experience for those providers with higher levels of relevant education. Since mitigation is required only when feasible in meeting the stated objectives of the statute, it would be contrary to the objectives of the statute to mitigate the experience requirement for small businesses.

The final significant cost is [of] the fee to become certified by the Department of Health is \$225.00. The cost of the renewal is \$125.00 per year. The cost of the experience requirement does exceed the minor cost threshold, however all programs are required to be supported by fees. RCW 43.70.250 states license fees for professions must be fully borne by the members of that profession. The secretary shall establish the amount of all application fees and license fees for each program at a sufficient level to defray the costs of administering that program. Since mitigation is required only when feasible in meeting the stated objectives of the statute, it would be contrary to the objectives of the statute to mitigate the fees for small businesses.

Public involvement was solicited through three mailings from the Department of Health (DOH), two mailings from the Department of Social and Health Services (DSHS), seven presentations at colleges and national associations from DOH staff and DSHS staff, four workgroup meetings, six committee meetings and a survey of 500 professionals.

Opportunity for written comments was provided during different stages of the development of the rules. Comments were received from Chemical Dependency Counselors, two national Chemical Dependency Certification Boards, National Counselor Associations, Chemical Dependency Advisory Committee members and Educational Institutions.

<sup>1</sup> The Department of Social and Health Services (DSHS), Division of Alcohol and Substance Abuse (DASA), in 1994, implemented chapter 440-22 WAC. This WAC required individuals who worked in a state approved agency, as a chemical dependency counselor, to have educational and experience requirements.

A copy of the statement may be obtained by writing to Tonya G. Stauffer, Program Manager, CDP Program, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 236-4906, fax (360) 236-4909.

RCW 34.05.328 applies to this rule adoption. These rules are significant under RCW 34.05.238 [34.05.328] because they require applicants to show proof of education,

experience, and take a national examination. The agency has conducted the additional analysis required by RCW 34.05.328.

Hearing Location: Cavanaugh's Gateway Hotel, 9 North 9th Street, Yakima, WA 98901, on May 25, 1999, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Tonya G. Stauffer by May 17, 1999, TDD 1-800-833-6388, or (360) 236-4906.

Submit Written Comments to: Tonya G. Stauffer, Program Manager, CDP Program, P.O. Box 47869, Olympia, WA 98504-7869, fax (360) 236-4909, by May 17, 1999.

Date of Intended Adoption: May 26, 1999.

April 21, 1999

Kristine Van Gorkom  
Deputy Secretary

## Chapter 246-811 WAC

### CHEMICAL DEPENDENCY PROFESSIONALS

#### Definitions

#### NEW SECTION

#### WAC 246-811-010 What definitions should I know?

(1) **Approved supervisor** is an individual who meets the education and experience requirements described in WAC 246-811-030 and 246-811-045 through 246-811-049 and who is available to the person being supervised.

(2) **Approved school** means any college or university accredited by a national or regional accrediting body recognized by the commission on recognition of postsecondary accreditation, at the time the applicant completed the required education.

(3) **Official transcript** is defined as the transcript from an approved college or university, in an envelope readily identified as having been sealed by the school.

(4) **Individual formal meetings** is defined as a meeting with an approved supervisor, involving one approved supervisor and no more than four supervisees.

(5) **Addiction counseling competencies** means the knowledge, skills, and attitudes of chemical dependency counselor professional practice as described in Technical Assistance publication No. 21, Center for Substance Abuse Treatment (CSAT), Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services 1998.

(6) **Related field** is defined as health education, behavioral science, sociology, psychology, marriage and family therapy, mental health counseling, social work, psychiatry, nursing, divinity, criminal justice, and counseling education.

## Education

### NEW SECTION

**WAC 246-811-030 What are the minimum education requirements for chemical dependency professional certification?** (1) The minimum education requirements are:

(a) An associate's degree in human services or related field from an approved school; or

(b) Successful completion of ninety quarter or sixty semester college credits in courses from an approved school.

(2) At least forty-five quarter or thirty semester credits must be in courses relating to the chemical dependency profession and shall include the following topics:

(a) Understanding addiction;  
 (b) Pharmacological actions of alcohol and other drugs;  
 (c) Substance abuse and addiction treatment methods;  
 (d) Understanding addiction placement, continuing care, and discharge criteria, including American Society of Addiction Medicine (ASAM) criteria;

(e) Cultural diversity including people with disabilities and its implication for treatment;

(f) Chemical dependency clinical evaluation (screening and referral to include comorbidity);

(g) HIV/AIDS brief risk intervention for the chemically dependent;

(h) Chemical dependency treatment planning;

(i) Referral and use of community resources;

(j) Service coordination (implementing the treatment plan, consulting, continuing assessment and treatment planning);

(k) Individual counseling;

(l) Group counseling;

(m) Chemical dependency counseling for families, couples and significant others;

(n) Client, family and community education;

(o) Developmental psychology;

(p) Psychopathology/abnormal psychology;

(q) Documentation, to include, screening, intake, assessment, treatment plan, clinical reports, clinical progress notes, discharge summaries, and other client related data;

(r) Chemical dependency confidentiality;

(s) Professional and ethical responsibilities;

(t) Relapse prevention;

(u) Adolescent chemical dependency assessment and treatment;

(v) Chemical dependency case management; and

(w) Chemical dependency rules and regulations.

(3) All applicants, including individuals who are licensed under chapter 18.83 RCW, Psychologists; and chapter 18.79 RCW, Advance nurse practitioner, must also meet the requirements in subsection (2) of this section.

### Experience Requirements

### NEW SECTION

**WAC 246-811-045 How will my experience be counted?** (1) The department of health will consider experience up to seven years prior to the date of application.

(2) Accumulation of the experience hours is not required to be consecutive. Experience that will count toward certification must meet the requirements outlined in WAC 246-811-046 through 246-811-049.

(3) Supervised experience is the practice as referred to in RCW 18.205.090 (1)(c) and is the experience received under an approved supervisor. A practicum or internship taken while acquiring the degree or semester/quarter hours is applicable.

### NEW SECTION

**WAC 246-811-046 How many hours of experience will I need for certification?** You will be required to complete two thousand five hundred, two thousand or one thousand five hundred hours of supervised experience depending upon your formal education level.

(1) Two thousand five hundred hours of chemical dependency counseling as defined in RCW 18.205.020(3), for individuals who possess an associate degree; or

(2) Two thousand hours of chemical dependency counseling for individuals who possess a baccalaureate degree in human services or a related field from an approved school; or

(3) One thousand five hundred hours of chemical dependency counseling for individuals who possess a master or doctoral degree in human services or a related field from an approved school; or

(4) One thousand five hundred hours of chemical dependency counseling for individuals who are licensed as advanced registered nurse practitioners under chapter 18.79 RCW; or

(5) One thousand five hundred hours of chemical dependency counseling for individuals who are licensed as a psychologist under chapter 18.83 RCW.

### NEW SECTION

**WAC 246-811-047 What competencies must I become proficient at during my experience?** (1) It is the intent that individuals become competent in addiction counseling competencies, as defined in WAC 246-811-010(5), through the experience requirement.

(2) Individuals must experience the addiction counseling competencies listed in (a) through (i) of this subsection.

(a) Two hundred hours of clinical evaluation. One hundred hours of the two hundred must be face-to-face patient contact hours.

(b) Six hundred hours of face-to-face counseling to include:

Individual counseling;

Group counseling;

Counseling family, couples, and significant others.

(c) Fifty hours of discussion of professional and ethical responsibilities.

(d) Transdisciplinary foundations:

Understanding addiction;

Treatment knowledge;

Application to practice;

Professional readiness.

(e) Treatment planning.

- (f) Referral.
  - (g) Service coordination.
  - (h) Client, family, and community education.
  - (i) Documentation, to include, screening, intake, assessment, treatment plan, clinical reports, clinical progress notes, discharge summaries, and other client related data.
- (3) Eight hundred fifty hours of experience are designated to subsection (2)(a) through (c) of this subsection, the remaining experience hours must be divided among subsection (2)(d) through (i) of this subsection as determined by the supervisor.

**NEW SECTION**

**WAC 246-811-048 How much of the experience requirement needs to be under supervision?** (1) All of the experience must be under an approved supervisor as defined in WAC 246-811-010(1). The first fifty hours of any face-to-face client contact must be under direct observation of an approved supervisor or a chemical dependency professional. Supervision shall be based on assisting the person being supervised in acquiring proficiency in the addiction counseling competencies as defined in WAC 246-811-010(5).

(2) Approved supervisors shall attest to the department of the supervised person's satisfactory progress in becoming proficient in the addiction counseling competencies as listed in WAC 246-811-047 (2)(a) through (i) on forms provided by the department.

**NEW SECTION**

**WAC 246-811-049 Who may act as an approved supervisor?** (1) An approved supervisor is a certified chemical dependency professional or a person who meets or exceeds the requirements of a certified chemical dependency professional in the state of Washington, and who would be eligible to take the examination required for certification; and

(2) An approved supervisor has at least four thousand hours of experience in a state approved chemical dependency treatment agency.

(a) The four thousand hours are in addition to the supervised experience hours required to be eligible to become a chemical dependency professional.

(b) Twenty-eight clock hours of recognized supervisory training may be substituted for one thousand hours of experience; and

(3) An approved supervisor is not a blood or legal relative, significant other, cohabitant of the supervisee, or someone who has acted as the person supervised's primary counselor.

**National Certifications**

**NEW SECTION**

**WAC 246-811-070 To what extent will my national certification be recognized by the department?** (1) A person who is certified through the National Association of Alcoholism and Drug Abuse Counselors (NAADAC) or the International Certification and Reciprocity Consortium

(ICRC), is considered to have met the experience requirements of WAC 246-811-046.

(2) A person who is certified through NAADAC or ICRC is considered to have met the requirements of WAC 246-811-030 pertaining to the forty-five quarter or thirty semester credits in courses covering the subject content described in WAC 246-811-030(2). Verification of the additional forty-five quarter or thirty semester credits will be required upon application to the department.

(3) Verification of certification must be sent directly to the department from NAADAC or ICRC.

**AIDS Requirement**

**NEW SECTION**

**WAC 246-811-075 How many hours of AIDS prevention and information education do I need?** Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

**Expired Credential**

**NEW SECTION**

**WAC 246-811-080 What happens if my certification expires?** (1) If the certification has expired for five years or less the individual must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If a certification has lapsed for more than five years, the applicant will be required to demonstrate continued competency and shall be required to take an examination if an examination was not taken and passed for the initial certification. In addition, the requirements of chapter 246-12 WAC, Part 2, must be met.

**Fees**

**NEW SECTION**

**WAC 246-811-990 How often do I need to renew and what are the costs for certification?** (1) Certificates must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for certified chemical dependency professional:

Title of Fee	Fee
Application	\$100.00
Initial certification	125.00
Renewal	125.00
Late renewal penalty	62.50
Expired certification reissuance	62.50
Duplicate certification	10.00
Certification of certificate	10.00
Wall certificate	10.00

PROPOSED

**WSR 99-09-101**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**

[Filed April 21, 1999, 11:33 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 98-19-092.

Title of Rule: WAC 246-924-180 Continuing education—Purpose and scope, 246-924-230 Continuing education requirements, 246-924-240 Definitions of categories of creditable CPE, 246-924-250 Continuing education—Special considerations, 246-924-300 Definition of acceptable documentation and proof of CPE, 246-924-330 Continuing education—Exemptions, and 246-924-340 Continuing education—Program or course approval.

Purpose: Change references in the continuing education rules from "continuing psychological education" to "continuing education." Delete incomplete listing of acceptable sources for obtaining continuing education. Add the Examining Board of Psychology as an acceptable organization to offer continuing education. Remove awarding continuing education credit to board members for their work on the board. Clarify continuing education required for reinstatement of an expired credential.

Statutory Authority for Adoption: RCW 18.83.090.

Statute Being Implemented: Chapter 18.83 RCW, Psychologists.

Summary: Licensed psychologists must meet the continuing education requirement established by statute and defined in rule by the Examining Board of Psychology. The proposed revisions will change the term used throughout the rules from "continuing psychology education" to "continuing education," allow credit for teaching a continuing education course for the first time, remove an incomplete list of continuing education providers, consolidate language and repeal one rule section, and discontinue awarding hours to board members for their work on the board.

Reasons Supporting Proposal: These revisions will clarify the continuing education requirement, increase opportunities for licensees to obtain appropriate continuing education and reduce the number of rule sections in chapter 246-924 WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Janice K. Boden, Program Manager, 1300 Quince Street S.E., Olympia, WA 98504, (360) 236-4910.

Name of Proponent: Examining Board of Psychology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The term "continuing psychology education" is used by the American Psychological Association to describe their CE offerings. It may be confusing to many psychologists for the term to also be used in the psychology rules. This change would be considered housekeeping, appearing throughout the sections noted above.

Names of specific organizations recognized by the board to provide CE courses are being deleted from the current rule

language because the list does not include all recognized organizations. Language is also being added to allow credit toward the continuing education requirement for teaching an approved CE program for the first time. The request for this change came from the Washington State Psychological Association.

Language from WAC 246-924-340 is being consolidated with WAC 246-924-240. WAC 246-924-340 is being repealed.

Proposal Changes the Following Existing Rules: The term "continuing psychology education" is being replaced by "continuing education" throughout the above referenced sections.

WAC 246-924-240: Incorporates language from WAC 246-924-340, which is being repealed. Specific names of behavioral science organizations are being deleted because it is not a complete listing of these organizations. Language is being added to allow credit for teaching an approved continuing education program for the first time, and the Examining Board of Psychology will be recognized to provide continuing education.

WAC 246-924-250: Clarifies the number of continuing education hours licensed psychologists must obtain for reinstatement of their license when they have allowed their credential to expire for three years or more.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

Individual providers (psychologists) qualify as small businesses since less than fifty people are typically employed in their practices. Since most providers qualify as small businesses, there is no disproportionate impact to small businesses. When there is no disproportionate impact, mitigation is not necessary.

An estimated 1,600 credentialed providers must meet the continuing education requirement every three years. These rules do not add any additional financial impact to meeting that requirement.

Public involvement was solicited through printed materials mailed to all licensees and interested parties. The topic was also on the agenda for several board meetings. Meeting agendas were distributed to interested parties prior to each meeting.

Opportunity for written comments was provided during different stages of the development of the rules. Comments were received from the Washington State Psychological Association and numerous licensees.

A copy of the statement may be obtained by writing to Department of Health, Psychology Program, P.O. Box 47869, 1300 Quince Street S.E., Olympia, WA 98504-7869, phone (360) 236-4910, fax (360) 664-9484.

RCW 34.05.328 does not apply to this rule adoption. These are not significant rules.

Hearing Location: Tyee Hotel, Olympia Room, 500 Tyee Drive, Olympia, WA 98512, on June 11, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Janice K. Boden by June 1, 1999, TDD 1-800-525-0127, or 1-800-833-6388.

Submit Written Comments to: Janice K. Boden, fax (360) 664-9484, by June 1, 1999.

Date of Intended Adoption: June 11, 1999.

April 12, 1999  
Janice K. Boden  
Program Manager

**AMENDATORY SECTION** (Amending Order 129B, filed 1/28/91, effective 2/28/91)

**WAC 246-924-180 Continuing education—Purpose and scope.** The ultimate aim of continuing education is to ensure the highest quality of professional work. Continuing ~~((psychology))~~ education consists of educational activities designed to review existing concepts and techniques and to convey information and knowledge about advances in psychology as applied to the work settings. The objectives are to improve and increase the ability of the psychologist to deliver the highest possible quality of psychological work and to keep the professional psychologist abreast of current developments in a rapidly changing field. All psychologists, licensed pursuant to chapter 18.83 RCW, and holders of certificates of qualification issued pursuant to RCW 18.83.105, will be required to meet the continuing education requirements set forth in these rules as a prerequisite to license renewal.

**AMENDATORY SECTION** (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-924-230 Continuing education requirements.** (1) The Washington state board of psychology (hereafter referred to as the board) requires a minimum of sixty hours of continuing ~~((psychological))~~ education (hereafter referred to as ~~((CPE))~~ CE) every three years.

(2) A minimum of four hours credit in ethics must be included in the sixty hours required. Areas to be covered, depending on the licensee's primary area(s) of function are practice, consultation, research, teaching, and/or supervision.

(3) Faculty providing ~~((CPE))~~ CE offerings shall meet the training and the full qualifications of their respective professions. All faculty shall have demonstrated an expertise in the areas in which they are instructing.

(4) The board reserves the right to require any licensee to submit evidence, e.g., course or program certificate of training, transcript, course or workshop brochure description, evidence of attendance, etc., in addition to the affidavit form in order to demonstrate compliance with the sixty hours ~~((CPE))~~ CE requirement.

**AMENDATORY SECTION** (Amending WSR 94-12-039, filed 5/25/94, effective 6/25/94)

**WAC 246-924-240 Definitions of categories of creditable ~~((CPE))~~ CE.** All ~~((CPE))~~ CE activities shall be directly relevant to maintaining or increasing professional or scientific competence in psychology. Courses or workshops primarily designed to increase practice income or office efficiency, while valuable to the licensee, are specifically noneligible for ~~((CPE))~~ CE credit. Program sponsors or institutes

should not apply for, nor expect to receive, prior or current board approval for CE status or category. Recognized activities shall include:

(1) Courses, seminars, workshops and post-doctoral institutes offered by educational institutions chartered by a state and recognized (accredited) by a regional association of schools, colleges and universities as providing graduate level course offerings. Such educational activities shall be recorded on an official transcript or certificate of completion ~~((see WAC 246-924-180))~~.

(2) Courses (including correspondence courses), seminars, workshops and post-doctoral institutes sponsored by the American Psychological Association, ~~((the National Academy of Professional Psychologists,))~~ regional or state psychological associations or their subchapters, psychology internship training centers ~~((and))~~, other professionally or scientifically recognized behavioral science organizations ~~((such as, but not limited to, National Training Laboratories, National Association of Social Workers, Department of Veterans' Affairs, Regional Medical Education Centers, Western Psychological Association, Northwest Family Training Institute, Seattle Institute for Psychoanalytic Training)), and the board.~~

(3) Credit toward the CE requirement may be earned through teaching an approved CE program. Credit earned through teaching shall not exceed thirty hours every three years. Credit for teaching an approved CE program may be earned on the following basis:

(a) One credit hour for each sixty minutes actually spent teaching the program for the first event. Credit may be conferred for teaching similar subject matter only if the psychologist has actually spent an equal or greater amount of preparation time updating the subject matter to be taught on a later occasion.

(b) One credit hour for each sixty minutes actually spent participating in a panel presentation.

**AMENDATORY SECTION** (Amending WSR 96-08-007, filed 3/22/96, effective 4/22/96)

**WAC 246-924-250 Continuing education—Special considerations.** In lieu (total or partial) of sixty hours of ~~((CPE))~~ CE the board may consider credit hour approval and acceptance of other programs as they are developed and implemented, such as:

(1) Compliance with a ~~((CPE))~~ CE program developed by the American Psychological Association which provides either a recognition award or certificate, may be evaluated and considered for partial or total fulfillment of the ~~((CPE))~~ CE credit hour requirements of the board.

(2) Psychologists licensed in the state of Washington but practicing in a different state or country which has a mandatory or voluntary ~~((CPE))~~ CE program may submit to the board evidence of completion of that other state's or country's ~~((CPE))~~ CE requirements for evaluation and partial or total credit hour approval.

(3) Psychologists licensed in the state of Washington but practicing in a state, U.S. territory or foreign country without ~~((CPE))~~ CE requirements, or who are not legally required to meet those ~~((CPE))~~ CE requirements, may submit evidence

of their ((CPE)) CE activities pursued outside of Washington state directly to the board for evaluation and approval based on conformity to the board's ((CPE)) CE requirements.

(4) The board may also accept evidence of diplomate award by the American Board of Professional Psychology (ABPP) and American Board of Psychological Hypnosis (ABPH) in lieu of sixty hours of ((CPE)) CE for that three year period in which the diplomate was awarded.

(5) Credit hours may be earned for other specialty board or diploma certifications if and when such are established.

(6) ~~((All board members appointed after December 31, 1985 shall receive, for each year of service on the board, ten continuing education credits, to be applied in any category the board member chooses.))~~ In accordance with WAC 246-12-040 (2)(c)(ix), psychologists who have allowed their credential to expire for three years or more must document completion of forty hours of CE, of which four hours must be in ethics. This CE must have been obtained within the two most recent years immediately prior to reinstatement.

AMENDATORY SECTION (Amending WSR 94-12-039, filed 5/25/94, effective 6/25/94)

**WAC 246-924-300 Definition of acceptable documentation and proof of ((CPE)) CE.** Licensees are responsible for acquiring and maintaining all acceptable documentation of their ((CPE)) CE activities.

Acceptable documentation shall include transcripts, letters from course instructors, or certificate of completion or other formal certification. In all cases other than transcripts, the documentation must show the participant's name, the activity title, number of ((CPE)) CE credit hours, date(s) of activity, faculty's name(s) and degree and the signature of verifying individual (program sponsor).

AMENDATORY SECTION (Amending Order 129B, filed 1/28/91, effective 2/28/91)

**WAC 246-924-330 Continuing education—Exemptions.** In the event a licensee fails to meet requirements, because of illness, retirement (with no further provision of psychological services to consumers), failure to renew, or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant a time extension. The board may, in its discretion, limit in part or in whole the provision of psychological services to the consumers until the ((CPE)) CE requirements are met. In the case of retirement or illness, the board may grant indefinite waiver of ((CPE)) CE as a requirement for relicensure, provided an affidavit is received indicating the psychologist is not providing psychological services to consumers. If such illness or retirement status is changed or consumer psychological services are resumed, it is incumbent upon the licensee to immediately notify the board and to resume meeting ((CPE)) CE requirements for relicensure. ((CPE)) CE credit hours will be prorated for the portion of that three year period involving resumption of such services.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-924-340

Continuing education—Program or course approval.

**WSR 99-09-052**  
**EXPEDITED ADOPTION**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Adult Services Administration)  
 [Filed April 19, 1999, 1:45 p.m.]

Title of Rule: Chapter 388-78A WAC, Boarding home licensing.

Purpose: To change cross-references in chapter 388-78A WAC from chapter 246-316 WAC to chapter 388-78A WAC.

Statutory Authority for Adoption: RCW 18.20.240.

Statute Being Implemented: Chapter 18.20 RCW.

Summary: In 1998, the legislature transferred the responsibility for licensing and inspection of boarding homes from the Department of Health (DOH) to the Department of Social and Health Services (DSHS). Chapter 246-316 WAC contained the DOH regulations on boarding home licensing and inspection. At the request of DSHS, the code reviser recodified chapter 246-316 WAC to chapter 388-78A WAC. The internal cross-references within the text were not changed. For instance, WAC 388-78A-040(3) refers to WAC 246-316-045. The reference should be WAC 388-78A-045.

Reasons Supporting Proposal: Internal consistency - inspectors must cite regulations when issuing their findings, confusion results when the regulations contain reference to a nonexistent WAC chapter.

Name of Agency Personnel Responsible for Drafting: Patricia Hague, P.O. Box 45600, Mailstop 45600, Olympia, WA 98504-5600, 753-0631; Implementation and Enforcement: Pat Lashway, P.O. Box 45600, Mailstop 45600, Olympia, WA 98504-5600, 493-2560.

Name of Proponent: Department of Social and Health Services, Aging and Adult Services Administration, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: In 1998, the legislature transferred the responsibility for licensing and inspection of boarding homes from the Department of Health (DOH) to the department of Social and Health Services (DSHS). Chapter 246-316 WAC contained the DOH regulations on boarding home licensing and inspection. At the request of DSHS, the code reviser recodified chapter 246-316 WAC to chapter 388-78A WAC. The internal cross-references were not changed. For instance, WAC 388-78A-040(3) refers to WAC 246-316-045. The reference should be WAC 388-78A-045. Inspectors must cite regulations when issuing their findings, confusion results when the regulations contain reference to a nonexistent WAC chapter.

Proposal Changes the Following Existing Rules: In chapter 388-78A WAC, change any reference to chapter 246-316 WAC to chapter 388-78A WAC. For instance, WAC 388-78A-040(3) refers to WAC 246-316-045. The reference should be WAC 388-78A-045.

**NOTICE**

**THIS RULE IS BEING PROPOSED TO BE  
 ADOPTED USING AN EXPEDITED RULE-MAKING**

PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Paige Wall, Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, AND RECEIVED BY July 7, 1999.

April 7, 1999

Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 99-10 issue of the Register.



**WSR 99-08-073**  
**PERMANENT RULES**  
**EMPLOYMENT SECURITY DEPARTMENT**

[Filed April 5, 1999, 12:52 p.m.]

Date of Adoption: March 17, 1999.

Purpose: Beginning in February 1999, the department began implementation of a new process whereby applications for unemployment benefits are filed by telephone rather than in person. The changes in the rules are needed to identify how information will be provided to claimants, and how claimants are to request or provide information to the department, when claims are processed in an unemployment claims telecenter rather than in a local office.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-12-005, 192-12-141, 192-12-150, 192-12-182, 192-23-002, 192-23-013, 192-23-018, 192-24-001, 192-24-010, and 192-24-020; and amending WAC 192-04-170, 192-04-190, 192-12-330, and 192-15-150.

Statutory Authority for Adoption: RCW 50.20.010, 50.12.040.

Adopted under notice filed as WSR 99-01-161 on December 23, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of the rules contain only minor changes from the proposed version, and serve only to clarify requirements and simplify language.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 17, Amended 4, Repealed 10.

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

Number of Sections Adopted on the Agency's Own Initiative: New 17, Amended 4, Repealed 10.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 17, Amended 4, Repealed 10.

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

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

April 2, 1999

Carver Gayton  
 Commissioner

AMENDATORY SECTION (Amending WSR 95-18-055, filed 8/31/95, effective 10/1/95)

**WAC 192-04-170 Decision of commissioner—Petition for review—Filing—Reply.** (1) The written petition for review shall be filed ~~((in person at any job service center or))~~ by mailing it to the ~~((a))~~ Agency ~~((r))~~ Records ~~((e))~~ Center, ~~((of the))~~ ~~((e))~~ Employment ~~((s))~~ Security ~~((d))~~ Department, Post Office Box 9046, Olympia, WA 98507-9046, within thirty days of the date of mailing or delivery of the decision of the office of administrative hearings, whichever is the earlier. ~~((Out of state residents may file the petition for review~~

~~in person at the unemployment compensation agency of the state or territory in which they then reside or by mailing it to the agency records center of the employment security department within thirty days of the date of the mailing or delivery of the decision of the office of administrative hearings, whichever is the earlier.))~~

(2) Any written argument in support of the petition for review must be attached to the petition for review and be filed contemporaneously therewith. The commissioner's review office will acknowledge receipt of the petition for review by assigning a review number to the case, entering the review number on the face of the petition for review, and setting forth the acknowledgement date on the petition for review. The commissioner's review office will also mail copies of the acknowledged petition for review and attached argument in support thereof to the petitioning party, nonpetitioning party and their representatives of record, if any.

(3) Any reply to the petition for review and any argument in support thereof by the nonpetitioning party shall be ~~((filed in person at, or))~~ mailed to~~((;))~~ the ~~((e))~~ Commissioner's ~~((r))~~ Review ~~((o))~~ Office, Employment Security Department, Post Office Box 9046, Olympia, WA 98504-9046. The reply must be received by the commissioner's review office within fifteen days of the date of mailing of the acknowledged petition for review. An informational copy shall be mailed by the nonpetitioning party to all other parties of record and their representatives, if any.

(4) The petition for review and argument in support thereof and the reply to the petition for review and argument in support thereof shall:

(a) Be captioned as such, set forth the docket number of the decision of the office of administrative hearings, and be signed by the party submitting it or by his or her representative.

(b) Be legible, reproducible and five (5) pages or less.

(5) Arrangements for representation and requests for copies of the hearing record and exhibits will not extend the period for the filing of a petition for review, argument in support thereof, or a reply to the petition for review.

(6) Any argument in support of the petition for review or in reply thereto not submitted in accordance with the provisions of this regulation shall not be considered in the disposition of the case absent a showing that failure to comply with these provisions was beyond the reasonable control of the individual seeking relief.

AMENDATORY SECTION (Amending WSR 89-24-030, filed 11/30/89, effective 1/1/90)

**WAC 192-04-190 Petition for reconsideration—Filing—Consideration—Disposition—Judicial review.** (1) A written petition for reconsideration and argument in support thereof may be filed within ten days of the date of mailing or delivery of the decision of the commissioner, whichever is the earlier. It shall be mailed ~~((or delivered))~~ to the ~~((e))~~ Commissioner's ~~((r))~~ Review ~~((o))~~ Office, Employment Security Department, ~~((212 Maple Park Drive))~~ Post Office Box 9046, Olympia, WA~~((;))~~ 9850~~((4))~~7-9046, and to all other parties of record and their representatives.

(2) No matter will be reconsidered by the commissioner unless it clearly appears from the face of the petition for reconsideration and the argument submitted in support thereof that (a) there is obvious material, clerical error in the decision or (b) the petitioner, through no fault of his or her own, has been denied a reasonable opportunity to present argument or respond to argument pursuant to WAC 192-04-170.

(3) A petition for reconsideration shall be deemed to have been denied if, within twenty days from the date the petition for reconsideration is filed, the commissioner does not either (a) dispose of the petition for reconsideration or (b) mail or deliver to the parties a written notice specifying the date by which he or she will act on the petition for reconsideration. If no action is taken by the date specified in such written notice, the petition will be deemed to have been denied.

(4) A petition for reconsideration does not stay the effectiveness of the decision of the commissioner. The filing of a petition for reconsideration is not a prerequisite for filing a petition for judicial review. An order denying reconsideration or a written notice specifying the date upon which action will be taken on the petition for reconsideration is not subject to judicial review.

**AMENDATORY SECTION** (Amending WSR 91-19-007, filed 9/6/91, effective 9/8/91)

**WAC 192-12-330 Predetermination procedure—Separation issue.** (1) No determination on a separation issue (RCW 50.20.050, 50.20.060) will be issued until both parties to the separation have had an opportunity to present information and rebuttal, if necessary and appropriate, on the matters at issue.

(2) If an employer does not respond within ten days to the notice required by WAC 192-12-310, the department may at that time make a determination based on available information.

(3) If the department receives information from the employer after the end of the ten-day response period, but before the determination has been made, the information provided by the employer will be considered prior to making the determination if the information was mailed to the ~~((job service center where the claim was filed))~~ unemployment claims telecenter identified on the notice.

(4) If the department receives information from the employer after the end of the ten-day period and within thirty days following the mailing of a determination, the department will consider that information for the purposes of a redetermination under RCW 50.20.160 or as an appeal of the determination.

(5) Any information received within thirty days of the mailing of the notice required by WAC 192-12-310 may be considered a request for relief of benefit charges under RCW 50.29.020.

**AMENDATORY SECTION** (Amending WSR 80-07-026, filed 6/12/80)

**WAC 192-15-150 Records index—Available material.** The department finds that it would be unduly burdensome and would interfere with agency operations to maintain an index of records as specified in RCW 42.17.260(2), because of the complexity and diversity of its operations and the resulting volume of correspondence reports, survey, staff studies and other materials. The department will make available for public inspection and copying all indexes which may at a future time be developed for agency use.

The following records shall be available for inspection and copying through the office of the public records officer and, in addition, those marked with an asterisk (\*) shall be available for inspection ~~((at))~~ through the department's ~~((job service))~~ local employment centers.

(1) Laws relating to employment security.\*

(2) Employment security department rules ~~((and regulations))~~\* Title 192 WAC.

(3) Digest commissioner's decisions.\*

(4) ~~((Employer field))~~ Unemployment insurance tax administration audit manual ~~((Tax))~~.

(5) ~~((Field office operations))~~ Tax branch policy manual ~~((Tax))~~.

(6) Benefit~~((s))~~ policy guide.\*

(7) ~~((Manual of local office benefit functions.\*))~~ Unemployment insurance procedures manual.

(8) Inventory of equipment.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

## Chapter 192-110 WAC

### Applying for Unemployment Benefits

#### NEW SECTION

**WAC 192-110-005 Applying for unemployment benefits—General.** (1) **How do I apply for benefits?** (a) File your application for benefits by placing a telephone call to the unemployment claims telecenter listed in your local telephone directory.

(b) In situations involving individuals with physical or sensory disabilities that make filing by telephone difficult, or in other unusual circumstances, the commissioner can authorize other methods for filing an application for benefits.

(2) **When can I apply?** You may apply at any time between the hours of 8:00 a.m. and 5:00 p.m. (Pacific Time) Monday through Friday (excluding state holidays), even if you are working. Your claim is effective on the Sunday of the week you file your claim.

(3) **What information am I required to provide?** The minimum information needed to process your application is:

(a) Your legal name; and

(b) Your social security account number.

You should also be prepared to provide the names, addresses, dates worked, and reasons for job separation for all

of your employers during the past two years. Other information may be requested in individual circumstances.

(3) **Will I receive benefits immediately?** The first week you are eligible for benefits is your waiting week. You will not be paid for this week. However, you must file a claim for this week before any benefits for future weeks can be paid to you.

#### NEW SECTION

**WAC 192-110-015 Applications by partially unemployed or standby workers—RCW 50.04.310, 50.20.010, and 50.20.130. (1) Definitions:**

(a) "Employer" means any person or business for which you work in exchange for wages.

(b) "Partially unemployed" means that during a week:

(i) You worked for your regular employer less than full time because of lack of work; and

(ii) You earned less than one and one-third times your weekly benefit amount plus five dollars.

(c) "Standby" means you are temporarily unemployed due to lack of work but expect to return to work with your regular employer.

(2) **Your rights when you are partially unemployed:**

(a) You may file your application or claim for benefits as many as five weeks after your hours are reduced without it being considered late.

(b) You do not have to register for work, however, you must accept all hours offered by your regular employer.

(3) **Your rights when you are on standby:**

(a) You can ask to be on standby for up to four weeks.

(b) You do not have to register for work.

(c) We will ask your employer to verify that you are on standby and your expected return to work date:

(i) If your employer does not respond, you can be on standby for up to four weeks;

(ii) If your employer confirms you are on standby, you can be on standby for up to four weeks or until the return to work date given by your employer, whichever is earlier;

(iii) If your employer responds that you are not on standby, you will be required to immediately register for work and to look for work.

(d) Your regular employer must request to extend your standby status for more than four weeks. This request is subject to approval by the department. We will consider the following before deciding whether to extend standby status for more than four weeks:

(i) How long you have been out of work;

(ii) Whether other suitable work is available;

(iii) The impact on you and your employer if you accept other work; and

(iv) Other factors that apply to your situation.

#### NEW SECTION

**WAC 192-110-020 How will the department verify my identity?** When you file your application for benefits, we will ask you questions based on information in our records, such as your work history.

(1) If we are able to verify your identity with these questions, your application for benefits will be filed.

(2) If we are not able to verify your identity through questioning, we will send you a verification request form:

(a) If the verification form is completed, returned to the department, and provides satisfactory evidence of your identity, your claim will be effective based on the date of your first telephone call;

(b) If the verification form is not completed and returned, or does not satisfy the department of your identity, your benefits will be denied.

#### NEW SECTION

**WAC 192-110-050 How do I reopen my claim?** If you do not file a claim for one or more weeks, you must reopen your claim by placing a telephone call to the unemployment claims telecenter and asking to have your claim reopened. Benefits will be denied for any week preceding the week in which you reopened your claim, unless you can show good cause for not reopening your claim earlier.

### Chapter 192-120 WAC

#### Claimant Notices

#### NEW SECTION

**WAC 192-120-001 Information for claimants. (1)** The department will provide you with information necessary for filing your weekly claims for benefits.

(2) The department will provide assistance to any person who needs help in filing claims.

(3) You will be responsible for following written information provided by the department for the duration of your claim, and will be presumed to understand the information unless you ask for help in understanding it.

#### NEW SECTION

**WAC 192-120-010 Claimant information booklet.**

(1) The department will publish an information for claimants booklet, form number EMS 8139, to provide basic information on the laws, rules and procedures about claims for unemployment insurance benefits. Single copies of the booklet will be available to the public at no charge.

(2) Each person who files an application for benefits will be mailed a copy of the most recent version of the information for claimants booklet.

(3) Each person who is mailed a copy of the information booklet will be responsible for filing claims in accordance with its instructions.

(4) A replacement booklet will be mailed to any person who requests one.

(5) Each person who is mailed a booklet is responsible for reporting and filing claims according to the information in the booklet for the duration of the claim unless other specific information is given to the person in writing.

(6) The department will assist any person who may have difficulty understanding the booklet.

(7) If you fail to ask for help in understanding the booklet, you will be presumed to understand its contents and held responsible for any failure to act as directed by the booklet.

#### NEW SECTION

**WAC 192-120-020 Presentation of benefit rights.** (1) When you file an application for benefits, the department will give you a presentation of benefit rights. At a minimum, the presentation of benefit rights will include information regarding:

- (a) Your statement of wages and hours (monetary determination);
  - (b) Instructions on filing weekly claims;
  - (c) Reemployment services; and
  - (d) How eligibility questions are adjudicated.
- (2) You will be responsible for filing claims and providing information as directed in the presentation of benefit rights unless other written instructions are given to you after the presentation of benefit rights.
- (3) If there is a conflict between written and spoken information given to you, the written information will apply.

#### NEW SECTION

**WAC 192-120-030 Will I be told if my eligibility for benefits is questioned?** Whenever we have a question regarding whether you (the claimant) are eligible for benefits, we will give you adequate notice before making a decision. "Adequate notice" means we will tell you:

- (1) Why we question your eligibility for benefits;
- (2) That you have the right to a fact-finding interview about your eligibility for benefits and that the interview will be conducted by telephone except:
  - (a) When you specifically ask to be interviewed in person, or
  - (b) In unusual circumstances where we decide an in-person interview is necessary;
- (3) That you can have someone, including an attorney, assist you at the interview;
- (4) That you can have witnesses on your behalf, provide evidence, and cross-examine other witnesses or parties;
- (5) That, prior to the interview, you may ask for copies of any records or documents we have that we will consider in making a decision about your eligibility for benefits;
- (6) The date by which you must reply to the notice (which will be no earlier than reasonable mailing time plus five working days); and
- (7) That if you do not respond to the written notice by the date shown, your benefits may be denied and you may have to repay any benefits already paid to you.

#### NEW SECTION

**WAC 192-120-035 How will adequate notice be provided?** (1) A written notice will be mailed to your most recent address in our files; or

- (2) When you file your weekly claim for benefits by telephone, you will receive a verbal notice. If you do not reply by the last working day of the week in which your claim was

filed, a written notice will be mailed to you. The date by which you must reply to this written notice will be no earlier than reasonable mailing time plus five working days, starting from the date your weekly claim for benefits was filed.

#### NEW SECTION

**WAC 192-120-040 Will I be interviewed before a decision about my eligibility is made?** Before any decision is made regarding your eligibility for benefits, you will be given an opportunity to be heard. "Opportunity to be heard" is an offer to hold a fact-finding interview to resolve our questions about your (the claimant's) eligibility for benefits.

- (1) At the interview, before you are asked to answer any questions, we will tell you all the facts we have that we will consider in making a decision.
- (2) We will not use any facts received after the interview to make our decision unless:
  - (a) We tell you about the new information, and
  - (b) Give you the chance to respond to the new information.

### Chapter 192-140 WAC

#### Reporting Requirements to Receive Benefits

#### NEW SECTION

**WAC 192-140-005 Filing weekly claims for benefits.** (1) **How do I file my weekly claim for benefits?** You may file your claim by placing a telephone call to the unemployment information and weekly claims line. The department can approve other methods of filing a weekly claim in individual circumstances.

(2) **When do I file my claim?** You must file a claim for every week for which you want to be paid or have counted as your waiting week. Every week begins at 12:01 a.m. on Sunday and ends at midnight on Saturday. Your claim must be filed *after* the end of the week(s) you are claiming.

(a) File your telephone claim after 12:01 a.m. Sunday, but before 5:00 p.m. on Friday, following the week you are claiming. (In case of a legal holiday, file your claim before 5:00 p.m. on the last working day of the week.)

(b) If you file by mail, file your claim anytime Sunday through Saturday following the week you are claiming. Your claim is considered filed on the postmarked date.

(3) **How often do I file my claim?** File your claim weekly. The department may approve other filing schedules in cases of emergency or in unusual circumstances.

(4) **What happens if I miss a week?** If you do not claim a week, you will have to contact the unemployment claims telecenter to reopen your claim.

(5) **What information do I have to report?** Your claim must include:

- (a) The Saturday date of the week you are claiming;
- (b) Answers to the questions:
  - (i) A claim filed by telephone cannot be processed unless all questions are answered;
  - (ii) A claim filed in writing will be processed if at least one question is answered and other information required by

this subsection (5) is provided, but your eligibility for benefits will be in question and you will be asked to provide complete information, which could result in a denial of benefits;

(c) Your personal identification number if filing by telephone, or your signature if you filed your claim in writing;

(d) The amount and source of any pension you are receiving for the week claimed;

(e) Any holiday earnings received during the week claimed;

(f) Any vacation pay received during the week claimed, including the dates for which payment was received, if applicable; and

(g) Any earnings and the number of hours you worked during the week claimed.

**(6) What happens if I don't provide this information?**

A telephone claim that does not meet the requirements of subsection (5) cannot be processed and you will receive verbal instructions to contact your unemployment claims telecenter. A written claim that does not meet these requirements is incomplete and will be returned to you with a request for additional information.

**(7) What happens if I file my claim late?** (a) Until you receive your first payment, your claim is late if it is filed more than seven days (one week) after the Saturday of the week being claimed. You will not be paid for these weeks unless you can prove you had a good reason for filing late.

(b) After you have received your first payment, your claim is late if it is filed more than 28 days (four weeks) after the Saturday of the week being claimed. Any week that is filed late may be conditionally paid. This means you will be paid benefits, but you will be asked to prove you had a good reason for filing late. If you cannot do so, you will receive a notice directing you to repay benefits for the week(s) you filed late.

**NEW SECTION**

**WAC 192-140-010 Personal identification number.**

(1) The first time you call the unemployment information and weekly claims line to obtain information about your claim or to file a weekly claim for benefits, you must establish a personal identification number (PIN). This number is your electronic signature on all claims filed by telephone and its use is equivalent to your signature on written forms.

(2) Security of the PIN is your responsibility. You are responsible for any payments made as a result of the use of this PIN. If you forget your PIN or if someone else, including an employee of the department, learns your PIN, it must be reset. You are responsible for contacting the unemployment claims telecenter to establish a new PIN.

**NEW SECTION**

**WAC 192-140-020 Will I be required to report in person?** You may be instructed to report in person for any reason the department deems necessary, such as to receive reemployment services. If you do not report in person, benefits will be denied for the week unless:

(1) You have returned to full-time work and cannot report in person, or

(2) You can show you had good cause for not reporting in person. "Good cause" is any factor which would cause another person in similar circumstances to be unable to report in person.

**NEW SECTION**

**WAC 192-140-025 What does "failure to respond" mean?** (1) "Failure to respond" means you do not report in person when directed to do so, or do not provide all requested information by the date indicated in a written request for information.

(2) If the request for information requires you to report in person and you respond in writing, you will be deemed to have failed to respond unless your written response provides specific information that will establish good cause for not reporting in person.

**NEW SECTION**

**WAC 192-140-030 What happens if I do not report in person when directed?** (1) If you do not report in person when directed to do so, and do not provide information to explain why you did not report in person, the department will presume you failed to report in person without good cause and benefits will be denied under RCW 50.20.010(1).

(2) This denial of benefits is for definite period of time, which is the week or weeks in which you failed to report in person.

**Chapter 192-150 WAC**

**Job Separations**

**NEW SECTION**

**WAC 192-150-090 How to qualify for benefits after leaving work for marital or domestic reasons.** RCW 50.20.050(4) says that benefits will be denied if you quit your job for family reasons. In such cases, the law provides an alternative means for qualifying for benefits other than through work and earnings. Under this alternative method, you must report in person to your local employment center in ten different weeks and establish that you are able to work, available for work, and actively seeking work each week.

If you are an interstate claimant or living in a remote area, you can qualify for benefits under this alternative method by calling the unemployment information and weekly claims line in each of ten different weeks and certifying that you are able to work, available for work, and actively seeking work each week. For purposes of this section, you are living in a remote area if a round trip of more than two hours by reasonably available public or private transportation is required to reach the nearest local employment center and return.

Chapter 192-200 WAC

School or Training

NEW SECTION

WAC 192-200-020 Commissioner approval of training—RCW 50.20.043. (1) How do I apply for commissioner approved training? If you wish to attend school or training while you receive unemployment benefits, and the training will interfere with your availability for full-time work, the training must be approved by the department. Contact the department and ask for an application for commissioner approved training. Your completed application must be returned to the unemployment claims telecenter. You will receive a decision, in writing, denying or approving your training application.

(2) What factors will the department consider when reviewing my application? The department will consider the following factors:

- (a) Your plan for completion of the training;
(b) The nature of the training facility and the quality of the training;
(c) Whether the training relates to an occupation or skill for which there are, or are expected to be, reasonable employment opportunities in the labor markets in which you intend to seek work;
(d) Whether an oversupply of qualified workers exists;
(e) Whether you have the qualifications and aptitudes to successfully complete such training; and
(f) Whether your employment prospects in occupations in which you have training or experience do not exist or have substantially diminished in the labor market to the extent that the department determines you will probably be unemployed for a lengthy period.

(3) What about training that is required by my job? The commissioner will approve training that is required within an occupation if:

- (a) The training is a condition of your continued employment;
(b) The scheduling of the training is determined by your employer or a work related entity, and not by you (the claimant); and
(c) The training meets the requirements of subsections (2)(a), (b), (c), (d), and (e) of this section.

(4) Can academic training be approved? An academic training course may be approved if the conditions of subsections (1) and (2) of this section are met, and the training meets specific requirements for certification, licensing, or specific skills necessary for the occupation.

(5) Can these requirements be waived? In the case of individuals with physical or sensory handicaps, or in other unusual individual circumstances, a written decision of the commissioner may waive any of the requirements of this section on an individual basis.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 192-12-005 Adequate notice and opportunity to be heard defined.
WAC 192-12-141 Applying for unemployment benefits.
WAC 192-12-150 Payment of benefits to partially unemployed persons and stand-by workers as provided by RCW 50.04.310, 50.20.010, and 50.20.130.
WAC 192-12-182 Training—Approval by commissioner.
WAC 192-23-002 Failure to respond defined.
WAC 192-23-013 Failure to report in person.
WAC 192-23-018 Failure to report as directed to reopen a claim for benefits after a break in claim series.
WAC 192-24-001 Information for claimants.
WAC 192-24-010 Claimant information booklet.
WAC 192-24-020 Presentation of benefit rights.

WSR 99-09-007
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed April 9, 1999, 3:17 p.m.]

Date of Adoption: April 9, 1999.

Purpose: The department originally intended to amend WAC 388-86-047 Hospice services. Instead, a new chapter 388-551 WAC, is being established and WAC 388-86-047 is being repealed. The new chapter reflects changes to hospice election periods (i.e. when a client can choose hospice coverage) for medical assistance clients, to match Medicare hospice election periods (changed October 1, 1997). The department is requiring hospice providers to notify the department of hospice status changes within five days of such changes.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-86-047.

Statutory Authority for Adoption: RCW 74.09.520 and 74.08.090, 42 C.F.R. 418.22 and 418.24.

Adopted under notice filed as WSR 99-05-073 on February 17, 1999.

Changes Other than Editing from Proposed to Adopted Version: 1. WAC 388-551-1000, reordered subsections. Proposed (2) is now (3), proposed (3) is now (5), proposed (4) is now (2), and proposed (5) is now (4).

PERMANENT

2. WAC 388-551-1010 "Brief period": "...~~five~~ six days or less."

3. WAC 388-551-1010, added "'Community services office (CSO)' means a field office of the department's Economic Services Administration."

4. WAC 388-551-1010, added "'Home and community services office (HCS)' means a field office of the department's Aging and Adult Services Administration."

5. WAC 388-551-1010 "Hospice interdisciplinary team": "...counselors, volunteers, and others as necessary."

6. WAC 388-551-1310(2): "...The certification must meet all of the following criteria: (a) For the **initial election period**, signatures of the hospice medical director and the client's attending physician; and (b) For **subsequent election periods**: (i) Signature of the hospice medical director; and ~~(e)~~ (ii) Verbal certifications ~~for subsequent election periods~~ by the hospice medical director or the client's attending physician...."

7. WAC 388-551-1315 (8)(b): "If no, the client ~~no longer~~ is not currently eligible to receive hospice care."

8. WAC 388-551-1320(3): "The **hospice interdisciplinary team** must ~~meet in person or by phone to discuss~~ review in a case planning conference the **plan of care** no later than two working days after it is developed."

9. WAC 388-551-1340(1): "...client's decision (see WAC 388-551-1400 for further requirements)."

10. WAC 388-551-1360(1): "A client or **family member** may choose to ~~stop receiving~~ end hospice care...."

11. WAC 388-551-1400, revised as follows: **Hospice providers must notify MAA the department.** ~~To avoid double~~ (1) Notification within five days avoids duplicate payments for services related to a client's terminal illness; Hospice providers must notify the MAA Hospice Coordinator, and either the client's CSO or HCS as appropriate. ~~of~~ (2) Hospice providers must report any changes in the client's hospice status within **five working days** from when a MAA client: (1) (a) Begins, the first day of hospice care; (2) (b) Changes hospice agencies. Clients may change hospice agencies only once per election period. Both the old and new hospice ~~agencies~~ providers must ~~provide MAA~~ supply the department, as described in subsection (1) of this section, with: ~~(a)~~ (i) The effective date of **discharge** from the old agency; and ~~(b)~~ (ii) The effective date of the admit to, the name of, and the provider number of the new agency; ~~(c)~~ (c) **Revokes** the hospice benefit (home or institutional); ~~(d)~~ (d) **Discharges** from hospice care; ~~(e)~~ (e) Becomes a nursing home an institutional facility resident; ~~(f)~~ (f) Leaves a nursing home an institutional facility as a resident; or ~~(g)~~ (g) Dies. (3) A hospice agency must submit a client's assessment to MAA within five working days of MAA's request for that assessment.

12. WAC 388-551-1500(3): "(3) **Inpatient respite care** is care received in an approved nursing facility or hospital to relieve the primary caregiver. This benefit is limited to: (a) ~~To No~~ more than five consecutive days; and (b) ~~The Client's residence may A client~~ not be residing in a nursing facility."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 2, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 18, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 18, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 18, Amended 0, Repealed 1.

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

April 9, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

## Chapter 388-551 WAC

### ALTERNATIVES TO HOSPITAL SERVICES SUBCHAPTER I—HOSPICE SERVICES

#### HOSPICE—GENERAL

##### NEW SECTION

**WAC 388-551-1000 Hospice program.** (1) Hospice is a twenty-four hour program coordinated by a **hospice interdisciplinary team**. The Hospice program allows the **terminally ill** client to choose physical, pastoral/spiritual, and psychosocial comfort rather than cure. Hospitalization is used only for acute symptom management.

(2) Hospice care is initiated by the choice of client, **family**, or physician. The client's physician must certify a client as appropriate for hospice care.

(3) Hospice care may be in a client's temporary or permanent place of **residence**.

(4) Hospice care is ended by the client or family (**revocation**), the hospice agency (**discharge**), or death.

(5) Bereavement care is provided to the **family** of the client who chooses Hospice care. It provides emotional and spiritual comfort associated with the death of a hospice client.

##### NEW SECTION

**WAC 388-551-1010 Hospice definitions.** The following definitions and those found in WAC 388-500-0005, Medical definitions have the following meanings for this subchapter. Defined words and phrases are bolded in the text.

"**Biologicals**" means medicinal preparations including serum, vaccine autotoxins, and biotechnological drugs made from living organisms and their products.

"**Brief period**" means six days or less.

"**CSO**" means the client's community services office of the department's economic services administration.

PERMANENT

**"Discharge"** means an agency ends hospice care for a client. See WAC 388-551-1350 for details.

**"Election period"** means the time, ninety or sixty days, that the client is certified as eligible for and chooses to receive hospice care. See WAC 388-551-1310 for details.

**"Family"** means any person(s) important to the client, as defined by the client.

**"HCS"** means the client's home and community services office of the aging and adult services administration.

**"Hospice interdisciplinary team"** means the following health professionals who plan and deliver hospice care to a client as appropriate under the direction of a certified physician: home health aides monitored by a registered nurse, therapists (physical, occupational, speech-language), registered nurses, physicians, social workers, counselors, volunteers, and others as necessary.

**"Palliative"** means medical treatment designed to reduce pain or increase comfort, rather than cure.

**"Plan of care."** See WAC 388-551-1320 for details.

**"Residence"** means where the client lives for an extended period of time.

**"Revoke"** and **"revocation"** mean a client or family member's choice to stop receiving hospice care. See WAC 388-551-1220 for details.

**"Terminally ill"** means the client has a life expectancy of six months or less, assuming the client's disease process runs its natural course.

**"Twenty-four-hour day"** means a day beginning and ending at midnight.

**HOSPICE—COVERAGE**

**NEW SECTION**

**WAC 388-551-1200 Client eligibility for hospice care.**

(1) A client must be eligible for one of the following Medicaid programs to receive hospice care:

- (a) Categorically needy program (CNP);
- (b) General assistance — disability determination pending (GAX);
- (c) Limited casualty program - medically needy program (LCP-MNP); or
- (d) Children's health (V).

(2) An eligible Medicaid client who voluntarily chooses hospice care must be certified by a physician as **terminally ill** before MAA pays for hospice care.

(3) Clients enrolled in one of MAA's healthy options managed care plans receive all hospice services directly through their plan. The managed care plan must arrange or provide all hospice services for a managed care client.

(4) Hospice clients attain institutional status as described in WAC 388-513-1320 when they elect and are certified for hospice care. See WAC 388-513-1380 for the client's financial participation requirements.

**NEW SECTION**

**WAC 388-551-1210 Services included in the hospice daily rate.** (1) In the client's individual **plan of care**, the hos-

**hospice interdisciplinary team** identifies the specific Hospice services and supplies to be provided to the client.

(2) The services must be all of the following:

- (a) Medically necessary for **palliative care**;
- (b) Related to the client's **terminal illness**;
- (c) Prescribed by the client's attending physician, alternate physician, or hospice medical director;
- (d) Supplied or arranged for by the hospice provider; and
- (e) Included in the client's **plan of care**.

(3) The following intermittent services and supplies, paid by MAA's hospice daily rate, must be available from and offered by the hospice provider for the client as determined by the client's **hospice interdisciplinary team**:

- (a) **Medical equipment and supplies** that are medically necessary for **palliative care**;
- (b) **Drugs and biologicals** used primarily for the relief of pain and management of symptoms;
- (c) **Home health aide services** furnished by qualified aides of the hospice agency. A registered nurse must complete a home-site supervisory visit every two weeks to assess aide services provided;
- (d) **Physical therapy, occupational therapy, and speech-language therapy** to manage symptoms or enable the client to safely perform ADLs (activities of daily living) and basic functional skills;
- (e) **Physician services** related to administration of the **plan of care**;
- (f) **Nursing care** provided through the hospice agency by either:
  - (i) A registered nurse; or
  - (ii) A licensed practical nurse under the supervision of a registered nurse;
- (g) **Medical social services** provided through the hospice agency by a social worker under the direction of a physician;
- (h) **Counseling services** provided through the hospice agency to the client and his or her **family** members or caregivers;
  - (i) **Medical transportation services**; and
  - (j) **Short-term, inpatient care**, provided in a Medicare-certified hospice inpatient unit, hospital, or nursing facility.

**HOSPICE—PROVIDER REQUIREMENTS**

**NEW SECTION**

**WAC 388-551-1300 How to become a MAA hospice provider.** (1) To be reimbursed by MAA, a hospice agency must be:

- (a) Medicare, Title XVIII certified; and
- (b) Enrolled with MAA as a provider of hospice care.

(2) All services provided through a hospice agency must be performed by qualified personnel as required through Medicare's certification process in effect as of February 1, 1999. For more information on Medicare certifications, contact:

Department of Health  
 Hospice Certification Program  
 Mailstop 47852

PERMANENT

Olympia, Washington, 98504-7852.

(3) Freestanding hospice agencies licensed as hospitals by the department of health must sign an additional selective contract with MAA to receive payment from MAA.

#### NEW SECTION

**WAC 388-551-1310 Certifications (election periods) for hospice clients.** A client chooses to receive Hospice care through a series of time-limited periods, called "**election periods.**" An example of this process is WAC 388-551-1315. Hospice providers are responsible for obtaining physician certifications for these **election periods.**

(1) A client's hospice coverage must be available for two initial ninety-day **election periods** followed by an unlimited number of succeeding sixty-day **election periods.**

(2) The hospice provider must document the client's medical prognosis of a specific **terminal illness** in the client's hospice record. This written certification must be filed in the client's hospice record for each election period. The certification must meet all of the following criteria:

(a) For the **initial election period**, signatures of the hospice medical director and the client's attending physician; and

(b) For **subsequent election periods:**

(i) Signature of the hospice medical director; and

(ii) Verbal certifications by the hospice medical director or the client's attending physician must be documented in writing no later than two calendar days after hospice care is initiated or renewed.

(3) The provider must file election statements in the client's hospice medical record. This election statement must include:

(a) Name and address of the hospice;

(b) Proof that client was fully informed about hospice care and waiver of other services;

(c) Effective date of the election; and

(d) Signature of the client or their representative.

(4) When a client's hospice coverage ends within an **election period**, the remainder of that **election period** is forfeited.

#### NEW SECTION

**WAC 388-551-1315 Example of how hospice client certifications (election periods) work.** This is an **example** of how election periods, as described in WAC 388-551-1310, work:

(1) Client chooses hospice care, physician certifies the client;

(2) Client is on hospice care for the first ninety-day period;

(3) Physician recertifies the client for the second ninety-day period;

(4) Client revokes hospice care, on the sixty-third day of the second ninety-day period (one hundred and fifty-three days since original certification);

(5) Hospice care for the client stops on the sixty-third day of the second ninety-day period (one hundred and fifty-three days since original certification);

(6) Client decides to re-elect hospice care, eleven days later, the seventy-fourth day of the second ninety-day period (the one hundred and sixty-fourth day since original certification);

(7) Client forfeits the right to the remaining sixteen days of the second ninety-day period; and

(8) Does the physician re-certify the client for hospice care?:

(a) If yes, the client may immediately begin a new sixty-day election period; or

(b) If no, the client is not currently eligible to receive hospice care.

#### NEW SECTION

**WAC 388-551-1320 Hospice plan of care.** (1) The hospice agency must establish the client's hospice **plan of care** in accordance with Medicare requirements before hospice services are delivered. Hospice services delivered must be consistent with that **plan of care.**

(2) A registered nurse or physician must conduct an initial assessment of the client and must develop the **plan of care** with at least one other member of the **hospice interdisciplinary team.**

(3) The **hospice interdisciplinary team** must review in a case planning conference the **plan of care**, no later than two working days after it is developed.

(4) The **plan of care** must be reviewed and updated every two weeks by at least three members of the **hospice interdisciplinary team**, including at least:

(a) A registered nurse;

(b) A social worker; and

(c) One other **hospice interdisciplinary team** member.

(5) Also see WAC 246-331-135 for the department of health's plan of care requirements.

#### NEW SECTION

**WAC 388-551-1330 Hospice coordination of care.** (1) Once a client chooses hospice care from a hospice agency, that client gives up the right to:

(a) Covered Medicaid hospice services and supplies received at the same time from another hospice agency; and

(b) Any covered Medicaid services and supplies received from any other provider and which are related to the **terminal illness.**

(2) Services and supplies not covered by the Medicaid hospice benefit are paid separately, if covered under the client's Medicaid eligibility. These services include but are not limited to:

(a) COPEs (community options program entry system) as determined and paid by the department's aging and adult services administration (AASA); and

(b) Medically intensive home care program (MIHCP) as determined by the department's division of developmentally disabled.

(3) Clients eligible for coordinated community aids services alternatives (CCASA) are not eligible for hospice coverage.

(4) The hospice provider must coordinate all the client's medical management for the **terminal illness**.

(5) All of the client's providers, including the hospice provider, must coordinate:

- (a) The client's health care; and
- (b) Services available from other department programs, such as COPEs.

#### NEW SECTION

**WAC 388-551-1340 When a client leaves hospice without notice.** When a client chooses to leave hospice care or refuses hospice care without giving the hospice provider a **revocation** statement, as required by WAC 388-551-1360, the hospice provider must do all of the following:

- (1) Notify MAA's hospice coordinator within **five working days** of becoming aware of the client's decision (see WAC 388-551-1400 for further requirements);
- (2) Stop billing MAA for hospice payment;
- (3) Notify the client, or the client's representative, that the client's **discharge** has been reported to MAA; and
- (4) Document the effective date and details of the **discharge** in the client's hospice record.

#### NEW SECTION

**WAC 388-551-1350 Discharges from hospice care.** A hospice provider may **discharge** a client from hospice care when the client:

- (1) Is no longer certified for hospice care;
- (2) Is no longer appropriate for hospice care; or
- (3) Seeks treatment for the **terminal illness** from outside the **plan of care** as defined by the **hospice interdisciplinary team**.

#### NEW SECTION

**WAC 388-551-1360 Ending hospice care (revocations).** (1) A client or a **family member** may choose to stop hospice care at any time by signing a **revocation** statement.

(2) The **revocation** statement documents the client's choice to stop Medicaid Hospice care. The **revocation** statement must include all of the following:

- (a) Client's signature;
  - (b) Date the **revocation** was signed; and
  - (c) Actual date that the client chose to stop receiving hospice care.
- (3) The hospice agency must keep any explanation supporting any difference in the signature and **revocation** dates in the client's hospice records.

(4) The hospice agency must keep the **revocation** statement in the client's hospice record.

(5) After a client **revokes** hospice care, the remaining days on the current **election period** are forfeited. The client may enter the next consecutive **election period** immediately. The client does not have to wait for the forfeited days to pass before entering the next consecutive **election period**.

## HOSPICE—NOTIFICATION

### NEW SECTION

**WAC 388-551-1400 Hospice providers must notify the department.** (1) Notification within five working days avoids duplicative payments for services related to a client's terminal illness. Hospice providers must notify the MAA Hospice Coordinator, and either the client's CSO or HCS as appropriate.

(2) Hospice providers must report any changes in the client's hospice status within **five working days** from when a MAA client:

- (a) Begins the first day of hospice care;
  - (b) Changes hospice agencies. Clients may change hospice agencies only once per election period. Both the old and new hospice providers must supply the department as described in subsection (1) of this section with:
    - (i) The effective date of **discharge** from the old agency; and
    - (ii) The effective date of the admit to, the name of, and the provider number of the new agency;
  - (c) **Revokes** the hospice benefit (home or institutional);
  - (d) **Discharges** from hospice care;
  - (e) Becomes an institutional facility resident;
  - (f) Leaves an institutional facility as a resident; or
  - (g) Dies.
- (3) A hospice agency must submit a client's assessment to MAA within five working days of MAA's request for that assessment.

### NEW SECTION

**WAC 388-551-1410 Hospice providers must notify institutional providers.** Hospice providers must notify a client's institutional provider of the changes described in WAC 388-551-1400.

## HOSPICE—PAYMENT

### NEW SECTION

**WAC 388-551-1500 Availability requirements for hospice care.** All services related to the client's **terminal illness** are included in the daily rate through one of the following four levels of hospice care:

(1) **Routine care** for each day the client is at their **residence**, with no restriction on length or frequency of visits, dependent on the client's needs.

(2) **Continuous care** is acute episodic care received by the client to maintain the client at home and addresses a **brief** period of medical crisis. Continuous care consists predominately of nursing care. This benefit is limited to:

- (a) A minimum of eight hours of care provided during a **twenty-four-hour day**;
- (b) Nursing care that must be provided by a registered or licensed practical nurse for more than half the period of care; and

(c) Homemaker, home health aide, and attendant services that may be provided as supplements to the nursing care.

(3) **Inpatient respite care** is care received in an approved nursing facility or hospital to relieve the primary caregiver. This benefit is limited to:

- (a) No more than five consecutive days; and
- (b) A client not residing in a nursing facility.

(4) **General inpatient hospice care** is for pain and symptom management that cannot be provided in other settings.

(a) The services must conform to the client's written **plan of care**.

(b) This benefit is limited to **brief** periods of care in MAA-approved:

- (i) Hospitals;
- (ii) Nursing facilities; or
- (iii) Hospice inpatient facilities.

**NEW SECTION**

**WAC 388-551-1510 Payment method for hospice providers.** This section describes payment methods for Hospice care provided under WAC 388-551-1500 to hospice clients.

(1) Prior to submitting a claim to MAA, the hospice provider must file written certification in the client's hospice record per WAC 388-551-1310.

(2) MAA may pay for Hospice care provided to clients in one of the following settings:

- (a) A client's **residence**;
- (b) Inpatient respite services; or
- (c) General inpatient as follows:

DAY OF	PAID AT
Admit	General Inpatient
Brief Period	General Inpatient
Death	General Inpatient
Other Discharge	Routine

(3) To be paid by MAA, the hospice provider must provide and/or coordinate MAA covered:

- (a) Medicaid hospice services; and
- (b) Services that relate to the client's **terminal illness** at the time of the hospice admit.

(4) MAA does not pay hospice providers for the client's last day, except for the day of death.

(5) Hospice providers must bill MAA for their services using hospice-specific revenue codes.

(6) MAA pays hospice providers for services (not room and board) at a daily rate calculated by one of the following methods and adjusted for current wages:

(a) Payments for services delivered in a client's **residence** (routine and continuous home care) are based on the county location of the client's residence for that particular client; or

(b) Payments for respite and general inpatient care are based on the county location of the providing hospice agency.

(7) MAA pays nursing facility room and board payments to hospice agencies, not licensed as hospitals, at a day rate as follows:

(a) Directly to the hospice provider at ninety-five percent of the nursing facility's lowest current Medicaid day rate;

(b) The hospice agency pays the nursing facility at a day rate no greater than the nursing facility's lowest current Medicaid daily rate; and

(c) The correct amount of the patient's participation must be:

(i) Collected by the hospice agency as directed by the department each month; and

(ii) Forwarded to the nursing facility.

(8) MAA pays nursing facility room and board payments to free-standing hospice agencies licensed as hospitals by using MAA's administrative statewide average day rate in effect at the time the contract is signed.

(9) The department pays for COPES services clients directly to the COPES provider.

(a) Patient participation in that case is paid separately to the COPES provider.

(b) Hospice providers bill MAA directly for hospice services, not the COPES program.

**NEW SECTION**

**WAC 388-551-1520 Payment method for nonhospice providers.** (1) Hospitals which provide inpatient care to clients in the hospice program for medical conditions not related to their **terminal illness** may be paid according to chapter 388-550 WAC, Hospital services.

(2) MAA pays attending physicians who are not employed by the hospice agency at their usual amount through the Resource Based Relative Value Scale (RBRVS) fee schedule:

(a) For direct physician care services provided to a hospice client;

(b) When the provided services are not related to the **terminal illness**; and

(c) When the client's providers, including hospice provider, coordinate the health care provided.

**NEW SECTION**

**WAC 388-551-1530 Payment method for Medicaid-Medicare dual eligible clients.** (1) MAA does not pay for any hospice care provided to a client covered by part A Medicare (hospital insurance).

(2) MAA may pay for hospice care provided to a client:

- (a) Covered by part B Medicaid (medical insurance); and
- (b) Not covered by part A Medicare.

(3) Hospice providers must bill Medicare before billing Medicaid, except for hospice nursing facility room and board.

(4) All the limitations and requirements related to hospice care described in this chapter apply to the payments described in this section.

PERMANENT

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-86-047 Hospice services.

**WSR 99-09-013**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed April 13, 1999, 1:39 p.m.]

Date of Adoption: April 13, 1999.

Purpose: WAC 458-20-226 provides tax-reporting information to persons engaged in landscape and horticultural services. The rule also explains that these services are generally retail activities when performed for consumers. The rule further explains that horticultural services provided to farmers, the pruning, trimming, and removal of trees and brush near electric lines performed at the direction of an electric utility, and design services performed by landscape architects are subject to the service and other activities B&O tax.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-226 Landscape and horticultural services.

Statutory Authority for Adoption: RCW 82.32.300.

Adopted under notice filed as WSR 99-04-021 on January 22, 1999.

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

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

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

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

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

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

April 13, 1999

Claire Hesselholt, Rules Manager  
Legislation and Policy Division

**AMENDATORY SECTION** (Amending WSR 96-05-080, filed 2/21/96, effective 3/23/96)

**WAC 458-20-226 Landscape and horticultural services.** (1) **Introduction.** This ~~((section))~~ rule provides tax reporting instructions for persons who provide landscape and horticultural services. ~~((Chapter 39, Laws of 1995 amended RCW 82.04.050 to exclude from a retail sale the pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equip-~~

~~ment, if performed by or at the direction of an electric utility. This change became effective July 1, 1995. Landscape maintenance and horticultural services became subject to the retail sales tax effective July 1, 1993, and previously were taxed under the service and other business activities classification. The law change which made landscape maintenance and horticultural services a retail sale))~~ This rule does not apply to silvicultural activities or to horticultural services provided to farmers. Silviculture means the commercial production of timber and includes activities such as growing seed into seedlings, planting, fertilizer and pesticide application, pruning and thinning as provided to timber growers. ~~((These activities are specifically excluded from the scope of this rule.))~~ Silvicultural activities are generally subject to the extracting B&O tax classification or the service and other business activities B&O tax classification. (See WAC 458-20-135 and 458-20-224.)

(2) **Retail landscape and horticultural services.** Landscape and horticultural services which are retail sales include:

(a) Grading, filling, leveling, planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, and fertilizing to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover and other flora for ornamentation or other nonagricultural purposes.

(b) The sale or rental of landscaping materials and the construction of sprinkling systems, walks, pools, fences, trellises, rockeries, and retaining walls.

(c) Cultivating fruits, flowers, and vegetables for consumers other than farmers.

(d) All tree trimming other than for farmers or persons engaged in silviculture. This includes all trimming for size, shape, aesthetics, removal of diseased branches, and removal of limbs because they are too close to structures. It does not include tree trimming performed for public and private electric utilities or at the direction of electric utilities to keep power lines, distribution lines, or equipment free of tree branches or brush.

(3) **Nonretail landscape and horticultural services.** Landscape and horticultural services which are not retail sales include:

(a) Landscape design services performed by a landscape architect separate from a contract for landscape maintenance.

(b) Planting trees for farmers.

(c) Thinning or planting of trees for persons who are involved in the commercial production of timber. These are silvicultural activities and silvicultural activities are not considered to be horticultural or landscape maintenance activities. (See WAC 458-20-135 and 458-20-209.)

(d) Landscape services performed for municipal corporations or political subdivisions of the state on real property owned by those entities if the real property is used or held for public road purposes. (See WAC 458-20-171.)

(e) Horticultural services, including spraying and fertilizing, performed for farmers for agricultural purposes. See WAC 458-20-209 for examples of horticultural services performed for farmers.

(f) Pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an

electric utility. The removing and clearing of trees includes the stump removal by grinding, digging, or any other means, if performed by or at the direction of an electric utility. These are retail activities when not performed by or at the direction of an electric utility.

**(4) Business and occupation tax.** The business and occupation tax applies as follows.

**(a) Retailing.** The gross income from landscape and horticultural services which are retail sales and which are performed for consumers is taxable under the retailing classification.

**(b) Wholesaling.** The gross income from services which are retail sales and which are performed for other contractors for resale is taxable under the wholesaling classification.

**(c) Service.** The gross income from horticultural services provided to farmers is taxable under the service and other activities classification. This tax classification also applies to income received from pruning, tree trimming, removing and clearing of trees and brush near electric lines, if performed by or at the direction of an electric utility. Beginning July 1, 1998, income from services performed by landscape architects is subject to this classification. (See chapter 7, Laws of 1997.) For the period July 1, 1993, through June 30, 1998, landscape architects who performed design services were taxable under the selected business service tax classification.

~~**(d) Selected business services.** Effective July 1, 1993, landscape architects who perform design services are taxable under the selected business services tax classification. See RCW 82.04.290.~~

**(e)) Public road construction.** Persons who perform landscape services for municipal corporations or political subdivisions of the state on real property owned by those entities are taxable under the public road construction B&O tax classification, but only if the real property is used or held for public road purposes.

~~**((f)) (e) Government contracting.** This classification applies to persons engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures for the United States, or a city or county housing authority created under chapter 35.82 RCW. This classification would include the construction or maintenance of items such as walls, fences, walks, pools and other structures. This classification does not include the planting of lawns or trees or the cutting of grass or tree trimming performed for these customers. These activities are subject to the retailing classification.~~

**(5) Retail sales and use tax.** ~~**((g))**~~ Landscape gardeners and horticulturists, except horticulturists performing services for farmers, must generally collect and report the retail sales tax upon the full contract price when performing landscaping or horticultural services for consumers. For purposes of collecting the local option retail sales tax, the sale takes place where the service is performed. See WAC 458-20-145. The retail sales tax does not apply to charges to the United States for landscape services, including landscape maintenance services, and sellers may take a deduction from the retail sales tax classification in reporting those sales which are taxable under the retailing B&O tax classification.

~~**((h)) (a)**~~ Persons performing a landscaping or horticultural service for a contractor for resale must provide a resale certificate. See WAC 458-20-102.

~~**((i)) (b)**~~ Landscape gardeners and horticulturists must pay the retail sales tax to their vendors when purchasing tools, equipment, and supplies which are not resold, either directly or as a component part of the finished work. They must pay deferred sales or use tax directly to the department upon the value of any such property that was purchased or acquired without payment of Washington retail sales tax.

~~**((j)) (c)**~~ Plants, shrubs, trees, sod, seed, chemicals, fertilizer, peat moss, sprinkler systems, rocks, building materials and any other tangible personal property which becomes a part of the finished work may be purchased for resale, except items used in providing horticultural services for farmers and items used in performing public road construction, government contracting, or services for timber growers.

~~**((k)) (d)**~~ Retail sales tax or use tax is due with respect to items purchased by horticulturists for use in performing services for farmers. (See also WAC 458-20-209.)

~~**((l)) (e)**~~ Retail sales tax or use tax is due with respect to items purchased for use in performing services for timber growers or which are taxable as either public road construction or government contracting. This includes items such as sod, seed, trees, building materials, fertilizers, spray materials, etc.

~~**((m)) (f)**~~ The retail sales tax does not apply to the charge made by persons performing tree trimming near electric transmission or distribution lines, but only if the work is performed at the direction of an electric utility. Persons performing these services must pay retail sales or use tax on all materials, supplies, tools, and equipment used in performing the service.

**(6) Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all ~~((n))~~ facts and circumstances.

(a) John Doe, a landscaper, was hired by a city to maintain the landscaping around the buildings at the city's municipal golf courses. He must collect and report the retail sales tax and pay retailing B&O tax on the full contract amount.

(b) John Doe purchased several plants, some fertilizer, and insect spray to use in landscaping the golf course. He also purchased some solvent and mineral oil to clean and maintain some of his landscaping tools. His purchases of the plants, fertilizer and insect spray are purchases for resale. He must pay retail sales tax to his vendors on his purchases of the solvent and mineral oil.

(c) Landscaping company provides complete landscaping services including landscape design by a licensed landscape architect, installation, and maintenance. Landscaping charged Jane Smith two hundred dollars for a landscaping plan for her new home. She planned to purchase the plants and do the landscaping work herself. Landscaping must report B&O tax on the charge for the design service at the ~~((rate for selected business services))~~ service and other activities classification rate.

(d) Landscaping company entered into a contract to landscape the yard for a client's new home. The company must

collect and report retail sales tax and pay retailing B&O on the full contract amount, even though part of Landscaping's services included drawing a landscaping plan.

(e) Landscaping company entered into a two-phase contract with a county. Phase one required the company to plant trees and shrubs and put in a sprinkling system as part of a public road project. The sprinkler system is located in the public road right of way. The contract provided Landscaping would receive five hundred thousand dollars for phase one of the project. Phase two provided that Landscaping would maintain the trees and shrubs for a period of five years. The contract provided for payments of four thousand dollars per month plus costs for fertilizer and spray for maintaining the planted strips.

(i) Phase one is part of public road construction and Landscaping is taxable under the public road construction classification upon the five hundred thousand dollars received for phase one. The company must pay sales tax when purchasing the trees and shrubs and materials for the sprinkling system for use in phase one of the project. See WAC 458-20-171 for the tax liability for public road construction.

(ii) Phase two for the maintenance of the completed project is also public road construction. This is not a retail sale because the work is performed for a municipal corporation or political subdivision of the state on land owned by that entity and which is being used for public road purposes. See RCW 82.04.190.

Landscaping will owe B&O tax under the public road construction classification and must pay retail sales or use tax on any items used in performing this work, including purchases of fertilizers, chemicals and other materials.

(f) John Doe operates a tree trimming business and has a contract with a public utility district (PUD) to trim trees along the PUD's power lines. Some of these trees are on private property with the PUD obtaining the permission of the owners to trim the trees. Some trees are also located on land for which the PUD has an easement, including along public road right of ways. This tree trimming is not a retail sale, but taxable under the service and other ((business)) activities classification. This includes trimming performed along the road right of way. The property on the road right of way is not owned by the PUD for whom the work is being performed. The easement is not for use as a public road and as such the tree trimming is not public road construction.

(g) John Doe provides a tree trimming service to his residential customers. The tree trimming is performed at the direction of the residential customer to remove diseased limbs, limbs too close to the house, limbs which are a safety hazard because of their proximity to power lines, and limbs which are objectionable to the desired shape of the tree. All of this tree trimming is a retail activity, regardless of the specific reason for cutting the limbs.

**WSR 99-09-020**  
**PERMANENT RULES**  
**PUBLIC WORKS BOARD**

[Filed April 14, 1999, 11:10 a.m.]

Date of Adoption: April 6, 1999.

Purpose: To define "public health need" and "substantial environmental degradation."

Statutory Authority for Adoption: RCW 43.155.040(4).

Adopted under notice filed as WSR 99-05-062 on February 16, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 0, Repealed 0.

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

April 13, 1999

Pete A. Butkus

Executive Director

**NEW SECTION**

**WAC 399-30-032 What are the requirements for meeting the Growth Management Act under RCW 43.155.070 (1)(d)?** (1) "Compliance with the Growth Management Act" means that at the time of application for financial assistance:

(a) A local government that is required to or chooses to plan under RCW 36.70A.040 has adopted a comprehensive plan and development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan and development regulations be adopted; and

(b) The local government has not been found out of compliance by a growth management hearings board; or

(c) A growth management hearings board has found a local government in compliance with the requirements of chapter 36.70A RCW, after previously finding the local government was not in compliance.

(2) Exceptions based on "public health need" or "substantial environmental degradation" shall not be used as a method to provide unrestricted access to financial assistance for local governments not in compliance with the law.

**NEW SECTION**

**WAC 399-30-033 How will the board address a "public health need" under RCW 43.155.070 (1)(d)?**

"Public health need" means that a situation exists that causes or is about to cause a real, documented, acute public health need related to the state's air, water, or soil that contributes to injuries or deaths on public highways, or risk of a public health emergency due to contaminated domestic water, the failure of a sanitary sewer system, storm sewer system, or solid waste or recycling system; and the problem generally involves a discrete area including, but not limited to, a county, city, subdivision, or an area serviced by on-site wastewater disposal systems.

In determining whether a project is necessary to address a public health need, the board shall consider the following factors:

(1) For bridge or road projects - whether injury or fatal injury motor or nonmotorized vehicle traffic collisions at a specific site, roadway control section, or area have occurred at a rate to be in the top five percent of all such collisions within the applicant jurisdiction for the most recent three-year period; and whether the proposed public works project will eliminate or reduce the likelihood of such vehicle collisions. Applicants applying under this subsection may utilize jurisdiction-wide accident data, or break the data down into arterial or nonarterial roads, intersection or nonintersection, and for intersections, whether they are signalized or non-signalized.

(2) For domestic water projects - whether a drinking water system regulated by the department of health has been contaminated or is in imminent danger of being contaminated to the extent of creating a public health risk and; whether the proposed public works project will eliminate or reduce the chance of contamination.

(3) For sanitary sewer projects - whether failure of existing wastewater system or systems, including on-site systems, has resulted in contamination being present on the surface of the ground in such quantities and locations so as to create a potential for public contact; or whether contamination of a commercial or recreational shellfish bed so as to create a public health risk associated with the consumption of the shellfish, or contamination of surface water so as to create a public health risk associated with recreational use; and whether the proposed public works project will eliminate or reduce the danger of such public health risk.

(4) For storm sewer projects - whether failure of an existing storm sewer system has caused or is in imminent danger of causing localized flooding which disrupts critical public services; causes disease, illness, or attraction of rodents so as to create a public health risk; or contamination of a commercial or recreational shellfish bed so as to create a public health risk associated with the consumption of the shellfish, or contamination of surface water so as to create a public health risk associated with recreational use and; whether the proposed public works project will eliminate or reduce the danger of localized flooding which disrupts critical public services or causes a public health risk.

(5) For solid waste or recycling projects - whether failure of an existing solid waste or recycling system has caused or is in danger of causing ground water contamination; causes disease, illness, or attraction of rodents so as to create a public health risk and; whether the proposed public works project will eliminate or reduce the danger of such public health risk.

(6) For all projects - whether more efficient operation of an existing system, changing public access, or modifying other regulatory standards (e.g., reduced speed limits, water conservation measures, rodent control, restricted shellfish harvesting) is likely to provide the same or similar level of resolution.

(7) For all projects - whether the public health problem is caused by failure to maintain or periodically replace, reconstruct, or rehabilitate a public works system.

(8) For all projects - other factors the board finds on the record are significant in light of facts and circumstances unique to the project.

(9) The factors enumerated in subsection (1) of this section must be addressed in a letter of request, with supporting documentation, addressed to the chair of the board and signed by the public official who signed the application for financial assistance.

(10) The factors enumerated in subsections (2) through (5) of this section must be addressed in a letter of request, with supporting documentation, addressed to the secretary of the Washington state department of health and signed by the public official who signed the application for financial assistance. A determination of a public health need may be made by the secretary, or designee, and addressed to the same public official. The board will consider the determination of the secretary. The board will also consider information presented on factors enumerated in subsections (6) through (8) of this section, which must be documented in a manner acceptable to the board.

#### NEW SECTION

**WAC 399-30-034 How will the board address "substantial environmental degradation" as found in RCW 43.155.070 (1)(d)?** "Substantial environmental degradation" means a situation causes or is about to cause real, documented, substantial environmental degradation that contributes to violations of the state's air quality, water quality, or soil contaminate standards, interferes with beneficial uses of the air, water, or land, and the problem generally involves a discrete area including, but not limited to, a county, city, subdivision, or an area serviced by on-site wastewater disposal systems.

In determining whether a project is necessary to address substantial environmental degradation, the board shall consider the following factors:

(1) For bridge and road projects - whether motorized or nonmotorized vehicle traffic has caused substantial environmental degradation of the air, water, or soils of the state at the site for which a proposed public works project is the subject of a financial assistance application, and; whether the proposed public works project will eliminate or reduce the chance of such vehicle-caused critical substantial environmental degradation.

(2) For domestic water projects - whether a drinking water system regulated by the department of health has caused substantial environmental degradation of the air, water, or soil of the state including, but not limited to: Causing disease or illness to humans, the attraction of rodents, or the killing of fish and shellfish that reside in the waters of the

state, and; whether the proposed public works project will eliminate or reduce the chance of substantial environmental degradation.

(3) For sanitary sewer projects - whether failure of an existing wastewater system, including individual on-site systems, has caused substantial environmental degradation of the air, water, or soil of the state including, but not limited to: Causing disease or illness to humans, the attraction of rodents, or the killing of fish and shellfish that reside in the waters of the state, and; whether the proposed public works project will eliminate or reduce such substantial environmental degradation.

(4) For storm sewer systems - whether of an existing storm sewer system has caused substantial environmental degradation of the air, water, or soil of the state including, but not limited to: Causing disease or illness to humans, the attraction of rodents, or the killing of fish and shellfish that reside in the waters of the state, and; whether the proposed public works project will eliminate or reduce such substantial environmental degradation.

(5) For solid waste or recycling projects - whether failure of an existing solid waste system or recycling system has caused substantial environmental degradation of the air, water, or soil of the state including, but not limited to: Causing disease or illness to humans, the attraction of rodents, or the killing of fish and shellfish that reside in the waters of the state, and; whether the proposed public works project will eliminate or reduce such substantial environmental degradation.

(6) For all projects - whether more efficient operation of an existing system, changing public access, or modifying other regulatory standards (e.g., reduced speed limits, water conservation measures, rodent control, restricted shellfish harvesting) is likely to provide the same or similar level of resolution.

(7) For all projects - whether the substantial environmental degradation is caused by failure to maintain or periodically replace, reconstruct, or rehabilitate a public works system.

(8) For all projects - other factors the board finds on the record are significant in light of facts and circumstances unique to the project. Fish passage, water quality, or water quantity issues directly impacting salmonid fish survival in a watershed which is designated as a candidate for listing, proposed for listing, threatened listing, or endangered listing under the federal Endangered Species Act may be considered significant and unique to a project.

(9) The factors enumerated in subsections (1) through (5) of this section must be addressed in a letter of request, with supporting documentation, to the director of the Washington state department of ecology and signed by the public official who signed the application for financial assistance. A determination of substantial environmental degradation may be made by the director or designee and addressed to the same public official. The board will consider the determination of the director. The board will also consider information presented on factors enumerated in subsections (6) through (8) of this section, which must be documented in a manner acceptable to the board.

## WSR 99-09-023

### PERMANENT RULES

### DEPARTMENT OF AGRICULTURE

[Filed April 15, 1999, 9:39 a.m.]

Date of Adoption: April 15, 1999.

Purpose: The purpose of chapter 16-54 WAC is to lay out rules for the importation of animals to protect the animal health or public health in the state of Washington. Changes from proposed rule: There was one technical change to the proposed rule. WAC 16-54-016, currently titled Official brucellosis vaccinates, will be repealed, and the new language as proposed will be incorporated under a new section number. This change is necessary to maintain continuity and tracking of section numbers for historical purposes within the Code Reviser's Office and does not affect the substance of the published rule change proposal under WSR 99-03-084. One other administrative mistake was found in the proposed change to WAC 16-54-016. On line six, the proposed change of the word "number" to "letter" is not appropriate since the word "number" is consistent with the current number system for strain 19 vaccinates. The language will remain as "...by a number indicating the quarter of the year..."

Citation of Existing Rules Affected by this Order: Chapter 16-54 WAC, Importation of animals; repealing WAC 16-54-016 and 16-54-150; and amending WAC 16-54-010, 16-54-020, 16-54-030, 16-54-040, 16-54-071, 16-54-082, 16-54-101, 16-54-120, and 16-54-135.

Statutory Authority for Adoption: RCW 16.36.040.

Adopted under notice filed as WSR 99-03-084 on January 20, 1999.

Changes Other than Editing from Proposed to Adopted Version: See Purpose above.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 9, Repealed 2.

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

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

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

April 15, 1999

James M. Jesernig  
Director

AMENDATORY SECTION (Amending Order 5010, filed 9/21/93, effective 10/22/93)

**WAC 16-54-010 Definitions.** For purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or his duly authorized representative.

(2) "Breeding cattle" shall be those females and bulls not consigned to a federally inspected slaughter establishment, a restricted feedlot, or other authorized slaughter only channel.

(3) "Official brucellosis test" means blood samples are to be tested only by cooperating state-federal laboratories or by such persons as may be authorized by state of origin animal health officials to conduct the standard agglutination tests or the card test. All samples initially tested at other than cooperating state-federal laboratories shall be promptly submitted and confirmed at the cooperating state-federal laboratory.

(4) "Official (~~health~~) brucellosis vaccinate" means a female bovine animal vaccinated between the ages of four and twelve months (one hundred twenty days to three hundred sixty-five days) with an approved brucella vaccine such as strain 19 vaccine or RB-51 vaccine or any other legal brucellosis vaccination administered in accordance with the laws and regulations of a state or country.

(5) "Class free and Class A, B, and C states" means states as classified by the current federal brucellosis eradication uniform methods and rules.

(6) "Stage I, II, III, IV, or V Pseudorabies state" means states as classified by the current federal pseudorabies eradication Uniform Methods and Rules.

(7) "Official health certificate" means a legible certificate of veterinary inspection executed on an official form of the state of origin or of the Animal and Plant Inspection Service (APHIS), United States Department of Agriculture (USDA), by a licensed and accredited veterinarian or a veterinarian approved by the proper official of APHIS, USDA.

(8) "Animal" means any animal species except fish and insects.

(9) "Domestic animal" means any farm animal raised for the production of food and fiber or companion animal or both.

(10) "Farm animal" means any species which have normally and historically been kept and raised on farms in Washington, the United States, or elsewhere or used or intended for use as food, fiber, breeding, or draft and which may be legally kept for such use in Washington and are not those animals classified as wildlife or deleterious exotic wildlife under Title 77 RCW.

#### NEW SECTION

**WAC 16-54-018 Official brucellosis vaccinates.** All vaccinations must be done by a licensed accredited veterinarian or federal or state employed veterinarian. Vaccinated animals must be permanently identified as vaccinates by a tattoo in the right ear. The tattoo shall be the U.S. registered shield and V preceded by a number indicating the quarter of the year for vaccination with strain 19, an R for RB-51 vaccination under twelve months of age and any other state designation for other categories of brucellosis vaccinations and followed by a number corresponding to the last digit of the year in which vaccination was done. An official vaccination tag shall be used for individual animal identification unless excepted by the director.

AMENDATORY SECTION (Amending Order 5010, filed 9/21/93, effective 10/22/93)

**WAC 16-54-020 Illegal importation.** (1) All animals being shipped into this state must have met the requirements of Title 9, Code of Federal Regulations as revised as of January 1, 1998, ((in effect at the time of)) for movement or importation from foreign countries and in addition ((thereto)) must meet all the applicable laws, rules and regulations of the state of Washington pertaining to animal health and care of animals.

(2) It shall be unlawful for any person, firm or corporation to import any animal unless in compliance with the requirements set forth hereafter in this order, and regulations relating to importation into and movement within the state of Washington of poultry, hatching eggs and wildlife. No animal, including poultry and wildlife, that is affected with any infectious or communicable disease shall be imported into the state unless written permission for the importation is obtained from the director and in the instance of wildlife, written permission from the director of the department of wildlife shall also be obtained.

(3) It shall be unlawful for any person, firm, or corporation importing livestock into the state of Washington to fail to stop for inspection at any posted livestock inspection point.

AMENDATORY SECTION (Amending WSR 92-21-039, filed 10/15/92, effective 11/15/92)

**WAC 16-54-030 Health certificate.** (1) All animals entering Washington shall be accompanied by an official health certificate except:

(a) Dogs and cats originating in Washington and visiting Canada for thirty days or less.

(b) Dogs, cats and ferrets that are family pets traveling by private automobile with their owners who possess a current rabies certificate for the animals. This exemption does not apply to dogs, cats or ferrets imported for sale or puppies, kittens, or kits too young to vaccinate.

(c) Horses traveling into Washington with their Oregon or Idaho owners in personal vehicles for round-trip visits of not more than ninety-six hours duration. This exemption does not apply during emergency disease conditions declared by the state veterinarian or extend to any required testing.

(d) Llamas and alpacas traveling into Washington with their Oregon or Idaho owners in personal vehicles for round-trip visits of not more than ninety-six hours duration. This exemption does not apply during emergency disease conditions declared by the state veterinarian.

(e) Sheep traveling into Washington with their Oregon or Idaho owners in personal vehicles for round-trip visits of not more than ninety-six hours duration. This exemption does not apply during emergency disease conditions declared by the state veterinarian or extend to any animals entering for breeding purposes.

(f) Those classes of animals specifically exempted in laws or regulations of this state.

(2) Official health certificate shall contain the following information:

(a) Date of inspection. All health certificates void after thirty days, except breeding cattle forty-five days from date of issue(~~(-Provided)~~). The director may give special exemption for show animals.

(b) Names and addresses of the consignor and consignee.

(c) Certification that the animals are apparently free from evidence of infectious and communicable disease.

(d) Test or vaccination status when required.

(e) Description of each animal to include species, breed, age, sex, tag or tattoo and for cattle, only an official ear tag will be accepted or if registered, the registry name, number and tattoo for individual identification except one brand or other owner identified animals, all of the same description, for which tests are not required.

(f) Certification of disinfection of cars and trucks when required.

(g) An owner/agent statement which says "the animals in this shipment are those certified to and listed on this certificate" and is signed and dated by the owner, agent, or veterinarian.

(3) All health certificates shall be (~~(approved)~~) reviewed by the livestock sanitary official of the state of origin and a copy shall be forwarded immediately to the department of agriculture, Olympia, Washington.

#### AMENDATORY SECTION (Amending Order 1792, filed 4/8/83)

**WAC 16-54-040 Immediate slaughter cattle and horses.** The director, his appointed officers, any other peace officers, or member of the state patrol may stop vehicles carrying cattle or horses to determine if the cattle or horses are identified or branded as immediate slaughter cattle or horses and, if so, that the cattle or horses are not being diverted for other purposes to points other than the specified point of slaughter. Slaughter horse assembly and feedlot points wanting to keep slaughter horses in excess of seven days within the state of Washington for feeding purposes may apply to the director for special horse feedlot status. No horses may be removed from the feedlot for other than slaughter purposes, except for transfer to feedlots of like status in Washington, Idaho, or Oregon. Federally approved export quarantine stations are exempt from applying for such status.

#### AMENDATORY SECTION (Amending WSR 94-23-121, filed 11/22/94, effective 12/23/94)

**WAC 16-54-071 Domestic equine.** (1) Domestic equine animals shall be accompanied by an official health certificate stating that they are free from clinical symptoms of infectious and communicable disease. All equine over six months of age must have a record of a negative test for the diagnosis of equine infectious anemia made within six months prior to entry. Horses moving to Washington from Oregon (~~(are)~~) or Idaho may be excluded from test requirements when reciprocal.

(2) Breeding stallions or their semen shall be tested negative for equine viral arteritis (EVA) within ninety days of import. Positive stallions or semen may be imported with a certifying statement on the health certificate that the con-

signee has been advised and consents to the shipment. All positive stallions or semen entering Washington shall be moved on a permit issued by the office of the state veterinarian and may be subject to quarantine.

(3) Washington horses may reenter Washington when returning from shows, rides or other events from states that will accept travel to that state with a current "equine certificate of veterinary inspection and interstate movement permit" without additional animal health certifications. Within fourteen days of the return to Washington an "itinerary of interstate travel" must be filed with the state veterinarian's office. Likewise horses from the western state of Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, or New Mexico may enter the state of Washington for shows, rides or other events and return with documents similar to the above named documents under a state system of equine health certification acceptable to the Washington state veterinarian and the state origin by written agreement. In any case, travel under this alternative to normal thirty-day health certification will be limited to not more than ninety days duration for any one excursion and the movement permit shall expire in six months from the date of the certificate.

~~((4) Equine quarantine stations. Stallions or mares imported from foreign countries listed in 92.301(e)(1) of the Code of Federal Regulations (CFR) may only be received at an approved equine quarantine station. No person may receive in this state any stallion or mare which is imported from a foreign country in which contagious equine metritis has been reported unless the stallion or mare is imported directly to an approved equine quarantine station in a sealed vehicle. The sealed vehicle shall have been sealed at a federal or federally approved quarantine station or port of entry by a federal or federally approved agent. The imported stallion or mare shall be accompanied by an import permit issued by the state veterinarian's office prior to the date on which the stallion or mare is brought into the state. The vehicle seal may not be removed except by an authorized employee or agent of the department of agriculture at an approved equine quarantine station. All equine animals, including test mares, which are received at an approved equine quarantine station shall be identified with an individual identification of a type approved by the state veterinarian.~~

~~(a) Quarantine release. An imported stallion or mare received at an approved equine quarantine station under subsection (4) of this section is quarantined until the quarantine is released by the director of agriculture in writing. A quarantined equine animal may not be removed from the quarantine premises or be allowed in contact with other equine animals on adjacent premises. Contact between a quarantined equine animal and a test mare is permitted, but only pursuant to a written agreement with the department under (d) of this subsection. A test mare which has been in contact with an imported stallion is quarantined until the quarantine is released by the department in writing.~~

~~(b) Approved equine quarantine station permit. No person may operate an approved equine quarantine station in Washington state without written permission from the director, Washington department of agriculture. Permits shall expire December 31 of each year. Applications for a permit~~

shall be made in writing as required by the director. The director shall grant or deny a permit application within ninety days after the application is received provided that the application is accompanied by all requisite information and documentation. Every application shall include:

- (i) The name and mailing address of the applicant and any trade name or business name to be used by the applicant;
- (ii) A statement indicating whether the applicant is an individual, partnership, corporation, cooperative corporation, or other business association or entity;
- (iii) The location of the equine quarantine station specified by county, town or city, road or street, and number;
- (iv) The name and address of the accredited veterinarian who will perform all identification, handling, testing, and treatment of equine animals at the approved equine quarantine station under procedures or protocols established by the department; and
- (v) Other information which the department may require if the information is reasonably relevant to the department's action on the permit request.

(c) ~~Construction requirements. Approved equine quarantine stations shall be constructed and maintained to prevent contact between quarantined equine animals and any other equine animals on the premises, including test mares. An approved equine quarantine station shall be maintained in a clean and sanitary manner.~~

(d) ~~Testing and treatment procedures. Before permission is granted for the operation of an approved equine quarantine station, the station operator and the accredited veterinarian designated under (b)(iv) of this subsection shall enter into a written agreement with the department establishing procedures and protocols to be followed in the identification, handling, testing, and treatment of equine animals quarantined in the station. The approved equine quarantine station shall be operated in compliance with the agreed procedures and protocols. Procedures and protocols shall be performed by the designated veterinarian except as otherwise authorized by the director.~~

(e) ~~Recordkeeping. The operator of an approved equine quarantine station shall keep complete and accurate records which shall be made available for inspection and copies of which shall be supplied to the department upon request. Records shall be kept for at least two years after they are made and shall include:~~

- (i) ~~The identification, date of arrival, and date of removal of each imported equine animal received at the quarantine station;~~
- (ii) ~~The name and address of the owner of each equine animal received at the quarantine station correlated with a specific identification of the equine animal; and~~
- (iii) ~~A complete record of the procedures and protocols followed in conjunction with the identification, handling, testing and treatment of each imported animal.))~~

**AMENDATORY SECTION** (Amending Order 6009, filed 12/16/96, effective 1/16/97)

**WAC 16-54-082 Domestic bovine animals.** All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the

state veterinarian. All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area. The state veterinarian may require a negative tuberculosis test within thirty days of import for cattle (including bison) from the states classified as modified accredited or accredited free if *Mycobacterium bovis* (*M. bovis*) has been cultured from a herd in that state within the previous twelve months. All Mexican cattle imported from Mexico within three years of date of importation to Washington must show proof of a tuberculosis retest at least one hundred twenty days after import to the United States. Such cattle without proof of retest must be held on the premises of destination in Washington and kept separate from all other cattle for not less than one hundred twenty nor more than one hundred eighty days from the date of entry and retested for tuberculosis during the one hundred twenty to one hundred eighty-day period.

(2) Brucellosis health certificate requirements. All domestic bovine animals (including bison), except those consigned to restricted feedlots, to federally inspected slaughter plants for immediate slaughter, or beef breed cattle, slaughter only dairy breed cattle, or dairy breed cattle from Oregon, Montana, and Idaho consigned to a state-federal approved livestock market, shall be accompanied by an official interstate health certificate and shall meet the following requirements:

(a) Brucellosis test.

(i) Cattle from class free and A states.

(A) Sexually intact heifers from brucellosis quarantined herds in class free and A states shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter plant.

(B) Cattle other than those referred to in (a)(i)(A) of this subsection from class free or A states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(IV) Cattle from a certified brucellosis free herd.

(V) Cattle from selected brucellosis free states designated by the Washington state veterinarian.

(ii) Cattle from Class B or C states.

(A) Sexually intact females from other than certified brucellosis free herds in states classified B or C by the USDA shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter establishment.

(B) Sexually intact males from Class B states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry and held on the

premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the preentry test. Cattle not considered test eligible include:

- (I) Calves under six months of age.
- (II) Steers and spayed heifers.
- (III) Cattle from a certified brucellosis free herd.

(C) Sexually intact males from Class C states which are test eligible must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. Those cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the second negative preentry test. Cattle not considered test eligible include:

- (I) Calves under six months of age.
- (II) Steers and spayed heifers.
- (III) Cattle from a certified brucellosis free herd.

(iii) Beef cattle eligible for brucellosis testing coming from class free or A states or dairy cattle coming from Idaho, Montana, or Oregon may be moved to state-federal approved livestock markets in Washington to meet entry health requirements.

(iv) Should brucellosis infection occur in the state of Washington as a result of importation of infected animals, all future importations from the state of origin shall be required to meet import regulations of the next lower classification. State regulatory officials of that state shall be notified and the lower classification entry requirement will be in effect for twelve months following notification to the state of origin.

(b) Brucellosis vaccinates—female dairy cattle. All female dairy cattle must be identified as official brucellosis vaccinates before entry into a dairy cow breeding herd. Except the following classes of cattle are exempt from this requirement:

- (i) Calves under four months of age.
- (ii) Those cattle consigned directly to a restricted feedlot.
- (iii) Spayed heifers.

(c) Brucellosis vaccinates—female beef cattle. All female beef breed cattle must be identified as official brucellosis vaccinates before entry into a beef cow breeding herd, except the following classes of cattle are exempt from this requirement:

- (i) Calves under four months of age.
- (ii) Cattle sold or consigned to a restricted feedlot.
- (iii) Spayed heifers.

(d) Cattle from a certified brucellosis free country may be imported if the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, issues a special permit for such entry.

(3) Scabies. The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days of entry and, except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate. Ivermectin may be used as an alternative to the dipping procedure for beef and nonlactating dairy animals.

(4) Vesicular stomatitis. The office of the state veterinarian may require that:

(a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days;

(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from known infected areas shall not be allowed entry into the state; and

(c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.

(5) Temporary grazing permits. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the state veterinarian (~~is~~ ~~Provided, That~~), The state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis nonvaccinates in the herd prior to January 1, 1988. Grazing permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes.

**AMENDATORY SECTION** (Amending WSR 92-21-039, filed 10/15/92, effective 11/15/92)

**WAC 16-54-101 Sheep.** Sheep except those for immediate slaughter, shall be accompanied by a health certificate stating they are clinically free from infectious and communicable disease and in addition shall comply with the following requirements which shall be stated on the health certificate:

(1) Originate from a flock in which no scrapie has existed for ~~((three))~~ five years or is from a flock enrolled in the USDA Voluntary Scrapie Flock Certification Program.

(2) All breeding rams six months of age and over must have a negative ELISA test for brucella ovis within thirty days prior to entry into Washington and be palpated and certified free of brucella ovis or be from a brucella free flock. Each ram must be individually identified with an individual eartag or registration tattoo. This number, along with the test results and date of test, must be entered on the health certificate which must accompany the animal(s).

(3) All blackface rams imported into Washington state for the purpose of breeding must be determined by genetic testing to be QR or RR at the 171 codon.

(4) All blackface breeding rams shall be moved on a permit issued by the office of the state veterinarian.

**AMENDATORY SECTION** (Amending Order 1918, filed 3/25/87)

**WAC 16-54-120 Dogs and cats.** In addition to the general provisions for the importation of livestock, the official

PERMANENT

health certificate for dogs and cats shall contain the certification:

(1) That such animals are apparently free from infectious, contagious, and communicable disease.

(2) That all dogs and cats have been vaccinated against rabies according to United States Public Health Department regulations and standards at the time of entry. Each animal must be identified by a tag number and on an official health certificate. Dogs and cats that are family pets traveling by private automobile with their owners, who possess a current valid rabies certificate for the animals, are exempted from the health certificate requirement. This exemption does not apply to dogs or cats imported for sale or puppies or kittens too young to vaccinate.

(3) That such animals do not originate from an area under quarantine for rabies. Animals originating from rabies quarantine or rabies areas must be accompanied by a permit obtained from the state department of agriculture office in Olympia, Washington previous to shipment, the terms of which must be stated on the health certificate.

AMENDATORY SECTION (Amending Order 5010, filed 9/21/93, effective 10/22/93)

**WAC 16-54-135 Llamas and alpacas.** All llamas and alpacas imported into Washington shall be accompanied by a health certificate stating that the animals are free from signs or exposure to infectious or contagious disease. Llamas and alpacas six months of age and over must be tested negative for brucellosis and tuberculosis not more than thirty days prior to entry. The tuberculosis test is to be performed just caudal to the elbow joint in a similar manner to the single strength single cervical test. Testing for brucellosis and tuberculosis is not required for llamas and alpacas exempted from the health certificate requirements in WAC 16-54-030 (1)(d).

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 16-54-016 Official calfhood vaccinates.
- WAC 16-54-150 Penalty.

**WSR 99-09-024**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed April 15, 1999, 9:41 a.m.]

Date of Adoption: April 15, 1999.

Purpose: Chapter 16-59 WAC, Importation of poultry and hatching eggs, details rules for control, surveillance and eradication of important poultry diseases and to protect animal and public health. A minor technical change, WAC 16-59-001 will be repealed and new, proposed language for definitions will be incorporated under a new section number. This change is necessary to maintain continuity and tracking

of section numbers for historical purposes. There is no difference between the adopted rules and the text of the proposed rules as published in the register.

Citation of Existing Rules Affected by this Order: Chapter 16-59 WAC, Importation of poultry and hatching eggs; repealing WAC 16-59-001 and 16-59-070; and amending WAC 16-59-010, 16-59-020, 16-59-030, and 16-59-060.

Statutory Authority for Adoption: RCW 16.36.040.

Adopted under notice filed as WSR 99-03-085 on January 20, 1999.

Changes Other than Editing from Proposed to Adopted Version: See Purpose above.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 4, Repealed 2.

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

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

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

April 15, 1999

James M. Jesernig  
 Director

**Chapter 16-59 WAC**

**IMPORTATION AND MOVEMENT**  
**OF POULTRY AND HATCHING EGGS**

**NEW SECTION**

**WAC 16-59-005 Definitions.** (1) "Baby poultry" means newly hatched poultry that have not been fed or watered.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of agriculture of the state of Washington or his or her authorized representative.

(4) "Game birds" means domesticated fowl such as pheasants, partridge, quail, grouse and guineas, but not doves and pigeons.

(5) "Hatching eggs" means fertile eggs that have the potential to hatch baby poultry.

(6) "Infectious coryza" means a respiratory disease of poultry caused by haemophilus paragallinarum (gallinarum).

(7) "Infectious laryngotracheitis" means a highly contagious respiratory disease of poultry caused by a herpesvirus.

(8) "NPIP" means USDA National Poultry Improvement Plan, a cooperative industry-state-federal program to eliminate egg-transmitted and hatchery-disseminated diseases. Title 9, Code of Federal Regulations, Part 145, are the plan

standards and contain the requirements for this voluntary program.

(9) "Official health certificate" means a legible certificate of veterinary inspection on an official form of the state of origin or of the USDA Animal and Plant Health Inspection Service (APHIS) executed by a licensed and accredited veterinarian or a veterinarian approved by the proper official of USDA APHIS.

(10) "Ornithosis" means a disease of poultry caused by Chlamydia psittaci, transmissible to other animals and humans and synonymous with the term psittacosis.

(11) "Person" means a person, persons, firm or corporation.

(12) "Poultry" means chickens, turkeys, ratites, waterfowl, game birds, pigeons, doves and other domestic birds designated by statute. "Poultry" does not mean free ranging birds defined as wildlife in Title 77 RCW.

(13) "Pullorum" means a disease of poultry caused by Salmonella pullorum.

(14) "Typhoid" means a disease of poultry caused by Salmonella gallinarum.

**AMENDATORY SECTION** (Amending WSR 94-23-122, filed 11/22/94, effective 12/23/94)

**WAC 16-59-010 Health certificates.** (1) ~~(It shall be unlawful for any person, firm or corporation to import any poultry or hatching eggs into this state unless in compliance with the requirements set forth hereafter in this rule and in accordance with Washington import rules (chapter 16-54 WAC) and Title 9, Code of Federal Regulations. Shipment to be accompanied by an official health certificate or certificate of veterinary inspection (except shipments for immediate slaughter, hatching eggs and unfed poultry) on which vaccinations are shown when applicable giving dates, method and type of vaccine used in addition to requirements of Washington import rules.) Shipments of poultry and hatching eggs must comply with requirements in this chapter and Washington animal importation rules (chapter 16-54 WAC) to be imported into this state. An official health certificate must accompany the shipment. In lieu of an official health certificate, an official NPIP form is acceptable. An official health certificate is not required for shipments sent to immediate slaughter or for hatching eggs or baby poultry from NPIP participants.~~

~~(2) A permit is required for ((import)) importation of ratites ((and)). The permit number is issued by the state veterinarian and must be entered on the official health certificate ((of veterinary inspection or health certificate)). Each ratite imported must be permanently identified with a permanent leg band, microchip, or tattoo showing an individual number. The type of identification (including type of microchip if used) must be listed on the official health certificate ((of veterinary inspection or health certificate)). ((Health requirements for ratites also appears in chapter 16-54 WAC.~~

~~(2)) (3) Chickens, ratites, waterfowl, game birds, pigeons, doves and other domestic fowl must originate from a producer participating in the pullorum-typhoid control phase of NPIP or test serologically negative for pullorum-typhoid within the past thirty days. In the case of eggs and~~

~~baby poultry, the breeder flock must be an NPIP participant or must have tested negative to pullorum-typhoid within the past thirty days. Turkeys must originate from a producer participating in the pullorum-typhoid and Mycoplasmosis control phases of NPIP or test serologically negative for pullorum-typhoid and Mycoplasmosis within the past thirty days. In the case of eggs and newly hatched turkeys, the breeder flock must be an NPIP participant or must have tested negative to pullorum-typhoid and Mycoplasmosis within the past thirty days.~~

~~(4) Poultry for immediate slaughter may enter and move within the state of Washington directly to slaughter plants ((under federal, state, county or municipal supervision providing)). The accompanying ((certificate or waybill is so marked with)) shipping document must indicate the following information:~~

~~(a) The plant of destination;~~

~~(b) That the birds are consigned for ((immediate)) slaughter and ((shall)) will be slaughtered ((forthwith)) immediately after arrival at the plant;~~

~~(c) The shipper's name and address; and~~

~~(d) The number and type of birds in the shipment.~~

~~((3) For the purpose of this order the term "poultry" is considered to include all chickens, turkeys, ratites and other domestic fowl.))~~

**AMENDATORY SECTION** (Amending Order 997, Regulation 2, filed 1/21/66)

**WAC 16-59-020 Wrongful sale.** It ~~((shall be)) is~~ unlawful for any person ~~((;)) to ((give, barter;)) exchange, sell, ((offer for sale)) or otherwise distribute poultry ~~((, including baby chicks and/or poults)) or hatching eggs ((in the state of Washington that are)) affected with or ((originate)) originating from flocks affected with pullorum-typhoid or other contagious, infectious or communicable disease mentioned in this ~~((order except upon)) chapter. The state veterinarian may make an exception and issue a permit ((issued by the Washington state department of agriculture)) for importation or movement when satisfied such movement will not affect the health of flocks in the state.~~~~~~

**AMENDATORY SECTION** (Amending WSR 94-23-122, filed 11/22/94, effective 12/23/94)

**WAC 16-59-030 Testing of breeding stock.** (1) **Pullorum-typhoid:** All poultry and hatching eggs ~~((, baby chicks and/or poults, and growing stock (started pullets))~~ in interstate movement ~~((shall have originated)) must originate~~ from parent or grandparent stock which are ~~((were)) registered as participating flocks under ((the National Poultry Improvement Plan (NPIP)) or equivalent state program ((and)). The poultry and hatching eggs must be classified as ((Salmonella)) pullorum-typhoid free or ((are)) must be tested negative for ((Salmonella)) pullorum-typhoid within thirty days of movement. Acceptable tests are ((serum)) standard tube agglutination, ~~((serum or whole blood plate agglutination with pullorum antigen or)) microagglutination, enzyme-linked immuno-sorbent assay (ELISA) or rapid serum test. The stained antigen, rapid whole blood test can~~~~

be used for all poultry except turkeys. The state veterinarian may allow cloacal swab or environmental testing (~~for salmonella~~) in lieu of blood testing (~~as appropriate~~) for certain species of ratites. Any person who sells poultry or hatching eggs as (~~Salmonella~~) pullorum-typhoid free must qualify (~~such~~) under the provisions of this rule (~~:- Provided, however, That eggs for table consumption and stock for immediate slaughter, or shipments consigned to a diagnostic laboratory or research institute approved by Washington state department of agriculture, shall be~~). Exempt from pullorum-typhoid requirements (~~contained in this order~~) are:

(a) Eggs for table consumption;

(b) Poultry for immediate slaughter; and

(c) Shipments consigned to a diagnostic laboratory or research institute approved by the department.

(2) **Infectious laryngotracheitis; infectious coryza:** (~~No poultry shall be transported, shipped or otherwise introduced into the state that have been naturally infected with or exposed to poultry naturally infected with field strains of infectious laryngotracheitis or infectious coryza or vaccinated with virulent laryngotracheitis or infectious coryza vaccines, except upon a permit from the director of agriculture and subject to quarantine at destination. Such~~) Poultry cannot be imported if naturally infected or exposed to natural infection with infectious laryngotracheitis or infectious coryza. Such poultry can be imported under permit from the state veterinarian. The shipment can only be moved into the state when accompanied by an official federal form VS1-27 completed and signed by a federal or state veterinarian. The shipment will be quarantined once it reaches its Washington destination. A permit(†) will be granted (only) when available (authentic) information indicates that the poultry to be transported will not present a disease hazard to state of Washington flocks(:- Provided, however, That eggs for table consumption from flocks naturally infected with field strains of infectious laryngotracheitis or infectious coryza or vaccinated with virulent laryngotracheitis or infectious coryza vaccines, when washed and sanitized by methods required by the state veterinarian after consultation with Washington state poultry pathologists, stock for immediate slaughter or stock consigned to a diagnostic or research laboratory approved by Washington state department of agriculture shall be exempt). Exempted from the infectious laryngotracheitis (~~(or)~~) and infectious coryza requirements (~~contained in this order: Provided further, That~~) are:

(a) Poultry for immediate slaughter;

(b) Poultry consigned to a diagnostic laboratory or research institute approved by the department; and

(c) Eggs for table consumption from flocks naturally infected or vaccinated with virulent vaccines. To meet this exemption, eggs for table consumption must be washed and sanitized by methods required by the state veterinarian after consultation with Washington state poultry pathologists. Crates, equipment, and packaging material used for (such) transportation (are) must be cleaned and (sterilized) disinfected to the department's satisfaction (of Washington state department of agriculture authorities) or must be burned before leaving the slaughter, diagnostic, or egg processing premises. If crates, equipment and packaging material cannot be burned, they must be disposed of by a method in com-

pliance with local air quality standards that still provide for destruction of pathogens.

(3) **Ornithosis:** Poultry and eggs (~~from flocks in which~~) are not to be imported into or moved intrastate in Washington if ornithosis is suspected or has been diagnosed (shall not be imported into or moved intrastate in the state of Washington except on written permit from the Washington state department of agriculture). The state veterinarian may make an exception and issue a permit for importation or movement after proper treatment with a recommended antibiotic and observation of the appropriate withdrawal time.

**AMENDATORY SECTION** (Amending Order 997, Regulation 6, filed 1/21/66)

**WAC 16-59-060 Shipping equipment.** (1) All poultry (~~(to)~~) must be moved only in clean containers. All crates or other containers used to transport (~~or otherwise convey~~) live poultry into or within the state of Washington must be either new or thoroughly cleaned and (~~thereafter~~) disinfected and then washed with steam or hot water under pressure.

(2) All common carriers and any other conveyances used in the transportation of live poultry to or from the receiving station or (~~point of~~) destination (~~shall~~) must be free from poultry droppings, feathers and other debris.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-59-001	Promulgation.
WAC 16-59-070	Penalty provisions.

#### WSR 99-09-025

#### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed April 15, 1999, 9:44 a.m.]

Date of Adoption: April 15, 1999.

Purpose: The purpose of chapter 16-86 WAC is to lay out rules for the control and surveillance of brucellosis and tuberculosis in cattle and goats. The section on scrapie in sheep is removed and a new scrapie rule, chapter 16-89 WAC, is proposed as a new rule.

Citation of Existing Rules Affected by this Order: Chapter 16-86 WAC; repealing WAC 16-86-093 and 16-86-100; and amending WAC 16-86-005, 16-86-015, 16-86-017, 16-86-020, 16-86-030, 16-86-040, 16-86-055, 16-86-060, 16-86-070, 16-86-080, 16-86-090, 16-86-092, and 16-86-095.

Statutory Authority for Adoption: RCW 16.36.040.

Adopted under notice filed as WSR 99-03-087 on January 20, 1999.

Changes Other than Editing from Proposed to Adopted Version: A typographical error in the proposed rule filing was detected. WAC 16-86-040 the word "VSI-27" should

read "VS1-27." This change also applies to WAC 16-86-050. The change will be made in the rules for permanent adoption.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 13, Repealed 2.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

April 15, 1999

James M. Jesernig

Director

### Chapter 16-86 WAC

## **BRUCELLOSIS((~~7~~)) AND TUBERCULOSIS ((~~AND~~ ~~SCRAPIE~~)) IN CATTLE((~~7~~)) AND GOATS ((~~AND~~ ~~SHEEP~~))**

AMENDATORY SECTION (Amending Order 2035, filed 4/30/90, effective 5/31/90)

**WAC 16-86-005 Definitions.** For purposes of this chapter:

~~((1)) "Director" means the director of agriculture of the state of Washington or his duly authorized representative.~~

~~(2) "Department" means the Washington state department of agriculture.~~

~~(3) "Accredited veterinarian" means a veterinarian licensed to practice veterinary medicine, surgery, and dentistry in the state of Washington and approved by the United States Department of Agriculture veterinary services to participate in state-federal cooperative programs.~~

~~(4) "Official calfhood vaccinate" means a female bovine animal vaccinated between the ages of four and twelve months (one hundred twenty days to three hundred sixty five days) for beef breed cattle and between the ages of four and eight months (one hundred twenty days to two hundred forty days) for dairy breed cattle with an approved brucella vaccine.~~

~~(5) "Approved brucella vaccine" means only those biological products that are approved by and produced under license of the United States Department of Agriculture for injection into cattle for the purpose of enhancing their resistance to brucellosis.~~

~~(6) "Registry tattoo" means a tattoo identifying the individual as a registered animal within the breed association.~~

~~(7) "Vaccination tattoo" means the United States registered shield and V preceded by a number indicating the quar-~~

~~ter of the year and followed by a number corresponding to the last digit of the year in which vaccination was done.~~

~~(8) "Serapie infected flock" means a flock of sheep or goats in which the disease serapie has been diagnosed positive in one or more animals by the National Veterinary Service Laboratory (NVSL).) (1) "Accredited veterinarian" means a veterinarian licensed to practice veterinary medicine, surgery, and dentistry in the state of Washington and approved by the United States Department of Agriculture (USDA) veterinary services to participate in state-federal cooperative programs.~~

~~(2) "Adult vaccination" means the whole herd vaccination of a herd infected with or exposed to the Brucella abortus organism when conducted under a herd plan agreed to by the owner and the director. A USDA approved adult dosage brucella vaccine will be used to vaccinate all female cattle in the herd above twelve months of age.~~

~~(3) "Approved brucella vaccine" means only those biological products that are approved by and produced under license of the USDA for injection into cattle for the purpose of enhancing their resistance to brucellosis.~~

~~(4) "Department" means the Washington state department of agriculture.~~

~~(5) "Director" means the director of agriculture of the state of Washington or his or her duly authorized representative.~~

~~(6) "Immediate slaughter" means delivery within seven days to an inspected slaughter facility or restricted feedlot as defined in chapter 16-30 WAC and operating under the permission of the director.~~

~~(7) "Official calfhood vaccinate" means a female bovine animal vaccinated with an approved brucella abortus vaccine such as strain 19 vaccine or RB-51 vaccine at a calfhood dose between the ages of four and twelve months of age (one hundred twenty days to three hundred sixty-five days).~~

~~(8) "Official mature vaccinate" means a female bovine over the age of twelve months vaccinated with an approved adult dosage brucella vaccine under directions issued by the state veterinarian. Mature vaccinates must be blood tested for brucellosis at the time of vaccination and a copy of the test chart submitted to the state veterinarian with the vaccination record.~~

~~(9) "Registry tattoo" means a tattoo identifying the individual as a registered animal within the breed association.~~

~~(10) "Vaccination tattoo" means the United States registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which the animal was vaccinated with strain 19 brucella vaccine. For strain RB-51 calfhood vaccination an R precedes the shield and V. In the case of strain RB-51 mature vaccination an M precedes the shield and V. In the case of strain RB-51 adult vaccination an A precedes the shield. For strain RB-51 vaccinates, the last number of the tattoo corresponds to the last digit of the year in which vaccine was administered.~~

AMENDATORY SECTION (Amending Order 6009, filed 12/16/96, effective 1/16/97)

**WAC 16-86-015 Washington cattle sale requirements.** (1) Effective January 1, 1984, within thirty days prior to any change of ownership and in a manner prescribed by the state veterinarian, all dairy breed cattle shall be tested negative for brucellosis. The following classes of cattle are exempt from this test requirement:

- (a) Calves under four months of age.
- (b) Cattle sold or consigned to a restricted feedlot.
- (c) Cattle sold or consigned to a federally inspected slaughter plant.
- (d) Steers and spayed heifers.
- (e) Official calfhod vaccinates under twenty months of age and not parturient or post parturient.
- (f) Official Washington or Canadian calfhod vaccinates under thirty months of age as evidenced by less than full development of the lower permanent second incisors. This exemption applies only to Washington resident cattle which bear an eartag showing a Washington vaccination (91 V series) or a Canadian vaccination certificate. Subdivision (e) of this subsection applies to all other female dairy breed cattle unless exempted by (a), (b), (c) or (d) of this subsection. Cattle exempted under this subsection may be tested if requested by a prospective buyer or to meet import requirements of another state or foreign country.

(2) All female cattle shall be ~~((officially vaccinated against brucellosis))~~ an official calfhod or Washington mature vaccinate and bear a legible vaccination tattoo prior to being sold or introduced into any breeding herd in the state of Washington. This rule does not apply to the following:

- (a) Calves under four months of age. Female calves under four months acquired by any herd and natural female additions must become official calfhod vaccinates or official Washington mature vaccinates, as provided for in this chapter, to be sold for any purpose other than those set forth in (b), (c), (d), ~~((or))~~ (e), or (f) of this subsection.
- (b) Cattle sold or consigned to a restricted feedlot.
- (c) Cattle sold or consigned to a federally inspected slaughter plant.
- (d) Cattle sold or consigned to a public livestock market for immediate slaughter only.
- (e) Spayed heifers.
- (f) Cattle sold to buyers in states or countries without brucellosis vaccination requirements.

(3) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for market cattle identification (MCI) test purposes. These records shall be made available to the department upon request. The following classes of cattle shall be exempt from these requirements:

- (a) Cattle under twenty-four months of age ~~((-))~~ and not parturient or post parturient. ~~(())~~
- (b) Steers and spayed heifers.

AMENDATORY SECTION (Amending Order 1539, filed 10/17/77)

**WAC 16-86-017 Grazing permits.** Washington herd owners desiring to move cattle interstate for grazing purposes and return to Washington shall request a permit for such movement from the animal health ~~((division))~~ program of the department ~~((of agriculture))~~. The state to which the animals are to be moved for grazing must approve the movement. A separate permit must be obtained from the animal health ~~((division))~~ program for the return of such cattle. ~~((Animals grazed in counties or areas in which brucellosis has been diagnosed during the grazing period shall, upon returning to Washington, be held separate from all other cattle and brucellosis tested at owner's expense.))~~ Grazing permits will be issued only for movements to states which are class free or A for brucellosis and which share common borders with the state of Washington. Cattle moving interstate on grazing permits are generally exempt from interstate health certificate and testing requirements unless required by the state veterinarian in either state due to changing disease conditions. Cattle moving interstate on grazing permits must meet the brand or animal identification requirements of each state before interstate movement.

AMENDATORY SECTION (Amending Order 1539, filed 10/17/77)

**WAC 16-86-020 Quarantine.** All cattle or goats that are infected or suspected of being infected with brucellosis or tuberculosis after an official test shall be quarantined as provided by law. ~~((All cattle or goats, the))~~ If owners ((of which)) refuse to allow the department to test for the above diseases, ((shall)) all cattle or goats will be regarded as a menace to the health of livestock, and the premises on which they are kept shall be immediately quarantined and no animals or products of such animals shall be removed from the premises as outlined in RCW ~~((16.40.010))~~ 16.36.010.

AMENDATORY SECTION (Amending Order 1964, filed 2/5/88)

**WAC 16-86-030 Sale of quarantined animals.** (1) No person shall sell or offer for sale any cattle from a brucellosis quarantined herd except steers and spayed heifers for other than immediate slaughter or for consignment to a state-federal approved sales yard for immediate slaughter ~~((-Provided, That prior to))~~. Before consignment to a state-federal approved sales yard, the cattle ~~((shall))~~ must be "S" branded and shall only be moved from the brucellosis quarantined herd when accompanied by an official federal form number VS1-27.

(2) Cattle from a tuberculosis quarantined herd ~~((shall))~~ must not be sold or offered for sale except for immediate slaughter.

AMENDATORY SECTION (Amending Order 1958, filed 11/18/87)

**WAC 16-86-040 Quarantine and release.** (1) Brucellosis:

(a) Any herd of cattle or goats in which brucellosis reactors are found will be quarantined. Positive or reactor classification shall be based on standards listed in *U.S. Department of Agriculture Uniform Methods and Rules for Brucellosis Eradication*. Animals positive to the brucellosis test ~~((shall))~~ must not be sold or offered for sale except for immediate slaughter. Quarantined animals may only be moved when accompanied by an official form number VS1-27. The quarantine will be released when the entire quarantined herd has passed two consecutive negative blood ~~((agglutination))~~ tests without reactors~~((;))~~. The first test ~~((to))~~ must be not less than thirty days following removal of all reactors from the herd and the second test not less than ninety days nor more than one year following the date of the previous test. Steers, spayed heifers and officially vaccinated dairy animals under twenty months of age and officially vaccinated beef animals under twenty-four months of age need not be tested.

(b) Adult vaccination may be used as a whole herd vaccination under the terms of a herd plan and based on the standards listed in U.S. Department of Agriculture Uniform Methods and Rules for Brucellosis Eradication dated May 6, 1992, and revised February 2, 1993, and June 16, 1994.

(2) Tuberculosis:

(a) Any herd of cattle or goats in which tuberculosis reactors are found will be quarantined and except for immediate slaughter the sale or removal of any animal out of such herds~~((, except for immediate slaughter))~~ is prohibited. Herds in which only no gross lesions (NGL) reactor(s) occur and in which no evidence of *Mycobacterium bovis* infection has been disclosed may be released from quarantine after a sixty-day negative caudal fold retest of the entire herd.

(b) Herds containing one or more suspects to the caudal fold tuberculosis test shall be quarantined until the suspect animals are:

(i) Retested by the comparative-cervical tuberculosis test within ten days of the caudal fold injection and the tuberculosis status of the suspect(s) has/have been determined; or

(ii) Retested by the comparative-cervical tuberculosis test after sixty days and the tuberculosis status of the suspect(s) has/~~((have))~~ have been determined; or

(iii) Shipped under permit directly to slaughter in accordance with state or federal laws and regulations and the tuberculosis status of the suspect(s) has/have been determined.

(c) Herds in which *Mycobacterium bovis* infection has been confirmed and the herd has not been depopulated ~~((shall))~~ will remain under quarantine and must pass two tuberculin tests at intervals of at least sixty days and one additional test after six months from the previous negative test. These herds will also be subject to five annual tests on the entire herd following the release from quarantine.

AMENDATORY SECTION (Amending Order 1681, filed 3/25/80)

**WAC 16-86-055 Disinfecting vehicles.** (1) When a vehicle is used to transport brucellosis reactor animals or brucellosis exposed animals from a brucellosis quarantined herd, the vehicle ~~((shall))~~ must be cleaned and disinfected immediately following the unloading of the last animal of each ~~((such))~~ load. ~~((The destination for such reactor or exposed~~

~~cattle shall have department approved facilities to clean and disinfect vehicles.))~~

(2) ~~((Upon completion of))~~ The cleaning and disinfecting of the vehicle when complete, ~~((approval shall))~~ must be ~~((obtained))~~ approved in writing on form number VS1-27. This approval shall be made by a state ~~((or federal))~~ animal health employee, a federal veterinary services employee or by ~~((an))~~ another authorized representative of the director ~~((of agriculture, on a form approved by the director)).~~

AMENDATORY SECTION (Amending Order 1718, filed 12/17/80)

**WAC 16-86-060 Sale of brucellosis reactors.** Reactors to a brucellosis test ~~((may))~~ must be moved or sold only to a slaughtering establishment where state-federal approved inspection is maintained. Reactor cattle can only be moved from a quarantine premises by permit from the director or his representative~~((: Provided, That))~~. Any reactor to a brucellosis test must be marketed for slaughter within fifteen days from the date of tagging and branding.

AMENDATORY SECTION (Amending Order 1958, filed 11/18/87)

**WAC 16-86-070 Sale of tuberculosis reactors.** Reactors to a tuberculosis test ~~((may))~~ must be moved or sold only to a slaughtering establishment where federal inspection is maintained~~((: Provided, That))~~. Any reactor to tuberculosis test must be marketed for slaughter within fifteen days from the date of tagging and branding.

AMENDATORY SECTION (Amending Order 1171, filed 12/15/70)

**WAC 16-86-080 Branding and tagging of tuberculosis reactors.** Animals positive to the tuberculosis test will be branded by a state or federal veterinarian or ~~((his))~~ their authorized representative with the letter "T" on the left jaw~~((;))~~. The brand is to be not less than two inches nor more than three inches high~~((, and))~~. To further identify the animal or animals ((by attaching)), the person branding will also attach to the left ear a metal tag bearing an identifying number and the word "REACTOR." It ~~((shall be))~~ is unlawful for the owner, or his or her authorized representative, to refuse the director ~~((of agriculture or his authorized representative))~~ the right to identify the ~~((reacting))~~ reactor animal or animals by ~~((such))~~ branding and tagging.

AMENDATORY SECTION (Amending Order 1171, filed 12/15/70)

**WAC 16-86-090 Branding and tagging of brucellosis reactors.** Animals positive to the brucellosis test will be branded by a state or federal veterinarian or his authorized representative with the letter "B" on the left jaw~~((;))~~. The brand to be not less than two inches nor more than three inches high~~((, and))~~. To further identify the animal or animals ((by attaching)), the person branding will attach to the left ear a metal tag bearing an identifying number and the

word "REACTOR." It ~~((shall be))~~ is unlawful for the owner, or his or her authorized representative to refuse the director ~~((of agriculture or his authorized representative))~~ the right to identify the ~~((reacting))~~ reactor animal or animals by ~~((such))~~ branding and tagging.

**AMENDATORY SECTION** (Amending Order 1879, filed 3/28/86)

**WAC 16-86-092 Indemnity for brucellosis affected or exposed cattle.** As provided under RCW 16.36.096, the director ~~((of agriculture))~~ may order the slaughter or destruction of any cattle affected with or exposed to brucellosis. Subject to the availability of sufficient funds, the director may pay an indemnity for any cattle ordered slaughtered or destroyed. When indemnity is approved, the amount that will be paid is ~~((twenty-five dollars))~~ **fifty dollars** for any grade beef breed female, ~~((fifty))~~ **one hundred** dollars for any purebred registered beef breed bull or female, ~~((one))~~ **two** hundred dollars for any grade dairy breed female or ~~((one))~~ **two** hundred fifty dollars for any purebred registered dairy breed bull or female.

**AMENDATORY SECTION** (Amending Order 1964, filed 2/5/88)

**WAC 16-86-095 Official ~~((calftag))~~ brucellosis vaccination.** (1) An official vaccination report of ~~((calftag))~~ **all brucellosis** vaccinations must be made to the department within thirty days of ~~((occurrence))~~ **vaccination. The vaccination report must be made** on an approved report form (VS 4-26) issued by the department for the purpose of identifying and recording by official ~~((calftag))~~ **brucellosis** vaccination ear tag or registry tattoo ~~((calves))~~ **cattle** officially brucellosis vaccinated.

(2) All vaccinations must be done by a licensed accredited veterinarian or federal or state employed veterinarian. Vaccinated animals must be permanently identified as vaccinates by a vaccination tattoo in the right ear. An official vaccination ear tag or registry tattoo shall be used for individual animal identification.

(3) ~~((All))~~ **Brucellosis** vaccinations ~~((shall be))~~ **are not official until they are reported to the department ~~((before becoming official))~~ on official, completed and signed forms.**

#### **REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 16-86-093	Indemnity for scrapie infected or exposed sheep or goats.
WAC 16-86-100	Criminal penalty—Civil injunction.

#### **WSR 99-09-026**

### **PERMANENT RULES DEPARTMENT OF AGRICULTURE**

[Filed April 15, 1999, 9:47 a.m.]

Date of Adoption: April 15, 1999.

**Purpose:** The new chapter 16-89 WAC requires that every blackface or blackface crossbred breeding sheep over one year of age be identified with a Washington flock identification number. The state program is strictly a control and eradication program and does not lead to flock certification.

**Citation of Existing Rules Affected by this Order:** Chapter 16-89 WAC, Sheep and goat scrapie disease control.

**Statutory Authority for Adoption:** RCW 16.36.040.

Adopted under notice filed as WSR 99-03-086 on January 20, 1999.

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

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 14, Amended 0, Repealed 0.

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

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

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

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

April 15, 1999

James M. Jesernig  
Director

#### **Chapter 16-89 WAC**

### **SHEEP AND GOAT SCRAPIE DISEASE CONTROL**

#### **NEW SECTION**

**WAC 16-89-005 Purpose.** (1) Scrapie is an insidious, fatal neurological disease of sheep and goats. The disease agent has not been definitively characterized. The incubation period is very long, usually over eighteen months. There is no treatment, and the disease is always fatal. Currently there is no live animal diagnostic test for the presence of the disease. Diagnosis is made by observation of characteristic signs in the live animal and is confirmed by post-mortem examination of brain tissue.

(2) The United States Department of Agriculture (USDA) Voluntary Scrapie Flock Certification program is designed to monitor flocks and certify the scrapie status of the animals that are enrolled in the program. Any sheep or goat owner may apply to the USDA Veterinary Services area office in Olympia, Washington to participate in this program. It requires individual animal identification, keeping of good records, the reporting of acquisitions and deaths of animals to

the USDA, Animal and Plant Health Inspection Service (APHIS) veterinary representative and annual inspections by the APHIS veterinary representative. At the end of five years, if all criteria have been met, the flock may be certified as being free of scrapie, as long as the flock remains on the USDA Voluntary Scrapie Flock Certification Program.

(3) The Washington state scrapie program requires that every blackface or blackface crossbred breeding sheep which is one year or older be identified with a Washington state flock identification number. Ninety seven percent of all diagnosed scrapie cases in the United States have occurred in blackfaced breeds or crosses although whitefaced individuals can occasionally be susceptible. Blackface or blackface crossbred breeding stock of any age must be identified before transfer of ownership or possession. Few records need to be maintained, no reports of deaths or new acquisitions are required. The program is strictly a control and eradication program and does not lead to flock certification.

Enrollment in the USDA Voluntary Scrapie Flock Certification Program will fulfill the requirements of the Washington state program.

#### NEW SECTION

**WAC 16-89-010 Definitions.** For the purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or his or her duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Blackface breeding stock" means intact male or female sheep of blackface breeds and intact male or female sheep that are crosses of blackface and other breeds of sheep.

(4) "Flock" means a number of animals of sheep or goat species which are kept, fed and herded together having single or multiple ownership. The term "flock" shall be interchangeable with the term "herd" and shall apply to purebred and commercial sheep.

(5) "Washington flock identification number" means a unique flock identification number assigned to the owner or owners of each flock of blackface breeding sheep in the state of Washington.

(6) "Official individual identification" means the unique identification of individual animals with an alphanumeric number applied as a tamper proof tag, tattoo, electronic device, or other tag approved by USDA or the director. The Washington flock identification number can serve as the official individual identification number if it contains a unique individual animal number in addition to the flock number.

(7) "Scrapie" means a transmissible spongiform encephalopathy that is a nonfebrile, transmissible, insidious, degenerative disease affecting the central nervous system of sheep and goats.

(8) "Scrapie exposed animal" means any animal, which has been in the same flock at the same time within the previous sixty months as a scrapie positive animal excluding limited contacts. Limited contacts are contacts between animals that occur off the premises of the flock and do not occur during or up to sixty days after parturition for any of the animals

involved. Limited contacts do not include commingling or transportation to other flocks for the purposes of breeding. Examples of limited contacts include incidental contact in the show/sales ring. (See Appendix III of USDA's Voluntary Scrapie Flock Certification Program.)

(9) "Scrapie high risk animal" means an animal determined by epidemiologic investigation to be a high risk for developing clinical scrapie because the animal was the progeny of a scrapie-positive dam, was born in the same contemporary lambing group as a scrapie-positive animal or was born in the same contemporary lambing group as progeny of a scrapie-positive dam. Based upon evidence from the latest research information available and upon recommendation of the state scrapie certification board, animals that fit the criteria for high risk animals may be exempted by the director as high risk animals if they are determined by genetic testing to be QR or RR at the 171 codon or are determined by other recognized testing procedures to pose no risk.

(10) "Scrapie infected flock" means any flock in which a scrapie-positive animal has been identified by a state or federal animal health official.

(11) "Scrapie positive animal" means an animal for which a diagnosis of scrapie has been made by the National Veterinary Services Laboratories, USDA, laboratories accredited by the American Association of Veterinary Laboratory Diagnosticians (AAVLD) or another laboratory authorized by state or federal officials to conduct scrapie tests through histological examinations of central nervous system or by other diagnostic procedures approved for scrapie diagnosis by USDA. Animals diagnosed by experimental tests for abnormal prion will not be considered infected animals for the purposes of this rule.

(12) "Scrapie source flock" means a flock in which an animal was born and subsequently diagnosed as scrapie-positive at less than fifty-four months of age.

(13) "Voluntary scrapie flock certification program" means a national voluntary program for classification of flocks relative to scrapie.

#### NEW SECTION

**WAC 16-89-015 Scrapie program standards.** The USDA Voluntary Scrapie Flock Certification Program Standards, dated October 1, 1992, as amended October 17, 1997, and Scrapie in Sheep and Goats, Title 9, Code of Federal Regulations, Parts 54 and 79 as revised January 1, 1997, are adopted by reference as the basic standards for the scrapie control and eradication program in Washington state. Copies of these documents are on file at the Washington Department of Agriculture, Division of Food Safety/Animal Health, 1111 Washington Street, Olympia, Washington 98504 and are available on request.

#### NEW SECTION

**WAC 16-89-020 Identification of blackface breeding stock.** (1) The state veterinarian will designate the form and content of the Washington state flock identification number, approve identification devices for utilization of the flock identification number, assure availability of flock identifica-

tion devices, and assign Washington flock identification numbers to owners or possessors of blackface breeding stock.

(2) Owners and possessors of blackface breeding stock will bear the costs of obtaining the identification devices and placing the device in or on the animal except the department may provide tamper proof eartags to 4-H, FFA or other organized youth projects dependent upon the availability of funds. The department may also provide such tags for cooperative research programs and under the provisions of other inter-agency agreements.

(3) All owners or possessors of blackface breeding stock in Washington state must identify all blackface breeding stock in the flock which are one year of age or older with a Washington state flock identification number. Blackface breeding stock of any age will be identified with a flock identification number before transfer of ownership or possession.

(4) Blackface breeding stock imported into the state will be identified with a flock identification number within sixty days after entry into the state.

(5) Blackface breeding stock of any age must be identified with a flock identification number prior to movement of such sheep from the premises of origin for show, sale, purchase or other movement.

(6) Blackface breeding stock sold within the state must retain the original flock identification number. In the event an animal loses a flock identification device, the owner of the animal must reidentify the animal with his or her flock identification number and must maintain records to document the original and new flock identification numbers.

(7) Acceptable devices for application of the flock identification number to blackface breeding stock will include: Tamper proof ear tags bearing the flock identification number, legible tattoos bearing the flock identification number, electronic devices with owner records correlated to the flock identification number, approved voluntary scrapie flock certification program identification devices, and other identification devices approved by the state veterinarian.

(8) Blackface animals exempt from the state requirement for identification with a state flock identification number will include:

(a) Neutered animals.

(b) Sexually intact market lambs consigned directly to an approved slaughter facility or consigned directly to an approved lamb feedlot for finish feeding for slaughter only. Animals in approved feedlots may be removed only to approved slaughter facilities or other approved feedlots. Owners or livestock dealers delivering market lambs to Washington state slaughter facilities or approved feedlots must provide to the managers of such facilities the Washington flock numbers from which the market lambs have originated. A record of the flock numbers must be maintained for two years and available for review by the director.

(c) Lambs under one year of age that have not been sold or transferred to the possession of another person or entity.

(d) Sheep over one year of age that have not been sold or transferred to the possession of another person where management practices preclude applying the identification devices within the flock. This exemption must be specifically approved by the state veterinarian for each flock.

(e) Blackface animals within a flock enrolled in the federal Voluntary Scrapie Flock Certification Program.

#### NEW SECTION

**WAC 16-89-030 Quarantine.** Infected and source flocks or flocks that have received high risk animals must be placed and held under quarantine until the infected or high risk animals have been depopulated or the flock has qualified for and has been enrolled in the voluntary scrapie flock certification program. Flocks not participating in the certification program will remain under quarantine until the entire flock has been slaughtered or depopulated. Infected or high risk animals must be destroyed by means other than by slaughter under the direction of the state veterinarian.

#### NEW SECTION

**WAC 16-89-040 Restriction of exposed animals.** Scrapie exposed flocks and animals from exposed flocks will be placed under a hold order when the flocks or animals are determined by the state veterinarian to be exposed. During the seven-day duration of the hold order, an epidemiological investigation will be conducted on the flock or animals to determine the risk of infection with scrapie. Flocks or animals determined by a scrapie epidemiologist to pose a substantial risk to other flocks will be maintained under a quarantine order until the flock has fulfilled Section III of the voluntary scrapie flock certification program standards or been depopulated.

#### NEW SECTION

**WAC 16-89-050 Scrapie source flocks.** A single trace to a flock must meet the following criteria to designate the flock as a source flock:

The scrapie positive animal must:

(1) Be identified with a Washington state flock identification number on a tamper proof tag; or an official eartag, electronic device, ear tattoo, or flank tattoo which is correlated to the Washington state flock identification number on flock records; or

(2) Be identified by genetic testing; or

(3) Possess the original registry eartag or individual identification ear tag along with the movement, production, and registry records indicating birth in the source flock; or

(4) Be traced to the flock by a veterinary epidemiologist through a thorough epidemiological investigation of records and all other available evidence.

#### NEW SECTION

**WAC 16-89-060 Movement and disposition of restricted animals.** Animals other than infected and high risk animals from infected and source flocks may be moved from the quarantined premises with approval of the director only under the following conditions:

(1) By written permission the director may allow the animals to be moved under quarantine to other preapproved locations. The animals must be moved in sealed vehicles or

be accompanied in transit by representatives of the director in lieu of individual identification. Animals moved under quarantine will remain under quarantine at the new location.

(2) Infected animals and high risk animals may only be moved from the quarantined premises for destruction under the supervision of the state veterinarian or to an approved research facility by permission of the director.

#### NEW SECTION

**WAC 16-89-070 Importation of exposed, suspect and high risk animals.** As defined in the basic standards for the scrapie control and eradication program, sheep and goats that are scrapie suspect, exposed, high risk animals or flock mates from scrapie infected, source, trace or exposed flocks, will not be allowed entry into Washington state except to approved scrapie research facilities. All animals must be individually identified by official identification tattoos, tags, or devices on a VS 1-27 or other approved movement document.

#### NEW SECTION

**WAC 16-89-080 Reporting scrapie.** Suspected and confirmed cases of scrapie must be reported by owners, veterinarians and diagnostic laboratories by phone or fax to the state veterinarian's office the next working day after suspecting or confirming scrapie in any sheep or goat.

#### NEW SECTION

**WAC 16-89-090 Condemnation and destruction of scrapie infected animals or flocks.** Animals or flocks determined by the director or representatives of USDA to be infected with scrapie may be condemned and destroyed by order of the director. The disposal of condemned scrapie infected animals and flocks will be under the direction of the director and the means of disposal will be other than by offering for human or animal consumption.

#### NEW SECTION

**WAC 16-89-100 Indemnification.** (1) Owners, individuals, partnerships, corporations or other legal entities whose animals or flocks have been destroyed or otherwise disposed of by order of the director may be eligible for indemnification in the form of cash payment for part of the value of the animals destroyed or otherwise disposed of and for reasonable actual costs for burial or disposal of animal carcasses.

(2) Indemnity payments will be paid only to an owner of sheep or goats that were born in the state of Washington or were imported into the state in compliance with existing Washington state statutes and rules. Payment of indemnity does not apply to animals belonging to the federal government or any of its agencies, this state or any of its agencies, or any municipal corporation.

(3) The amount of indemnity to be paid for each animal will be determined by the state veterinarian and will not

exceed seventy-five percent of the appraised value of the animal up to the following maximum amounts:

(a) Ewes or does one year of age or older - three hundred dollars per head.

(b) Rams or billies one year of age or older - six hundred dollars per head.

(c) Lambs or kids under one year of age - one hundred twenty-five dollars per head.

(4) In addition to the indemnity payments authorized in subsection (3) of this section, owners who voluntarily destroy rams found to be genetically prone to scrapie will be paid up to twenty-five dollars of the laboratory diagnostic fee.

#### NEW SECTION

**WAC 16-89-110 Cleaning and disinfection.** Barns, sheds, stockyards, trucks, ferry boats and other vehicles, feed yards, stable pens, corrals, lanes and premises which have been used in confining, trailing, or transporting any sheep or goat affected or infected with any contagious, infectious or communicable diseases, will be cleaned and disinfected under state or federal supervision as directed by the state veterinarian. The owner of such premises, conveyances, or carriers will be responsible for such cleaning and disinfecting and their costs.

#### NEW SECTION

**WAC 16-89-120 Concealing the disease.** It is unlawful for any owner to fail to report or to attempt to conceal the existence of any transmittable spongiform encephalopathy such as the disease scrapie.

### WSR 99-09-041

#### PERMANENT RULES

#### COLUMBIA RIVER

#### GORGE COMMISSION

[Filed April 16, 1999, 3:52 p.m., effective May 17, 1999]

Date of Adoption: April 13, 1999.

Purpose: To amend rules to provide clarification.

Citation of Existing Rules Affected by this Order: Amending 350-40, Revision of urban area boundaries; and 350-50, Plan amendment process.

Statutory Authority for Adoption: Chapter 43.97 RCW. Other Authority: ORS 196.150; 16 U.S.C. 544 et seq.

Adopted under notice filed as WSR 99-05-057 on February 16, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 23, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 23, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 23, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 23, Repealed 0:

Effective Date of Rule: May 17, 1999.

April 14, 1999

Jan Brending  
Rules Coordinator

### AMENDATORY SECTION

**350-40-000. Purpose.** This division specifies the process ~~((that will be used by))~~ of the Columbia River Gorge Commission (Commission) ~~((when it considers))~~ for considering minor revisions to the boundaries of any Urban Area.

### AMENDATORY SECTION

**350-40-020. Authority.** (1) The Commission may make "minor revisions" to the boundaries of an Urban Area [Scenic Area Act, Section 4(f)]. Such revisions must comply with procedural requirements and criteria in the Scenic Area Act.

(2) Three procedural requirements are included in Section 4 (f)(1) of the Scenic Area Act:

~~((+))a~~ Requests to revise an Urban Area boundary ~~((must be))~~ are submitted to the Commission by a county government;

~~((2))b~~ The Commission must consult the Secretary of Agriculture before revising an Urban Area boundary; and

~~((3))c~~ Two-thirds of the Commission members, including a majority of the members appointed from each state, must approve a ~~((ny))~~ revision of an Urban Area boundary. In the event of recusal, the doctrine of necessity shall apply.

(3) Section 4 (f)(2) of the Scenic Area Act allows the Commission to revise the boundaries of an Urban Area only if the following criteria are satisfied:

~~((+))a~~ A demonstrable need exists to accommodate long-range urban population growth requirements or economic needs consistent with the Management Plan;

~~((2))b~~ Revision of Urban Area boundaries is ~~((would be))~~ consistent with the standards established in Section 6 and the purposes of the Scenic Area Act;

~~((3))c~~ Revision of Urban Area boundaries ~~((would))~~ will result in maximum efficiency of land uses within and on the fringe of existing Urban Areas; and

~~((4))d~~ Revision of Urban Area boundaries ~~((would))~~ will not result in the significant reduction of agricultural lands, forest lands, or open spaces.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

### AMENDATORY SECTION

**350-40-030. Application for Revision.** Applications to revise the boundaries of any Urban Area shall contain the following information:

(1) A statement from the county sponsoring the Urban Area boundary revision, signed by the county commissioners.

(2) A statement that the senior-elected or appointed official(s) of any affected municipality or special district ~~((have been notified))~~ were provided notice of the application.

(3) A statement that explains why the proposed Urban Area boundary revision is needed. The statement shall describe the anticipated land uses that would occur in the affected area and demonstrate ~~((s))~~ how the proposed revision complies with the criteria in the Scenic Area Act.

(4) A map of the area ~~((that would be added))~~ proposed for revision to the existing Urban Area. The map shall be drawn to scale and shall be prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail. It shall include the following elements:

(a) North arrow;

(b) Map scale;

(c) Boundaries of all parcels within the subject area, with labels showing the name of each property owner and the size of each parcel;

(d) Current municipal zoning designations, where applicable;

(e) Significant terrain features or landforms;

(f) Bodies of water and watercourses;

(g) Existing roads and railroads;

(h) Existing dwellings and other structures; and

(i) Location of existing services, including water systems, sewage systems, and power and telephone lines.

(5) For incorporated areas, a map of the current boundary of the municipality.

(6) A map of adopted land use designations and zoning for the existing Urban Area.

(7) For Oregon applications, a map of currently approved urban growth boundaries.

(8) An analysis based on criteria in the Scenic Area Act. (For guidance see *Urban Areas Boundary Revisions Handbook*, Gorge Commission 1992).

### AMENDATORY SECTION

**350-40-040. Processing of Application.** Each application to revise the boundaries of an Urban Area ~~((will be))~~ is reviewed according to the priorities established by the Commission in the Management Plan [see Part IV, Chapter 1, section *Revision of Urban Area Boundaries*, Policy 5]. Within priority categories established in the Management Plan, applications ~~((will be))~~ are reviewed in the order received.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

**350-40-050. Submission and Acceptance of Application.** (1) ~~((Applications to revise the boundaries of an Urban Area shall be submitted directly to the office of the Commission by a county government.))~~ A county government shall submit an application to revise the boundary of an Urban Area to the Commission office. ((An original and f)) Fifteen copies of each application are required after the Executive Director determines the application is complete. Only two copies of the large scale maps are required.

(2) Within ten (10) working days of receiving an application, the Director shall review the application for completeness and adequacy and notify the applicant in writing of any deficiencies. ~~((No application shall be accepted as complete until all omissions and deficiencies noted by the Director have been corrected by the applicant.))~~

(3) The Executive Director shall not accept an application as complete until all omissions and deficiencies noted by the Executive Director are corrected.

AMENDATORY SECTION

**350-40-060. Notice of Application.** (1) ~~((Public notice of the completed application will be posted at Commission and U.S. Forest Service offices and shall be made available for posting at the applicable county or city planning office(s).))~~ Once the application is deemed complete, the Executive Director shall send public notice of the completed application to the U.S. Forest Service-National Scenic Area Office, States of Oregon and Washington, all four Indian tribal governments, the six Gorge county planning offices, appropriate city planning offices, and interested parties who have requested notice.

(2) ~~((Copies of the complete application will be available for inspection at the Commission office during normal office hours.))~~ The Executive Director shall publish notice of the application in local Gorge newspapers serving the National Scenic Area as well as a major newspaper in Portland and a major newspaper in Vancouver.

(3) The Executive Director shall make copies of the complete application available for inspection at the Commission office during normal office hours.

~~((3))~~ Interested persons shall have twenty (20) working days from the date the notice was posted to submit written comments to the Director. Written comments should address whether the proposed Urban Area boundary revision would be consistent with the criteria in the Scenic Area Act.))

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

**350-40-065. Public Comment.** (1) Interested persons shall have twenty (20) working days from the date the notice is posted to submit written comments to the Executive Director. Written comments should address whether the proposed amendment is consistent with the purposes and standards of

the Scenic Area Act, the criteria in Section 6(h) of the Scenic Area Act and this rule.

**Reviser's note:** The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

**350-40-070. Report of the Executive Director.** ~~((The Executive Director will prepare a report, which may include recommendations, within thirty (30) working days of the date an application has been accepted as complete.))~~ Within thirty (30) working days following the end of the public comment period, the Executive Director will prepare a report, which may include recommendations. Upon application of the Executive Director, the Commission may extend the time for submission of the report. The report will analyze the proposed Urban Area boundary revision based on the ~~((purposes and standards of the Scenic Area Act and the criterion in Section 6(h) of the Scenic Area Act))~~ criteria ((in)) of the Scenic Area Act and this rule ((350-20-004)).

AMENDATORY SECTION

**350-40-080. Hearings.** (1) The Commission will conduct a hearing((s)) on every application accepted as complete by the Director.

(2) ~~((A general hearing on all current applications for the year, to consider public testimony and opinion on applications, may be set by the Commission. Any person may comment on the applications within time limits set by the Commission.))~~ The Commission shall provide 30 days notice of the hearing to interested parties and members of the public.

(3) ~~((A separate hearing will be conducted on the merits of each application. This hearing will be quasi-judicial in nature and will allow the parties, including intervenors, to present the application in a format that follows the contested case rules of the Commission [see Chapter 350, Division 16]. Any person who submitted comments on an Urban Area boundary revision application pursuant to 350-40-007(3) may participate in the Urban Area boundary revision hearing by filing a Notice of Intervention with the Director within 20 working days of the date the Director's report is prepared, pursuant to 350-40-008. The Notice of Intervention shall also be served by mail upon the applicable county. The Notice of Intervention shall show that the person filing the Notice has submitted comments on the proposed boundary revision. The applicant shall be afforded an opportunity for rebuttal argument. The length of the hearing will vary depending on the complexity of the application.))~~ The hearing shall take place as follows, noting the Chair may provide specific direction for the conduct of the hearing related to the time allowed for presentations and similar procedural issues:

(a) The applicant is required to proceed first in the hearing and shall present the basis for the urban area boundary revision.

(b) Federal, state, county, tribal and other government officials may participate through submission of oral or written comments.

(c) Members of the public may participate through submission of oral or written comments.

(d) After those who participate in the hearing on behalf of the government or the public are finished, the applicant shall have the opportunity to respond to the comments presented.

(e) After all presentations are complete, the Chair shall invite the Commission to deliberate on the proposed urban area boundary revisions.

(f) If the Commission makes no changes to the boundary revision proposal, the Commission may proceed to vote on the proposal.

(g) If the only changes to the boundary revision proposal are for the purposes of clarification, the Commission may proceed to vote on whether to adopt the boundary revision after providing an opportunity for public comment during the hearing on any change.

(h) If substantive changes, i.e. those not covered by subparagraph (g) immediately above, to the boundary revision are approved by the Commission during the hearing, the Commission shall:

(i) provide an opportunity for additional public comment during the hearing on the proposed changes, and then proceed to vote on whether to approve the boundary revision; or

(ii) continue the hearing to a new date to allow for adequate public notice of the content of the modifications and for further consideration of the issues. When the hearing is resumed, the Commission shall provide a reasonable opportunity for the applicant and members of the public to respond to the proposed modifications under review, and then proceed to vote on whether to approve the boundary revision.

~~((4) The Commission may seek additional information from any applicant before and during the hearing.))~~

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**NEW SECTION**

**350-40-090. Consultation.** In considering amendments to urban area boundaries, the Gorge Commission shall consult with the Forest Service, both states, the six Gorge counties, all four Indian tribal governments and agencies or organizations that have a specific interest.

**Reviser's note:** The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION**

**350-50-010. Purpose.** This division specifies the process ~~((that will be used by))~~ of the Columbia River Gorge Commission (Commission) ~~((when it considers))~~ for considering amendments to the Management Plan.

**AMENDATORY SECTION**

**350-50-020. Authority.** ~~((Amendments to the Management Plan must comply with the requirements of the Scenic Area Act. These requirements are included in Section 6(h) of the Scenic Area Act:~~

~~(1) If the Commission determines at any time that conditions within the Scenic Area have significantly changed, it may amend the Management Plan.~~

~~(2) The Commission shall submit amendments to the Management Plan to the Secretary of Agriculture for review, in accordance with the provisions of the Scenic Area Act for adoption of the Management Plan.~~

~~(3) The Commission shall adopt an amendment to the Management Plan by a majority vote of the members appointed, including at least three members from each state.~~

~~(4) An amendment to the Management Plan must be consistent with the standards established in Section 6 and the purposes of the Scenic Area Act.))~~

(1) The Commission shall adopt an amendment to the Management Plan only if it is consistent with the purposes and standards of the Scenic Area Act, the provisions in section 6(h) of the Act, and this rule.

(2) The Act only allows the Commission to adopt a plan amendment:

(a) If the Commission determines at any time that conditions within the Scenic Area have significantly changed; and

(b) If the Commission approves the plan amendment by a majority vote of the members appointed, including approval by at least three members from each state. In the event of recusal, the doctrine of necessity shall apply.

**AMENDATORY SECTION**

**350-50-030. Criteria for Plan Amendment Approval.** The Commission must find ~~((that))~~ the following ~~((three))~~ criteria are satisfied before it approves an amendment ~~((of))~~ to the Management Plan:

(1) Conditions in the Scenic Area have significantly changed. This means:

(a) physical changes that have widespread or major impacts to the landforms, resources, or land use patterns in the Scenic Area;

(b) new information or inventory data regarding land uses or resources that could result in a change of a plan designation, classification, or other plan provision; or

(c) changes in legal, social, or economic conditions, including those that affect public health, safety, or welfare, not anticipated in the Management Plan;

(2) No practicable alternative to the proposed amendment more consistent with the purposes and standards of the Scenic Area Act exists; and

(3) The proposed amendment ~~((would be))~~ is consistent with the purposes and standards ~~((and purposes))~~ of the Scenic Area Act.

**AMENDATORY SECTION**

**350-50-040. Origin of Applications.** Applications to amend the Management Plan may originate from the Com-

PERMANENT

mission, Commission staff, or interested persons, including state and local governments, all four Indian governments, public interest groups, or affected landowners.

#### AMENDATORY SECTION

**350-50-050. Application for Plan Amendment.** Applications to amend the plan shall contain a statement from the sponsor ~~((that explains why the proposed plan amendment is needed. The statement shall demonstrate that the proposed amendment complies with the purposes and standards of the Scenic Area Act and the criterion in Section 6(h) of the Scenic Area Act.))~~ The statement shall:

(a) explain why the proposed plan amendment is necessary; and

(b) demonstrate why the proposed plan amendment complies with the purposes and standards of the Act, the provisions in Section 6(h), and this rule.

#### AMENDATORY SECTION

**350-50-060. Processing of Application.** Each application for a plan amendment ~~((will be))~~ is reviewed according to the provisions in the Management Plan [Part IV, Chapter 1, section *Amendment of the Management Plan*, Policy 2] and this rule.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

#### AMENDATORY SECTION

**350-50-070. Submittal and Acceptance of Application.** (1) ~~((Applications for plan amendments shall be submitted to the Commission office by a sponsor.))~~ The sponsor of the plan amendment shall submit an application to the Commission office. ((An original and f)) Fifteen copies of each application are required after an application is accepted as complete by the Executive Director.

(2) Within ten (10) working days of receiving an application, the Executive Director shall review the application for completeness and adequacy and notify the applicant in writing of any deficiencies. ((No application shall be accepted as complete until all omissions and deficiencies noted by the Executive Director have been corrected by the applicant.))

(3) The Executive Director will not accept an application as complete until all omissions and deficiencies noted by the Executive Director are corrected.

#### NEW SECTION

**350-50-075. Preliminary Review and Commencement of Review Process.** (1) Once the application is determined complete, the Executive Director shall notify the applicants and shall bring the matter to the Commission for preliminary review.

(2) When more than one application is pending, the preliminary review of proposed amendments shall be scheduled in the order they were accepted as complete by the Executive Director.

(3) The purpose of preliminary review is to allow the Commission to:

(a) ask questions of Commission staff and of applicants regarding the plan amendment; and

(b) provide an opportunity to applicants, if they so choose, to revise the application to address issues raised in the preliminary review, provided that such changes are made within 15 working days of the preliminary review.

(4) Following the preliminary review, the Commission shall either commence or postpone the process for all complete applications. The Commission may postpone the process after evaluating the resources, including financial and personnel, required to process the proposed plan amendment and determining its priority relative to existing or anticipated work. A majority vote of the Commission at a regularly scheduled meeting is required to commence the process for a proposed plan amendment; the process is postponed for proposals that fail to receive the majority vote needed to commence.

(5) The Commission may reconsider a postponed plan amendment at any subsequent regularly scheduled meeting, and may commence the review process by a majority vote.

**Reviser's note:** The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

#### AMENDATORY SECTION

**350-50-080. Notice of Application.** (1) Once the application is deemed complete and 15 working days have expired after the Commission has voted to commence the process, the Executive Director shall send ((P)) public notice of the completed application, including any revisions, ((will be sent)) to the U.S. Forest Service - National Scenic Area Office, States of Oregon and Washington, all four Indian tribal governments, ((and)) the six Gorge county planning offices, and interested parties who have requested notice.

(2) ((Notice shall be published)) The Executive Director shall publish notice of the application in local Gorge newspapers serving the National Scenic Area as well as a major newspaper in Portland and a major newspaper in Vancouver.

(3) The Executive Director shall make ((C)) copies of the complete application ((will be)) available for inspection at the Commission office during normal office hours.

((4) Interested persons shall have twenty (20) working days from the date the notice is posted to submit written comments to the Executive Director. Written comments should address whether the proposed amendment would be consistent with the purposes and standards of the Scenic Area Act, and the criterion in Section 6(h) of the Scenic Area Act.))

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**350-50-085. Public Comment.** (1) Interested persons shall have twenty (20) working days from the date the notice is posted to submit written comments to the Executive Director. Written comments should address whether the proposed

amendment is consistent with the purposes and standards of the Scenic Area Act, the criteria in Section 6(h) of the Scenic Area Act and this rule.

**Reviser's note:** The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

#### AMENDATORY SECTION

**350-50-090. Report of the Executive Director.** ~~((The Executive Director will prepare a report, which may include recommendations, within thirty (30) working days of the date an application has been accepted as complete.))~~ Within thirty (30) working days following the end of the public comment period, the Executive Director will prepare a report, which may include recommendations. Upon application of the Executive Director, the Commission may extend the time for submission of the report. The report will analyze the proposed amendment based on the ~~((purposes and standards of the Scenic Area Act and the criterion in Section 6(h) of the Scenic Area Act))~~ criteria of the Scenic Area Act and Rule 350-50-030.

#### AMENDATORY SECTION

**350-50-100. Hearings.** (1) The Commission ~~((will))~~ shall conduct a hearing on every application ~~((that))~~ the Commission has decided to review pursuant to ~~((350-50-070(3)))~~ 350-50-075(4).

(2) ~~((A hearing will be conducted on the merits of each application. This hearing will be quasi-judicial in nature and will allow the parties, including intervenors, to present the plan amendment in a format that follows the contested case rules of the Commission [see Chapter 350, Division 16]. Any person who submitted comments on a plan amendment application pursuant to 350-50-080(3) may participate in the hearing by filing a Notice of Intervention with the Director within twenty (20) working days of the date the Executive Director's report is prepared, pursuant to 350-50-090. The Notice of Intervention shall also be served by mail upon the applicable sponsor. The Notice of Intervention shall show that the person filing the Notice has submitted comments on the proposed plan amendment. The sponsor shall be afforded an opportunity for rebuttal argument.))~~ The Commission shall provide 30 days notice of the hearing to interested parties and members of the public.

(3) ~~((The Commission may seek additional information from any applicant before and during the hearing.))~~ The hearing shall take place as follows, noting the Chair may provide specific direction for the conduct of the hearing related to the time allowed for presentations and similar procedural issues:

(a) The applicant is required to proceed first in the hearing and shall present the basis for the plan amendment.

(b) Federal, state, county, tribal and other government officials may participate through submission of oral or written comments.

(c) Members of the public may participate through submission of oral or written comments.

(d) After those who participate in the hearing on behalf of the government or the public are finished, the applicant shall have the opportunity to respond to the comments presented.

(e) After all presentations are complete, the Chair shall invite the Commission to deliberate on the proposed plan amendment.

(f) If the Commission makes no changes to the original amendment, the Commission may proceed to vote on the proposal.

(g) If the only changes to the amendment are for the purposes of clarification, the Commission may proceed to vote on whether to adopt the amendment after providing an opportunity for public comment during the hearing on any change.

(h) If substantive changes, i.e. those not covered by subparagraph (g) immediately above, to the amendment are approved by the Commission during the hearing, the Commission shall:

(i) provide an opportunity for additional public comment during the hearing on the new proposed language, and then proceed to vote on whether to adopt the amendment; or

(ii) continue the hearing to a new date to allow for adequate public notice of the content of the modifications and for further consideration of the issues. When the hearing is resumed, the Commission shall provide a reasonable opportunity for the applicant and members of the public to respond to the proposed modifications under review, and then proceed to vote on whether to adopt the amendment.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

#### AMENDATORY SECTION

**350-50-120. Review by the Secretary of Agriculture.** ~~((According to))~~ In accord with Sections 6(f) and 6(h) of the Scenic Area Act, an amendment to the Management Plan adopted by the Commission ~~((will))~~ shall be submitted to the Secretary of Agriculture. The Secretary of Agriculture will review the amendment and determine if it is consistent with the purposes and standards of the Scenic Area Act. The Secretary has 90 days from the day the Commission submits an amendment to complete ~~((his/her))~~ review and make a determination of concurrence or nonconcurrence.

WSR 99-09-045

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed April 19, 1999, 8:31 a.m.]

Date of Adoption: April 19, 1999.

Purpose: Amend rules that define copying charges.

Citation of Existing Rules Affected by this Order:  
Amending WAC 308-10-045.

Statutory Authority for Adoption: RCW 46.01.110,  
42.17.260.

Adopted under notice filed as WSR 99-05-004 on February 4, 1999.

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

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

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

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

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

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

April 19, 1999

Walter Fahrner  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 96-05-036, filed 2/15/96, effective 3/17/96)

**WAC 308-10-045 Copying.** No fee shall be charged for the inspection of public records. The department shall charge a fee in the amount necessary to reimburse the department for its actual costs incident to providing copies of public records. The schedule of charges is:

ITEM	FEE
<del>((Abstract of driving record</del>	<del>(\$4.50)</del>
Copies produced on copying and duplicating equipment	15 cents per page
<del>((Evidence of ability to respond to damages (financial responsibility)</del>	<del>(\$4.50)</del>
Computer generated listing, magnetic tapes or labels	Cost of services
Microfilm copies	75 cents per page
Postal charges	May be added to any copy of a public record if applicable
<del>((UCC certificate of information</del>	<del>\$17.00 each</del>
<del>UCC certificate of information and financing statement</del>	<del>\$24.00 each))</del>

**WSR 99-09-053**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed April 19, 1999, 1:49 p.m.]

Date of Adoption: April 19, 1999.

Purpose: Adds WAC 388-470-0012 which requires the department to include the countable resources of ineligible or disqualified financially responsible persons toward the assistance units cash eligibility determination.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Adopted under notice filed as WSR 99-06-099 on March 3, 1999.

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

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

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

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

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

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

April 19, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**NEW SECTION**

**WAC 388-470-0012 How do the resources of an ineligible or disqualified person effect eligibility for cash assistance?** (1) As used in this section; ineligible, disqualified and financially responsible persons are defined in WAC 388-450-0100.

(2) When determining the cash eligibility of an assistance unit, the department includes the countable resources of a financially responsible person who lives in the home even when the person is ineligible or disqualified from receiving cash assistance.

**WSR 99-09-054**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed April 19, 1999, 1:52 p.m., effective June 1, 1999]

Date of Adoption: April 19, 1999.

PERMANENT

Purpose: Amends WAC 388-450-0050 to change the earned income incentive from 20% to 50% for community jobs participants. This rule will be effective June 1, 1999. Editorial changes to the WAC have been made to meet the requirements of Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0050.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Adopted under notice filed as WSR 99-06-098 on March 3, 1999.

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

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

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

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

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

Effective Date of Rule: June 1, 1999.

April 19, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-450-0050** (~~Income from~~) **How are your cash assistance and food assistance benefits determined when you are participating in the community jobs (CJ) program** ~~(\*)~~ **?** ~~((This section applies to the TANF/SFA program.))~~

(1) ~~The department estimates your total monthly ((wage received by a TANF/SFA client who participates in the)) income from your community jobs (CJ) ((wage subsidy program is:~~

~~(a) Not counted as income for the first month of CJ participation; and~~

~~(b) Budgeted prospectively as defined in WAC 388-450-0215 beginning with the second month of CJ participation)) position based on the number of hours you, your case manager and the CJ contractor expect you to work for the month multiplied by the federal or state minimum wage, whichever is higher.~~

~~(2) ((The CJ participant's grant amount is computed by disregarding twenty percent of the expected income and treating the remainder as countable income)) Once the department determines what your total monthly income is expected to be the department will not redetermine your cash benefit amount even if you do not work the number of hours you were expected to work.~~

~~(3) ((CJ participants are not subject to monthly reporting or income reporting requirements)) The department considers the total income it expects you to get each month from your CJ position as:~~

~~(a) Earned income for determining your cash assistance benefits.~~

~~(b) Unearned income for determining your food assistance benefits.~~

~~(4) When ((a change in income or resources causes the assistance unit's grant amount to be less than ten dollars or results in ineligibility, a CJ participant's cash grant)) determining your benefits the department will use:~~

~~(a) ((Will be suspended following rules in WAC 388-450-0245.)) One-half of your CJ income for figuring cash assistance benefits for the second and following months of your CJ participation. The department will not use any of the CJ income you receive in your first month of CJ participation to determine your cash assistance benefit amount for that month.~~

~~(b) ((Will continue to be suspended until participation is redetermined according to WAC 388-310-1300(8); and~~

~~(c) Can be in suspense for no more than nine months)) All of your CJ income for figuring food assistance benefits.~~

~~(5) ((Each month a CJ participant's cash grant is suspended will count toward the assistance unit's sixty month lifetime time limit for receipt of TANF/SFA benefits)) Monthly reports are not required for CJ participants.~~

~~(6) If your anticipated CJ income is more than your grant amount:~~

~~(a) Your cash grant will be suspended, see WAC 388-450-0245(1). The grant suspension can be up to a maximum of nine months; and~~

~~(b) Each month your cash grant is suspended will count toward your assistance unit's sixty month lifetime time limit, see WAC 388-484-0005.~~

~~(7) You, your case manager and the CJ contractor will review your CJ position every ninety days during your nine-month placement. During this review they will look at:~~

~~(a) Your continued TANF/SFA eligibility; and~~

~~(b) Any earned or unearned income received by you or another member of your assistance unit.~~

WSR 99-09-055

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 19, 1999, 1:55 p.m.]

Date of Adoption: April 19, 1999.

Purpose: Eliminates use of actual utility expenses as a utility deduction used to calculate food assistance benefits. Instead clients will be eligible for one of three utility allowances. This change is expected to reduce the food stamp program error rate.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0195.

Statutory Authority for Adoption: RCW 74.04.510.

PERMANENT

Adopted under notice filed as WSR 99-06-088 on March 2, 1999.

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

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

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

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

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

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

April 19, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 99-01-069, filed 12/14/98, effective 1/14/99)

**WAC 388-450-0195 Utility allowances for food assistance programs.** ~~((1))~~ You can use the amounts in the chart below ~~((or use actual utility costs))~~ to calculate total shelter costs. Total shelter costs are used in calculating your food assistance benefits.

<b>If you have to pay:</b>	<b>Then, you can use the:</b>
Separate heating or cooling costs	Standard utility allowance (SUA) of \$211
Separate utility costs, but no heating or cooling costs	Limited utility allowance (LUA) of \$158
Separate costs for phone service only	Telephone utility allowance (TUA) of \$29

~~((2)) Use actual utility costs if greater than the SUA or LUA or if you are not eligible for the SUA or LUA.~~

**WSR 99-09-080  
PERMANENT RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed April 20, 1999, 10:37 a.m., effective August 1, 1999]

Date of Adoption: April 20, 1999.

Purpose: Chapter 296-45 WAC, Safety standards for electrical workers.

The Department of Labor and Industries has adopted amendments relating to electrical workers, which incorporate federal provisions in 29 C.F.R. 1910.269. These changes are a result of correspondence from OSHA indicating that some of the current WISHA requirements are "not at least as effective" as the federal rules. In addition, based upon stakeholder

input, WISHA adopted several housekeeping changes and clarifications. No additional compliance requirements are added. The following are changes being adopted and a brief summary of those changes:

Amended Section: WAC 296-45-015 Scope and application. The adopted rule makes a WISHA change deleting (2)(a) for clarification purposes.

Amended Section: WAC 296-45-045 NESC applicable. The adopted rule makes a WISHA change correcting two typographical errors in subsections (1) and (2).

Amended Section: WAC 296-45-17550 Servicing contractors. The adopted rule changes the previous title of "Servicing contractors" to "Group lockout/tagout" for clarification purposes and to be like the federal rule in 29 C.F.R. 1910.269 (d)(8)(ii)(A).

Amended Section: WAC 296-45-215 Underground electrical installations. The adopted rule adds a notation to require testing for flammable gases and vapors, in addition to testing for oxygen or providing forced ventilation prior to entry into underground electrical installations. These changes are made to be like 29 C.F.R. 1910.269 (e)(9), 29 C.F.R. 1910.269 (e)(10) also to mirror current WISHA requirements for testing identified in WAC 296-45-205(10).

Amended Section: WAC 296-45-215 Underground electrical installations. Adopted rule makes a WISHA change to subsection (23) to correct obsolete WAC references. The reference was changed from WAC 296-45-65023 to 296-45-335 on clearances and the reference to WAC 296-45-65026 was changed to 296-45-345 and/or 296-45-355 on grounding.

Amended Section: WAC 296-45-325 Working on or near exposed energized parts. Adopted rule changes subsection (4)(c) Note 2(1) to be as effective as the federal rule in 29 C.F.R. 1910.269 (1)(2)(I) which includes the use of insulating sleeves when appropriate. Also (16) Table 1: AC Live Work Minimum Approach Distance, Row 4 under Voltage in kilovolts phase to phase, information has been corrected from 0.0751 to the correct voltage of 0.751.

Amended Section: WAC 296-45-455 Line-clearance tree-trimming operations. Adopted rule changes subsection (7) to be like federal rule in 29 C.F.R. 1910.67 (c)(2)(iii), which clarifies tying off when getting in and out of a basket.

Amended Section: WAC 296-45-901 Appendix A—Nonmandatory. Adopted rule makes a WISHA change to Appendix A—Table 4, DC Live Work Minimum Approach Distance with Transient Overvoltage Factor, row 1, under the 750 kilovolts, to correct distance to employee in feet, conductor to ground from 10' feet 11" inches to 11' feet 10" inches due to a typographical error.

Citation of Existing Rules Affected by this Order: See Purpose above.

Statutory Authority for Adoption: RCW 49.17.040.

Adopted under notice filed as WSR 99-04-078 on February 3 [2], 1999.

Changes Other than Editing from Proposed to Adopted Version: No changes were made. No public comments were received regarding this proposed rule filing proposal. Therefore, the amendments are adopted as proposed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

PERMANENT

Rules or Standards: New 0, Amended 4, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 7, Repealed 0.

Effective Date of Rule: August 1, 1999.

April 20, 1999

Gary Moore

Director

**AMENDATORY SECTION** (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

**WAC 296-45-015 Scope and application.** (1) This chapter covers the operation and maintenance of electric power generation, control, transformation, transmission, and distribution lines and equipment. These provisions apply to:

(a) Power generation, transmission, and distribution installations, including related equipment for the purpose of communication or metering, which are accessible only to qualified employees;

Note: The types of installations covered by this chapter include the generation, transmission, and distribution installations of electric utilities, as well as equivalent installations of industrial establishments. Trolley maintenance, jumpering, and bypass is also covered by this chapter. Supplementary electric generating equipment that is used to supply a workplace for emergency, standby, or similar purposes only is covered under Part L of chapter 296-24 WAC.

(b) Other installations at an electric power generating station, as follows:

(i) Fuel and ash handling and processing installations, such as coal conveyors;

(ii) Water and steam installations, such as penstocks, pipelines, and tanks, providing a source of energy for electric generators; and

(iii) Chlorine and hydrogen systems.

(c) Test sites where electrical testing involving temporary measurements associated with electric power generation, transmission, and distribution is performed in laboratories, in the field, in substations, and on lines, as opposed to metering, relaying, and routine line work;

(d) Work on or directly associated with the installations covered in subsections (1)(a) through (c) of this section; and

(e) Line-clearance tree-trimming operations, as follows:

(i) This chapter except WAC 296-45-455, applies to line-clearance tree-trimming operations performed by qualified employees (those who are knowledgeable in the construction and operation of electric power generation, transmission, or distribution equipment involved, along with the associated hazards).

(ii) WAC 296-45-065, 296-45-125, 296-45-135, 296-45-255, 296-45-315, 296-45-375, and 296-45-455 through 296-45-45530 apply to line-clearance tree-trimming operations performed by line-clearance tree trimmers who are not qualified employees.

(2) Notwithstanding subsection (1) of this section, this chapter does not apply((:

~~(a) To construction work as defined in chapter 296-155 WAC; or~~

~~(b)) to electrical installations, electrical safety-related work practices, or electrical maintenance considerations covered by Part L of chapter 296-24 WAC.~~

Note 1: Work practices conforming to WAC 296-24-970 through 296-24-985 are considered as complying with the electrical safety-related work practice requirements of this chapter, provided the work is being performed on a generation or distribution installation meeting WAC 296-24-95601 through 296-24-95699. This chapter also applies to work by qualified persons directly on or associated with installations of electric power generation, transmission, and distribution lines or equipment, regardless of compliance with WAC 296-24-970 through 296-24-985.

Note 2: Work practices performed by qualified persons and conforming to this chapter are considered as complying with WAC 296-24-95601 through 296-24-95699.

(3) This section applies in addition to all other applicable safety and health standards administered by the department. Specific references in this section to other standards are provided for emphasis only.

(4) Operation, conditions, work methods and other work related situations or activities not specifically covered by this chapter are subject to the rules and regulations of chapter 296-24 WAC, General safety and health standards; chapter 296-62 WAC, General occupational health standards; chapter 296-155 WAC, Safety standards for construction work; and, insofar as applicable to employee safety and health, chapter 19.29 RCW. Additionally, operations, conditions, work methods and other work related situations or activities may be subject to additional rules and regulations depending upon the nature of the work being performed.

(5) These rules shall not apply to the use of existing electrical installations during their lifetime, provided they are maintained in good condition and in accordance with the applicable safety factor requirements and the rules in effect at the time they were installed, and provided that reconstruction shall conform to the rules as herein provided.

(6) Any rule, regulation or standard contained within this chapter, if subject to interpretation, shall be interpreted so as to achieve employee safety, which is the ultimate purpose of this chapter.

(7) Should a rule or standard contained within this chapter conflict, in any manner, with a standard or rule contained within any other chapter of Title 296 WAC the standard or rule contained herein shall apply so long as the work being done is power generation, transmission, and distribution installations, including related equipment for the purpose of communication or metering, which are accessible only to qualified employees. If there are rules within this chapter that conflict, the rule that provides the greatest employee safety will apply.

(8) Neither the promulgation of these rules, nor anything contained in these rules shall be construed as affecting the relative status or civil rights or liabilities between employers and their employees and/or the employees of others and/or the public generally; nor shall the use herein of the words "duty" and "responsibility" or either, import or imply liability other than provided for in the industrial insurance and safety laws of the state of Washington, to any person for injuries due to negligence predicated upon failure to perform or discharge any such "duty" or "responsibility," but failure on the part of the employees, leadworker, or employer to comply with any compulsory rule may be cause for the department of labor and industries to take action in accordance with the industrial insurance and safety laws.

(9) "Shall" and "must" as used in this chapter make the provisions mandatory. "Should," "may," or "it is recommended" are used to indicate the provisions are not mandatory but are recommended.

(10) If any section, subsection, phrase, or provisions of this chapter or part thereof should be held invalid by any court for any reason, such invalidity shall not in any way affect the validity of the remainder of this chapter, unless such decision renders the remainder of the provision unintelligible, or changes the meaning of such other provision or provisions.

(11) When the language used in this chapter indicates that it is the responsibility, duty, or obligation of the leadworker or other employee, it shall also be the employer's responsibility, obligation, and duty.

Whenever this chapter refers to the provisions of another safety and health standard or statute affecting safety and health, such reference refers to the statute or code in effect at the time the work is being performed.

**AMENDATORY SECTION** (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

**WAC 296-45-045 NESC applicable.** (1) All electric utilities and entities operating transmission and distribution facilities within the state of Washington must design, construct, operate, and maintain their lines and equipment according to the requirements of the 1997 National (~~Electric~~) **Electrical Safety Code (NESC) (ANSI-C2), (~~sections~~) parts (1), (2), and (3).**

**Note:** The department has copies of the NESC available for review at each service location across the state. To purchase a copy, write to:

The Institute of Electrical and Electronics Engineers, Inc.  
345 East 47th Street  
New York, NY 10017-2394

(2) The employer must ensure that climbing space is provided on all poles and structures. The climbing space must meet the requirements of the 1997 National (~~Electric~~) **Electrical Safety Code (NESC) (ANSI-C2)**, except that Rule 236H does not apply.

**AMENDATORY SECTION** (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

**WAC 296-45-17550 (~~Serviceing contractors~~) **Group lockout/tagout.**** When servicing or maintenance is performed by a crew, craft, department, or other group, they shall use a procedure which affords the employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device. Group lockout or tagout devices shall be used in accordance with the procedures required by the following specific requirements:

(1) Primary responsibility shall be vested in an authorized employee for a set number of employees working under the protection of a group lockout or tagout device (such as an operations lock);

(2) Provision shall be made for the authorized employee to ascertain the exposure status of all individual group members with regard to the lockout or tagout of the machine or equipment;

(3) When more than one crew, craft, department, or other group is involved, assignment of overall job-associated lockout or tagout control responsibility shall be given to an authorized employee designated to coordinate affected work forces and ensure continuity of protection; and

(4) Each authorized employee shall affix a personal lockout or tagout device to the group lockout device, group lockbox, or comparable mechanism when he or she begins work and shall remove those devices when he or she stops working on the machine or equipment being serviced or maintained.

**AMENDATORY SECTION** (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

**WAC 296-45-215 Underground electrical installations.** This section provides additional requirements for work on underground electrical installations.

(1) Protective barriers, or approved guards and warning signs must be erected before removing manhole covers or making excavations in places accessible to vehicular or pedestrian traffic.

(2) Whenever an opening is made in the street, it shall be properly guarded or covered until same is closed and whenever an obstruction is left in the roadway after dark, it shall be marked with approved lights, flares or similar devices.

(3) Access. A ladder or other climbing device shall be used to enter and exit a manhole or subsurface vault exceeding 4 feet (122 cm) in depth. No employee may climb into or out of a manhole or vault by stepping on cables or hangers.

(4) When work is to be performed in a manhole or unvented vault:

(a) No entry shall be permitted unless (~~forced ventilation is provided or~~) the atmosphere is found to be safe by testing for (~~oxygen deficiency and~~) the presence of explosive or potentially hazardous gases or fumes.

(b) No entry shall be permitted unless the atmosphere has been found safe by testing for oxygen deficiency or forced ventilation is provided.

(c) When unsafe conditions are detected, by testing or other means, the work area shall be ventilated and otherwise made safe before entry.

~~((e))~~ (d) Provisions shall be made for a continuous supply of air as provided for in Part L, chapter 296-62 WAC.

~~((d))~~ (e) When forced ventilation is not used a method of monitoring said manhole or vault so as to prevent the occurrence of oxygen deficiency due to work being performed in said manhole or vault, and to detect the presence of any explosive gases or fumes which may occur while the employees are working in said manhole or vault.

(5) When open flames are used or smoking is permitted in manholes, adequate mechanical forced air ventilation shall be used.

(6) Before using open flames in a manhole or excavation in an area where combustible gases or liquids may be present, such as near a gasoline service station, the atmosphere of the manhole or excavation shall be tested and found safe or cleared of the combustible gases or liquids prior to the entry.

(7) When work is to be performed in manholes containing any wires or appliances carrying electrical current, they shall be in a sanitary condition.

(8) Care shall be taken to prevent the possibility of vehicles or pedestrians coming in contact with the wires and equipment.

(9) Lowering equipment into manholes. Equipment used to lower materials and tools into manholes or vaults shall be capable of supporting the weight to be lowered and shall be checked for defects before use. Before tools or materials are lowered into the opening for a manhole or vault, each employee working in the manhole or vault shall be clear of the area directly under the opening.

(10) Materials shall not be thrown into or out of manholes but shall be placed in the proper receptacle and hoisted in and out by means of a rope.

(11) Tools and materials shall not be left on the ground around or near the manhole opening where they might be pushed or otherwise fall into the hole.

(12) Attendants for manholes.

(a) An attendant shall be kept at the surface when there is any hazard to the employees in the manhole and the attendant should not leave the manhole unwatched until such time as all employees are out and the cover has been replaced.

(b) While work is being performed in a manhole containing energized electric equipment, an employee with first aid and CPR training meeting WAC 296-45-125(1) shall be available on the surface in the immediate vicinity to render emergency assistance.

Note 1: An attendant may also be required under WAC 296-45-205(7). One person may serve to fulfill both requirements. However, attendants required under WAC 296-45-205(7) are not permitted to enter the manhole.

Note 2: Employees entering manholes containing unguarded, unisolated energized lines or parts of electric equipment operating at 50 volts or more are required to be qualified under WAC 296-45-325(1) through (4).

(c) No work shall be permitted to be done in any manhole or subway on any energized wire, cable or appliance carrying more than 300 volts of electricity by less than two qualified persons who shall at all times, while performing such work, be in the same manhole or subway in which work is being done. This rule shall not apply to work on telephone, telegraph or signal wires or cables.

(d) For the purpose of inspection, housekeeping, taking readings, or similar work, an employee working alone may enter, for brief periods of time, a manhole where energized cables or equipment are in service, if the employer can demonstrate that the employee will be protected from all electrical hazards.

(e) Reliable communications, through two-way radios or other equivalent means, shall be maintained among all employees involved in the job.

(13) Cable in manholes or underground vaults shall be accessible to employees and a clear working space shall be maintained at all times; and/or approved protective guards, barriers, etc., when installed shall be considered as providing adequate working clearance for cables over 5 k.v. If a manhole and/or underground vault is determined to have an electrical or structural hazard, no work shall be done in the manhole and/or vault until the unsafe condition is corrected or de-energized.

(14) No work shall be performed on cables or equipment unless they have been properly identified by an approved method.

(15) Duct rods. If duct rods are used, they shall be installed in the direction presenting the least hazard to employees. An employee shall be stationed at the far end of the duct line being rodged to ensure that the required minimum approach distances are maintained.

(16) Multiple cables. When multiple cables are present in a work area, the cable to be worked shall be identified by electrical means, unless its identity is obvious by reason of distinctive appearance or location or by other readily apparent means of identification. Cables other than the one being worked shall be protected from damage.

(17) Before cutting into a high voltage cable or opening a high voltage splice, the cable shall be de-energized then clearance obtained, tested and then grounded in an approved manner. The cable to be worked on shall be identified by tags or equivalent means.

(18) Moving cables. Energized cables that are to be moved shall be inspected for defects.

(19) Insulated platforms or other protective devices shall be provided when work is to be done on energized wires or equipment in manholes.

(20) Furnaces shall always be placed in a secure, level position on the downhill side of the manhole to avoid spillage of hot metals or compounds into the manhole.

(21) Pulling underground cable. When pulling cable(s) all employees shall be made aware of the hazard of being caught in the sheaves, lashings or winch gears. All employees shall stand clear of the pulling line when the pull is begun or when the line is under tension. This rule applies to all work performed by means of a winch.

(22) Fishing conduit or ducts. When fishing conduit or ducts, it shall first be determined that the fish tape or wires will not contact any energized line or equipment.

(23) WAC ~~((296-45-65023))~~ 296-45-335 on clearances ~~((and WAC 296-45-65026 on grounding))~~ shall be complied with. Also WAC 296-45-345 and/or WAC 296-45-355 on grounding shall be complied with.

(24) Defective cables. Where a cable in a manhole has one or more abnormalities that could lead to or be an indica-

tion of an impending fault, the defective cable shall be de-energized before any employee may work in the manhole, except when service load conditions and a lack of feasible alternatives require that the cable remain energized. In that case, employees may enter the manhole provided they are protected from the possible effects of a failure by shields or other devices that are capable of containing the adverse effects of a fault in the joint.

**Note:** Abnormalities such as oil or compound leaking from cables or joints, broken cable sheaths or joint sleeves, hot localized surface temperatures of cables or joints, or joints that are swollen beyond normal tolerance are presumed to lead to or be an indication of an impending fault.

(25) Sheath continuity. When work is performed on buried cable or on cable in manholes, metallic sheath continuity shall be maintained by bonding across the opening (or by equivalent means), or the cable sheath shall be treated as energized.

**AMENDATORY SECTION** (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

**WAC 296-45-325 Working on or near exposed energized parts.** This section applies to work on exposed live parts, or near enough to them, to expose the employee to any hazard they present.

(1) General. Only qualified employees may work on or with exposed energized lines or parts of equipment. Only qualified employees may work in areas containing unguarded, uninsulated energized lines or parts of equipment operating at 50 volts or more. Electric lines and equipment shall be considered and treated as energized unless the provisions of WAC 296-45-175 through 296-45-17565 or 296-45-335 have been followed.

(2) Except as provided in subsection (3) of this section, at least two qualified employees shall be present while the following types of work are being performed:

(a) Installation, removal, or repair of lines that are energized at more than 600 volts;

(b) Installation, removal, or repair of de-energized lines if an employee is exposed to contact with other parts energized at more than 600 volts;

(c) Installation, removal, or repair of equipment, such as transformers, capacitors, and regulators, if an employee is exposed to contact with parts energized at more than 600 volts;

(d) Work involving the use of mechanical equipment, other than insulated aerial lifts, near parts energized at more than 600 volts; and

(e) Other work that exposes an employee to electrical hazards greater than or equal to those posed by operations that are specifically listed in subsection (2)(a) through (e) of this section.

**Note 1:** One employee shall serve principally as a standby person who shall be so located that they may physically reach the other employee in the event of an accident either with their hand or with a hot stick. The stand-by shall be so positioned as to be able to observe the other employee, their bodily movements, and verbally warn of any impending dangers. In no case when working in pairs shall employees

work simultaneously on energized wires or parts of different phases or polarity;

**Note 2:** In cases of necessity the stand-by person may temporarily assist the other employee provided that they both work on wires or parts of the same phase or polarity. Both employees shall so position themselves so that the presence of the second person does not increase the hazard.

(3) The provisions of WAC 296-45-325(2) do not apply in the following circumstances:

(a) When re-fusing circuits or equipment with a hot stick.

(b) When operating switches by means of operating handle or switch sticks.

(c) When installing or removing a hot line clamp connection with an approved hot stick on single phase line or apparatus, providing that the connection or disconnection does not interrupt or pick up a load.

(d) When installing or removing by hot stick simple load metering devices provided the connection does not interrupt or pickup load.

(e) Emergency repairs to the extent necessary to safeguard the general public.

(4) "Minimum approach distances." The employer shall ensure that no employee approaches or takes any conductive object closer to exposed energized parts than set forth in Table 1 through Table 4, unless:

The employee is insulated from the energized part (insulating gloves or insulating gloves and sleeves worn in accordance with subsection (7) of this section are considered insulation of the employee only with regard to the energized part upon which work is being performed); or

The energized part is insulated from the employee and from any other conductive object at a different potential.

**Note 1:** WAC 296-45-475 (5)(a) and 296-45-48525(1) contain requirements for the guarding and isolation of live parts. Parts of electric circuits that meet these two provisions are not considered as "exposed" unless a guard is removed or an employee enters the space intended to provide isolation from the live parts.

**Note 2:** When an employee is required to work on or within reach of any unprotected conductors that are or may become energized at more than 50 volts and less than 600 volts between phases, they shall take the following precautions:

- 1: They shall wear approved (~~rubber gloves~~) insulating gloves or insulating gloves and sleeves during the time they are working on such conductor, or
- 2: They shall cover, with approved devices, any adjacent unprotected conductor that could be touched by any part of their body, and use insulated tools.
- 3: Cables which are properly insulated for the voltages to which they are energized, shall be considered as an effective barrier to protect the employees and Table 1 need not apply.

(5) Initial determination.

(a) Before any work is performed, the location of energized lines and their condition, the location and condition of energized equipment, the condition of the poles, the location of circuits and equipment including power communication lines, CATV and fire alarm circuits, shall be determined as shall any other particular hazard of a particular work site.

(b) No work shall be performed on energized lines or parts until the voltage of such equipment and lines is determined.

(6) Type of insulation. If the employee is to be insulated from energized parts by the use of insulating gloves (under subsection (4)(a) of this section), insulating sleeves shall also be used. However, insulating sleeves need not be used under the following conditions:

(a) If exposed energized parts on which work is not being performed are insulated from the employee; and

(b) If such insulation is placed from a position not exposing the employee's upper arm to contact with other energized parts.

(7) Working position. The employer shall ensure that each employee, to the extent that other safety-related conditions at the worksite permit, works in a position from which a slip or shock will not bring the employee's body into contact with exposed, uninsulated parts energized at a potential different from the employee.

(8) Making connections. The employer shall ensure that connections are made as follows:

(a) In connecting de-energized equipment or lines to an energized circuit by means of a conducting wire or device, an employee shall first attach the wire to the de-energized part;

(b) When disconnecting equipment or lines from an energized circuit by means of a conducting wire or device, an employee shall remove the source end first; and

(c) When lines or equipment are connected to or disconnected from energized circuits, loose conductors shall be kept away from exposed energized parts.

(9) Rubber gloves can only be used on 5,000 volts or less between phases.

(10) It shall not be permissible to consider one part of a high voltage switch or disconnect as de-energized for the purpose of doing work on it if the remainder of the switch or disconnect remains energized unless approved barriers are erected which will prevent employees who are doing the work on such equipment from coming in direct contact with the energized parts.

(11) Conductor support tools such as link sticks, strain carriers, and insulator cradles may be used: *Provided*, That the clear insulation is at least as long as the insulator string or the minimum distance specified in Table 1 for the operating voltage.

(12) Apparel.

(a) When work is performed within reaching distance of exposed energized parts of equipment, the employer shall ensure that each employee removes or renders nonconductive all exposed conductive articles, such as key or watch chains, rings, or wrist watches or bands, unless such articles do not increase the hazards associated with contact with the energized parts.

(b) The employer shall train each employee who is exposed to the hazards of flames or electric arcs in the hazards involved.

(c) The employer shall ensure that each employee who is exposed to the hazards of flames or electric arcs does not wear clothing that, when exposed to flames or electric arcs, could increase the extent of injury that would be sustained by the employee.

Note: Clothing made from the following types of fabrics, either alone or in blends, is prohibited by this subsection, unless

the employer can demonstrate that the fabric has been treated to withstand the conditions that may be encountered or that the clothing is worn in such a manner as to eliminate the hazard involved: Acetate, nylon, polyester, rayon.

(d) Workers shall wear clothing appropriate to the season and the kind of work being performed. Shirts or jumpers must have full length sleeves that are rolled down. Protective hard hats and eye protection shall be worn when working on or near live parts or while climbing poles.

(13) Fuse handling. When fuses must be installed or removed with one or both terminals energized at more than 300 volts or with exposed parts energized at more than 50 volts, the employer shall ensure that tools or gloves rated for the voltage are used. When expulsion-type fuses are installed with one or both terminals energized at more than 300 volts, the employer shall ensure that each employee wears eye protection meeting the requirements of WAC 296-45-25505(1), uses a tool rated for the voltage, and is clear of the exhaust path of the fuse barrel.

(14) Covered (noninsulated) conductors. The requirements of this section which pertain to the hazards of exposed live parts also apply when work is performed in the proximity of covered (noninsulated) wires.

(15) Noncurrent-carrying metal parts. Noncurrent-carrying metal parts of equipment or devices, such as transformer cases and circuit breaker housings, shall be treated as energized at the highest voltage to which they are exposed, unless the employer inspects the installation and determines that these parts are grounded before work is performed.

(16) Opening circuits under load. Devices used to open circuits under load conditions shall be designed to interrupt the current involved.

Table 1: AC Live Work Minimum Approach Distance  
Distance to employee

Voltage in kilovolts phase to phase*	Distance to employee			
	Phase to ground		Phase to Phase	
	(m)	(ft-in)	(m)	(ft-in)
0 to 0.050	not specified		not specified	
0.051 to 0.300	avoid contact		avoid contact	
0.301 to 0.750	0.31	1-0	0.31	1-0
<del>(0.0751 to 15)</del> <u>0.751 to 15</u>	0.65	2-2	0.67	2-3
15.1 to 36.0	0.77	2-7	0.86	2-10
36.1 to 46.0	0.84	2-9	0.96	3-2
46.1 to 72.5	1.00**	3-3**	1.20	3-11
72.6 to 121	0.95**	3-2**	1.29	4-3
138 to 145	1.09	3-7	1.50	4-11
161 to 169	1.22	4-0	1.71	5-8
230 to 242	1.59	5-3	2.27	7-6
345 to 362	2.59	8-6	3.80	12-6
500 to 550	3.42	11-3	5.50	18-1
765 to 800	4.53	14-11	7.91	26-0

\*For single-phase systems, use the highest voltage available.

For single-phase lines off three phase systems, use the phase-to-phase voltage of the system.

\*\*The 46.1 to 72.5 kV phase-to-ground 3-3 distance contains a 1-3 electrical component and a 2-0 inadvertent movement component while the 72.6 to 121 kV phase-to-ground 3-2 distance contains a 2-2 electrical component and a 1-0 inadvertent movement component.

PERMANENT

- Note 1: These distances take into consideration the highest switching surge an employee will be exposed to on any system with air as the insulating medium and the maximum voltages shown.
- Note 2: The clear live-line tool distance shall equal or exceed the values for the indicated voltage ranges.
- Note 3: See Appendix B to this section for information on how the minimum approach distances listed in the tables were derived.

**AMENDATORY SECTION** (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

**WAC 296-45-455 Line-clearance tree-trimming operations.** This section provides additional requirements for line-clearance tree-trimming operations and for equipment used in these operations.

This section does not apply to qualified employees.

(1) Before an employee climbs, enters, or works around any tree, a determination shall be made of the nominal voltage of electric power lines posing a hazard to employees. However, a determination of the maximum nominal voltage to which an employee will be exposed may be made instead, if all lines are considered as energized at this maximum voltage.

(2) There shall be a second line-clearance tree trimmer within normal (that is, unassisted) voice communication under any of the following conditions:

(a) If a line-clearance tree trimmer is to approach more closely than 10 feet (305 cm) any conductor or electrical apparatus energized at more than 600 volts; or

(b) If branches or limbs being removed are closer to lines energized at more than 600 volts than the distances listed in Table 1, Table 4, and Table 5; or

(c) If roping is necessary to remove branches or limbs from such conductors or apparatus.

(3) Line-clearance tree trimmers shall maintain the minimum approach distances from energized conductors given in Table 1, Table 4, and Table 5.

(4) Branches that are contacting exposed energized conductors or equipment or that are within the distances specified in Table 1, Table 4, and Table 5 may be removed only through the use of insulating equipment.

Note: A tool constructed of a material that the employer can demonstrate has insulating qualities meeting WAC 296-45-305(1) are considered as insulated under this section if the tool is clean and dry.

(5) Ladders, platforms, and aerial devices may not be brought closer to an energized part than the distances listed in Table 1, Table 4, and Table 5.

(6) Line-clearance tree-trimming work may not be performed when adverse weather conditions make the work hazardous in spite of the work practices required by this section. Each employee performing line-clearance tree-trimming work in the aftermath of a storm or under similar emergency conditions shall be trained in the special hazards related to this type of work.

Note: Thunderstorms in the immediate vicinity, high winds, snow storms, and ice storms are examples of adverse weather conditions that are presumed to make line-clearance tree-trimming work too hazardous to perform safely.

(7) A tree trimmer may climb out of a basket into a tree or from a tree back into the basket so long as he is properly tied into the tree during the entire maneuver and the employer can demonstrate that this is the safest way to perform the work.

**AMENDATORY SECTION** (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

**WAC 296-45-901 Appendix A—Nonmandatory.**

**Appendix A—Tables**

**TABLE 2**  
**AC Live Work Minimum Approach Distance With Transient Overvoltage Factor**

Maximum anticipated per-unit transient overvoltage	Distance to employee in feet-inches, phase to ground						
	Air(Ⓞ) and clear live-line tool						
	Maximum phase-to-phase voltage in kilovolts						
	121	145	169	242	362	550	800
1.5						6-0	9-8
1.6						6-6	10-8
1.7						7-0	11-8
1.8						7-7	12-8
1.9						8-1	13-9
2.0	2-5	2-9	3-0	3-10	5-3	8-9	14-11
2.1	2-6	2-10	3-2	4-0	5-5	9-4	
2.2	2-7	2-11	3-3	4-1	5-9	9-11	
2.3	2-8	3-0	3-4	4-3	6-1	10-6	
2.4	2-9	3-1	3-5	4-5	6-4	11-3	
2.5	2-9	3-2	3-6	4-6	6-8		
2.6	2-10	3-3	3-8	4-8	7-1		
2.7	2-11	3-4	3-9	4-10	7-5		
2.8	3-0	3-5	3-10	4-11	7-9		
2.9	3-1	3-6	3-11	5-1	8-2		
3.0	3-2	3-7	4-0	5-3	8-6		

**Note 1:** The distances specified in this table may be applied only where the maximum anticipated per-unit transient overvoltage has been determined by engineering analysis and has been supplied by the employer. Table 1 applies otherwise.

**Note 2:** The distances specified in this table are the air, and live-line tool distances.

**TABLE 3**  
**AC Live Work Minimum Approach Distance With Transient Overvoltage Factor**

Maximum anticipated per-unit transient overvoltage	Distance to employee in feet-inches, phase to ground						
	Air(Ⓞ) and clear live-line tool						
	Maximum phase-to-phase voltage in kilovolts						
	121	145	169	242	362	550	800
1.5						7-4	12-1
1.6						8-9	14-6
1.7						10-2	17-2
1.8						11-7	19-11
1.9						13-2	22-11
2.0	3-7	4-1	4-8	6-1	8-7	14-10	26-0

PERMANENT

**TABLE 3**  
**AC Live Work Minimum Approach Distance With Transient Overvoltage Factor**

Maximum anticipated per-unit transient overvoltage	Distance to employee in feet-inches, phase to ground						
	Air((g)) and clear live-line tool						
	Maximum phase-to-phase voltage in kilovolts						
2.1	3-7	4-2	4-9	6-3	8-10	15-7	
2.2	3-8	4-3	4-10	6-4	9-2	16-4	
2.3	3-9	4-4	4-11	6-6	9-6	17-2	
2.4	3-10	4-5	5-0	6-7	9-11	18-1	
2.5	3-11	4-6	5-2	6-9	10-4		
2.6	4-0	4-7	5-3	6-11	10-9		
2.7	4-1	4-8	5-4	7-0	11-2		
2.8	4-1	4-9	5-5	7-2	11-7		
2.9	4-2	4-10	5-6	7-4	12-1		
3.0	4-3	4-11	5-8	7-6	12-6		

**Note 1:** The distances specified in this table may be applied only where the maximum anticipated per-unit transient overvoltage has been determined by engineering analysis and has been supplied by the employer. Table 1 applies otherwise.

**Note 2:** The distances specified in this table are the air, and live-line tool distances.

**TABLE 5**  
**Altitude Correction Factor**

Altitude		Correction factor
(m)	(ft)	
4800	16,000	1.35
5400	18,000	1.39
6000	20,000	1.44

**Note:** If the work is performed at elevations greater than 3000 ft (900 m) above mean sea level, the minimum approach distance shall be determined by multiplying the distances in Table 1 through Table 4 by the correction factor corresponding to the altitude at which work is performed.

**TABLE 4**  
**DC Live Work Minimum Approach Distance With Transient Overvoltage Factor**

Maximum anticipated per-unit transient overvoltage	Distance to employee in feet-inches, conductor to ground				
	Air((g)) and clear live-line tool				
	Maximum phase-to-phase voltage in kilovolts				
	250	400	500	600	750
1.5 or lower	3-8	5-3	6-9	8-7	<del>((10-11))</del> 11-10
1.6	3-10	5-7	7-4	9-5	13-1
1.7	4-1	6-0	7-11	10-3	14-4
1.8	4-3	6-5	8-7	11-2	15-9

**Note 1:** The distances specified in this table may be applied only where the maximum anticipated per-unit transient overvoltage has been determined by engineering analysis and has been supplied by the employer. However, if the transient overvoltage factor is not known, a factor of 1.8 shall be assumed.

**Note 2:** The distances specified in this table are the air, and live-line tool distances.

**TABLE 5**  
**Altitude Correction Factor**

Altitude		Correction factor
(m)	(ft)	
900	3000	1.00
1200	4000	1.02
1500	5000	1.05
1800	6000	1.08
2100	7000	1.11
2400	8000	1.14
2700	9000	1.17
3000	10,000	1.20
3600	12,000	1.25
4200	14,000	1.30

PERMANENT



**WSR 99-09-001**  
**EMERGENCY RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order 99-08—Filed April 7, 1999, 1:14 p.m.]

Date of Adoption: April 5, 1999.

Purpose: To adopt by reference modifications to the forest practices rules to provide greater protection for federally listed threatened and endangered salmonids (including bull trout). Adds newly listed salmonids to an existing emergency rule. This procedural rule classifies forest practices in mapped areas as Class IV-Special, requiring additional environmental review. Includes revisions of Type 2 and 3 Waters and defines requirements for the Forest Practices Board manual. Supersedes emergency rule filed on March 17, 1999.

Citation of Existing Rules Affected by this Order:  
 Amending chapter 173-202 WAC.

Statutory Authority for Adoption: RCW 90.48.420, 76.09.040, and chapter 34.05 RCW.

Other Authority: Chapter 43.21A RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: **Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 99-10 issue of the Register.

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

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

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

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

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

Effective Date of Rule: Immediately.

April 5, 1999

Tom Fitzsimmons  
 Director

**AMENDATORY SECTION** (Amending Order 97-46, filed 3/30/98, effective 4/30/98)

**WAC 173-202-020 Certain WAC sections adopted by reference.** The following sections of the Washington Administrative Code existing on (~~March 13, 1998~~) April 6, 1999, are hereby adopted by reference as part of this chapter

in all respects as though the sections were set forth herein in full:

- WAC 222-08-035—Continuing review of forest practices regulations.
- WAC 222-10-020—\*SEPA policies for certain forest practices within 200 feet of a Type 1 Water.
- WAC 222-10-040—\*Class IV-Special threatened and endangered species SEPA policies.
- WAC 222-10-043—\*Salmonids.
- WAC 222-12-010—Authority.
- WAC 222-12-040—Alternate plans.
- WAC 222-12-045—Adaptive management.
- WAC 222-12-046—Cumulative effect.
- WAC 222-12-070—Enforcement policy.
- WAC 222-12-090—Forest practices board manual.
- WAC 222-16-010—General definitions.
- WAC 222-16-030—Water typing system.
- WAC 222-16-035—Wetland typing system.
- WAC 222-16-050 (1)(a), (1)(e), (1)(h), (1)(i), (1)(j), (3)(b), (3)(c), (3)(d), (3)(e), (3)(f), (3)(n), (3)(o), (3)(p), (4)(c), (4)(d), (4)(e), (5)(b), (5)(c), (5)(d), (5)(e), (5)(f), (5)(h), (5)(n), (5)(o)—Classes of forest practices.
- WAC 222-16-070—Pesticide uses with the potential for a substantial impact on the environment.
- WAC 222-16-080—Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species.
- WAC 222-16-088—\*Salmonid listed areas.
- WAC 222-22-010—Policy.
- WAC 222-22-020—Watershed administrative units.
- WAC 222-22-030—Qualification of watershed resource analysts, specialists, and field managers.
- WAC 222-22-040—Watershed prioritization.
- WAC 222-22-050—Level 1 watershed resource assessment.
- WAC 222-22-060—Level 2 watershed resource assessment.
- WAC 222-22-070—Prescription recommendation.
- WAC 222-22-080—Approval of watershed analysis.
- WAC 222-22-090—Use and review of watershed analysis.
- WAC 222-22-100—Application review prior to watershed analysis.
- WAC 222-24-010—Policy.
- WAC 222-24-020 (2), (3), (4), (6)—Road location.
- WAC 222-24-025 (2), (5), (6), (7), (8), (9), (10)—Road design.
- WAC 222-24-030 (2), (4), (5), (6), (7), (8), (9)—Road construction.
- WAC 222-24-035 (1), (2)(c), (2)(d), (2)(e), (2)(f)—Landing location and construction.
- WAC 222-24-040 (1), (2), (3), (4)—Water crossing structures.
- WAC 222-24-050—Road maintenance.
- WAC 222-24-060 (1), (2), (3), (6)—Rock quarries, gravel pits, borrow pits, and spoil disposal areas.
- WAC 222-30-010—Policy—Timber harvesting.

- WAC 222-30-020 (2), (3), (4), (5), (7)(a), (7)(e), (7)(f), (8)(c)—Harvest unit planning and design.  
 WAC 222-30-025—Green-up: Even-aged harvest size and timing.  
 WAC 222-30-030—Stream bank integrity.  
 WAC 222-30-040—Shade requirements to maintain stream temperature.  
 WAC 222-30-050 (1), (2), (3)—Felling and bucking.  
 WAC 222-30-060 (1), (2), (3), (5)(c)—Cable yarding.  
 WAC 222-30-070 (1), (2), (3), (4), (5), (7), (8), (9)—Tractor and wheeled skidding systems.  
 WAC 222-30-080 (1), (2)—Landing cleanup.  
 WAC 222-30-100 (1)(a), (1)(c), (4), (5)—Slash disposal.  
 WAC 222-34-040—Site preparation and rehabilitation.  
 WAC 222-38-010—Policy—Forest chemicals.  
 WAC 222-38-020—Handling, storage, and application of pesticides.  
 WAC 222-38-030—Handling, storage, and application of fertilizers.  
 WAC 222-38-040—Handling, storage, and application of other forest chemicals.

**WSR 99-09-004**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 (Division of Child Support)  
 [Filed April 9, 1999, 11:05 a.m.]

Date of Adoption: April 9, 1999.

Purpose: Amending WAC 388-14-420 to bring it into accord with changes to 45 C.F.R. 303.11, dealing with closure of child support enforcement cases.

Citation of Existing Rules Affected by this Order: Amending WAC 388-14-420.

Statutory Authority for Adoption: RCW 74.20A.310.

Other Authority: 45 C.F.R. 303.11.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The federal rules regarding case closure were amended effective April 9, 1999, the Division of Child Support is required to have rules in accordance with federal rules or else risk putting the state out of compliance with the requirements of Title IV-D of the Social Security Act, which could jeopardize federal funding.

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

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

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

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

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

Effective Date of Rule: Immediately.

April 9, 1999

Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 97-13-092, filed 6/18/97, effective 7/19/97)

**WAC 388-14-420 Termination of support enforcement services.** (1) After the ~~((IV-D agency))~~ division of child support (DCS) begins providing services under chapter 74.20 RCW and RCW 26.23.045(1)~~((a), (b), (c), (e), or (f), the IV-D agency))~~, DCS may terminate services when:

(a) There is no current support order and the support debt is less than five hundred dollars or cannot be enforced under the laws of the state of Washington;

(b) ~~((The IV-D agency))~~ DCS determines that the ~~((responsible))~~ noncustodial parent or putative father is dead and has no available assets, income, or estate subject to collection action;

(c) ~~((The IV-D agency))~~ DCS determines that the ~~((responsible))~~ noncustodial parent does not have any available assets, income, or estate subject to collection action, and is and will be unable to pay support because the parent is:

(i) Institutionalized in a psychiatric facility;

(ii) Incarcerated without possibility of parole; or

(iii) Medically verified as totally and permanently disabled with no evidence of support potential.

(d) The applicant, agency, or person receiving nonassistance services submits a written request to terminate services, and no current assignment to the state of medical support rights exists. If there is accrued debt under a support order that is assigned to the state:

(i) That portion of the case shall remain open; and

(ii) ~~((The IV-D agency))~~ DCS may close the nonassistance portion of the case.

(e) ~~((The IV-D agency))~~ DCS has enough information to use an automated locate system, makes ((reasonable)) diligent efforts to identify or locate the ((responsible)) noncustodial parent, using local, state, and federal locate sources over a three-year period and does not find new locate information;

(f) ~~((The IV-D agency))~~ DCS does not have enough information to use an automated locate system, makes diligent efforts to locate the noncustodial parent over a one-year period and does not find any new locate information;

(g) DCS is unable to contact ((a)) an applicant, agency, or person receiving nonassistance ((physical custodian)) services within a ((thirty)) sixty-day period ((using both a telephone call and one or more registered letters));

~~((g))~~ The IV-D agency)

(h) DCS documents:

(i) Instances of the physical custodian's or the initiating state's failure or refusal to cooperate with ~~((the IV-D agency))~~ DCS; and

(ii) That the physical custodian's cooperation is essential for the next step in providing support enforcement services; ~~((h) The IV-D agency))~~

(i) DCS cannot obtain a paternity order because:

(i) The putative father is dead;

(ii) A genetic test has excluded all known putative fathers and no other putative father can be identified after diligent efforts, including at least one interview by DCS with the recipient of support enforcement services;

(iii) The child is eighteen years of age or older; ~~((e))~~

(iv) The department, a court of competent jurisdiction, or an adjudicative proceeding determines that paternity establishment would not be in the best interest of the child in a case involving:

(A) Incest;

(B) Rape; or

(C) Pending adoption ~~((-))~~; or

(v) The identity of the biological father is unknown and cannot be identified after diligent efforts, including at least one interview by DCS with the recipient of support enforcement services.

(j) The department or a court of competent jurisdiction finds the person receiving services has wrongfully deprived the ~~((responsible)) noncustodial~~ parent of physical custody of a dependent child under WAC 388-11-065(3);

~~((j))~~ (k) The department or a court of competent jurisdiction finds that action establishing or enforcing a support obligation cannot proceed without risk of harm to the child or the child's custodian;

~~((k) The IV-D agency))~~

(l) DCS has provided locate-only services in response to a request for state parent locator services;

~~((l))~~ (m) The ~~((responsible)) noncustodial~~ parent is a citizen of, and lives in, a foreign country and:

(i) Does not have any assets which can be reached by ~~((the IV-D agency))~~ DCS; and

(ii) Washington state has been unable to establish reciprocity in child support matters with that country; or

~~((m))~~ (n) The dependent child is confined to a juvenile rehabilitation facility for a period of ninety days or more; or

~~((n))~~ (o) Any other circumstances exist which would allow closure under 45 CFR 303.11 or any other federal statute or regulation.

(2) After ~~((the IV-D agency))~~ DCS provides services under RCW 26.23.045(1) ~~((d), the IV-D agency))~~, DCS shall:

(a) Terminate support enforcement services;

(i) If a court of competent jurisdiction orders ~~((the IV-D agency))~~ DCS to terminate services based on:

(A) An approved alternate payment plan under RCW 26.23.050; or

(B) A finding that it is not in the child's best interest for ~~((the IV-D agency))~~ DCS to continue providing services.

(ii) After filing a satisfaction of judgment with the court as provided under WAC 388-14-205; or

(iii) If the ~~((responsible)) noncustodial~~ parent is dead and ~~((the IV-D agency receives proof))~~ DCS determines there is no available estate.

(b) Terminate services, except records maintenance and payment processing:

(i) For the reasons stated under subsections (1)(c), (d), (e), (f), (g), (j), (k), (l), ~~((e))~~ (m), or (n) of this section; or

(ii) If the payee under the order fails to submit an application for support enforcement services.

(3) Sixty days before terminating services, ~~((the IV-D agency))~~ DCS shall mail a notice to the physical custodian and the noncustodial parent. ~~((The IV-D agency))~~ DCS shall:

(a) Send the notice by regular mail to the last known address of the physical custodian and the noncustodial parent. In an interstate case, DCS shall send the notice to the physical custodian by regular mail in care of the other state's child support agency;

(b) Include in the notice the reasons for terminating services; and

(c) State in the notice that the physical custodian or the noncustodial parent may ask for a hearing to contest the decision terminating services and may participate in any hearing requested by this other party.

(4) After terminating support enforcement services, ~~((the IV-D agency))~~ DCS shall return support money ~~((the IV-D agency))~~ DCS receives to the payor except as provided under subsection (2)(b) of this section.

**WSR 99-09-014**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 99-30—Filed April 13, 1999, 2:56 p.m., effective April 17, 1999, 12:01 a.m.]

Date of Adoption: April 13, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-56-305.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is intended to keep the recreational harvest of sturgeon from Bonneville Reservoir and its tributaries within the established harvest guidelines. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Effective Date of Rule: April 17, 1999, 12:01 a.m.

April 13, 1999

Larry W. Peck  
for Jeff P. Koenings  
Director

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

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

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

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

Effective Date of Rule: April 24, 1999, 12:01 a.m.

April 13, 1999

Larry W. Peck  
for Jeff P. Koenings  
Director

## NEW SECTION

### **WAC 220-56-30500D Sturgeon - Areas and seasons.**

Notwithstanding the provisions of WAC 220-56-305, effective 12:01 a.m. April 17, 1999 until further notice it is unlawful to retain sturgeon from the Columbia River and its tributaries from Bonneville Dam to The Dalles Dam.

## **WSR 99-09-015**

### **EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE**

[Order 99-27—Filed April 13, 1999, 2:58 p.m., effective April 24, 1999, 12:01 a.m.]

Date of Adoption: April 13, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900F; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to open Vance Creek Pond #1 to include seniors and persons of disability from April 24 through April 30, 1999. Grays Harbor County requested that the Washington Department of Fish and Wildlife allow seniors and persons of disability to also fish Vance Creek Pond #1 in May of 1998. An emergency regulation was filed on May 12, 1998, and a permanent regulation has been filed and will take effect on May 1, 1999. This regulation will cover the time period from the opening day of trout season on April 24, 1999, until the permanent regulations goes into effect on May 1, 1999.

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

## NEW SECTION

### **WAC 232-28-61900F Exceptions to statewide rules.**

Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. April 24, 1999 until May 1, 1999 Vance Creek Pond #1 (Grays Harbor County) is open for the taking of game fish for juveniles (under 15 years old), seniors (70 and over) and persons of disability (disability permit required by the Washington Department of Fish and Wildlife) only.

## REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 1, 1999:

WAC 232-28-61900F      Exceptions to statewide rules.

## **WSR 99-09-016 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE**

[Order 99-31—Filed April 13, 1999, 4:29 p.m.]

Date of Adoption: April 13, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05500T; and amending WAC 220-32-055.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of spring chinook are available for tribal subsistence fisheries. Seasons are consistent with state/tribal negotiations that occurred earlier this year. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Effective Date of Rule: Immediately.

April 13, 1999

Evan Jacoby

for Jeff P. Koenigs

Director

#### NEW SECTION

**WAC 220-32-05500T Columbia River tributaries—Subsistence.** Notwithstanding the provisions of WAC 220-32-055, effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakama treaty to take or possess salmon taken for subsistence purposes from the Yakima River and Klickitat River except under the following provisions:

1. The Yakima River from Horn Rapids Dam to Wapato Dam is open noon Wednesday to 6:00 p.m. Saturday of each week immediately to June 19, 1999.

2. The Klickitat River from the site of the former Swinging Bridge (RM 1.5) to Fishway No. 5 (RM 2.2) is open noon Wednesday to 6:00 p.m. Saturday of each week immediately to May 29, 1999.

3. The White Salmon River from the mouth to Condit Dam is open noon Wednesday to 6:00 p.m. Saturday of each week immediately to June 12, 1999.

4. Allowable gear:

Dipnets, setbag nets, or rod and reel with bail or lures. All other fishing gear and methods, including snagging are unlawful.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. June 19, 1999:

WAC 220-32-05500T Columbia River tributaries—Subsistence.

**WSR 99-09-034**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 99-34—Filed April 15, 1999, 4:33 p.m.]

Date of Adoption: April 15, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-35000W and 220-56-38000Q.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These regulations are necessary to shorten or close seasons to protect smaller than normal populations of clams and oysters and provide opportunity when harvest rates have not met expectations. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Effective Date of Rule: Immediately.

April 15, 1999

Evan Jacoby

for Jeff P. Koenigs

Director

#### NEW SECTION

**WAC 220-56-35000Y Clams other than razor clams—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-350, immediately until further notice, it is unlawful to harvest or possess clams, cockles, or mussels taken for personal use from the following public tidelands during the closed periods herein, and lawful to harvest only during the open periods specified herein:

(1) Cline Spit - **Closed** until further notice.

(2) Sequim Bay State Park, North and South Sections - **Closed** through May 15.

(3) Oak Bay County Park - **Closed** through April 30.

(4) Pillar Point County Park - **Open** through April 30.

(5) Potlatch State Park - **Open** until further notice.

(6) West Dewatto (DNR 44A) - **Closed** until further notice.

### NEW SECTION

**WAC 220-56-38000R Oysters—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-380, effective immediately until further notice, it is unlawful to harvest or possess oysters taken for personal use from the following public tidelands except as provided below:

- (1) Eagle Creek - **Closed** until further notice.
- (2) Point Whitney Tidelands - **Closed** until further notice.
- (3) Potlatch State Park - **Open** until further notice.
- (4) West Dewatto (DNR 44A) - **Closed** until further notice.

**WSR 99-09-035  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-33—Filed April 15, 1999, 4:36 p.m., effective April 19, 1999, 8:00 a.m.]

Date of Adoption: April 15, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04000I, 220-52-04600L and 220-52-04600M; and amending WAC 220-52-040 and 220-52-046.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: There is a harvestable surplus of crab in the area opened by this regulation. A reduced pot limit is necessary to avoid exceeding the allocation. The state may not authorize commercial shellfish harvests absent agreed planning or compliance with a process. Agreed plans with applicable tribes have been entered as required by federal court order. Such plans have the effect of a federal court order. 898 F. Supp. 1453, 1466, 3.1. Pursuant to RCW 34.04.350 [34.05.350], the need to comply with such federal court orders in the form of allocative management plans constitutes an emergency that requires bypassing the time periods inherent in permanent rule making.

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

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

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

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

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

Effective Date of Rule: April 19, 1999, 8:00 a.m.

April 15, 1999

J. P. Koenings

Director

### NEW SECTION

**WAC 220-52-04600M Commercial crab fishery—36 Hour limited opening on April 19** Notwithstanding the provisions of WAC 220-52-046, effective 8:00 a.m. April 19, 1999 until 8:00 p.m. April 20, it is lawful to fish for Dungeness crab for commercial purposes in Puget Sound in the following areas:

(1) All waters of Marine Fish/Shellfish Management and Catch Reporting Area 24B, with the exception of those waters inside a line projected from Priest Point to the five-meter tower between Gedney Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point to the intersection with a line projected true west from Kayak Point, thence east to shore, and those waters north of a line projected true west from Kayak Point, and south and west of a line from Kayak Point to Barnum Point.

(2) Waters of Marine Fish/Shellfish Management and Catch Reporting Area 24C south of a line from East Point on Whidbey Island to Lowell Point on Camano Island, with the exception of those waters inshore of the 400 foot depth contour within an area bounded by parallel lines projected northeasterly from Sandy Point and the entrance to the marina at Langley.

(3) Waters of Marine Fish/Shellfish Management and Catch Reporting Area 26A north of a line from Picnic Point to Possession Point on Whidbey Island with the exception of those waters south and east of a line projected from the 3A buoy at the Snohomish River mouth to the outermost tip of the ferry dock at Mukilteo, and those waters within a line from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point thence following the 200 foot contour to a point due east from the Glendale Dock.

### NEW SECTION

**WAC 220-52-04000I Commercial crab fishery—25 Pot per license limit for April 19 opening** Notwithstanding the provisions of WAC 220-52-040 effective 8:00 a.m. April 19, 1999 until 8:00 p.m. April 20, it is unlawful for any person to take or fish for crab for commercial purposes in the Puget Sound licensing district using, operating, or controlling any more than an aggregate total of 25 shellfish pots or ring nets. This limit shall apply to each license. However, this shall not preclude a person holding two Puget Sound crab licenses from designating and using the licenses from one vessel as authorized by RCW 75.28.048(4).

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 16, 1999:

WAC 220-52-04600L Commercial crab fishery—  
Allocation/softshell clo-  
sures. (99-22)

The following section of the Washington Administrative code is repealed effective 8:01 p.m. April 20, 1999:

WAC 220-52-04000I Commercial crab fishery—  
25 Pots per license limit for  
April 19 opening.

WAC 220-52-04600M Commercial crab fishery—  
36 Hour limited opening on  
April 19.

**WSR 99-09-036**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 99-32—Filed April 15, 1999, 4:39 p.m., effective April 16, 1999,  
12:01 a.m.]

Date of Adoption: April 15, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-88A-070 and 220-88A-080.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: These rules are necessary to implement the 1999 state/tribal Puget Sound shrimp harvest management plan and meet all allocation requirements under Subproceeding 89-3 in *United States v. Washington*. The plan is in the final development stage and is awaiting signatures. These rules will allow for a sharing of catch between treaty and nontreaty shrimp fishers. There is insufficient time to promulgate permanent rules.

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 16, 1999, 12:01 a.m.

April 15, 1999

Larry W. Peck

for Jeff P. Koenings

Director

**NEW SECTION**

**WAC 220-88A-07000Z Emerging commercial fishery—Puget Sound shrimp pot.** Notwithstanding the provisions of WAC 220-88A-070:

(1) Effective 12:01 a.m. April 16, 1999 until further notice it is unlawful to fish for or possess shrimp taken for commercial purposes with shrimp pot gear from all waters of Puget Sound.

**NEW SECTION**

**WAC 220-88A-08000W Emerging commercial—Fishery—Puget Sound shrimp trawl experimental fishery—Seasons and gear.** Notwithstanding the provisions of WAC 220-88A-080:

(1) Effective 12:01 a.m. April 16, 1999 until further notice, it is unlawful to fish for or possess shrimp taken for commercial purposes with shellfish beam trawl gear from all waters of Puget Sound.



**WSR 99-09-002**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMUNITY ECONOMIC**  
**REVITALIZATION BOARD**  
 [Memorandum—April 6, 1999]

1999-2001 BIENNIUM MEETING SCHEDULE FOR THE  
 COMMUNITY ECONOMIC REVITALIZATION BOARD (CERB)

The following schedule of the 1999-2001 biennium (and beyond) regular meetings of the Community Economic Revitalization Board (CERB) is hereby submitted for publication in the Washington State Register.

<u>1999 Meetings</u>	<u>2000 Meetings</u>	<u>2001 Meetings</u>
July 15, 1999	January 20, 2000	January 18, 2001
September 16, 1999	March 16, 2000	March 15, 2001
November 18, 1999	May 18, 2000	May 17, 2001
	July 20, 2000	July 19, 2001
	September 21, 2000	September 20, 2001
	November 16, 2000	November 15, 2001

All CERB general meetings are on the **third Thursday** of all **odd numbered months**, and are held at the Sea-Tac International Airport, Host International Auditorium.

In accordance with Executive Order 79-03, the meeting site has been selected to be barrier free to the greatest extent feasible. Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments will be provided if requested at least ten working days in advance.

Any questions regarding the CERB program and meetings should be sent to Kate Engle Rothschild, Community Economic Revitalization Board, Department of Community, Trade and Economic Development, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300.

**WSR 99-09-005**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE UNIVERSITY**  
 [Memorandum—April 5, 1999]

This is to notify you that the date of the Washington State University board of regents meeting scheduled for June 18 has been changed. The June meeting of the board will be held on June 25 and will take place at the WSU Wenatchee Tree Fruit Research and Extension Center, 1100 North West-ern Avenue, Wenatchee, WA.

Inquiries about the meeting can be directed to the WSU President's Office, (509) 335-6666.

**WSR 99-09-018**  
**NOTICE OF PUBLIC MEETINGS**  
**MARINE EMPLOYEES' COMMISSION**  
 [Memorandum—April 12, 1999]

The Marine Employees' Commission will hold a Management Team Retreat on Wednesday, May 5, 1999, from 8:00 a.m. to 5:00 p.m. in the Lopez Island Room, University

Inn, 4140 Roosevelt Way N.E., Seattle. Management team members will review the agency's strategic plan and partici-pate in a self-assessment of the agency based on quality prin-ciples. For information contact (360) 586-6354.

**WSR 99-09-019**  
**NOTICE OF PUBLIC MEETINGS**  
**TACOMA COMMUNITY COLLEGE**  
 [Memorandum—April 7, 1999]

REVISED BOARD MEETING SCHEDULE  
 FOR TACOMA COMMUNITY COLLEGE

Please be advised that at their meeting on March 1, 1999, members of Tacoma Community College board of trustees approved a different schedule from that presented in the cor-respondence of December 2, 1998. The motion reads:

*Upon a motion by board member Laurie Jinkins, board members unanimously voted to change the regularly sched-uled Tacoma Community College board of trustee meetings from the first Thursday to the third Thursday of each month, beginning in July 1999.*

The time and location have not changed: 4:00 p.m. in the Baker Room, Building 7, Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466. Board meetings have previously been held on the first Thursday of the month.

**Meeting schedule beginning, July 1999:**

- July 15, 1999
- August 19, 1999
- September 16, 1999
- October 21, 1999
- November 18, 1999
- December 16, 1999

**WSR 99-09-022**  
**DEPARTMENT OF ECOLOGY**  
 [Filed April 14, 1999, 3:48 p.m.]

PUBLIC NOTICE OF ISSUANCE  
 REISSUANCE OF THE FRESH FRUIT PACKING INDUSTRY  
 NPDES WASTEWATER DISCHARGE GENERAL PERMIT

INTRODUCTION: The Washington State Department of Ecology (the department) proposes to reissue the fresh fruit packing industry national pollutant discharge elimination system waste discharge general permit (the permit). This permit regulates the discharge of process and storm water from fresh fruit packing facilities to waters of the state, land application, and publicly owned treatment works. It is being reissued in accordance with the requirements of chapter 90.48 RCW and chapter 173-226 WAC.

IDENTIFICATION OF FACILITIES AND GEOGRAPHIC AREA COVERED: For the purposes of this permit, the state's fresh fruit packing industry is defined as those commercial facili-ties which receive, pack, store, and/or ship either hard or soft

MISC.

fruit. Every new or existing fresh fruit packing facility within the state which engages in any of these activities and has a wastewater discharge must apply for coverage under this permit according to the waste discharge general permit program, chapter 173-226 WAC. Although the industry is located primarily in the state's centralized fruit growing region along the Columbia, Yakima, Wenatchee, and Okanogan rivers, the permit is valid for the entire state of Washington (the state).

**HOW TO APPLY FOR COVERAGE UNDER THE GENERAL PERMIT:** Every new or existing fresh fruit packing facility with a wastewater discharge shall submit to the appropriate Department of Ecology regional office a completed and signed Application for Coverage form which has been specifically developed by ecology for this permit. Current permittees shall have submitted an Application for Coverage prior to expiration of the existing permit. Coverage under the existing permit is administratively extended until the new permit is issued for facilities that have submitted an application for renewal prior to the existing permit's expiration date. New facilities shall submit an Application for Coverage and proof of compliance with the State Environmental Policy Act (SEPA) at least one hundred and eighty days prior to any wastewater discharge. Individual permits will still be applied in those instances where ecology determines the general permit is not appropriate for that facility. Dischargers authorized by the general permit may request to be excluded from coverage under the general permit by applying for and, upon department approval, being issued an individual permit. Any facility required to apply for and obtain coverage under either this general permit or an individual NPDES/state waste discharge permit, with exception to those stipulated in WAC 173-216-050, and found not to have done so within the time limits given will be deemed to be in violation of the state Water Pollution Control Act and/or the federal Clean Water Act, and shall be subject to the enforcement sanctions provided in such acts for unlawfully discharging without a permit.

**PUBLIC HEARINGS, COMMENTS, CHANGES IN THE PERMIT:** The department held public hearings concerning permit reissuance on March 23 in Yakima and March 25 in Wenatchee. No testimony was given at either hearing. Three written comments were received prior to the March 30, 1999, comment period deadline. None of the comments resulted in changes to the draft permit. A summary of ecology's response to these comments is available for public review.

**TENTATIVE DETERMINATION TO ISSUE THE GENERAL PERMIT:** Ecology has tentatively determined to reissue this permit to discharge to public waters, subject to certain effluent limitations, best management practices, and special permit conditions. This notice will be published in the State Register, the Yakima Herald-Republic, and the Wenatchee Daily World on May 5, 1999. It will also be mailed to all current permittees and interested parties. The permit is tentatively scheduled to be issued on June 7, 1999 and will become effective on July 1, 1999.

**PERMIT APPEALS:** Pursuant to the provisions of chapter 43.21B RCW and chapter 173-226 WAC, any person who objects to the terms and conditions of this general permit as it applies to the fresh fruit packing industry may file an appeal of the permit by June 5, 1999, or within thirty days of the

publication of this notice. Appeals should be sent to the Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Central Regional Office, Attn: General Permit Manager, 15 West Yakima Avenue, Suite 200, Yakima, WA 98902. Any appeal of the permit must contain the following in accordance with the rules of the hearings board: (1) The appellant's name and address, (2) a description of the substance of the permit that is the subject of the appeal, (3) the date of the permit, (4) a clear and concise statement of facts upon which the appellant relies to sustain his or her statement of error, (5) a clear, separate, and concise statement of every error alleged to have been committed, and (6) a statement setting forth the relief sought.

Pursuant to the provisions of chapter 43.21B RCW and chapter 173-226 WAC, any person who objects to the terms and conditions of this general permit as it applies to coverage for an individual discharger may file an appeal of that coverage, as specified above, within thirty days of the effective date of coverage of that discharger. Consideration of an appeal of this general permit coverage of an individual discharger is limited to the general permit's applicability or non-applicability to that same discharger. Appeal of this permit coverage of an individual discharger shall not affect any other individual dischargers. If the terms and conditions of this general permit are found to be inapplicable to any discharger(s), the matter shall be remanded to the department for consideration of issuance of an individual permit or permits.

**FURTHER INFORMATION:** The proposed general permit, fact sheet, Application for Coverage, small business economic impact statement and summary, responsiveness summary, and other related documents are on file and may be inspected and copied between the hours of 8:00 a.m. and 4:30 p.m., weekdays at the ecology location below. Copies of these documents will be sent to interested parties upon request. For further information contact: Steven Huber, General Permit Manager, Washington State Department of Ecology, Central Regional Office, 15 West Yakima Avenue, Suite 200, Yakima, WA 98902, phone (509) 454-7298, fax (509) 575-2809, e-mail shub461@ecy.wa.gov.

Ecology is an equal opportunity and affirmative action employer. For special accommodation needs or requirements for this document in an alternate format, please contact Steve Huber at (509) 454-7298 or TDD (only) (509) 454-7673.

### WSR 99-09-029

#### NOTICE OF PUBLIC MEETINGS ENERGY FACILITY SITE EVALUATION COUNCIL

[Memorandum—April 15, 1999]

#### NOTICE OF CHANGE OF PUBLIC MEETING DATES ENERGY FACILITY SITE EVALUATION COUNCIL

The following regular monthly meetings of the Energy Facility Site Evaluation Council (the council) are cancelled:

May 10, 1999

June 14, 1999

July 12, 1999

September 13, 1999

The following semimonthly meetings of the council's executive committee are cancelled:

May 3 and 17, 1999

June 7 and 21, 1999

July 5 and 19, 1999

September 6 and 20, 1999

The council's 1999 meeting schedule, published at WSR 98-24-020 remains the same in all other respects.

**WSR 99-09-030**

**NOTICE OF PUBLIC MEETINGS**

**PUBLIC EMPLOYEES BENEFITS BOARD**

[Memorandum—April 15, 1999]

Public Employees Benefits Board  
Lacey/Woodland Community Center

Lacey, Washington

1:00 p.m., April 20, 1999

If you are a person with a disability and need a special accommodation, please contact Judy Lamm at (360) 923-2828.

**WSR 99-09-031**

**NOTICE OF PUBLIC MEETINGS**

**DEPARTMENT OF AGRICULTURE**

(Beef Commission)

[Memorandum—April 14, 1999]

This is to notify you of a change in the date of May 1999 board meeting of the Washington State Beef Commission. The meeting has been changed to May 28, 1999, in Ellensburg, instead of May 20.

If there are questions, please contact (206) 444-2902.

**WSR 99-09-032**

**INTERPRETIVE AND POLICY STATEMENT**

**DEPARTMENT OF**

**LABOR AND INDUSTRIES**

[Filed April 15, 1999, 2:12 p.m.]

In accordance with RCW 34.05.230(12), the following policies and interpretive statements were recently issued by the department:

**WISHA Interim Operations Memorandum #99-1-A, "Accompanied Visits in Consultation,"** provides guidance on the use of accompanied visits.

Contact: Marcia Benn  
Mailstop 4-4648

(360) 902-5503

Dr. Michael Silverstein

Assistant Director

**WISHA Interim Operations Memorandum #99-1-B, "Decertification of Asbestos Abatement Contractors and Supervisors,"** describes the review process and provides guidance to WISHA enforcement staff with respect to the decertification of asbestos supervisors and asbestos abatement contractors.

Contact: Marcia Benn  
Mailstop 4-4648  
(360) 902-5503  
Dr. Michael Silverstein  
Assistant Director

**WISHA Interim Operations Memorandum #99-1-C, "Demolition of Buildings with Asbestos-Containing Materials,"** provides guidance to WISHA staff with respect to the demolition of buildings with Asbestos-containing materials.

Contact: Marcia Benn  
Mailstop 4-4648  
(360) 902-5503  
Dr. Michael Silverstein  
Assistant Director

**WISHA Interim Operations Memorandum #99-1-D, "Mechanical Removal of Asbestos-Containing Roofing Materials,"** provides guidance to WISHA enforcement and consultation staff regarding appropriate application of the standards to mechanized removal of asbestos-containing roofing materials.

Contact: Marcia Benn  
Mailstop 4-4648  
(360) 902-5503  
Dr. Michael Silverstein  
Assistant Director

**WISHA Interim Operations Memorandum #99-1-E, "Scaffolds and the Fall Protection Work Plan"** provides guidance to WISHA consultation and compliance staff regarding the appropriate application of the fall protection work plan requirements in relation to scaffolds.

Contact: Marcia Benn  
Mailstop 4-4648  
(360) 902-5503  
Dr. Michael Silverstein  
Assistant Director

**WISHA Interim Operations Memorandum #99-1-F, "Grouping WISHA Violations,"** has been developed because of recent questions and in the interest of ensuring that grouping is being approached in a consistent manner.

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Contact: Marcia Benn  
Mailstop 4-4648  
(360) 902-5503  
Dr. Michael Silverstein  
Assistant Director

**WISHA Interim Operations Memorandum #99-1-G, "Qualifications of Maritime Inspectors,"** provides guidance regarding the staff qualified to perform maritime inspections and consultations.

Contact: Marcia Benn  
Mailstop 4-4648  
(360) 902-5503  
Dr. Michael Silverstein  
Assistant Director

**WISHA Interim Operations Memorandum #99-1-H, "Charter Boat Safety Inspections,"** amends WISHA Interim Operations Memorandum #98-5-B and provides guidance to WISHA staff regarding the annual and biennial inspection procedures.

Contact: Marcia Benn  
Mailstop 4-4648  
(360) 902-5503  
Dr. Michael Silverstein  
Assistant Director

**WISHA Interim Operations Memorandum #99-1-I, "Enforcement Activity Related to Piers and Docks,"** provides guidance to WISHA consultation and enforcement staff in applying WAC 296-56-60117 and in determining when further action is needed.

Contact: Marcia Benn  
Mailstop 4-4648  
(360) 902-5503  
Dr. Michael Silverstein  
Assistant Director

**Construction Compliance Policy 99-001, "Infraction Issuance Procedure,"** was developed to assist agency construction compliance inspectors when issuing notices of infraction. To avoid any unnecessary hostile client incident during this process, our inspectors are instructed not to drop an infraction at the feet of a contractor or employee of a contractor is [if] service is refused.

Contact: Kevin Morris  
Mailstop 4-4450  
(360) 902-5578  
Patrick Woods  
Assistant Director

**Construction Compliance Policy 99-002, "Mobile/Manufactured Home Dealers and Manufacturer's Exemp-**

**tions,"** was developed to assist agency construction compliance inspectors in understanding the statutory exemption provided to manufactured home dealers and manufacturers. It is also intended to clarify the limitations of this exemption and identify the appropriate regulating statute, chapter 46.70 RCW, for warranty, service, and repairs relating to manufactured homes.

Contact: Kevin Morris  
Mailstop 4-4450  
(360) 902-5578  
Patrick Woods  
Assistant Director

If you have any questions or need additional information, please call 902-4216.

**WSR 99-09-033  
NOTICE OF PUBLIC MEETINGS  
WORKFORCE TRAINING AND  
EDUCATION COORDINATING BOARD**

[Memorandum—April 12, 1999]

August 12 and 13, 1999 Meeting Date Change for the Workforce Training and Education Coordinating Board (WTECB)

The August meeting of WTECB will be held on August 4 and 5, 1999, at the Skagit Valley College - Whidbey Island Branch instead of August 12 and 13, 1999, at the Spokane Intercollegiate Research and Technology Institute (SIRTI).

If you have any questions, call (360) 753-5677.

**WSR 99-09-042  
NOTICE OF PUBLIC MEETINGS  
WORKFORCE TRAINING AND  
EDUCATION COORDINATING BOARD**

[Memorandum—April 14, 1999]

MEETING NOTICE

WASHINGTON STATE  
WORKFORCE TRAINING AND EDUCATION COORDINATING  
BOARD

MEETING NO. 67  
APRIL 28, 1999

ASSOCIATION OF WASHINGTON BUSINESS  
1414 SOUTH CHERRY STREET  
OLYMPIA, WA 98507  
(360) 943-1600

April 27, 1999, 6:00 p.m. - 8:00 p.m., the Workforce Training and Education Coordinating Board will hold an informal dinner at Genoa's on the Bay on April 27, 1999. No action will be taken.

April 28, 1999, 8:00 a.m. - 4:00 p.m., the Workforce Training and Education Coordinating Board will hold its meeting on April 28, 1999, at the Association of Washington Business in Olympia, Washington.

The board will discuss and take action for advice to the governor on Workforce Development Councils: Roles and Responsibilities and take action and approve the Carl Perkins Vocational Technical Act of 1998-Transition Plan.

The board will discuss workforce development common indicators and the unified plan development.

The board will hear a legislative session update, a presentation from the Governor's Small Business Improvement Council and the Department of Social and Health Services, Vocational Rehabilitation Program.

The meeting site is barrier free. People needing special accommodations, please call Caroline Haggard at least ten days in advance at (360) 753-5677.

**WSR 99-09-046**  
**NOTICE OF PUBLIC MEETINGS**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**  
[Memorandum—April 14, 1999]

This is to advise you of the following change made to Walla Walla Community College's board of trustees meeting schedule:

Changed from: April 14, 1999, 10:30 a.m., Clarkston Campus.

Changed to: April 21, 1999, 10:30 a.m., Clarkston Campus.

If you have any questions on this information, please call (509) 527-4274.

**WSR 99-09-047**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND**  
**TRADE CENTER**  
[Memorandum—April 15, 1999]

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on Wednesday, April 21, 1999, at 1:30 p.m. in Room 307/308 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

**WSR 99-09-077**  
**NOTICE OF PUBLIC MEETINGS**  
**HIGHLINE COMMUNITY COLLEGE**  
[Memorandum—April 16, 1999]

This is a notification that the meeting of July 8, 1999, for the board of trustees of Community College District 9 has been changed to July 1, 1999. This meeting will be held in

Building 25 and begin with a study session at 8:00 a.m. followed by the regular meeting at 10:00 a.m. The board approved this date change at their April 15, 1999, meeting.

**WSR 99-09-079**  
**DEPARTMENT OF ECOLOGY**

[Filed April 20, 1999, 10:04 a.m.]

**PUBLIC NOTICE**  
**DRAFT SAND AND GRAVEL**  
**WASTEWATER GENERAL PERMIT AND**  
**PUBLIC HEARINGS - INFORMATION WORKSHOPS**

**Introduction:** The Washington State Department of Ecology (ecology) is hosting a series of public workshops and hearings on a proposal to reissue the sand and gravel general permit for wastewater discharges. The proposed permit would provide coverage for industries located in Washington state that discharge process water, mine dewatering water, and stormwater associated with sand and gravel operations, rock quarries, concrete batch plants, and asphalt batch plants. Under federal and state water quality law (Federal Clean Water Act and State Water Pollution Control Act), a permit is required for the discharge of wastewater.

The proposed general permit addresses these legal requirements and controls the discharge of pollutants to protect the water quality of ground and surface water in our state. A general permit is similar to an individual wastewater discharge permit except that it addresses a group of facilities as a whole. A single permit is developed that implements standard discharge treatment, monitoring, and reporting requirements for all permit holders covered under the general permit. Interested persons are encouraged to obtain a copy of the proposed permit and fact sheet and/or attend a workshop and hearing described below.

The proposed permit is similar to the current permit it will replace. The cost to small businesses will not significantly increase under the proposed permit. Based on data gathered under the existing permit, the proposed permit includes fewer pollutants to monitor but requires more frequent monitoring for turbidity in discharges to surface water. The revised permit adds coverage for portable facilities. Those facilities with activities designated by the following Standard Industrial Classification (SIC) codes are subject to coverage under the sand and gravel general permit:

- 0811 Timber Tracts (Sand & Gravel Point Source Activities)
- 1411 Dimension Stone
- 1422 Crushed and Broken Limestone
- 1423 Crushed and Broken Granite
- 1429 Crushed and Broken Stone, Not Elsewhere Classified
- 1442 Construction Sand and Gravel
- 1446 Industrial Sand
- 1455 Kaolin and Ball Clay
- 1459 Clay, Ceramic, and Refractory Minerals, Not Otherwise Classified

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- 1499 Miscellaneous Nonmetallic Minerals, Except Fuels
- 2411 Logging (Sand & Gravel Point Source Activities)
- 2951 Asphalt Paving Mixtures and Blocks
- 3273 Ready-Mixed Concrete

**General Permit Issuance:** Ecology expects to issue the revised general permit on July 1, 1999. The final permit may incorporate some changes based on the comments received but if changes represent a substantial departure from the scope or conditions in the draft permit, another public notice of draft and comment period will ensue. When issued, a copy of the notice of issuance and ecology's responses to the comments will be sent to all persons who submitted written comment or gave public testimony.

**How to Request Copies of the Proposed Permit:** Contact Keith Johnson at the address noted below, by telephone at (360) 407-6442, by fax at (360) 407-6426, by e-mail at [KJOH461@ecy.wa.gov](mailto:KJOH461@ecy.wa.gov), or downloaded from the Internet at <http://www.wa.gov/ecology/wq/sand/>.

**Written Comments:** Ecology is seeking public comment on the sand and gravel proposed general permit and fact sheet. When possible, comments should reference specific text followed by proposed modification or concern. Comments may address technical issues, accuracy and completeness of information, the scope of facilities proposed for coverage, adequacy of environmental protection and permit conditions, or any other concern that would result from issuance of this permit. If you wish to comment on the proposed permit, comments may be sent via the Internet from the sand and gravel web page listed above or you may send written comments to this address: Keith Johnson, Washington State Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600. Written comments must be postmarked by midnight, **Tuesday, June 15, 1999**. Comments may also be made by attending and testifying at a public hearing.

**Public Workshop and Hearing:** Four public workshops and hearings on the proposed permit are scheduled. The purpose of the workshop is to explain the general permit, answer questions, and discuss your ideas and concerns before formal testimony begins. The purpose of the hearing is to provide interested parties an opportunity to state - for the record - their opinions and comments on the proposed general permit. The information workshops will all begin at 1:30 p.m. and last until 3:00 p.m. The formal public hearing will begin at 3:00 p.m. The workshops and hearings will be held on the following dates at these locations

**June 7, 1999**

Washington State Dept. of Ecology  
Eastern Regional Office  
North 4601 Monroe, Suite 202  
Spokane, WA

**June 8, 1999**

Washington State Dept. of Ecology  
Central Regional Office  
15 West Yakima Avenue, Suite 200  
Yakima, WA

**June 11, 1999**

Washington State Dept. of Ecology  
Northwest Regional Office  
3190 160th Avenue S.E.  
Bellevue, WA

**June 14, 1999**

Washington State Dept. of Ecology  
Southwest Regional/HQ Office  
300 Desmond Drive  
Lacey, WA

Ecology is an equal opportunity agency. If you have special accommodation needs, desire directions for meeting locations, or require the fact sheet and proposed permit in an alternative format, please contact Keith Johnson at (360) 407-6442 or TDD at (360) 407-6006.

**Table of WAC Sections Affected**

**KEY TO TABLE**

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

**Suffixes:**

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

**WAC #** Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

**WSR #** Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4- 25-530	PREP	99-05-025	16- 54-016	REP	99-09-023	16- 86-030	AMD-P	99-03-087
4- 25-750	PREP	99-05-026	16- 54-018	NEW	99-09-023	16- 86-030	AMD	99-09-025
4- 25-780	PREP	99-05-027	16- 54-020	AMD-P	99-03-084	16- 86-040	AMD-P	99-03-087
16- 05-005	REP-P	99-05-022	16- 54-020	AMD	99-09-023	16- 86-040	AMD	99-09-025
16- 05-005	REP	99-08-039	16- 54-030	AMD-P	99-03-084	16- 86-055	AMD-P	99-03-087
16- 05-010	AMD-P	99-05-022	16- 54-030	AMD	99-09-023	16- 86-055	AMD	99-09-025
16- 05-010	AMD	99-08-039	16- 54-040	AMD-P	99-03-084	16- 86-060	AMD-P	99-03-087
16- 05-015	REP-P	99-05-022	16- 54-040	AMD	99-09-023	16- 86-060	AMD	99-09-025
16- 05-015	REP	99-08-039	16- 54-071	AMD-P	99-03-084	16- 86-070	AMD-P	99-03-087
16- 05-020	REP-P	99-05-022	16- 54-071	AMD	99-09-023	16- 86-070	AMD	99-09-025
16- 05-020	REP	99-08-039	16- 54-082	AMD-P	99-03-084	16- 86-080	AMD-P	99-03-087
16- 05-025	REP-P	99-05-022	16- 54-082	AMD	99-09-023	16- 86-080	AMD	99-09-025
16- 05-025	REP	99-08-039	16- 54-101	AMD-P	99-03-084	16- 86-090	AMD-P	99-03-087
16- 05-030	REP-P	99-05-022	16- 54-101	AMD	99-09-023	16- 86-090	AMD	99-09-025
16- 05-030	REP	99-08-039	16- 54-120	AMD-P	99-03-084	16- 86-092	AMD-P	99-03-087
16- 05-035	REP-P	99-05-022	16- 54-120	AMD	99-09-023	16- 86-092	AMD	99-09-025
16- 05-035	REP	99-08-039	16- 54-135	AMD-P	99-03-084	16- 86-093	REP-P	99-03-087
16- 05-040	AMD-P	99-05-022	16- 54-135	AMD	99-09-023	16- 86-093	REP	99-09-025
16- 05-040	AMD	99-08-039	16- 54-150	REP-P	99-03-084	16- 86-095	AMD-P	99-03-087
16- 05-045	REP-P	99-05-022	16- 54-150	REP	99-09-023	16- 86-095	AMD	99-09-025
16- 05-045	REP	99-08-039	16- 59	AMD-P	99-03-085	16- 86-100	REP-P	99-03-087
16- 19-010	NEW-P	99-07-116	16- 59-001	AMD-P	99-03-085	16- 86-100	REP	99-09-025
16- 19-015	NEW-P	99-07-116	16- 59-001	REP	99-09-024	16- 88-010	REP-XR	99-07-114
16- 19-020	NEW-P	99-07-116	16- 59-005	NEW	99-09-024	16- 88-020	REP-XR	99-07-114
16- 19-030	NEW-P	99-07-116	16- 59-010	AMD-P	99-03-085	16- 88-030	REP-XR	99-07-114
16- 19-100	NEW-P	99-07-116	16- 59-010	AMD	99-09-024	16- 88-040	REP-XR	99-07-114
16- 19-110	NEW-P	99-07-116	16- 59-020	AMD-P	99-03-085	16- 89-005	NEW-P	99-03-086
16- 19-120	NEW-P	99-07-116	16- 59-020	AMD	99-09-024	16- 89-005	NEW	99-09-026
16- 19-130	NEW-P	99-07-116	16- 59-030	AMD-P	99-03-085	16- 89-010	NEW-P	99-03-086
16- 19-140	NEW-P	99-07-116	16- 59-030	AMD	99-09-024	16- 89-010	NEW	99-09-026
16- 19-200	NEW-P	99-07-116	16- 59-060	AMD-P	99-03-085	16- 89-015	NEW-P	99-03-086
16- 19-210	NEW-P	99-07-116	16- 59-060	AMD	99-09-024	16- 89-015	NEW	99-09-026
16- 19-300	NEW-P	99-07-116	16- 59-070	REP-P	99-03-085	16- 89-020	NEW-P	99-03-086
16- 19-310	NEW-P	99-07-116	16- 59-070	REP	99-09-024	16- 89-020	NEW	99-09-026
16- 19-320	NEW-P	99-07-116	16- 86	AMD-P	99-03-087	16- 89-030	NEW-P	99-03-086
16- 19-330	NEW-P	99-07-116	16- 86-005	AMD-P	99-03-087	16- 89-030	NEW	99-09-026
16- 30	AMD-XA	99-07-115	16- 86-005	AMD	99-09-025	16- 89-040	NEW-P	99-03-086
16- 30-001	REP-XA	99-07-115	16- 86-015	AMD-P	99-03-087	16- 89-040	NEW	99-09-026
16- 30-010	AMD-XA	99-07-115	16- 86-015	AMD	99-09-025	16- 89-050	NEW-P	99-03-086
16- 30-100	REP-XA	99-07-115	16- 86-017	AMD-P	99-03-087	16- 89-050	NEW	99-09-026
16- 54-010	AMD-P	99-03-084	16- 86-017	AMD	99-09-025	16- 89-060	NEW-P	99-03-086
16- 54-010	AMD	99-09-023	16- 86-020	AMD-P	99-03-087	16- 89-060	NEW	99-09-026
16- 54-016	AMD-P	99-03-084	16- 86-020	AMD	99-09-025	16- 89-070	NEW-P	99-03-086

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16- 89-070	NEW	99-09-026	16-401-020	AMD-P	99-07-126	16-470-910	PREP	99-03-096
16- 89-080	NEW-P	99-03-086	16-401-021	NEW-P	99-07-126	16-470-910	AMD-P	99-07-125
16- 89-080	NEW	99-09-026	16-401-023	AMD-P	99-07-126	16-470-911	NEW-P	99-07-125
16- 89-090	NEW-P	99-03-086	16-401-025	AMD-P	99-07-126	16-470-915	PREP	99-03-096
16- 89-090	NEW	99-09-026	16-401-026	NEW-P	99-07-126	16-470-915	AMD-P	99-07-125
16- 89-100	NEW-P	99-03-086	16-401-030	AMD-P	99-07-126	16-470-916	NEW-P	99-07-125
16- 89-100	NEW	99-09-026	16-401-031	NEW-P	99-07-126	16-470-920	PREP	99-03-096
16- 89-110	NEW-P	99-03-086	16-401-040	AMD-P	99-07-126	16-470-920	AMD-P	99-07-125
16- 89-110	NEW	99-09-026	16-401-041	NEW-P	99-07-126	16-470-921	NEW-P	99-07-125
16- 89-120	NEW-P	99-03-086	16-401-050	AMD-P	99-07-126	16-481	PREP	99-03-090
16- 89-120	NEW	99-09-026	16-403	PREP	99-03-108	16-483	PREP	99-03-091
16-108	PREP	99-03-045	16-406-001	PREP	99-04-094	16-532-020	AMD-P	99-02-063
16-108-010	AMD-P	99-07-118	16-406-020	PREP	99-04-094	16-545-010	NEW	99-02-064
16-125	PREP	99-04-066	16-406-020	AMD-P	99-08-108	16-545-015	NEW	99-02-064
16-142	PREP	99-04-067	16-406-025	NEW-P	99-08-108	16-545-020	NEW	99-02-064
16-142-001	REP-P	99-09-095	16-406-030	PREP	99-04-094	16-545-030	NEW	99-02-064
16-142-010	REP-P	99-09-095	16-406-030	AMD-P	99-08-108	16-545-040	NEW	99-02-064
16-142-020	REP-P	99-09-095	16-406-050	PREP	99-04-094	16-545-041	NEW	99-02-064
16-142-030	REP-P	99-09-095	16-406-050	AMD-P	99-08-108	16-545-050	NEW	99-02-064
16-142-040	REP-P	99-09-095	16-412-010	REP-XR	99-08-112	16-545-080	NEW	99-02-064
16-142-050	REP-P	99-09-095	16-412-020	REP-XR	99-08-112	16-561-010	AMD-P	99-07-108
16-142-060	REP-P	99-09-095	16-412-030	REP-XR	99-08-112	16-561-130	NEW-P	99-07-108
16-142-100	NEW-P	99-09-095	16-412-040	REP-XR	99-08-112	16-575-015	NEW-P	99-06-070
16-142-110	NEW-P	99-09-095	16-412-050	REP-XR	99-08-112	16-604-010	REP	99-04-069
16-142-120	NEW-P	99-09-095	16-412-060	REP-XR	99-08-112	16-645-005	NEW-P	99-02-066
16-142-130	NEW-P	99-09-095	16-424-010	REP-XR	99-08-112	16-645-005	NEW	99-06-072
16-142-140	NEW-P	99-09-095	16-424-020	REP-XR	99-08-112	16-645-010	NEW-P	99-02-066
16-142-150	NEW-P	99-09-095	16-424-030	REP-XR	99-08-112	16-645-010	NEW	99-06-072
16-142-160	NEW-P	99-09-095	16-436	PREP	99-08-111	16-662-105	AMD-P	99-04-111
16-142-170	NEW-P	99-09-095	16-448	PREP	99-08-110	16-662-105	AMD	99-07-056
16-165-100	NEW-P	99-08-088	16-451-010	REP-XR	99-08-112	16-662-110	AMD-P	99-04-111
16-165-110	NEW-P	99-08-088	16-451-020	REP-XR	99-08-112	16-662-110	AMD	99-07-056
16-165-120	NEW-P	99-08-088	16-451-030	REP-XR	99-08-112	16-752	PREP	99-07-123
16-165-130	NEW-P	99-08-088	16-451-040	REP-XR	99-08-112	16-752-115	REP-XR	99-07-124
16-165-140	NEW-P	99-08-088	16-451-050	REP-XR	99-08-112	16-752-120	REP-XR	99-07-124
16-165-150	NEW-P	99-08-088	16-451-060	REP-XR	99-08-112	16-752-125	REP-XR	99-07-124
16-165-160	NEW-P	99-08-088	16-451-070	REP-XR	99-08-112	16-752-130	REP-XR	99-07-124
16-167-010	AMD-P	99-07-117	16-458	AMD-XA	99-08-113	16-752-135	REP-XR	99-07-124
16-167-020	AMD-P	99-07-117	16-458-004	REP-XA	99-08-113	16-752-140	REP-XR	99-07-124
16-167-030	AMD-P	99-07-117	16-458-075	AMD-XA	99-08-113	16-752-145	REP-XR	99-07-124
16-167-040	AMD-P	99-07-117	16-458-080	AMD-XA	99-08-113	16-752-146	REP-XR	99-07-124
16-167-050	AMD-P	99-07-117	16-458-085	AMD-XA	99-08-113	16-752-147	REP-XR	99-07-124
16-200-695	AMD-P	99-04-093	16-460-005	REP-XR	99-08-112	16-752-147	REP-XR	99-07-124
16-200-695	AMD	99-08-037	16-460-008	REP-XR	99-08-112	16-752-150	REP-XR	99-07-124
16-200-705	AMD-P	99-04-093	16-460-040	REP-XR	99-08-112	16-752-155	REP-XR	99-07-124
16-200-705	AMD	99-08-037	16-460-080	REP-XR	99-08-112	16-752-160	REP-XR	99-07-124
16-200-7061	AMD-P	99-04-093	16-460-100	REP-XR	99-08-112	16-752-165	REP-XR	99-07-124
16-200-7061	AMD	99-08-037	16-461	PREP	99-03-108	16-752-170	REP-XR	99-07-124
16-212	PREP	99-07-132	16-462	PREP	99-03-094	25- 12-010	REP-P	99-03-098
16-219-010	PREP	99-07-088	16-462	AMD-XA	99-07-127	25- 12-020	REP-P	99-03-098
16-219-016	PREP	99-07-086	16-462	AMD-XA	99-07-127	25- 12-030	REP-P	99-03-098
16-219-100	PREP	99-07-111	16-462-010	AMD-XA	99-07-127	25- 12-040	REP-P	99-03-098
16-219-105	PREP	99-07-111	16-462-015	AMD-XA	99-07-127	25- 12-050	REP-P	99-03-098
16-228-320	REP-XR	99-04-006	16-462-020	AMD-XA	99-07-127	25- 12-060	REP-P	99-03-098
16-228-320	REP	99-07-113	16-462-021	NEW-XA	99-07-127	25- 12-070	REP-P	99-03-098
16-228-330	REP-XR	99-04-006	16-462-022	NEW-XA	99-07-127	25- 12-110	NEW-P	99-03-098
16-228-330	REP	99-07-113	16-462-025	AMD-XA	99-07-127	25- 12-120	NEW-P	99-03-098
16-228-340	REP-XR	99-04-007	16-462-030	AMD-XA	99-07-127	25- 12-130	NEW-P	99-03-098
16-228-340	REP	99-07-112	16-462-035	AMD-XA	99-07-127	25- 12-140	NEW-P	99-03-098
16-230	PREP	99-07-087	16-462-045	REP-XA	99-07-127	25- 12-150	NEW-P	99-03-098
16-316-474	PREP	99-04-096	16-462-050	AMD-XA	99-07-127	25- 12-160	NEW-P	99-03-098
16-316-717	PREP	99-04-096	16-462-055	AMD-XA	99-07-127	25- 12-170	NEW-P	99-03-098
16-316-727	PREP	99-04-096	16-462-060	REP-XA	99-07-127	25- 12-180	NEW-P	99-03-098
16-319-041	PREP	99-04-095	16-470	PREP	99-03-092	50- 16-020	REP-XR	99-04-073
16-322	PREP	99-03-093	16-470-900	PREP	99-03-096	50- 16-020	REP	99-08-123
16-401	PREP	99-03-095	16-470-900	AMD-P	99-07-125	50- 16-025	REP-XR	99-04-073
16-401-019	AMD-P	99-07-126	16-470-905	PREP	99-03-096	50- 16-025	REP	99-08-123
			16-470-905	AMD-P	99-07-125	50- 16-030	REP-XR	99-04-073

Table

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
50- 16-030	REP	99-08-123	132H-169-040	NEW-P	99-05-018	132K-125-120	NEW-P	99-07-109
50- 16-035	REP	99-08-123	132H-169-050	NEW-P	99-05-018	132K-125-130	NEW-P	99-07-109
50- 16-040	REP-XR	99-04-073	132H-169-060	NEW-P	99-05-018	132K-125-140	NEW-P	99-07-109
50- 16-040	REP	99-08-123	132H-169-070	NEW-P	99-05-018	132K-125-150	NEW-P	99-07-109
50- 16-045	REP-XR	99-04-073	132H-169-080	NEW-P	99-05-018	132K-125-160	NEW-P	99-07-109
50- 16-045	REP	99-08-123	132H-169-090	NEW-P	99-05-018	132K-125-170	NEW-P	99-07-109
50- 16-050	REP-XR	99-04-073	132H-169-100	NEW-P	99-05-018	132K-125-180	NEW-P	99-07-109
50- 16-050	REP	99-08-123	132H-169-110	NEW-P	99-05-018	132K-125-190	NEW-P	99-07-109
50- 16-055	REP-XR	99-04-073	132H-169-120	NEW-P	99-05-018	132K-125-200	NEW-P	99-07-109
50- 16-055	REP	99-08-123	132H-169-130	NEW-P	99-05-018	132K-125-210	NEW-P	99-07-109
50- 16-060	REP-XR	99-04-073	132K- 16	PREP	99-04-028	132K-125-220	NEW-P	99-07-109
50- 16-060	REP	99-08-123	132K- 16-010	REP-P	99-07-109	132K-125-230	NEW-P	99-07-109
50- 16-065	REP-XR	99-04-073	132K- 16-020	REP-P	99-07-109	132K-125-240	NEW-P	99-07-109
50- 16-065	REP	99-08-123	132K- 16-030	REP-P	99-07-109	132K-125-250	NEW-P	99-07-109
50- 16-070	REP-XR	99-04-073	132K- 16-040	REP-P	99-07-109	132K-125-260	NEW-P	99-07-109
50- 16-070	REP	99-08-123	132K- 16-050	REP-P	99-07-109	132K-125-270	NEW-P	99-07-109
50- 16-075	REP-XR	99-04-073	132K- 16-060	REP-P	99-07-109	132K-125-280	NEW-P	99-07-109
50- 16-075	REP	99-08-123	132K- 16-070	REP-P	99-07-109	132K-125-290	NEW-P	99-07-109
50- 16-080	REP-XR	99-04-073	132K- 16-110	REP-P	99-07-109	132K-125-300	NEW-P	99-07-109
50- 16-080	REP	99-08-123	132K- 16-120	REP-P	99-07-109	132K-125-310	NEW-P	99-07-109
50- 16-085	REP-XR	99-04-073	132K- 16-130	REP-P	99-07-109	132K-125-320	NEW-P	99-07-109
50- 16-085	REP	99-08-123	132K- 16-140	REP-P	99-07-109	132K-125-330	NEW-P	99-07-109
50- 16-090	REP-XR	99-04-073	132K- 16-150	REP-P	99-07-109	132K-125-340	NEW-P	99-07-109
50- 16-090	REP	99-08-123	132K- 16-160	REP-P	99-07-109	132K-125-350	NEW-P	99-07-109
50- 16-095	REP-XR	99-04-073	132K- 16-170	REP-P	99-07-109	132K-125-360	NEW-P	99-07-109
50- 16-095	REP	99-08-123	132K- 16-180	REP-P	99-07-109	132K-125-370	NEW-P	99-07-109
50- 16-100	REP-XR	99-04-073	132K- 16-190	REP-P	99-07-109	132K-125-380	NEW-P	99-07-109
50- 16-100	REP	99-08-123	132K- 16-200	REP-P	99-07-109	132K-125-390	NEW-P	99-07-109
50- 16-105	REP-XR	99-04-073	132K- 16-210	REP-P	99-07-109	132K-125-400	NEW-P	99-07-109
50- 16-105	REP	99-08-123	132K- 16-220	REP-P	99-07-109	132K-125-410	NEW-P	99-07-109
50- 44-037	NEW-P	99-07-131	132K- 16-230	REP-P	99-07-109	132K-125-420	NEW-P	99-07-109
50- 44-039	NEW-P	99-07-131	132K- 16-240	REP-P	99-07-109	132K-125-430	NEW-P	99-07-109
51- 40-23110	REP-E	99-05-030	132K- 16-250	REP-P	99-07-109	132N-160	PREP	99-06-011
67- 55-040	AMD	99-05-005	132K- 16-260	REP-P	99-07-109	132P- 33-010	AMD-P	99-08-019
67- 55-060	AMD	99-05-005	132K- 16-270	REP-P	99-07-109	132P- 33-020	AMD-P	99-08-019
67- 75-010	AMD	99-05-005	132K- 16-280	REP-P	99-07-109	132P- 33-080	AMD-P	99-08-019
67- 75-020	AMD	99-05-005	132K- 16-290	REP-P	99-07-109	132P- 33-100	AMD-P	99-08-019
67- 75-030	AMD	99-05-005	132K- 16-300	REP-P	99-07-109	132P- 33-120	AMD-P	99-08-019
67- 75-040	AMD	99-05-005	132K- 16-310	REP-P	99-07-109	132P- 33-123	NEW-P	99-08-019
67- 75-042	AMD	99-05-005	132K- 16-320	REP-P	99-07-109	132P- 33-125	NEW-P	99-08-019
67- 75-044	AMD	99-05-005	132K- 16-330	REP-P	99-07-109	132P- 33-130	AMD-P	99-08-019
67- 75-050	AMD	99-05-005	132K- 16-340	REP-P	99-07-109	132P- 33-150	AMD-P	99-08-019
82- 50-021	AMD-XA	99-07-128	132K- 16-350	REP-P	99-07-109	132P- 33-155	NEW-P	99-08-019
130- 16	PREP	99-08-060	132K- 16-360	REP-P	99-07-109	132P- 33-160	AMD-P	99-08-019
131- 16-021	PREP	99-09-017	132K- 16-370	REP-P	99-07-109	132P- 33-170	AMD-P	99-08-019
131- 16-450	PREP	99-04-029	132K- 16-380	REP-P	99-07-109	132P- 33-210	AMD-P	99-08-019
131- 16-450	AMD-E	99-07-057	132K- 16-390	REP-P	99-07-109	132P- 33-220	AMD-P	99-08-019
131- 16-450	AMD-P	99-08-013	132K- 16-400	REP-P	99-07-109	132P- 33-230	AMD-P	99-08-019
131- 46	PREP	99-08-057	132K- 16-410	REP-P	99-07-109	132P- 33-260	AMD-P	99-08-019
132A	PREP	99-07-060	132K- 16-420	REP-P	99-07-109	132P- 33-270	AMD-P	99-08-019
132H-168-010	REP-P	99-05-018	132K- 16-430	REP-P	99-07-109	132P-276	PREP	99-05-041
132H-168-020	REP-P	99-05-018	132K- 16-440	REP-P	99-07-109	132Q- 12-010	REP-C	99-05-040
132H-168-030	REP-P	99-05-018	132K- 16-450	REP-P	99-07-109	132X- 10	PREP	99-06-032
132H-168-040	REP-P	99-05-018	132K- 16-460	REP-P	99-07-109	132X- 20	PREP	99-06-032
132H-168-050	REP-P	99-05-018	132K- 16-470	REP-P	99-07-109	132X- 30	PREP	99-06-032
132H-168-060	REP-P	99-05-018	132K- 16-480	REP-P	99-07-109	132X- 40	PREP	99-06-032
132H-168-070	REP-P	99-05-018	132K-125-010	NEW-P	99-07-109	132X- 50	PREP	99-06-032
132H-168-080	REP-P	99-05-018	132K-125-020	NEW-P	99-07-109	132X- 60	PREP	99-06-032
132H-168-090	REP-P	99-05-018	132K-125-030	NEW-P	99-07-109	136-130-050	AMD-P	99-09-084
132H-168-990	REP-P	99-05-018	132K-125-040	NEW-P	99-07-109	162- 16-020	REP-P	99-04-108
132H-168-9901	REP-P	99-05-018	132K-125-050	NEW-P	99-07-109	162- 16-030	REP-P	99-04-108
132H-168-9902	REP-P	99-05-018	132K-125-060	NEW-P	99-07-109	162- 16-040	REP-P	99-04-108
132H-168-9903	REP-P	99-05-018	132K-125-070	NEW-P	99-07-109	162- 16-050	REP-P	99-04-108
132H-169-010	NEW-P	99-05-018	132K-125-080	NEW-P	99-07-109	162- 16-060	REP-P	99-04-108
132H-169-020	NEW-P	99-05-018	132K-125-090	NEW-P	99-07-109	162- 16-070	REP-P	99-04-108
132H-169-030	NEW-P	99-05-018	132K-125-100	NEW-P	99-07-109	162- 16-080	REP-P	99-04-108
			132K-125-110	NEW-P	99-07-109	162- 16-090	REP-P	99-04-108

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
162- 16-100	REP-P	99-04-108	173- 26-110	AMD-P	99-08-124	180- 16-215	PREP	99-04-088
162- 16-110	REP-P	99-04-108	173- 26-120	AMD-P	99-08-124	180- 16-215	AMD-P	99-07-069
162- 16-120	REP-P	99-04-108	173- 26-170	NEW-P	99-08-124	180- 16-220	AMD-P	99-04-080
162- 16-130	REP-P	99-04-108	173- 26-180	NEW-P	99-08-124	180- 16-221	REP-XR	99-03-001
162- 16-140	REP-P	99-04-108	173- 26-190	NEW-P	99-08-124	180- 16-221	REP	99-07-054
162- 16-150	REP-P	99-04-108	173- 26-200	NEW-P	99-08-124	180- 16-222	REP-XR	99-03-001
162- 16-160	REP-P	99-04-108	173- 26-210	NEW-P	99-08-124	180- 16-222	REP	99-07-054
162- 16-170	REP-P	99-04-108	173- 26-220	NEW-P	99-08-124	180- 16-226	REP-XR	99-03-001
162- 16-200	NEW-P	99-04-108	173- 26-230	NEW-P	99-08-124	180- 16-226	REP	99-07-054
162- 16-210	NEW-P	99-04-108	173- 26-240	NEW-P	99-08-124	180- 16-231	REP-XR	99-03-001
162- 16-220	NEW-P	99-04-108	173- 26-250	NEW-P	99-08-124	180- 16-231	REP	99-07-054
162- 16-230	NEW-P	99-04-108	173- 26-260	NEW-P	99-08-124	180- 16-236	REP-XR	99-03-001
162- 16-240	NEW-P	99-04-108	173-201A	PREP	99-05-060	180- 16-236	REP	99-07-054
162- 16-250	NEW-P	99-04-108	173-202-020	AMD-E	99-07-077	180- 16-238	REP-XR	99-03-001
162- 16-260	NEW-P	99-04-108	173-202-020	AMD-E	99-09-001	180- 16-238	REP	99-07-054
162- 16-270	NEW-P	99-04-108	173-202-020	AMD-C	99-09-094	180- 16-240	REP-P	99-04-080
162- 16-280	NEW-P	99-04-108	173-400	PREP	99-07-093	180- 18-055	NEW-P	99-04-082
162- 16-290	NEW-P	99-04-108	173-400	PREP	99-09-093	180- 18-055	NEW-P	99-06-089
162- 22-010	AMD-P	99-04-108	173-400-030	AMD-XA	99-04-097	180- 20-011	NEW	99-08-004
162- 22-020	AMD-P	99-04-108	173-400-040	AMD-XA	99-04-097	180- 20-034	AMD	99-08-004
162- 22-025	NEW-P	99-04-108	173-400-060	AMD-XA	99-04-097	180- 20-035	REP	99-08-004
162- 22-030	REP-P	99-04-108	173-400-070	AMD-XA	99-04-097	180- 20-040	REP	99-08-004
162- 22-035	NEW-P	99-04-108	173-400-075	AMD-XA	99-04-097	180- 20-055	REP	99-08-004
162- 22-040	REP-P	99-04-108	173-400-104	AMD-XA	99-04-097	180- 20-060	REP	99-08-004
162- 22-045	NEW-P	99-04-108	173-400-115	AMD-XA	99-04-097	180- 20-070	REP	99-08-004
162- 22-050	REP-P	99-04-108	173-405	PREP	99-07-093	180- 20-075	REP	99-08-004
162- 22-060	REP-P	99-04-108	173-410	PREP	99-07-093	180- 20-080	REP	99-08-004
162- 22-065	NEW-P	99-04-108	173-425	AMD-P	99-07-110	180- 20-101	AMD	99-08-004
162- 22-070	REP-P	99-04-108	173-425-010	AMD-P	99-07-110	180- 20-111	AMD	99-08-004
162- 22-075	NEW-P	99-04-108	173-425-020	AMD-P	99-07-110	180- 20-115	AMD	99-08-004
162- 22-080	REP-P	99-04-108	173-425-030	AMD-P	99-07-110	180- 20-120	AMD	99-08-004
162- 22-090	AMD-P	99-04-108	173-425-040	AMD-P	99-07-110	180- 20-150	REP	99-08-004
162- 22-100	AMD-P	99-04-108	173-425-050	AMD-P	99-07-110	180- 22-150	PREP	99-04-083
162- 26-010	AMD-P	99-04-108	173-425-060	AMD-P	99-07-110	180- 22-150	AMD-P	99-07-065
162- 26-020	REP-P	99-04-108	173-425-070	AMD-P	99-07-110	180- 25	PREP	99-06-074
162- 26-030	REP-P	99-04-108	173-425-080	AMD-P	99-07-110	180- 26	PREP	99-06-080
162- 26-035	REP-P	99-04-108	173-425-090	REP-P	99-07-110	180- 27	PREP	99-06-079
162- 26-040	AMD-P	99-04-108	173-425-100	REP-P	99-07-110	180- 27-082	NEW-W	99-03-026
162- 26-050	REP-P	99-04-108	173-425-110	REP-P	99-07-110	180- 27-083	NEW-W	99-03-026
162- 26-060	AMD-P	99-04-108	173-433	PREP	99-07-093	180- 29	PREP	99-06-078
162- 26-070	AMD-P	99-04-108	173-434	PREP	99-07-093	180- 29-095	PREP	99-04-086
162- 26-080	AMD-P	99-04-108	173-532-085	NEW-S	99-08-125	180- 29-095	AMD-P	99-07-067
162- 26-090	REP-P	99-04-108	173-548	AMD-P	99-09-092	180- 31	PREP	99-06-077
162- 26-100	AMD-P	99-04-108	173-548-001	NEW-P	99-09-092	180- 32	PREP	99-06-076
162- 26-110	AMD-P	99-04-108	173-548-002	NEW-P	99-09-092	180- 33	PREP	99-06-075
162- 26-120	AMD-P	99-04-108	173-548-005	NEW-P	99-09-092	180- 40-215	PREP	99-04-084
162- 26-135	NEW-P	99-04-108	173-548-010	AMD-P	99-09-092	180- 40-215	AMD-P	99-07-064
162- 26-140	AMD-P	99-04-108	173-548-015	NEW-P	99-09-092	180- 41-035	PREP	99-04-090
162- 30-010	AMD-P	99-04-108	173-548-020	AMD-P	99-09-092	180- 41-035	AMD-P	99-07-073
162- 30-020	AMD-P	99-04-108	173-548-030	AMD-P	99-09-092	180- 51-050	AMD-P	99-04-081
162- 38-040	AMD-P	99-04-108	173-548-031	NEW-P	99-09-092	180- 51-107	NEW-P	99-04-082
162- 38-100	AMD-P	99-04-108	173-548-032	NEW-P	99-09-092	180- 51-107	NEW-P	99-06-089
162- 38-105	NEW-P	99-04-108	173-548-033	NEW-P	99-09-092	180- 51-110	PREP	99-04-091
162- 38-110	AMD-P	99-04-108	173-548-034	NEW-P	99-09-092	180- 51-110	AMD-P	99-07-072
162- 38-130	REP-P	99-04-108	173-548-035	NEW-P	99-09-092	180- 55-085	PREP	99-04-089
173- 16-010	REP-P	99-08-124	173-548-036	NEW-P	99-09-092	180- 55-085	AMD-P	99-07-068
173- 16-020	REP-P	99-08-124	173-548-037	NEW-P	99-09-092	180- 56-245	PREP	99-04-092
173- 16-030	REP-P	99-08-124	173-548-040	AMD-P	99-09-092	180- 56-245	AMD-P	99-07-071
173- 16-040	REP-P	99-08-124	173-548-050	AMD-P	99-09-092	180- 77A	PREP	99-04-046
173- 16-050	REP-P	99-08-124	173-548-060	AMD-P	99-09-092	180- 77A-028	AMD-P	99-07-049
173- 16-060	REP-P	99-08-124	173-548-070	AMD-P	99-09-092	180- 77A-029	AMD-P	99-07-049
173- 16-064	REP-P	99-08-124	173-548-075	NEW-P	99-09-092	180- 77A-080	NEW-P	99-07-049
173- 16-070	REP-P	99-08-124	173-548-076	NEW-P	99-09-092	180- 78-155	PREP	99-04-087
173- 16-200	REP-P	99-08-124	174-280-015	AMD-P	99-08-030	180- 78-155	AMD-P	99-07-070
173- 26-020	AMD-P	99-08-124	174-280-030	AMD-P	99-08-030	180- 78-207	PREP	99-04-087
173- 26-095	NEW-P	99-08-124	180- 08-015	NEW-P	99-04-079	180- 78-207	AMD-P	99-07-070
173- 26-100	AMD-P	99-08-124	180- 16-195	AMD-P	99-04-080	180- 78-210	PREP	99-04-087

Table

TABLE

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180- 78-210	AMD-P	99-07-070	182- 25-030	PREP	99-08-107	196- 24-100	PREP	99-02-072
180- 79A-223	PREP	99-06-038	182- 25-040	PREP	99-05-077	196- 25-040	PREP	99-02-074
180- 79A-300	AMD	99-06-006	182- 25-085	PREP	99-05-077	196- 26-020	PREP	99-02-070
180- 79A-380	PREP	99-04-085	182- 25-085	NEW-P	99-08-106	196- 26-020	AMD-P	99-08-132
180- 79A-380	AMD-P	99-07-066	182- 25-090	PREP	99-05-077	204- 10-020	AMD	99-09-049
180- 82	PREP	99-04-109	182- 25-090	AMD-P	99-08-106	204- 24-050	AMD	99-06-023
180- 82-002	NEW	99-04-008	182- 25-100	AMD	99-07-078	204- 32-020	AMD	99-09-021
180- 82-004	NEW	99-04-008	182- 25-105	AMD	99-07-078	204- 32-040	AMD	99-09-021
180- 82-105	NEW	99-04-008	182- 25-110	AMD	99-07-078	204- 32-060	AMD	99-09-021
180- 82-110	NEW	99-04-008	192- 04-170	AMD	99-08-073	204- 80-020	AMD	99-02-045
180- 82-115	NEW	99-04-008	192- 04-190	AMD	99-08-073	204- 90-140	AMD	99-09-049
180- 82-120	NEW	99-04-008	192- 12-005	REP	99-08-073	204- 96-010	NEW	99-09-048
180- 82-125	NEW	99-04-008	192- 12-072	REP-P	99-05-068	208-464-010	REP	99-03-009
180- 82-130	NEW	99-04-008	192- 12-141	REP	99-08-073	208-464-020	REP	99-03-009
180- 82-200	NEW	99-04-008	192- 12-150	REP	99-08-073	208-464-030	REP	99-03-009
180- 82-201	NEW	99-04-008	192- 12-182	REP	99-08-073	208-464-040	REP	99-03-009
180- 82-202	NEW	99-04-008	192- 12-330	AMD	99-08-073	208-464-050	REP	99-03-009
180- 82-204	NEW	99-04-008	192- 15-150	AMD	99-08-073	208-464-060	REP	99-03-009
180- 82-210	NEW	99-04-008	192- 16-051	REP-E	99-05-003	208-464-070	REP	99-03-009
180- 82-215	NEW	99-04-008	192- 16-052	REP-E	99-05-003	208-464-080	REP	99-03-009
180- 82-300	NEW	99-04-008	192- 16-057	REP-E	99-05-003	208-464-090	REP	99-03-009
180- 82-302	NEW-W	99-08-081	192- 23-002	REP	99-08-073	208-480-010	REP	99-03-009
180- 82-304	NEW	99-04-008	192- 23-013	REP	99-08-073	208-480-020	REP	99-03-009
180- 82-306	NEW-W	99-08-081	192- 23-018	REP	99-08-073	208-480-030	REP	99-03-009
180- 82-308	NEW	99-04-008	192- 24-001	REP	99-08-073	208-480-040	REP	99-03-009
180- 82-310	NEW	99-04-008	192- 24-010	REP	99-08-073	208-480-050	REP	99-03-009
180- 82-312	NEW	99-04-008	192- 24-020	REP	99-08-073	208-480-060	REP	99-03-009
180- 82-314	NEW	99-04-008	192- 24-030	REP-P	99-09-097	208-480-070	REP	99-03-009
180- 82-315	NEW-P	99-04-110	192-110-005	NEW	99-08-073	220- 16-225	AMD	99-08-029
180- 82-315	NEW	99-07-102	192-110-015	NEW	99-08-073	220- 32-05100J	NEW-E	99-04-059
180- 82-316	NEW	99-04-008	192-110-020	NEW	99-08-073	220- 32-05100J	REP-E	99-04-059
180- 82-317	NEW-P	99-04-110	192-110-050	NEW	99-08-073	220- 32-05100K	NEW-E	99-07-009
180- 82-317	NEW	99-07-102	192-120-001	NEW	99-08-073	220- 32-05100K	REP-E	99-07-009
180- 82-318	NEW	99-04-008	192-120-010	NEW	99-08-073	220- 32-05500T	REP-E	99-09-016
180- 82-319	NEW-P	99-04-110	192-120-020	NEW	99-08-073	220- 32-05500T	NEW-E	99-09-016
180- 82-319	NEW	99-07-102	192-120-030	NEW	99-08-073	220- 32-05700A	NEW-E	99-08-048
180- 82-320	NEW	99-04-008	192-120-035	NEW	99-08-073	220- 33-01000N	NEW-E	99-05-055
180- 82-321	NEW-P	99-04-110	192-120-040	NEW	99-08-073	220- 33-01000N	REP-E	99-05-055
180- 82-321	NEW	99-07-102	192-140-005	NEW	99-08-073	220- 33-01000P	NEW-E	99-06-031
180- 82-322	NEW	99-04-008	192-140-010	NEW	99-08-073	220- 33-01000P	REP-E	99-06-031
180- 82-324	NEW	99-04-008	192-140-020	NEW	99-08-073	220- 44-05000U	REP-E	99-08-045
180- 82-326	NEW	99-04-008	192-140-025	NEW	99-08-073	220- 44-05000V	NEW-E	99-08-045
180- 82-328	NEW	99-04-008	192-140-030	NEW	99-08-073	220- 44-08000A	NEW-E	99-03-008
180- 82-330	NEW	99-04-008	192-150-090	NEW	99-08-073	220- 48-01500I	NEW-E	99-08-011
180- 82-331	NEW	99-06-005	192-180-005	NEW-P	99-09-097	220- 52-04000I	NEW-E	99-09-035
180- 82-332	NEW	99-04-008	192-180-010	NEW-P	99-09-097	220- 52-04000I	REP-E	99-09-035
180- 82-334	NEW	99-04-008	192-180-015	NEW-P	99-09-097	220- 52-04600J	REP-E	99-08-048
180- 82-336	NEW	99-04-008	192-180-020	NEW-P	99-09-097	220- 52-04600K	REP-E	99-08-011
180- 82-338	NEW-W	99-08-081	192-180-025	NEW-P	99-09-097	220- 52-04600L	NEW-E	99-08-011
180- 82-339	NEW	99-04-008	192-180-030	NEW-P	99-09-097	220- 52-04600L	REP-E	99-09-035
180- 82-340	NEW-W	99-08-081	192-200-020	NEW	99-08-073	220- 52-04600M	NEW-E	99-09-035
180- 82-342	NEW	99-04-008	192-210-005	NEW-E	99-05-003	220- 52-04600M	REP-E	99-09-035
180- 82-343	NEW	99-04-008	192-210-010	NEW-E	99-05-003	220- 52-050	REP-E	99-04-053
180- 82-344	NEW	99-04-008	192-210-015	NEW-E	99-05-003	220- 52-07100I	REP-E	99-07-033
180- 82-346	NEW	99-04-008	192-300-050	NEW-P	99-05-068	220- 52-07100I	NEW-E	99-07-033
180- 82-348	NEW	99-04-008	192-320-050	NEW-P	99-05-068	220- 52-07100J	REP-E	99-08-010
180- 82-349	NEW-P	99-04-110	194- 22	PREP	99-07-005	220- 52-07100J	NEW-E	99-08-010
180- 82-349	NEW	99-07-102	196- 23	PREP	99-07-135	220- 52-07300J	REP-E	99-03-054
180- 82-350	NEW	99-04-008	196- 23	PREP	99-07-136	220- 52-07300K	NEW-E	99-03-054
180- 82-352	NEW	99-04-008	196- 24-058	PREP	99-07-134	220- 55-001	NEW	99-03-029
180- 82-354	NEW	99-04-008	196- 24-060	PREP	99-02-073	220- 55-005	AMD	99-03-029
180- 82-355	NEW	99-04-008	196- 24-085	PREP	99-02-071	220- 55-010	AMD	99-03-029
180- 82-356	NEW	99-04-008	196- 24-090	PREP	99-02-075	220- 55-015	AMD	99-03-029
180- 82-360	NEW	99-04-008	196- 24-092	PREP	99-02-076	220- 55-040	AMD	99-03-029
180- 82-362	NEW-W	99-08-081	196- 24-095	PREP	99-02-077	220- 55-050	AMD	99-03-029
180- 85-075	AMD-E	99-05-002	196- 24-097	PREP	99-02-078	220- 55-055	AMD	99-03-029
180- 85-075	PREP	99-06-039	196- 24-098	PREP	99-02-079	220- 55-05500A	NEW-E	99-06-007

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-55-060	AMD	99-03-029	220-130-050	AMD-P	99-05-075	230-02-145	NEW-P	99-08-094
220-55-065	AMD	99-03-029	220-130-060	AMD-P	99-05-075	230-02-400	REP-P	99-08-093
220-55-070	AMD	99-03-029	220-130-070	AMD-P	99-05-075	230-02-425	AMD-P	99-08-093
220-55-075	REP	99-03-029	220-130-080	NEW-P	99-05-075	230-04-022	AMD-P	99-08-093
220-55-100	AMD	99-03-029	222-08-035	AMD-C	99-09-078	230-04-140	AMD-P	99-08-093
220-55-105	AMD	99-03-029	222-10-020	NEW-E	99-07-075	230-04-203	AMD-P	99-08-093
220-55-110	AMD	99-03-029	222-10-020	NEW-E	99-08-078	230-04-204	AMD-P	99-08-093
220-55-115	AMD	99-03-029	222-10-020	NEW-C	99-09-078	230-04-207	NEW-P	99-08-093
220-55-120	AMD	99-03-029	222-10-030	NEW-C	99-09-078	230-08-027	NEW-P	99-08-093
220-55-125	AMD	99-03-029	222-10-040	AMD-E	99-07-075	230-08-040	AMD-P	99-08-093
220-55-155	REP	99-03-029	222-10-040	AMD-E	99-08-078	230-08-090	AMD-P	99-08-093
220-55-160	NEW	99-08-029	222-10-043	NEW-E	99-07-075	230-12-050	AMD-P	99-08-093
220-56-100	AMD	99-08-029	222-10-043	NEW-E	99-08-078	230-12-072	NEW-P	99-08-093
220-56-103	AMD	99-08-029	222-12-044	NEW-C	99-09-078	230-12-345	NEW-P	99-08-093
220-56-145	AMD	99-08-029	222-12-045	AMD-C	99-09-078	230-20-058	NEW	99-03-103
220-56-185	AMD	99-08-029	222-12-090	AMD-E	99-07-074	230-20-115	AMD-P	99-08-094
220-56-19100G	REP-E	99-05-061	222-12-090	AMD-E	99-08-077	230-20-125	AMD-P	99-08-094
220-56-19100G	NEW-E	99-05-061	222-12-090	AMD-C	99-09-078	230-20-230	AMD-P	99-08-094
220-56-255	AMD	99-08-029	222-16-010	AMD-E	99-07-075	230-20-242	AMD-P	99-08-094
220-56-267	NEW	99-08-029	222-16-010	AMD-E	99-08-078	230-40-010	AMD-P	99-08-093
220-56-270	AMD	99-08-029	222-16-010	AMD-C	99-09-078	230-40-015	AMD-P	99-08-093
220-56-27000E	NEW-E	99-07-007	222-16-030	AMD-E	99-07-074	230-40-030	AMD-P	99-08-093
220-56-28500S	NEW-E	99-07-006	222-16-030	AMD-E	99-08-077	230-40-050	AMD-P	99-08-093
220-56-28500S	REP-E	99-07-006	222-16-030	AMD-C	99-09-078	230-40-060	REP-P	99-08-093
220-56-30500D	NEW-E	99-09-014	222-16-050	AMD-E	99-07-075	230-40-070	AMD-P	99-08-093
220-56-310	AMD	99-08-029	222-16-050	AMD-E	99-08-078	230-40-120	AMD-P	99-08-093
220-56-320	AMD	99-08-029	222-16-050	AMD-C	99-09-078	230-40-125	AMD-P	99-08-093
220-56-330	AMD	99-08-029	222-16-080	AMD-E	99-07-075	230-40-125	REP-P	99-09-096
220-56-33000L	REP-E	99-08-011	222-16-080	AMD-E	99-08-078	230-40-125	AMD-P	99-09-096
220-56-33000M	NEW-E	99-08-011	222-16-088	NEW-E	99-07-075	230-40-130	AMD-P	99-08-093
220-56-33000M	REP-E	99-08-038	222-16-088	NEW-E	99-08-078	230-40-150	REP-P	99-08-093
220-56-33000N	NEW-E	99-08-038	222-20-010	AMD-C	99-09-078	230-40-160	REP-P	99-08-093
220-56-33000N	REP-E	99-08-058	222-20-015	NEW-C	99-09-078	230-40-200	AMD-P	99-08-093
220-56-33000P	NEW-E	99-08-058	222-20-020	AMD-C	99-09-078	230-40-225	AMD-P	99-08-093
220-56-350	AMD	99-08-029	222-20-070	AMD-C	99-09-078	230-40-400	AMD-P	99-08-093
220-56-35000V	REP-E	99-07-008	222-22-010	AMD-C	99-09-078	230-40-550	NEW-P	99-08-093
220-56-35000W	NEW-E	99-07-008	222-22-030	AMD-C	99-09-078	230-40-552	NEW-P	99-08-093
220-56-35000W	REP-E	99-09-034	222-22-035	NEW-C	99-09-078	230-40-554	NEW-P	99-08-093
220-56-35000X	NEW-E	99-08-047	222-22-040	AMD-C	99-09-078	230-40-556	NEW-P	99-08-093
220-56-35000Y	NEW-E	99-09-034	222-22-050	AMD-C	99-09-078	230-40-558	NEW-P	99-08-093
220-56-380	AMD	99-08-029	222-22-060	AMD-C	99-09-078	230-40-560	NEW-P	99-08-093
220-56-38000P	REP-E	99-07-008	222-22-065	NEW-C	99-09-078	230-40-562	NEW-P	99-08-093
220-56-38000Q	NEW-E	99-07-008	222-22-070	AMD-C	99-09-078	230-40-564	NEW-P	99-08-093
220-56-38000Q	REP-E	99-09-034	222-22-075	NEW-C	99-09-078	230-40-566	NEW-P	99-08-093
220-56-38000R	NEW-E	99-09-034	222-22-076	NEW-C	99-09-078	230-40-568	NEW-P	99-08-093
220-57-16000R	NEW-E	99-07-006	222-22-090	AMD-C	99-09-078	230-40-600	NEW-P	99-08-093
220-57-17500N	NEW-E	99-08-046	222-24-010	AMD-C	99-09-078	230-40-610	NEW-P	99-08-093
220-57-18700B	NEW-E	99-08-046	222-24-020	AMD-C	99-09-078	230-40-800	NEW-P	99-08-093
220-57-25500C	NEW-E	99-08-046	222-24-030	AMD-C	99-09-078	230-40-810	NEW-P	99-08-093
220-57-31000A	NEW-E	99-08-046	222-24-035	AMD-C	99-09-078	230-40-815	NEW-P	99-08-093
220-57-31500G	NEW-E	99-08-046	222-24-040	AMD-C	99-09-078	230-40-820	NEW-P	99-08-093
220-57-31900T	NEW-E	99-08-046	222-24-050	AMD-E	99-07-075	230-40-825	NEW-P	99-08-093
220-57-50500C	NEW-E	99-08-046	222-24-050	AMD-E	99-08-078	230-40-830	NEW-P	99-08-093
220-88A-07000	NEW-E	99-09-036	222-24-050	AMD-C	99-09-078	230-40-833	NEW-P	99-08-093
220-88A-08000	NEW-E	99-09-036	222-24-060	AMD-C	99-09-078	230-40-835	NEW-P	99-08-093
220-88B-010	REP-E	99-04-053	222-30-010	AMD-C	99-09-078	230-40-840	NEW-P	99-08-093
220-88B-020	REP-E	99-04-053	222-30-020	AMD-C	99-09-078	230-40-845	NEW-P	99-08-093
220-88B-030	REP-E	99-04-053	222-30-040	AMD-E	99-07-075	230-40-850	NEW-P	99-08-093
220-88B-040	REP-E	99-04-053	222-30-040	AMD-E	99-08-078	230-40-855	NEW-P	99-08-093
220-88B-050	REP-E	99-04-053	222-30-070	AMD-C	99-09-078	230-40-860	NEW-P	99-08-093
220-110-204	AMD-XA	99-05-023	222-38-020	AMD-C	99-09-078	230-40-865	NEW-P	99-08-093
220-110-205	AMD-XA	99-05-023	222-38-030	AMD-C	99-09-078	230-40-870	NEW-P	99-08-093
220-130	AMD-P	99-05-075	222-46-055	NEW-C	99-09-078	230-40-875	NEW-P	99-08-093
220-130-010	AMD-P	99-05-075	222-46-060	AMD-C	99-09-078	230-40-880	NEW-P	99-08-093
220-130-020	AMD-P	99-05-075	222-46-065	AMD-C	99-09-078	230-40-885	NEW-P	99-08-093
220-130-030	AMD-P	99-05-075	230-02-109	NEW-P	99-08-093	230-40-890	NEW-P	99-08-093
220-130-040	AMD-P	99-05-075	230-02-110	AMD-P	99-08-093	230-40-900	REP-P	99-08-093

Table

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
230-50-010	AMD-P	99-08-093	236-47-017	REP	99-06-001	246-217-030	REP-P	99-08-097
232-12-001	AMD	99-03-029	240-10-030	AMD-P	99-08-109	246-217-035	NEW-P	99-08-097
232-12-001	AMD	99-08-029	245-02-010	DECOD	99-04-049	246-217-040	REP-P	99-08-097
232-12-017	AMD	99-08-024	245-02-020	DECOD	99-04-049	246-217-045	NEW-P	99-08-097
232-12-01701	AMD	99-08-024	245-02-025	DECOD	99-04-049	246-217-050	REP-P	99-08-097
232-12-018	AMD	99-08-029	245-02-030	DECOD	99-04-049	246-217-060	AMD-P	99-08-097
232-12-047	AMD-P	99-05-064	245-02-035	DECOD	99-04-049	246-217-070	AMD-P	99-08-097
232-12-054	AMD-P	99-05-064	245-02-040	DECOD	99-04-049	246-221-265	AMD	99-05-013
232-12-069	REP	99-03-029	245-02-045	DECOD	99-04-049	246-221-280	AMD	99-05-012
232-12-072	NEW	99-03-029	245-02-050	DECOD	99-04-049	246-222-030	AMD	99-05-012
232-12-157	AMD	99-03-029	245-02-100	DECOD	99-04-049	246-243-040	AMD	99-05-012
232-12-166	AMD	99-03-029	245-02-110	DECOD	99-04-049	246-243-090	AMD	99-05-012
232-12-189	AMD	99-03-029	245-02-115	DECOD	99-04-049	246-254-053	AMD-P	99-09-099
232-12-241	REP	99-03-029	245-02-120	DECOD	99-04-049	246-254-070	AMD-P	99-07-120
232-12-31500F	NEW-E	99-08-063	245-02-125	DECOD	99-04-049	246-254-080	AMD-P	99-07-120
232-12-619	AMD	99-03-029	245-02-130	DECOD	99-04-049	246-254-090	AMD-P	99-07-120
232-12-619	AMD	99-08-029	245-02-131	DECOD	99-04-049	246-254-100	AMD-P	99-07-120
232-12-830	NEW	99-03-029	245-02-135	DECOD	99-04-049	246-282-990	AMD-P	99-07-120
232-16-810	AMD-P	99-05-063	245-02-140	DECOD	99-04-049	246-290-001	AMD	99-07-021
232-21-101	REP	99-05-024	245-02-145	DECOD	99-04-049	246-290-002	NEW	99-07-021
232-28-02201	AMD-P	99-05-063	245-02-150	DECOD	99-04-049	246-290-010	AMD	99-07-021
232-28-02203	AMD-P	99-05-063	245-02-155	DECOD	99-04-049	246-290-020	AMD	99-07-021
232-28-02204	AMD-P	99-05-063	245-02-160	DECOD	99-04-049	246-290-025	AMD	99-07-021
232-28-02205	AMD-P	99-05-063	245-02-165	DECOD	99-04-049	246-290-030	AMD	99-07-021
232-28-02240	AMD-P	99-05-063	245-02-170	DECOD	99-04-049	246-290-035	NEW	99-07-021
232-28-248	AMD-P	99-05-063	245-02-175	DECOD	99-04-049	246-290-040	AMD	99-07-021
232-28-264	AMD-P	99-05-063	245-02-180	DECOD	99-04-049	246-290-050	AMD	99-07-021
232-28-271	AMD-P	99-05-063	246-05-001	REP	99-03-062	246-290-060	AMD	99-07-021
232-28-273	AMD-P	99-05-063	246-05-010	REP	99-03-062	246-290-100	AMD	99-07-021
232-28-280	AMD-P	99-05-063	246-05-020	REP	99-03-063	246-290-105	NEW	99-07-021
232-28-281	AMD-P	99-05-063	246-05-030	REP	99-03-062	246-290-110	AMD	99-07-021
232-28-619	AMD	99-08-029	246-25	PREP	99-04-050	246-290-115	REP	99-07-021
232-28-61900B	NEW-E	99-04-060	246-25-010	RECOD	99-04-049	246-290-120	AMD	99-07-021
232-28-61900B	REP-E	99-04-060	246-25-020	RECOD	99-04-049	246-290-125	NEW	99-07-021
232-28-61900C	NEW-E	99-06-020	246-25-025	RECOD	99-04-049	246-290-130	AMD	99-07-021
232-28-61900D	NEW-E	99-07-006	246-25-030	RECOD	99-04-049	246-290-132	NEW	99-07-021
232-28-61900D	REP-E	99-07-006	246-25-035	RECOD	99-04-049	246-290-135	AMD	99-07-021
232-28-61900E	NEW-E	99-08-046	246-25-040	RECOD	99-04-049	246-290-140	AMD	99-07-021
232-28-61900E	REP-E	99-08-046	246-25-045	RECOD	99-04-049	246-290-200	AMD	99-07-021
232-28-61900F	REP-E	99-09-015	246-25-050	RECOD	99-04-049	246-290-220	AMD	99-07-021
232-28-61900F	NEW-E	99-09-015	246-25-100	RECOD	99-04-049	246-290-221	NEW	99-07-021
232-32-010	REP-P	99-05-076	246-25-110	RECOD	99-04-049	246-290-222	NEW	99-07-021
232-32-020	REP-P	99-05-076	246-25-115	RECOD	99-04-049	246-290-230	AMD	99-07-021
232-32-030	REP-P	99-05-076	246-25-120	RECOD	99-04-049	246-290-235	NEW	99-07-021
232-32-040	REP-P	99-05-076	246-25-125	RECOD	99-04-049	246-290-240	REP	99-07-021
232-32-050	REP-P	99-05-076	246-25-130	RECOD	99-04-049	246-290-250	AMD	99-07-021
232-32-060	REP-P	99-05-076	246-25-131	RECOD	99-04-049	246-290-300	AMD	99-07-021
232-32-070	REP-P	99-05-076	246-25-135	RECOD	99-04-049	246-290-310	AMD	99-07-021
236-12-065	PREP	99-08-086	246-25-140	RECOD	99-04-049	246-290-320	AMD	99-07-021
236-12-470	PREP	99-08-086	246-25-145	RECOD	99-04-049	246-290-330	REP	99-07-021
236-12-500	PREP	99-08-086	246-25-150	RECOD	99-04-049	246-290-410	REP	99-07-021
236-47-001	REP	99-06-001	246-25-155	RECOD	99-04-049	246-290-415	NEW	99-07-021
236-47-002	REP	99-06-001	246-25-160	RECOD	99-04-049	246-290-416	NEW	99-07-021
236-47-003	REP	99-06-001	246-25-165	RECOD	99-04-049	246-290-420	AMD	99-07-021
236-47-004	REP	99-06-001	246-25-170	RECOD	99-04-049	246-290-430	REP	99-07-021
236-47-005	REP	99-06-001	246-25-175	RECOD	99-04-049	246-290-440	REP	99-07-021
236-47-006	REP	99-06-001	246-25-180	RECOD	99-04-049	246-290-451	NEW	99-07-021
236-47-007	REP	99-06-001	246-100-042	AMD-XA	99-06-091	246-290-455	NEW	99-07-021
236-47-008	REP	99-06-001	246-205-990	AMD-P	99-07-120	246-290-460	AMD	99-07-021
236-47-009	REP	99-06-001	246-217-001	REP-P	99-08-097	246-290-470	AMD	99-07-021
236-47-010	REP	99-06-001	246-217-002	REP-P	99-08-097	246-290-480	AMD	99-07-021
236-47-011	REP	99-06-001	246-217-005	NEW-P	99-08-097	246-290-490	AMD	99-07-021
236-47-012	REP	99-06-001	246-217-010	AMD-P	99-08-097	246-290-495	NEW	99-07-021
236-47-013	REP	99-06-001	246-217-011	REP-P	99-08-097	246-290-601	AMD	99-07-021
236-47-014	REP	99-06-001	246-217-015	NEW-P	99-08-097	246-290-610	REP	99-07-021
236-47-015	REP	99-06-001	246-217-020	REP-P	99-08-097	246-290-620	AMD	99-07-021
236-47-016	REP	99-06-001	246-217-025	NEW-P	99-08-097	246-290-630	AMD	99-07-021

TABLE



Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-359-310	NEW	99-03-065	246-811-045	NEW-P	99-09-100	246-919-640	NEW-P	99-07-121
246-359-320	NEW	99-03-065	246-811-046	NEW-P	99-09-100	246-922-010	AMD-P	99-08-100
246-359-330	NEW	99-03-065	246-811-047	NEW-P	99-09-100	246-922-090	REP-P	99-08-100
246-359-340	NEW	99-03-065	246-811-048	NEW-P	99-09-100	246-922-100	AMD-P	99-08-100
246-359-350	NEW	99-03-065	246-811-049	NEW-P	99-09-100	246-924-180	AMD-P	99-09-101
246-359-400	NEW	99-03-065	246-811-070	NEW-P	99-09-100	246-924-230	AMD-P	99-09-101
246-359-405	NEW	99-03-065	246-811-075	NEW-P	99-09-100	246-924-240	AMD-P	99-09-101
246-359-410	NEW	99-03-065	246-811-080	NEW-P	99-09-100	246-924-250	AMD-P	99-09-101
246-359-420	NEW	99-03-065	246-811-990	NEW-P	99-09-100	246-924-300	AMD-P	99-09-101
246-359-430	NEW	99-03-065	246-817-990	AMD-P	99-02-057	246-924-330	AMD-P	99-09-101
246-359-440	NEW	99-03-065	246-817-990	AMD	99-08-101	246-924-340	REP-P	99-09-101
246-359-500	NEW	99-03-065	246-822-990	AMD-P	99-02-057	246-924-990	AMD-P	99-02-057
246-359-510	NEW	99-03-065	246-822-990	AMD	99-08-101	246-924-990	AMD	99-08-101
246-359-520	NEW	99-03-065	246-828-045	NEW	99-08-102	246-926-990	AMD-P	99-02-057
246-359-530	NEW	99-03-065	246-828-105	AMD-XA	99-08-096	246-926-990	AMD	99-08-101
246-359-540	NEW	99-03-065	246-828-110	REP	99-07-020	246-928-990	AMD-P	99-02-057
246-359-550	NEW	99-03-065	246-828-120	REP	99-07-020	246-928-990	AMD	99-08-101
246-359-560	NEW	99-03-065	246-828-130	REP	99-07-020	246-930-499	REP	99-07-018
246-359-565	NEW	99-03-065	246-828-140	REP	99-07-020	246-930-990	AMD-P	99-02-057
246-359-570	NEW	99-03-065	246-828-150	REP	99-07-020	246-930-990	AMD	99-08-101
246-359-575	NEW	99-03-065	246-828-160	REP	99-07-020	246-935-140	REP-XR	99-02-080
246-359-580	NEW	99-03-065	246-828-170	REP	99-07-020	250- 61-060	AMD	99-06-022
246-359-590	NEW	99-03-065	246-828-180	REP	99-07-020	250- 61-090	AMD	99-06-021
246-359-600	NEW	99-03-065	246-828-190	REP	99-07-020	251- 01-014	NEW-P	99-02-054
246-359-700	NEW	99-03-065	246-828-200	REP	99-07-020	251- 01-014	NEW	99-05-042
246-359-710	NEW	99-03-065	246-828-210	REP	99-07-020	251- 01-015	AMD-P	99-02-054
246-359-720	NEW	99-03-065	246-828-230	REP	99-07-020	251- 01-015	AMD	99-05-042
246-359-730	NEW	99-03-065	246-828-240	REP	99-07-020	251- 01-040	AMD-P	99-02-054
246-359-740	NEW	99-03-065	246-828-250	REP	99-07-020	251- 01-040	AMD	99-05-042
246-359-750	NEW	99-03-065	246-828-260	REP	99-07-020	251- 01-190	AMD-P	99-02-054
246-359-760	NEW	99-03-065	246-828-290	AMD	99-08-103	251- 01-190	AMD	99-05-042
246-359-800	NEW	99-03-065	246-828-310	REP	99-07-020	251- 01-330	REP-P	99-02-054
246-359-990	NEW	99-03-065	246-828-340	REP	99-07-019	251- 01-330	REP	99-05-042
246-560-001	AMD	99-03-043	246-830-990	AMD-P	99-02-057	251- 01-400	AMD-P	99-02-054
246-560-002	NEW	99-03-043	246-830-990	AMD	99-08-101	251- 01-400	AMD	99-05-042
246-560-010	AMD	99-03-043	246-834-050	NEW	99-03-064	251- 01-420	REP-P	99-02-054
246-560-011	NEW	99-03-043	246-834-060	AMD	99-03-064	251- 01-420	REP	99-05-042
246-560-025	NEW	99-03-043	246-834-070	AMD	99-03-064	251- 01-440	AMD-P	99-02-054
246-560-035	NEW	99-03-043	246-834-080	AMD	99-03-064	251- 01-440	AMD	99-05-042
246-560-040	AMD	99-03-043	246-834-990	PREP	99-06-090	251- 17-090	AMD-P	99-02-054
246-560-045	NEW	99-03-043	246-838-040	REP	99-08-104	251- 17-090	AMD	99-05-042
246-560-050	AMD	99-03-043	246-840-020	AMD-P	99-06-092	251- 23-010	AMD-P	99-02-054
246-560-060	AMD	99-03-043	246-840-050	AMD-P	99-08-099	251- 23-010	AMD	99-05-042
246-560-065	NEW	99-03-043	246-840-070	AMD-P	99-08-099	251- 23-030	AMD-P	99-02-054
246-560-070	REP	99-03-043	246-840-090	AMD-P	99-08-099	251- 23-030	AMD	99-05-042
246-560-075	NEW	99-03-043	246-840-125	PREP	99-03-066	251- 23-040	AMD-P	99-02-054
246-560-077	NEW	99-03-043	246-840-740	NEW	99-04-051	251- 23-040	AMD	99-05-042
246-560-085	NEW	99-03-043	246-843-060	REP	99-03-069	251- 23-050	AMD-P	99-02-054
246-802-990	AMD-P	99-02-057	246-843-200	REP	99-03-068	251- 23-050	AMD	99-05-042
246-802-990	AMD	99-08-101	246-843-220	REP	99-03-067	251- 23-060	AMD-P	99-02-054
246-808-101	REP-XR	99-03-061	246-843-225	REP	99-03-067	251- 23-060	AMD	99-05-042
246-808-301	REP-XR	99-03-061	246-845-990	AMD-P	99-02-057	251- 24-030	AMD-P	99-02-054
246-808-320	REP-XR	99-03-061	246-845-990	AMD	99-08-101	251- 24-030	AMD	99-05-042
246-808-330	REP-XR	99-03-061	246-847-990	AMD-P	99-02-057	251- 24-040	AMD-W	99-05-058
246-808-340	REP-XR	99-03-061	246-847-990	AMD	99-08-101	260- 24-560	AMD	99-05-048
246-808-350	REP-XR	99-03-061	246-849-990	AMD-P	99-02-057	260- 44-110	AMD-P	99-02-082
246-808-360	REP-XR	99-03-061	246-849-990	AMD	99-08-101	260- 44-110	AMD	99-05-049
246-808-370	REP-XR	99-03-061	246-850-060	NEW-P	99-03-083	260- 44-120	AMD-P	99-02-082
246-808-380	REP-XR	99-03-061	246-850-060	NEW	99-07-122	260- 44-120	AMD	99-05-049
246-808-390	REP-XR	99-03-061	246-851-990	AMD-P	99-02-057	260- 48-600	AMD-P	99-02-081
246-808-640	REP-XR	99-03-061	246-851-990	AMD	99-08-101	260- 48-600	AMD	99-06-026
246-808-990	AMD-P	99-02-057	246-915-990	AMD-P	99-02-057	260- 48-620	AMD-P	99-02-081
246-808-990	AMD	99-08-101	246-915-990	AMD	99-08-101	260- 48-620	AMD	99-06-026
246-810-990	AMD-P	99-02-057	246-918-115	NEW-P	99-07-121	260- 48-700	NEW-P	99-02-081
246-810-990	AMD	99-08-101	246-918-116	NEW-P	99-07-121	260- 48-700	NEW	99-06-026
246-811-010	NEW-P	99-09-100	246-918-990	AMD-P	99-06-093	260- 48-710	NEW-P	99-02-081
246-811-030	NEW-P	99-09-100	246-919-630	NEW-P	99-07-121	260- 48-710	NEW	99-06-026

TABLE

### Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
260- 48-720	NEW-P	99-02-081	296- 17	PREP	99-07-100	296- 54-51110	NEW-P	99-08-072
260- 48-720	NEW	99-06-026	296- 17-900	AMD-E	99-04-106	296- 54-51120	NEW-P	99-08-072
260- 48-910	NEW-P	99-02-081	296- 20-135	AMD-P	99-05-079	296- 54-51130	NEW-P	99-08-072
260- 48-910	NEW	99-06-026	296- 23-220	AMD-P	99-05-079	296- 54-51140	NEW-P	99-08-072
260- 52-070	AMD	99-05-047	296- 23-230	AMD-P	99-05-079	296- 54-51150	NEW-P	99-08-072
260- 75	PREP	99-03-014	296- 24	PREP	99-02-083	296- 54-51160	NEW-P	99-08-072
275- 27-020	AMD	99-04-071	296- 24	PREP	99-04-057	296- 54-51170	NEW-P	99-08-072
275- 27-180	NEW	99-04-071	296- 24	PREP	99-08-070	296- 54-51180	NEW-P	99-08-072
275- 27-185	NEW	99-04-071	296- 24-58503	AMD	99-05-080	296- 54-51190	NEW-P	99-08-072
275- 27-190	NEW	99-04-071	296- 24-58505	AMD	99-05-080	296- 54-513	AMD-P	99-08-072
275- 27-191	NEW	99-04-071	296- 27	PREP	99-02-083	296- 54-515	AMD-P	99-08-072
275- 27-192	NEW	99-04-071	296- 27	PREP	99-08-069	296- 54-51510	NEW-P	99-08-072
275- 27-193	NEW	99-04-071	296- 28	PREP	99-02-083	296- 54-51520	NEW-P	99-08-072
275- 27-194	NEW	99-04-071	296- 30-020	AMD	99-07-004	296- 54-51530	NEW-P	99-08-072
275- 27-195	NEW	99-04-071	296- 30-025	REP	99-07-004	296- 54-517	AMD-P	99-08-072
275- 27-196	NEW	99-04-071	296- 30-060	AMD	99-07-004	296- 54-519	AMD-P	99-08-072
275- 27-197	NEW	99-04-071	296- 30-081	AMD	99-07-004	296- 54-521	AMD-P	99-08-072
275- 27-198	NEW	99-04-071	296- 30-900	AMD	99-07-004	296- 54-523	AMD-P	99-08-072
275- 27-199	NEW	99-04-071	296- 31-040	AMD	99-07-004	296- 54-525	REP-P	99-08-072
275- 27-200	NEW	99-04-071	296- 31-071	AMD	99-07-004	296- 54-527	AMD-P	99-08-072
275- 27-202	NEW	99-04-071	296- 31-072	AMD	99-07-004	296- 54-529	AMD-P	99-08-072
275- 27-204	NEW	99-04-071	296- 31-073	AMD	99-07-004	296- 54-531	AMD-P	99-08-072
275- 27-211	NEW	99-04-071	296- 31-075	AMD	99-07-004	296- 54-533	AMD-P	99-08-072
275- 27-212	NEW	99-04-071	296- 31-080	AMD	99-07-004	296- 54-535	AMD-P	99-08-072
275- 27-213	NEW	99-04-071	296- 31-085	NEW	99-07-004	296- 54-537	AMD-P	99-08-072
275- 30-010	AMD	99-03-077	296- 31-100	REP	99-07-004	296- 54-539	AMD-P	99-08-072
275- 30-030	AMD	99-03-077	296- 32	PREP	99-02-083	296- 54-53910	NEW-P	99-08-072
275- 30-040	AMD	99-03-077	296- 32	PREP	99-04-057	296- 54-53920	NEW-P	99-08-072
275- 30-050	REP	99-03-077	296- 36	PREP	99-02-083	296- 54-53930	NEW-P	99-08-072
275- 30-060	AMD	99-03-077	296- 36	PREP	99-06-040	296- 54-53940	NEW-P	99-08-072
275- 30-070	AMD	99-03-077	296- 37	PREP	99-02-083	296- 54-541	AMD-P	99-08-072
275- 30-080	REP	99-03-077	296- 45	PREP	99-02-083	296- 54-543	AMD-P	99-08-072
284- 43	AMD-C	99-03-037	296- 45-015	AMD-XA	99-04-078	296- 54-545	AMD-P	99-08-072
284- 43	AMD-C	99-03-038	296- 45-015	AMD	99-09-080	296- 54-547	AMD-P	99-08-072
284- 43-130	AMD-P	99-03-006	296- 45-045	AMD-XA	99-04-078	296- 54-54710	NEW-P	99-08-072
284- 43-130	AMD-P	99-03-007	296- 45-045	AMD	99-09-080	296- 54-54720	NEW-P	99-08-072
284- 43-810	NEW-P	99-03-006	296- 45-17550	AMD-XA	99-04-078	296- 54-54730	NEW-P	99-08-072
284- 43-810	NEW-P	99-03-007	296- 45-17550	AMD	99-09-080	296- 54-54740	NEW-P	99-08-072
286- 26-100	PREP	99-08-092	296- 45-215	AMD-XA	99-04-078	296- 54-54750	NEW-P	99-08-072
286- 26-100	AMD-P	99-08-114	296- 45-215	AMD	99-09-080	296- 54-54760	NEW-P	99-08-072
292-100-005	NEW	99-06-073	296- 45-325	AMD-XA	99-04-078	296- 54-549	AMD-P	99-08-072
292-100-006	NEW	99-06-073	296- 45-325	AMD	99-09-080	296- 54-551	AMD-P	99-08-072
292-100-007	NEW	99-06-073	296- 45-455	AMD-XA	99-04-078	296- 54-553	AMD-P	99-08-072
292-100-010	AMD	99-06-073	296- 45-455	AMD	99-09-080	296- 54-555	AMD-P	99-08-072
292-100-020	AMD	99-06-073	296- 45-901	AMD-XA	99-04-078	296- 54-557	AMD-P	99-08-072
292-100-030	AMD	99-06-073	296- 45-901	AMD	99-09-080	296- 54-55710	NEW-P	99-08-072
292-100-040	AMD	99-06-073	296- 46-090	AMD	99-05-052	296- 54-55720	NEW-P	99-08-072
292-100-050	AMD	99-06-073	296- 46-23040	AMD	99-05-052	296- 54-55730	NEW-P	99-08-072
292-100-060	AMD	99-06-073	296- 46-370	AMD	99-05-052	296- 54-559	AMD-P	99-08-072
292-100-070	AMD	99-06-073	296- 46-495	AMD	99-05-052	296- 54-561	AMD-P	99-08-072
292-100-080	AMD	99-06-073	296- 46-50002	AMD	99-05-052	296- 54-563	AMD-P	99-08-072
292-100-090	AMD	99-06-073	296- 46-910	AMD-P	99-08-128	296- 54-565	AMD-P	99-08-072
292-100-100	AMD	99-06-073	296- 46-915	AMD-P	99-08-128	296- 54-567	AMD-P	99-08-072
292-100-105	NEW	99-06-073	296- 46-930	AMD	99-05-052	296- 54-569	AMD-P	99-08-072
292-100-110	AMD	99-06-073	296- 46-940	AMD	99-05-052	296- 54-571	AMD-P	99-08-072
292-100-120	AMD	99-06-073	296- 46-950	AMD	99-05-052	296- 54-573	AMD-P	99-08-072
292-100-130	AMD	99-06-073	296- 50	PREP	99-02-083	296- 54-57310	NEW-P	99-08-072
292-100-140	AMD	99-06-073	296- 50	PREP	99-06-040	296- 54-57315	NEW-P	99-08-072
292-100-150	AMD	99-06-073	296- 52	PREP	99-02-083	296- 54-57320	NEW-P	99-08-072
292-100-160	AMD	99-06-073	296- 52	PREP	99-04-057	296- 54-57325	NEW-P	99-08-072
292-100-170	AMD	99-06-073	296- 54	PREP	99-02-083	296- 54-57330	NEW-P	99-08-072
292-100-180	AMD	99-06-073	296- 54-501	AMD-P	99-08-072	296- 54-57335	NEW-P	99-08-072
292-100-190	AMD	99-06-073	296- 54-503	AMD-P	99-08-072	296- 54-57340	NEW-P	99-08-072
292-100-200	AMD	99-06-073	296- 54-505	AMD-P	99-08-072	296- 54-57345	NEW-P	99-08-072
292-100-210	NEW	99-06-073	296- 54-507	AMD-P	99-08-072	296- 54-57350	NEW-P	99-08-072
296- 17	PREP	99-05-051	296- 54-509	AMD-P	99-08-072	296- 54-57355	NEW-P	99-08-072
296- 17	PREP	99-07-099	296- 54-511	AMD-P	99-08-072	296- 54-575	AMD-P	99-08-072

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296- 54-577	AMD-P	99-08-072	296- 62-07737	AMD-P	99-08-071	296- 62-3100	AMD	99-07-097
296- 54-579	AMD-P	99-08-072	296- 62-130	AMD	99-07-063	296- 62-31005	NEW	99-07-097
296- 54-581	AMD-P	99-08-072	296- 62-300	AMD	99-07-097	296- 62-31010	NEW	99-07-097
296- 54-58110	NEW-P	99-08-072	296- 62-30001	NEW	99-07-097	296- 62-31015	NEW	99-07-097
296- 54-58120	NEW-P	99-08-072	296- 62-30003	NEW	99-07-097	296- 62-31020	NEW	99-07-097
296- 54-58130	NEW-P	99-08-072	296- 62-3010	AMD	99-07-097	296- 62-3110	AMD	99-07-097
296- 54-583	AMD-P	99-08-072	296- 62-30105	NEW	99-07-097	296- 62-31105	NEW	99-07-097
296- 54-585	AMD-P	99-08-072	296- 62-30110	NEW	99-07-097	296- 62-31110	NEW	99-07-097
296- 54-587	AMD-P	99-08-072	296- 62-30115	NEW	99-07-097	296- 62-3112	REP	99-07-097
296- 54-589	AMD-P	99-08-072	296- 62-30120	NEW	99-07-097	296- 62-3120	AMD	99-07-097
296- 54-58910	NEW-P	99-08-072	296- 62-30125	NEW	99-07-097	296- 62-3130	AMD	99-07-097
296- 54-58920	NEW-P	99-08-072	296- 62-30130	NEW	99-07-097	296- 62-31305	NEW	99-07-097
296- 54-58930	NEW-P	99-08-072	296- 62-30135	NEW	99-07-097	296- 62-31310	NEW	99-07-097
296- 54-58940	NEW-P	99-08-072	296- 62-30140	NEW	99-07-097	296- 62-31315	NEW	99-07-097
296- 54-58950	NEW-P	99-08-072	296- 62-30145	NEW	99-07-097	296- 62-31320	NEW	99-07-097
296- 54-58960	NEW-P	99-08-072	296- 62-3020	AMD	99-07-097	296- 62-31325	NEW	99-07-097
296- 54-58970	NEW-P	99-08-072	296- 62-30205	NEW	99-07-097	296- 62-31330	NEW	99-07-097
296- 54-591	AMD-P	99-08-072	296- 62-30210	NEW	99-07-097	296- 62-31335	NEW	99-07-097
296- 54-593	AMD-P	99-08-072	296- 62-30215	NEW	99-07-097	296- 62-3138	AMD	99-07-097
296- 54-59310	NEW-P	99-08-072	296- 62-30220	NEW	99-07-097	296- 62-3140	AMD	99-07-097
296- 54-59320	NEW-P	99-08-072	296- 62-30225	NEW	99-07-097	296- 62-31405	NEW	99-07-097
296- 54-59330	NEW-P	99-08-072	296- 62-30230	NEW	99-07-097	296- 62-31410	NEW	99-07-097
296- 54-59340	NEW-P	99-08-072	296- 62-30235	NEW	99-07-097	296- 62-31415	NEW	99-07-097
296- 54-595	AMD-P	99-08-072	296- 62-3030	AMD	99-07-097	296- 62-31420	NEW	99-07-097
296- 54-59510	NEW-P	99-08-072	296- 62-30305	NEW	99-07-097	296- 62-31425	NEW	99-07-097
296- 54-59520	NEW-P	99-08-072	296- 62-30310	NEW	99-07-097	296- 62-31430	NEW	99-07-097
296- 54-597	AMD-P	99-08-072	296- 62-30315	NEW	99-07-097	296- 62-31435	NEW	99-07-097
296- 54-59710	NEW-P	99-08-072	296- 62-3040	AMD	99-07-097	296- 62-31440	NEW	99-07-097
296- 54-59720	NEW-P	99-08-072	296- 62-30405	NEW	99-07-097	296- 62-31445	NEW	99-07-097
296- 54-59730	NEW-P	99-08-072	296- 62-30410	NEW	99-07-097	296- 62-31450	NEW	99-07-097
296- 54-599	REP-P	99-08-072	296- 62-30415	NEW	99-07-097	296- 62-31455	NEW	99-07-097
296- 54-601	AMD-P	99-08-072	296- 62-30420	NEW	99-07-097	296- 62-31460	NEW	99-07-097
296- 54-603	AMD-P	99-08-072	296- 62-30425	NEW	99-07-097	296- 62-31465	NEW	99-07-097
296- 54-604	NEW-P	99-08-072	296- 62-30430	NEW	99-07-097	296- 62-31470	NEW	99-07-097
296- 54-605	AMD-P	99-08-072	296- 62-30435	NEW	99-07-097	296- 62-3152	AMD	99-07-097
296- 54-607	AMD-P	99-08-072	296- 62-30440	NEW	99-07-097	296- 62-3160	AMD	99-07-097
296- 54-701	NEW-P	99-08-072	296- 62-30445	NEW	99-07-097	296- 62-3180	AMD	99-07-097
296- 54-70110	NEW-P	99-08-072	296- 62-30450	NEW	99-07-097	296- 62-3190	AMD	99-07-097
296- 54-70120	NEW-P	99-08-072	296- 62-30455	NEW	99-07-097	296- 62-3195	AMD	99-07-097
296- 54-70130	NEW-P	99-08-072	296- 62-30460	NEW	99-07-097	296- 62-410	NEW	99-07-097
296- 54-703	NEW-P	99-08-072	296- 62-30465	NEW	99-07-097	296- 62-41001	NEW	99-07-097
296- 54-705	NEW-P	99-08-072	296- 62-3050	AMD	99-07-097	296- 62-41003	NEW	99-07-097
296- 54-707	NEW-P	99-08-072	296- 62-30505	NEW	99-07-097	296- 62-41010	NEW	99-07-097
296- 54-99002	AMD-P	99-08-072	296- 62-30510	NEW	99-07-097	296- 62-41011	NEW	99-07-097
296- 54-99003	AMD-P	99-08-072	296- 62-30515	NEW	99-07-097	296- 62-41013	NEW	99-07-097
296- 54-99004	AMD-P	99-08-072	296- 62-30520	NEW	99-07-097	296- 62-41015	NEW	99-07-097
296- 54-99007	REP-P	99-08-072	296- 62-30525	NEW	99-07-097	296- 62-41017	NEW	99-07-097
296- 54-99008	REP-P	99-08-072	296- 62-30530	NEW	99-07-097	296- 62-41019	NEW	99-07-097
296- 54-99009	REP-P	99-08-072	296- 62-30535	NEW	99-07-097	296- 62-41020	NEW	99-07-097
296- 54-99010	REP-P	99-08-072	296- 62-3060	AMD	99-07-097	296- 62-41021	NEW	99-07-097
296- 54-99013	NEW-P	99-08-072	296- 62-30605	NEW	99-07-097	296- 62-41023	NEW	99-07-097
296- 54-99014	NEW-P	99-08-072	296- 62-30610	NEW	99-07-097	296- 62-41025	NEW	99-07-097
296- 56	PREP	99-02-083	296- 62-30615	NEW	99-07-097	296- 62-41030	NEW	99-07-097
296- 59	PREP	99-02-083	296- 62-3070	AMD	99-07-097	296- 62-41031	NEW	99-07-097
296- 59	PREP	99-06-040	296- 62-30705	NEW	99-07-097	296- 62-41033	NEW	99-07-097
296- 62	PREP	99-02-083	296- 62-30710	NEW	99-07-097	296- 62-41035	NEW	99-07-097
296- 62	PREP	99-04-057	296- 62-30715	NEW	99-07-097	296- 62-41040	NEW	99-07-097
296- 62	PREP	99-07-014	296- 62-3080	AMD	99-07-097	296- 62-41041	NEW	99-07-097
296- 62-07701	AMD-P	99-08-071	296- 62-3090	AMD	99-07-097	296- 62-41042	NEW	99-07-097
296- 62-07703	AMD-P	99-08-071	296- 62-30905	NEW	99-07-097	296- 62-41043	NEW	99-07-097
296- 62-07709	AMD-P	99-08-071	296- 62-30910	NEW	99-07-097	296- 62-41044	NEW	99-07-097
296- 62-07712	AMD-P	99-08-071	296- 62-30915	NEW	99-07-097	296- 62-41045	NEW	99-07-097
296- 62-07713	AMD-P	99-08-071	296- 62-30920	NEW	99-07-097	296- 62-41046	NEW	99-07-097
296- 62-07721	AMD-P	99-08-071	296- 62-30925	NEW	99-07-097	296- 62-41047	NEW	99-07-097
296- 62-07722	AMD-P	99-08-071	296- 62-30930	NEW	99-07-097	296- 62-41060	NEW	99-07-097
296- 62-07728	AMD-P	99-08-071	296- 62-30935	NEW	99-07-097	296- 62-41061	NEW	99-07-097
296- 62-07735	AMD-P	99-08-071	296- 62-30940	NEW	99-07-097	296- 62-41063	NEW	99-07-097

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-62-41080	NEW	99-07-097	296-79-29021	AMD-P	99-06-071	296-104-700	AMD-P	99-04-036
296-62-41081	NEW	99-07-097	296-79-29023	AMD-P	99-06-071	296-104-700	AMD	99-08-049
296-62-41082	NEW	99-07-097	296-79-29025	REP-P	99-06-071	296-115	PREP	99-02-083
296-62-41084	NEW	99-07-097	296-79-29027	AMD-P	99-06-071	296-125-0212	NEW-W	99-09-081
296-62-41085	NEW	99-07-097	296-79-29029	AMD-P	99-06-071	296-125-0630	NEW-W	99-09-081
296-62-41086	NEW	99-07-097	296-79-29031	AMD-P	99-06-071	296-125-0725	NEW-W	99-09-081
296-63	PREP	99-02-083	296-79-29033	AMD-P	99-06-071	296-150C	PREP	99-05-078
296-65	PREP	99-02-083	296-79-29035	AMD-P	99-06-071	296-150C-0140	NEW-P	99-08-129
296-65-003	AMD-P	99-08-071	296-79-29037	AMD-P	99-06-071	296-150C-0320	AMD-P	99-08-129
296-65-010	AMD-P	99-08-071	296-79-300	AMD-P	99-06-071	296-150C-0805	NEW-P	99-08-129
296-65-012	AMD-P	99-08-071	296-79-310	AMD-P	99-06-071	296-150C-0810	AMD-P	99-08-129
296-65-020	AMD-P	99-08-071	296-79-31001	AMD-P	99-06-071	296-150C-0960	AMD-P	99-08-129
296-65-025	AMD-P	99-08-071	296-79-31003	AMD-P	99-06-071	296-150C-1080	AMD-P	99-08-129
296-65-030	AMD-P	99-08-071	296-79-31005	REP-P	99-06-071	296-150C-1345	NEW-P	99-08-129
296-67	PREP	99-02-083	296-79-31007	REP-P	99-06-071	296-150C-1545	NEW-P	99-08-129
296-78	PREP	99-02-083	296-79-31009	AMD-P	99-06-071	296-150C-1580	AMD-P	99-08-129
296-78	PREP	99-06-040	296-79-31011	REP-P	99-06-071	296-150C-3000	AMD-P	99-08-128
296-79	PREP	99-02-083	296-79-31013	REP-P	99-06-071	296-150F	PREP	99-05-078
296-79-010	AMD-P	99-06-071	296-79-320	AMD-P	99-06-071	296-150F-0050	NEW-P	99-08-129
296-79-011	NEW-P	99-06-071	296-86A-020	AMD-P	99-08-128	296-150F-0140	NEW-P	99-08-129
296-79-020	AMD-P	99-06-071	296-86A-025	AMD-P	99-08-128	296-150F-0320	AMD-P	99-08-129
296-79-030	AMD-P	99-06-071	296-86A-028	AMD-P	99-08-128	296-150F-0605	NEW-P	99-08-129
296-79-040	AMD-P	99-06-071	296-86A-030	AMD-P	99-08-128	296-150F-0610	NEW-P	99-08-129
296-79-050	AMD-P	99-06-071	296-86A-040	AMD-P	99-08-128	296-150F-0615	NEW-P	99-08-129
296-79-060	REP-P	99-06-071	296-86A-060	AMD-P	99-08-128	296-150F-0620	NEW-P	99-08-129
296-79-070	AMD-P	99-06-071	296-86A-070	AMD-P	99-08-128	296-150F-0625	NEW-P	99-08-129
296-79-080	AMD-P	99-06-071	296-86A-073	AMD-P	99-08-128	296-150F-3000	AMD-P	99-08-128
296-79-090	AMD-P	99-06-071	296-86A-074	AMD-P	99-08-128	296-150M	PREP	99-05-078
296-79-100	AMD-P	99-06-071	296-86A-075	AMD-P	99-08-128	296-150M-0020	AMD-P	99-08-129
296-79-110	AMD-P	99-06-071	296-86A-080	AMD-P	99-08-128	296-150M-0120	NEW-P	99-08-129
296-79-120	AMD-P	99-06-071	296-99	PREP	99-02-083	296-150M-0140	NEW-P	99-08-129
296-79-130	AMD-P	99-06-071	296-104-001	PREP	99-05-021	296-150M-0306	AMD-P	99-08-129
296-79-140	AMD-P	99-06-071	296-104-002	PREP	99-05-021	296-150M-0309	NEW-P	99-08-129
296-79-150	AMD-P	99-06-071	296-104-010	PREP	99-05-021	296-150M-0400	REP-P	99-08-129
296-79-160	AMD-P	99-06-071	296-104-015	PREP	99-05-021	296-150M-0600	AMD-P	99-08-129
296-79-170	AMD-P	99-06-071	296-104-017	PREP	99-05-021	296-150M-0610	AMD-P	99-08-129
296-79-180	AMD-P	99-06-071	296-104-018	PREP	99-05-021	296-150M-0614	NEW-P	99-08-129
296-79-190	AMD-P	99-06-071	296-104-020	PREP	99-05-021	296-150M-0615	NEW-P	99-08-129
296-79-200	AMD-P	99-06-071	296-104-025	PREP	99-05-021	296-150M-0640	AMD-P	99-08-129
296-79-210	AMD-P	99-06-071	296-104-030	PREP	99-05-021	296-150M-0655	NEW-P	99-08-129
296-79-220	AMD-P	99-06-071	296-104-035	PREP	99-05-021	296-150M-3000	AMD-P	99-08-128
296-79-230	AMD-P	99-06-071	296-104-040	PREP	99-05-021	296-150P	PREP	99-05-078
296-79-240	AMD-P	99-06-071	296-104-045	PREP	99-05-021	296-150P-0020	AMD-P	99-08-129
296-79-250	AMD-P	99-06-071	296-104-050	PREP	99-05-021	296-150P-0050	NEW-P	99-08-129
296-79-255	REP-P	99-06-071	296-104-055	PREP	99-05-021	296-150P-0140	NEW-P	99-08-129
296-79-260	AMD-P	99-06-071	296-104-060	PREP	99-05-021	296-150P-3000	AMD-P	99-08-128
296-79-270	AMD-P	99-06-071	296-104-065	PREP	99-05-021	296-150R	PREP	99-05-078
296-79-27001	REP-P	99-06-071	296-104-100	PREP	99-05-021	296-150R-0020	AMD-P	99-08-129
296-79-27003	AMD-P	99-06-071	296-104-102	PREP	99-05-021	296-150R-0050	NEW-P	99-08-129
296-79-27005	AMD-P	99-06-071	296-104-105	PREP	99-05-021	296-150R-0140	NEW-P	99-08-129
296-79-27007	AMD-P	99-06-071	296-104-107	PREP	99-05-021	296-150R-3000	AMD-P	99-08-128
296-79-27009	AMD-P	99-06-071	296-104-110	PREP	99-05-021	296-150T-0010	NEW-P	99-08-130
296-79-27011	AMD-P	99-06-071	296-104-115	PREP	99-05-021	296-150T-0020	NEW-P	99-08-130
296-79-27013	AMD-P	99-06-071	296-104-125	PREP	99-05-021	296-150T-0030	NEW-P	99-08-130
296-79-27015	AMD-P	99-06-071	296-104-130	PREP	99-05-021	296-150T-0040	NEW-P	99-08-130
296-79-280	AMD-P	99-06-071	296-104-135	PREP	99-05-021	296-150T-0050	NEW-P	99-08-130
296-79-290	AMD-P	99-06-071	296-104-140	PREP	99-05-021	296-150T-0070	NEW-P	99-08-130
296-79-29001	AMD-P	99-06-071	296-104-145	PREP	99-05-021	296-150T-0080	NEW-P	99-08-130
296-79-29003	AMD-P	99-06-071	296-104-150	PREP	99-05-021	296-150T-0100	NEW-P	99-08-130
296-79-29005	AMD-P	99-06-071	296-104-151	PREP	99-05-021	296-150T-0110	NEW-P	99-08-130
296-79-29007	AMD-P	99-06-071	296-104-155	PREP	99-05-021	296-150T-0120	NEW-P	99-08-130
296-79-29009	AMD-P	99-06-071	296-104-160	PREP	99-05-021	296-150T-0130	NEW-P	99-08-130
296-79-29011	AMD-P	99-06-071	296-104-165	PREP	99-05-021	296-150T-0140	NEW-P	99-08-130
296-79-29013	AMD-P	99-06-071	296-104-170	PREP	99-05-021	296-150T-0200	NEW-P	99-08-130
296-79-29015	AMD-P	99-06-071	296-104-285	REP-P	99-04-036	296-150T-0210	NEW-P	99-08-130
296-79-29017	AMD-P	99-06-071	296-104-285	REP	99-08-049	296-150T-0220	NEW-P	99-08-130
296-79-29019	REP-P	99-06-071	296-104-502	PREP	99-05-021	296-150T-0230	NEW-P	99-08-130

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-150T-0250	NEW-P	99-08-130	308- 19-020	AMD-P	99-08-087	308- 56A-350	REP	99-06-037
296-150T-0300	NEW-P	99-08-130	308- 19-030	AMD-P	99-08-087	308- 56A-355	AMD	99-06-037
296-150T-0320	NEW-P	99-08-130	308- 19-100	AMD-P	99-08-087	308- 56A-360	REP	99-06-037
296-150T-0340	NEW-P	99-08-130	308- 19-105	NEW-P	99-08-087	308- 56A-365	REP	99-06-037
296-150T-0350	NEW-P	99-08-130	308- 19-110	AMD-P	99-08-087	308- 56A-420	AMD	99-02-049
296-150T-0380	NEW-P	99-08-130	308- 19-140	AMD-P	99-08-087	308- 57	PREP	99-07-080
296-150T-0390	NEW-P	99-08-130	308- 19-150	AMD-P	99-08-087	308- 57-500	NEW-P	99-09-044
296-150T-0400	NEW-P	99-08-130	308- 19-160	AMD-P	99-08-087	308- 66-190	AMD	99-02-049
296-150T-0410	NEW-P	99-08-130	308- 19-200	AMD-P	99-08-087	308- 66-190	AMD-W	99-05-059
296-150T-0500	NEW-P	99-08-130	308- 19-210	AMD-P	99-08-087	308- 78	PREP	99-08-127
296-150T-0510	NEW-P	99-08-130	308- 19-220	AMD-P	99-08-087	308- 78-020	PREP	99-08-127
296-150T-0520	NEW-P	99-08-130	308- 19-230	AMD-P	99-08-087	308- 78-030	PREP	99-08-127
296-150T-0530	NEW-P	99-08-130	308- 19-240	AMD-P	99-08-087	308- 78-040	PREP	99-08-127
296-150T-0540	NEW-P	99-08-130	308- 19-250	AMD-P	99-08-087	308- 78-045	PREP	99-08-127
296-150T-0550	NEW-P	99-08-130	308- 19-300	AMD-P	99-08-087	308- 78-050	PREP	99-08-127
296-150T-0580	NEW-P	99-08-130	308- 19-400	AMD-P	99-08-087	308- 78-060	PREP	99-08-127
296-150T-0590	NEW-P	99-08-130	308- 19-410	AMD-P	99-08-087	308- 78-070	PREP	99-08-127
296-150T-0600	NEW-P	99-08-130	308- 19-420	AMD-P	99-08-087	308- 78-080	PREP	99-08-127
296-150T-0700	NEW-P	99-08-130	308- 19-430	NEW-P	99-08-087	308- 78-090	PREP	99-08-127
296-150T-0710	NEW-P	99-08-130	308- 19-440	NEW-P	99-08-087	308- 93-250	AMD	99-03-002
296-150T-0720	NEW-P	99-08-130	308- 32-015	REP-XR	99-09-056	308- 93-270	AMD	99-03-002
296-150T-3000	NEW-P	99-08-130	308- 32-020	REP-XR	99-09-056	308- 93-280	AMD	99-03-002
296-155	PREP	99-02-083	308- 32-030	REP-XR	99-09-056	308- 93-410	REP	99-03-002
296-155	PREP	99-04-057	308- 32-040	REP-XR	99-09-056	308- 93-520	AMD	99-07-041
296-155	PREP	99-06-040	308- 32-050	REP-XR	99-09-056	308- 93-530	AMD	99-07-041
296-155	PREP	99-07-015	308- 32-060	REP-XR	99-09-056	308- 93-540	AMD	99-07-041
296-155	PREP	99-08-070	308- 32-070	REP-XR	99-09-056	308- 93-550	REP	99-07-041
296-200A-900	AMD-P	99-08-128	308- 32-080	REP-XR	99-09-056	308- 93-560	REP	99-07-041
296-301	PREP	99-04-057	308- 32-090	REP-XR	99-09-056	308- 93-570	REP	99-07-041
296-301	PREP	99-06-040	308- 56A-060	AMD-P	99-04-037	308- 93-580	REP	99-07-041
296-302	PREP	99-02-083	308- 56A-060	AMD	99-08-064	308- 93-590	REP	99-07-041
296-303	PREP	99-02-083	308- 56A-065	AMD-P	99-04-037	308- 93-600	REP	99-07-041
296-304	PREP	99-02-083	308- 56A-065	AMD	99-08-064	308- 93-620	REP	99-03-002
296-305	PREP	99-02-083	308- 56A-070	AMD-P	99-04-037	308- 96A	PREP	99-07-040
296-305-01003	AMD	99-05-080	308- 56A-070	AMD	99-08-064	308- 96A	PREP-W	99-07-079
296-305-01005	AMD	99-05-080	308- 56A-075	AMD-P	99-04-037	308- 96A-080	PREP	99-03-003
296-305-01509	AMD	99-05-080	308- 56A-075	AMD	99-08-064	308- 96A-085	PREP	99-03-003
296-305-02001	AMD	99-05-080	308- 56A-140	AMD-P	99-07-016	308- 96A-090	PREP	99-03-003
296-305-02003	AMD	99-05-080	308- 56A-145	REP-P	99-07-016	308- 96A-097	PREP	99-03-003
296-305-02007	AMD	99-05-080	308- 56A-160	AMD-P	99-07-016	308- 96A-099	NEW	99-06-029
296-305-02013	AMD	99-05-080	308- 56A-200	AMD-P	99-07-016	308- 96A-100	REP	99-06-029
296-305-02015	AMD	99-05-080	308- 56A-205	REP-P	99-07-016	308- 96A-101	NEW	99-06-029
296-305-04001	AMD	99-05-080	308- 56A-215	AMD-P	99-07-016	308- 96A-105	REP	99-06-029
296-305-04501	AMD	99-05-080	308- 56A-250	AMD-P	99-04-038	308- 96A-106	REP	99-06-029
296-305-04503	AMD	99-05-080	308- 56A-250	AMD	99-08-065	308- 96A-110	AMD	99-06-029
296-305-05001	AMD	99-05-080	308- 56A-255	REP-P	99-04-038	308- 96A-120	REP	99-06-029
296-305-05007	AMD	99-05-080	308- 56A-255	REP	99-08-065	308- 96A-135	AMD	99-06-029
296-305-05009	AMD	99-05-080	308- 56A-265	AMD-P	99-04-038	308- 96A-136	AMD	99-06-029
296-305-06005	AMD	99-05-080	308- 56A-265	AMD	99-08-065	308- 96A-145	AMD	99-06-029
296-305-06007	AMD	99-05-080	308- 56A-270	AMD-P	99-04-038	308-104-109	NEW-P	99-02-052
296-307	PREP	99-02-083	308- 56A-270	AMD	99-08-065	308-104-109	NEW	99-05-032
296-350	PREP	99-02-083	308- 56A-275	AMD-P	99-04-038	308-124	AMD	99-03-042
296-350	PREP	99-08-069	308- 56A-275	AMD	99-08-065	308-124-001	REP	99-03-042
296-400A-045	AMD-XA	99-03-109	308- 56A-280	REP-P	99-04-038	308-124-005	REP	99-03-042
296-400A-045	AMD	99-07-101	308- 56A-280	REP	99-08-065	308-124-007	AMD	99-03-042
296-401A-100	AMD	99-05-052	308- 56A-285	REP-P	99-04-038	308-124-021	AMD	99-03-042
296-401A-140	AMD	99-05-052	308- 56A-285	REP	99-08-065	308-124A-200	AMD	99-03-042
296-401A-530	AMD	99-05-052	308- 56A-300	AMD-P	99-09-043	308-124A-460	AMD	99-03-042
296-401A-700	AMD-P	99-08-128	308- 56A-305	AMD-P	99-09-043	308-124B-140	AMD	99-03-042
308- 10-010	PREP	99-08-036	308- 56A-310	AMD-P	99-09-043	308-124B-145	NEW	99-03-042
308- 10-045	AMD-XA	99-05-004	308- 56A-315	AMD-P	99-09-043	308-124B-150	AMD	99-03-042
308- 10-045	AMD	99-09-045	308- 56A-320	AMD-P	99-09-043	308-124C-010	AMD	99-03-042
308- 12-320	AMD-P	99-05-050	308- 56A-325	AMD-P	99-09-043	308-124D-061	AMD	99-03-042
308- 12-320	AMD	99-08-062	308- 56A-330	AMD-P	99-09-043	308-124D-070	NEW	99-03-042
308- 12-326	AMD-P	99-05-050	308- 56A-335	AMD	99-06-037	308-124F-010	REP	99-03-042
308- 12-326	AMD	99-08-062	308- 56A-340	REP	99-06-037	308-124F-020	REP	99-03-042
308-19-010	AMD-P	99-08-087	308- 56A-345	REP	99-06-037			

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-124F-030	REP	99-03-042	317-100-070	REP	99-07-076	365- 18-070	NEW-S	99-04-072
308-125-090	AMD-P	99-08-028	317-100-080	REP	99-07-076	365- 18-080	NEW-S	99-04-072
308-125-120	AMD	99-04-075	317-100-090	REP	99-07-076	365- 18-090	NEW-S	99-04-072
308-125-200	AMD	99-04-074	326- 02-034	PREP	99-05-083	365- 18-100	NEW-S	99-04-072
308-330-300	AMD	99-04-070	326- 30-041	PREP	99-05-082	365- 18-110	NEW-S	99-04-072
308-330-307	AMD	99-04-070	332- 24-221	AMD-P	99-08-117	365- 18-120	NEW-S	99-04-072
308-330-425	AMD	99-04-070	332- 30-170	NEW	99-07-034	365-130	PREP	99-08-059
308-400-030	AMD	99-06-003	332- 52-065	PREP	99-08-116	365-140	PREP	99-06-025
308-400-050	REP	99-06-003	352- 12	AMD	99-04-117	381- 50-180	AMD	99-07-081
308-400-053	AMD	99-06-003	352- 12-005	AMD	99-04-117	388- 14-420	PREP	99-09-003
308-400-054	REP	99-06-003	352- 12-010	AMD	99-04-117	388- 14-420	AMD-E	99-09-004
308-400-058	AMD	99-06-003	352- 12-020	AMD	99-04-117	388- 15-177	PREP	99-05-070
308-400-059	AMD	99-06-003	352- 12-030	AMD	99-04-117	388- 15-196	AMD	99-03-041
308-400-062	AMD	99-06-003	352- 12-040	AMD	99-04-117	388- 15-19600	AMD	99-03-041
308-400-070	REP	99-06-003	352- 12-050	AMD	99-04-117	388- 15-19610	AMD	99-03-041
308-400-095	AMD	99-06-003	352- 32	PREP	99-06-042	388- 15-19620	AMD	99-03-041
308-400-120	AMD	99-06-003	352- 32-070	PREP	99-06-042	388- 15-19630	AMD	99-03-041
308-410-050	REP	99-06-003	352- 32-075	PREP	99-06-042	388- 15-19640	AMD	99-03-041
308-410-070	AMD	99-06-003	352- 32-25001	AMD-P	99-04-118	388- 15-19650	AMD	99-03-041
314- 04-005	AMD-P	99-08-014	352- 32-25001	AMD	99-08-031	388- 15-19660	AMD	99-03-041
314- 04-006	NEW-P	99-08-014	352- 32-25002	REP-P	99-04-118	388- 15-19670	AMD	99-03-041
314- 04-007	NEW-P	99-08-014	352- 32-25002	REP	99-08-031	388- 15-19680	AMD	99-03-041
314- 04-010	REP-XR	99-09-038	352- 37-020	AMD-W	99-08-084	388- 15-202	PREP	99-09-051
314- 10-040	AMD	99-03-031	352- 37-190	AMD-W	99-08-084	388- 15-203	PREP	99-09-051
314- 12	PREP	99-09-039	356- 05-012	NEW-P	99-02-053	388- 15-205	PREP	99-09-051
314- 12-170	AMD	99-03-032	356- 05-012	NEW	99-05-043	388- 78A-020	AMD-XA	99-09-052
314- 12-210	NEW-S	99-06-097	356- 05-013	AMD-P	99-02-053	388- 78A-040	AMD-XA	99-09-052
314- 12-215	NEW-S	99-06-097	356- 05-013	AMD	99-05-043	388- 78A-050	AMD-XA	99-09-052
314- 12-220	NEW-S	99-06-097	356- 05-207	AMD-P	99-02-053	388- 78A-055	AMD-XA	99-09-052
314- 12-225	NEW-S	99-06-097	356- 05-207	AMD	99-05-043	388- 78A-150	AMD-XA	99-09-052
314- 12-300	NEW	99-03-032	356- 05-327	REP-P	99-02-053	388- 78A-240	AMD-XA	99-09-052
314- 12-310	NEW	99-03-032	356- 05-327	REP	99-05-043	388- 78A-265	AMD-XA	99-09-052
314- 12-320	NEW	99-03-032	356- 05-447	AMD-P	99-02-053	388- 78A-320	AMD-XA	99-09-052
314- 12-330	NEW	99-03-032	356- 05-447	AMD	99-05-043	388- 78A-330	AMD-XA	99-09-052
314- 12-340	NEW	99-03-032	356- 09-010	AMD-P	99-02-053	388- 86-0022	PREP	99-05-044
314- 14-160	AMD	99-03-033	356- 09-010	AMD	99-05-043	388- 86-047	REP-P	99-05-073
314- 14-165	NEW	99-03-033	356- 09-030	AMD-P	99-02-053	388- 86-047	REP	99-09-007
314- 14-170	NEW	99-03-033	356- 09-030	AMD	99-05-043	388- 86-059	PREP	99-06-043
314- 15	PREP	99-09-039	356- 09-040	AMD-P	99-02-053	388- 86-073	PREP	99-03-075
314- 16	PREP	99-09-039	356- 09-040	AMD	99-05-043	388- 86-097	REP-P	99-08-122
314- 16-160	PREP	99-04-002	356- 09-050	AMD-P	99-02-053	388- 86-100	AMD-W	99-08-080
314- 16-180	PREP	99-04-113	356- 09-050	AMD	99-05-043	388- 86-200	PREP	99-06-043
314- 16-260	NEW-S	99-07-085	356- 22-010	AMD-P	99-02-053	388- 86-200	AMD-W	99-08-080
314- 16-265	NEW-S	99-07-085	356- 22-010	AMD	99-05-043	388- 87-0005	PREP	99-05-044
314- 16-270	NEW-S	99-07-085	356- 22-040	AMD-P	99-02-053	388- 87-0007	PREP	99-05-044
314- 16-275	NEW-S	99-07-085	356- 22-040	AMD	99-05-043	388- 87-0008	PREP	99-05-044
314- 20	PREP	99-04-112	356- 22-090	AMD-P	99-02-053	388- 87-0010	PREP	99-05-044
314- 37-030	NEW	99-04-114	356- 22-090	AMD	99-05-043	388- 87-0011	PREP	99-05-044
314- 68-010	AMD-P	99-05-014	356- 22-180	AMD-P	99-02-053	388- 87-0020	PREP	99-05-044
314- 68-020	AMD-P	99-05-014	356- 22-180	AMD	99-05-043	388- 87-0025	PREP	99-05-044
314- 68-030	AMD-P	99-05-014	356- 26-010	AMD-P	99-02-053	388- 87-0105	PREP	99-05-044
314- 68-040	AMD-P	99-05-014	356- 26-010	AMD	99-05-043	388- 87-0250	PREP	99-05-044
314- 68-050	AMD-P	99-05-014	356- 26-060	AMD-P	99-02-053	388- 87-079	PREP	99-06-043
315- 04	PREP	99-04-076	356- 26-060	AMD	99-05-043	388- 87-080	REP-P	99-08-122
315- 04-190	PREP	99-04-003	356- 26-070	AMD-P	99-02-053	388-200-1160	PREP	99-08-040
315- 06-075	NEW	99-04-077	356- 26-070	AMD	99-05-043	388-290-010	AMD-P	99-08-121
315- 06-085	NEW	99-04-077	356- 26-110	AMD	99-03-044	388-290-015	NEW-P	99-08-121
315- 33A-060	AMD-P	99-04-012	356- 30-010	AMD-P	99-02-053	388-290-020	REP-P	99-08-121
315- 33A-060	AMD-W	99-05-036	356- 30-010	AMD	99-05-043	388-290-025	REP-P	99-08-121
315- 34-060	AMD-P	99-04-012	363-116-082	AMD	99-08-003	388-290-030	REP-P	99-08-121
315- 34-060	AMD-W	99-05-036	363-116-300	AMD-P	99-08-075	388-290-035	REP-P	99-08-121
317-100-010	REP	99-07-076	365- 18-010	NEW-S	99-04-072	388-290-050	REP-P	99-08-121
317-100-020	REP	99-07-076	365- 18-020	NEW-S	99-04-072	388-290-055	REP-P	99-08-121
317-100-030	REP	99-07-076	365- 18-030	NEW-S	99-04-072	388-290-060	REP-P	99-08-121
317-100-040	REP	99-07-076	365- 18-040	NEW-S	99-04-072	388-290-070	REP-P	99-08-121
317-100-050	REP	99-07-076	365- 18-050	NEW-S	99-04-072	388-290-075	NEW-P	99-08-121
317-100-060	REP	99-07-076	365- 18-060	NEW-S	99-04-072	388-290-080	REP-P	99-08-121

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-290-090	REP-P	99-08-121	388-330-030	PREP	99-07-039	388-513-1395	AMD	99-06-045
388-290-1000	NEW-P	99-08-121	388-330-035	PREP	99-07-039	388-515-1510	AMD	99-06-045
388-290-105	REP-P	99-08-121	388-330-040	PREP	99-07-039	388-515-1530	AMD	99-06-045
388-290-1050	NEW-P	99-08-121	388-330-050	PREP	99-07-039	388-526-2610	PREP	99-05-044
388-290-1100	NEW-P	99-08-121	388-330-060	PREP	99-07-039	388-527	AMD-P	99-07-025
388-290-1150	NEW-P	99-08-121	388-400	PREP	99-07-105	388-527-2700	NEW-P	99-07-025
388-290-1200	NEW-P	99-08-121	388-400-0020	AMD-P	99-04-102	388-527-2730	AMD-P	99-07-025
388-290-125	NEW-P	99-08-121	388-400-0020	AMD	99-08-050	388-527-2733	NEW-P	99-07-025
388-290-1250	NEW-P	99-08-121	388-418-0025	AMD-P	99-07-137	388-527-2735	REP-P	99-07-025
388-290-1300	NEW-P	99-08-121	388-426	PREP	99-08-120	388-527-2737	NEW-P	99-07-025
388-290-1350	NEW-P	99-08-121	388-434-0005	PREP	99-04-054	388-527-2740	AMD-P	99-07-025
388-290-1375	NEW-P	99-08-121	388-440	PREP	99-08-120	388-527-2742	AMD-P	99-07-025
388-290-1400	NEW-P	99-08-121	388-444-0035	AMD	99-07-024	388-527-2750	AMD-P	99-07-025
388-290-150	NEW-P	99-08-121	388-444-0040	AMD	99-07-024	388-527-2752	REP-P	99-07-025
388-290-200	NEW-P	99-08-121	388-444-0045	AMD	99-07-024	388-527-2753	REP-P	99-07-025
388-290-270	NEW-P	99-08-121	388-444-0075	AMD	99-07-024	388-527-2754	AMD-P	99-07-025
388-290-280	NEW-P	99-08-121	388-448-0001	PREP	99-04-055	388-527-2790	AMD-P	99-07-025
388-290-300	NEW-P	99-08-121	388-450-0050	PREP	99-03-040	388-527-2795	NEW-P	99-07-025
388-290-350	NEW-P	99-08-121	388-450-0050	AMD-P	99-06-098	388-530-1800	PREP	99-05-044
388-290-375	NEW-P	99-08-121	388-450-0050	AMD	99-09-054	388-530-2050	PREP	99-05-044
388-290-400	NEW-P	99-08-121	388-450-0106	PREP	99-03-040	388-533	PREP	99-06-043
388-290-450	NEW-P	99-08-121	388-450-0116	PREP	99-03-040	388-535-1000	REP	99-07-023
388-290-475	NEW-P	99-08-121	388-450-0195	AMD-E	99-05-046	388-535-1010	NEW	99-07-023
388-290-500	NEW-P	99-08-121	388-450-0195	AMD-P	99-06-088	388-535-1050	AMD	99-07-023
388-290-525	NEW-P	99-08-121	388-450-0195	AMD	99-09-055	388-535-1060	NEW	99-07-023
388-290-550	NEW-P	99-08-121	388-452-0005	AMD-P	99-08-015	388-535-1080	NEW	99-07-023
388-290-600	NEW-P	99-08-121	388-470-0005	PREP	99-03-040	388-535-1100	AMD	99-07-023
388-290-650	NEW-P	99-08-121	388-470-0010	PREP	99-03-040	388-535-1150	AMD	99-07-023
388-290-700	NEW-P	99-08-121	388-470-0012	NEW-P	99-06-099	388-535-1200	AMD	99-07-023
388-290-750	NEW-P	99-08-121	388-470-0012	NEW	99-09-053	388-535-1220	NEW	99-07-023
388-290-800	NEW-P	99-08-121	388-470-0015	PREP	99-03-040	388-535-1230	NEW	99-07-023
388-290-850	NEW-P	99-08-121	388-470-0020	PREP	99-03-040	388-535-1240	NEW	99-07-023
388-290-900	NEW-P	99-08-121	388-470-0025	PREP	99-03-040	388-535-1250	AMD	99-07-023
388-310-0100	AMD-P	99-05-072	388-470-0050	PREP	99-03-040	388-535-1260	NEW	99-07-023
388-310-0100	AMD	99-08-051	388-470-0070	PREP	99-03-040	388-535-1300	AMD	99-07-023
388-310-0200	AMD-P	99-05-072	388-478-0015	AMD	99-04-056	388-535-1350	AMD	99-07-023
388-310-0200	AMD	99-08-051	388-478-0055	AMD	99-04-103	388-535-1400	AMD	99-07-023
388-310-0300	AMD-P	99-05-071	388-478-0055	PREP	99-05-045	388-535-1450	AMD	99-07-023
388-310-0400	AMD-P	99-05-071	388-478-0060	AMD	99-05-074	388-535-1500	AMD	99-07-023
388-310-0500	AMD-P	99-05-071	388-478-0070	AMD-P	99-08-118	388-535-1550	AMD	99-07-023
388-310-0600	AMD-P	99-05-071	388-478-0070	AMD-E	99-08-119	388-540-001	PREP	99-05-044
388-310-0700	AMD-P	99-05-071	388-478-0075	PREP	99-07-103	388-540-010	PREP	99-05-044
388-310-0800	AMD-P	99-05-071	388-478-0075	AMD-E	99-08-001	388-540-020	PREP	99-05-044
388-310-0900	AMD-P	99-05-071	388-478-0080	AMD-P	99-08-118	388-540-040	PREP	99-05-044
388-310-1000	AMD-P	99-05-071	388-478-0080	AMD-E	99-08-119	388-540-050	PREP	99-05-044
388-310-1050	AMD-P	99-05-071	388-478-0085	PREP	99-07-103	388-543-1000	NEW-W	99-08-080
388-310-1100	AMD-P	99-05-071	388-478-0085	AMD-E	99-08-001	388-543-1100	NEW-W	99-08-080
388-310-1200	AMD-P	99-05-071	388-484-0005	AMD-P	99-04-102	388-543-1200	NEW-W	99-08-080
388-310-1300	AMD-P	99-05-072	388-484-0005	AMD	99-08-050	388-543-1300	NEW-W	99-08-080
388-310-1300	AMD	99-08-051	388-501-0130	PREP	99-05-044	388-543-1400	NEW-W	99-08-080
388-310-1400	AMD-P	99-05-071	388-501-0160	PREP	99-08-040	388-543-1500	NEW-W	99-08-080
388-310-1500	AMD-P	99-05-071	388-501-0165	PREP	99-08-041	388-543-1600	NEW-W	99-08-080
388-310-1600	AMD-P	99-05-071	388-501-0175	PREP	99-05-044	388-543-1700	NEW-W	99-08-080
388-310-1700	AMD-P	99-05-071	388-502-0220	PREP	99-06-085	388-543-1800	NEW-W	99-08-080
388-310-1800	AMD-P	99-05-071	388-502-0250	PREP	99-05-044	388-543-1900	NEW-W	99-08-080
388-310-1900	AMD-P	99-05-071	388-505-0540	PREP	99-05-044	388-543-2000	NEW-W	99-08-080
388-320	PREP	99-07-104	388-505-0595	PREP	99-05-044	388-543-2100	NEW-W	99-08-080
388-320-350	REP-P	99-03-076	388-511-1130	PREP	99-05-044	388-543-2200	NEW-W	99-08-080
388-320-350	REP	99-06-044	388-513-1305	AMD	99-06-045	388-543-2300	NEW-W	99-08-080
388-320-360	REP-P	99-03-076	388-513-1315	AMD	99-06-045	388-543-2400	NEW-W	99-08-080
388-320-360	REP	99-06-044	388-513-1320	AMD	99-06-045	388-543-2500	NEW-W	99-08-080
388-320-370	REP-P	99-03-076	388-513-1330	AMD	99-06-045	388-543-2600	NEW-W	99-08-080
388-320-370	REP	99-06-044	388-513-1350	AMD	99-06-045	388-543-2700	NEW-W	99-08-080
388-320-375	NEW-P	99-03-076	388-513-1360	AMD	99-06-045	388-543-2800	NEW-W	99-08-080
388-320-375	NEW	99-06-044	388-513-1365	AMD	99-06-045	388-543-2900	NEW-W	99-08-080
388-330-010	PREP	99-07-039	388-513-1380	AMD-P	99-06-100	388-543-3000	NEW-W	99-08-080
388-330-020	PREP	99-07-039	388-513-1380	AMD-E	99-08-016	388-550-1050	AMD	99-06-046

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-550-1050	PREP	99-06-087	388-551-1315	NEW	99-09-007	390-14-110	AMD-P	99-09-071
388-550-1050	AMD-P	99-09-088	388-551-1320	NEW-P	99-05-073	390-17-030	PREP	99-06-062
388-550-1200	AMD	99-06-046	388-551-1320	NEW	99-09-007	390-17-030	AMD-P	99-09-072
388-550-2431	NEW	99-06-046	388-551-1330	NEW-P	99-05-073	390-18-020	PREP	99-06-063
388-550-2800	AMD	99-06-046	388-551-1330	NEW	99-09-007	390-18-020	AMD-P	99-09-073
388-550-2800	PREP	99-06-084	388-551-1340	NEW-P	99-05-073	390-18-050	PREP	99-06-064
388-550-2800	AMD-P	99-09-091	388-551-1340	NEW	99-09-007	390-18-050	AMD-P	99-09-074
388-550-2900	AMD	99-06-046	388-551-1350	NEW-P	99-05-073	390-20-014	PREP	99-06-065
388-550-2900	PREP	99-06-084	388-551-1350	NEW	99-09-007	390-20-014	AMD-P	99-09-075
388-550-2900	AMD-P	99-09-091	388-551-1360	NEW-P	99-05-073	390-20-015	PREP	99-06-066
388-550-3000	AMD	99-06-046	388-551-1360	NEW	99-09-007	390-20-015	AMD-P	99-09-076
388-550-3100	AMD	99-06-046	388-551-1400	NEW-P	99-05-073	390-20-023	PREP	99-06-067
388-550-3450	PREP	99-06-084	388-551-1400	NEW	99-09-007	390-20-023	REP-P	99-09-059
388-550-3450	AMD-P	99-09-091	388-551-1410	NEW-P	99-05-073	390-20-100	PREP	99-06-068
388-550-3500	AMD	99-06-046	388-551-1410	NEW	99-09-007	390-20-100	REP-P	99-09-060
388-550-3500	PREP	99-06-084	388-551-1500	NEW-P	99-05-073	390-20-115	PREP	99-06-069
388-550-3500	AMD-P	99-09-091	388-551-1500	NEW	99-09-007	390-20-115	REP-P	99-09-061
388-550-3700	AMD	99-06-046	388-551-1510	NEW-P	99-05-073	391-08	PREP	99-04-013
388-550-3900	PREP	99-06-084	388-551-1510	NEW	99-09-007	391-55	PREP	99-04-013
388-550-3900	AMD-P	99-09-091	388-551-1520	NEW-P	99-05-073	391-65	PREP	99-04-013
388-550-4100	PREP	99-06-084	388-551-1520	NEW	99-09-007	392-121-10603	REP	99-08-008
388-550-4100	AMD-P	99-09-091	388-551-1530	NEW-P	99-05-073	392-121-10604	REP	99-08-008
388-550-4500	AMD	99-06-046	388-551-1530	NEW	99-09-007	392-121-107	AMD	99-08-008
388-550-4500	PREP	99-06-084	388-552-001	NEW-P	99-08-122	392-121-182	AMD	99-08-008
388-550-4500	AMD-P	99-09-091	388-552-005	NEW-P	99-08-122	392-121-183	REP	99-08-008
388-550-4700	AMD	99-06-046	388-552-100	NEW-P	99-08-122	392-121-188	AMD	99-08-008
388-550-4800	AMD	99-06-046	388-552-200	NEW-P	99-08-122	392-121-201	AMD	99-08-008
388-550-4800	AMD-P	99-09-090	388-552-210	NEW-P	99-08-122	392-121-206	AMD	99-08-008
388-550-4900	PREP	99-06-083	388-552-220	NEW-P	99-08-122	392-121-210	AMD	99-08-008
388-550-4900	AMD-P	99-09-087	388-552-230	NEW-P	99-08-122	392-169	PREP	99-09-008
388-550-5000	PREP	99-06-083	388-552-240	NEW-P	99-08-122	392-172	PREP	99-06-049
388-550-5000	AMD-P	99-09-087	388-552-300	NEW-P	99-08-122	399-30-032	NEW-P	99-05-062
388-550-5100	PREP	99-06-083	388-552-310	NEW-P	99-08-122	399-30-032	NEW	99-09-020
388-550-5100	AMD-P	99-09-087	388-552-320	NEW-P	99-08-122	399-30-033	NEW-P	99-05-062
388-550-5110	PREP	99-06-083	388-552-330	NEW-P	99-08-122	399-30-033	NEW	99-09-020
388-550-5110	NEW-P	99-09-087	388-552-340	NEW-P	99-08-122	399-30-034	NEW-P	99-05-062
388-550-5120	PREP	99-06-083	388-552-350	NEW-P	99-08-122	399-30-034	NEW	99-09-020
388-550-5120	NEW-P	99-09-087	388-552-360	NEW-P	99-08-122	415-108-671	REP-XR	99-08-074
388-550-5150	PREP	99-06-083	388-552-370	NEW-P	99-08-122	415-112-561	REP-XR	99-08-074
388-550-5150	AMD-P	99-09-087	388-552-380	NEW-P	99-08-122	415-115-070	REP-XR	99-08-074
388-550-5200	PREP	99-06-083	388-552-390	NEW-P	99-08-122	419-14-135	NEW-P	99-07-131
388-550-5200	AMD-P	99-09-087	388-552-400	NEW-P	99-08-122	419-14-140	NEW-P	99-07-131
388-550-5250	PREP	99-06-083	388-552-410	NEW-P	99-08-122	434-55-060	AMD-XA	99-05-038
388-550-5250	AMD-P	99-09-087	388-552-420	NEW-P	99-08-122	434-55-065	AMD-XA	99-05-038
388-550-5300	PREP	99-06-083	390-12-255	PREP	99-06-050	434-130-090	AMD-XA	99-05-039
388-550-5300	AMD-P	99-09-087	390-12-255	AMD-P	99-09-062	434-180-215	AMD	99-02-047
388-550-5350	PREP	99-06-083	390-14-015	PREP	99-06-051	434-180-265	AMD	99-02-048
388-550-5350	AMD-P	99-09-087	390-14-015	AMD-P	99-09-063	434-180-360	AMD	99-02-047
388-550-5400	PREP	99-06-083	390-14-020	PREP	99-06-052	434-240-205	AMD-P	99-05-054
388-550-5400	AMD-P	99-09-087	390-14-020	AMD-P	99-09-064	434-240-205	AMD	99-08-089
388-550-5600	PREP	99-06-085	390-14-025	PREP	99-06-053	434-260	AMD-P	99-07-043
388-550-6000	AMD	99-06-046	390-14-025	AMD-P	99-09-065	434-260-010	AMD-P	99-07-043
388-550-6000	PREP	99-06-086	390-14-030	PREP	99-06-054	434-260-020	AMD-P	99-07-043
388-550-6000	AMD-P	99-09-089	390-14-030	AMD-P	99-09-066	434-260-030	AMD-P	99-07-043
388-551-1000	NEW-P	99-05-073	390-14-035	PREP	99-06-055	434-260-040	AMD-P	99-07-043
388-551-1000	NEW	99-09-007	390-14-035	AMD-P	99-09-067	434-260-050	AMD-P	99-07-043
388-551-1010	NEW-P	99-05-073	390-14-040	PREP	99-06-056	434-260-060	AMD-P	99-07-043
388-551-1010	NEW	99-09-007	390-14-040	AMD-P	99-09-068	434-260-070	REP-P	99-07-043
388-551-1200	NEW-P	99-05-073	390-14-045	PREP	99-06-057	434-260-080	AMD-P	99-07-043
388-551-1200	NEW	99-09-007	390-14-045	AMD-P	99-09-069	434-260-110	AMD-P	99-07-043
388-551-1210	NEW-P	99-05-073	390-14-055	PREP	99-06-058	434-260-120	AMD-P	99-07-043
388-551-1210	NEW	99-09-007	390-14-055	REP-P	99-09-057	434-260-130	AMD-P	99-07-043
388-551-1300	NEW-P	99-05-073	390-14-100	PREP	99-06-059	434-260-140	AMD-P	99-07-043
388-551-1300	NEW	99-09-007	390-14-100	AMD-P	99-09-070	434-260-145	NEW-P	99-07-043
388-551-1310	NEW-P	99-05-073	390-14-105	PREP	99-06-060	434-260-150	AMD-P	99-07-043
388-551-1310	NEW	99-09-007	390-14-105	REP-P	99-09-058	434-260-160	AMD-P	99-07-043
388-551-1315	NEW-P	99-05-073	390-14-110	PREP	99-06-061	434-260-170	AMD-P	99-07-043

Table

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
434-260-180	REP-P	99-07-043	434-334-140	NEW	99-08-115	458-08	PREP	99-05-069
434-260-190	AMD-P	99-07-043	434-334-145	NEW-P	99-05-034	458-12-040	PREP	99-05-069
434-260-200	AMD-P	99-07-043	434-334-145	NEW	99-08-115	458-12-300	PREP	99-05-069
434-260-210	REP-P	99-07-043	434-334-150	NEW-P	99-05-034	458-12-301	PREP	99-05-069
434-260-215	REP-P	99-07-043	434-334-150	NEW	99-08-115	458-12-305	PREP	99-05-069
434-260-220	AMD-P	99-07-043	434-334-155	NEW-P	99-05-034	458-12-315	REP-XR	99-04-017
434-260-225	NEW-P	99-07-043	434-334-155	NEW	99-08-115	458-12-320	REP-XR	99-04-017
434-260-230	REP-P	99-07-043	434-334-160	NEW-P	99-05-034	458-12-326	PREP	99-05-069
434-260-235	NEW-P	99-07-043	434-334-160	NEW	99-08-115	458-12-327	PREP	99-05-069
434-260-240	AMD-P	99-07-043	434-334-165	NEW-P	99-05-034	458-12-330	PREP	99-05-069
434-260-250	REP-P	99-07-043	434-334-165	NEW	99-08-115	458-12-335	PREP	99-05-069
434-260-260	AMD-P	99-07-043	434-334-170	NEW-P	99-05-034	458-12-336	PREP	99-05-069
434-260-270	REP-P	99-07-043	434-334-170	NEW	99-08-115	458-12-337	PREP	99-05-069
434-260-280	REP-P	99-07-043	434-334-175	NEW-P	99-05-034	458-12-338	PREP	99-05-069
434-260-290	REP-P	99-07-043	434-334-175	NEW	99-08-115	458-12-339	PREP	99-05-069
434-260-300	AMD-P	99-07-043	440-25	PREP	99-06-082	458-16-280	PREP	99-09-085
434-260-305	NEW-P	99-07-043	446-16-070	AMD-P	99-03-080	458-16-282	PREP	99-09-085
434-260-310	AMD-P	99-07-043	446-16-070	AMD	99-07-051	458-16-320	AMD-XA	99-07-090
434-260-320	AMD-P	99-07-043	446-16-080	AMD-P	99-03-080	458-16A-010	AMD	99-04-016
434-260-330	AMD-P	99-07-043	446-16-080	AMD	99-07-051	458-20-119	AMD-XA	99-06-027
434-260-340	AMD-P	99-07-043	446-16-100	AMD-P	99-03-080	458-20-131	AMD-P	99-05-017
434-260-350	AMD-P	99-07-043	446-16-100	AMD	99-07-051	458-20-131	AMD	99-08-090
434-261-005	AMD-P	99-05-054	446-16-110	AMD-P	99-03-080	458-20-157	REP-XR	99-04-019
434-261-005	AMD	99-08-089	446-16-110	AMD	99-07-051	458-20-157	REP	99-08-005
434-261-080	AMD-P	99-05-054	446-20-600	AMD-P	99-03-080	458-20-165	AMD-XA	99-08-032
434-261-080	AMD	99-08-089	446-20-600	AMD	99-07-050	458-20-167	AMD	99-03-005
434-324-105	REP-P	99-05-054	448-13-030	AMD	99-06-048	458-20-192	PREP	99-09-082
434-324-105	REP	99-08-089	448-13-040	AMD	99-06-048	458-20-195	AMD-XA	99-08-022
434-334-055	AMD-P	99-05-034	448-13-050	AMD	99-06-048	458-20-206	REP-XR	99-04-019
434-334-055	AMD	99-08-115	448-13-065	AMD	99-06-048	458-20-206	REP	99-08-005
434-334-063	NEW-P	99-05-034	448-13-070	AMD	99-06-048	458-20-207	AMD-XA	99-08-023
434-334-063	NEW	99-08-115	448-13-080	AMD	99-06-048	458-20-216	AMD-P	99-04-014
434-334-065	AMD-P	99-05-034	448-13-140	AMD	99-06-048	458-20-216	AMD	99-08-034
434-334-065	AMD	99-08-115	448-13-170	AMD	99-06-048	458-20-222	AMD-P	99-04-015
434-334-070	AMD-P	99-05-034	448-13-180	AMD	99-06-048	458-20-222	AMD	99-08-033
434-334-070	AMD	99-08-115	448-13-210	AMD	99-06-048	458-20-225	REP-XR	99-04-019
434-334-075	AMD-P	99-05-034	448-15-010	NEW	99-06-047	458-20-225	REP	99-08-005
434-334-075	AMD	99-08-115	448-15-020	NEW	99-06-047	458-20-226	AMD-XA	99-04-021
434-334-080	DECOD-P	99-05-034	448-15-030	NEW	99-06-047	458-20-226	AMD	99-09-013
434-334-080	AMD-P	99-05-034	448-15-040	NEW	99-06-047	458-20-231	AMD	99-02-055
434-334-080	DECOD	99-08-115	448-15-050	NEW	99-06-047	458-20-238	AMD-XA	99-04-020
434-334-080	AMD	99-08-115	448-15-060	NEW	99-06-047	458-20-261	NEW-P	99-04-022
434-334-082	NEW-P	99-05-034	456-12-010	REP-P	99-08-091	458-20-261	NEW	99-08-035
434-334-082	NEW	99-08-115	456-12-015	NEW-P	99-08-091	458-20-263	AMD-XA	99-06-028
434-334-085	AMD-P	99-05-034	456-12-020	REP-P	99-08-091	458-40-660	PREP	99-06-036
434-334-085	AMD	99-08-115	456-12-025	NEW-P	99-08-091	458-50-010	REP-XR	99-04-031
434-334-090	AMD-P	99-05-034	456-12-030	REP-P	99-08-091	458-50-010	REP	99-08-006
434-334-090	AMD	99-08-115	456-12-035	NEW-P	99-08-091	458-50-050	REP-XR	99-04-031
434-334-095	AMD-P	99-05-034	456-12-040	REP-P	99-08-091	458-50-050	REP	99-08-006
434-334-095	AMD	99-08-115	456-12-045	NEW-P	99-08-091	458-57	PREP	99-07-133
434-334-100	AMD-P	99-05-034	456-12-050	REP-P	99-08-091	458-57-575	NEW	99-03-010
434-334-100	AMD	99-08-115	456-12-055	NEW-P	99-08-091	458-65-020	REP-XR	99-04-018
434-334-105	AMD-P	99-05-034	456-12-060	REP-P	99-08-091	458-65-020	REP	99-08-007
434-334-105	AMD	99-08-115	456-12-065	NEW-P	99-08-091	458-65-030	REP-XR	99-04-018
434-334-110	AMD-P	99-05-034	456-12-070	REP-P	99-08-091	458-65-030	REP	99-08-007
434-334-110	AMD	99-08-115	456-12-075	NEW-P	99-08-091	458-65-040	REP-XR	99-04-018
434-334-115	REP-P	99-05-034	456-12-080	REP-P	99-08-091	458-65-040	REP	99-08-007
434-334-115	REP	99-08-115	456-12-085	NEW-P	99-08-091	460-21B-060	AMD-XA	99-07-012
434-334-120	RECOD-P	99-05-034	456-12-090	REP-P	99-08-091	460-22B-090	AMD-XA	99-07-012
434-334-120	RECOD	99-08-115	456-12-095	NEW-P	99-08-091	460-24A-110	NEW	99-03-050
434-334-125	NEW-P	99-05-034	456-12-100	REP-P	99-08-091	460-24A-145	NEW	99-03-052
434-334-125	NEW	99-08-115	456-12-105	NEW-P	99-08-091	460-24A-220	AMD	99-03-051
434-334-130	NEW-P	99-05-034	456-12-110	REP-P	99-08-091	460-28A-015	AMD	99-03-053
434-334-130	NEW	99-08-115	456-12-115	NEW-P	99-08-091	468-06-040	AMD-XA	99-02-065
434-334-135	NEW-P	99-05-034	456-12-120	REP-P	99-08-091	468-06-040	AMD	99-07-013
434-334-135	NEW	99-08-115	456-12-130	REP-P	99-08-091	468-12	PREP	99-04-042
434-334-140	NEW-P	99-05-034	456-12-140	REP-P	99-08-091	468-34-010	AMD-W	99-08-082

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
468-34-020	AMD-W	99-08-082	478-140-060	REP-P	99-08-056	480-09-730	AMD	99-05-031
468-34-100	AMD-W	99-08-082	478-140-070	AMD-P	99-08-056	480-09-735	AMD	99-05-031
468-34-120	AMD-W	99-08-082	478-140-080	NEW-P	99-08-056	480-09-736	AMD	99-05-031
468-34-150	AMD-W	99-08-082	478-210-010	REP	99-06-033	480-09-740	AMD	99-05-031
468-34-330	AMD-W	99-08-082	478-210-020	REP	99-06-033	480-09-745	AMD	99-05-031
468-38-110	AMD-P	99-05-006	479-16-020	AMD-P	99-03-089	480-09-750	AMD	99-05-031
468-38-110	AMD	99-08-025	479-16-020	AMD	99-08-021	480-09-751	AMD	99-05-031
468-38-150	REP-XR	99-04-058	479-16-040	AMD-P	99-03-089	480-09-760	AMD	99-05-031
468-38-150	REP	99-07-098	479-16-040	AMD	99-08-021	480-09-770	AMD	99-05-031
468-38-170	REP-XR	99-04-058	479-16-098	AMD-P	99-03-089	480-09-780	AMD	99-05-031
468-38-170	REP	99-07-098	479-16-098	AMD	99-08-021	480-09-800	AMD	99-05-031
468-38-210	REP-XR	99-04-058	479-20-007	AMD-P	99-03-089	480-09-810	AMD	99-05-031
468-38-210	REP	99-07-098	479-20-007	AMD	99-08-021	480-09-815	AMD	99-05-031
468-51-010	AMD	99-06-034	479-20-020	AMD-P	99-03-089	480-09-820	AMD	99-05-031
468-51-020	AMD	99-06-034	479-20-020	AMD	99-08-021	480-09-830	REP	99-05-031
468-51-030	AMD	99-06-034	479-20-025	AMD-P	99-03-089	480-12-100	REP-W	99-08-085
468-51-040	AMD	99-06-034	479-20-025	AMD	99-08-021	480-12-370	RE-AD	99-08-026
468-51-060	AMD	99-06-034	479-20-037	AMD-P	99-03-089	480-12-375	REP	99-08-026
468-51-070	AMD	99-06-034	479-20-037	AMD	99-08-021	480-12-375	REP-W	99-08-085
468-51-080	AMD	99-06-034	479-510-410	AMD-P	99-03-088	480-62	PREP	99-08-053
468-51-090	AMD	99-06-034	479-510-410	AMD	99-08-020	480-70	PREP	99-08-012
468-51-100	AMD	99-06-034	479-510-420	AMD-P	99-03-088	480-90	PREP	99-08-052
468-51-105	NEW	99-06-034	479-510-420	AMD	99-08-020	480-92-011	AMD	99-05-016
468-51-110	AMD	99-06-034	479-510-450	NEW-P	99-03-088	480-92-016	NEW	99-05-016
468-51-120	AMD	99-06-034	479-510-450	NEW	99-08-020	480-92-021	AMD	99-05-016
468-51-130	AMD	99-06-034	479-510-460	NEW-P	99-03-088	480-92-031	AMD	99-05-016
468-51-140	AMD	99-06-034	479-510-460	NEW	99-08-020	480-92-041	NEW	99-05-016
468-51-150	AMD	99-06-034	480-09-005	NEW	99-05-031	480-92-050	AMD	99-05-016
468-52-020	AMD	99-06-035	480-09-010	AMD	99-05-031	480-92-060	AMD	99-05-016
468-52-030	AMD	99-06-035	480-09-012	AMD	99-05-031	480-92-070	AMD	99-05-016
468-52-040	AMD	99-06-035	480-09-100	AMD	99-05-031	480-92-080	AMD	99-05-016
468-52-050	AMD	99-06-035	480-09-101	NEW	99-05-031	480-92-090	AMD	99-05-016
468-52-060	AMD	99-06-035	480-09-115	AMD	99-05-031	480-92-100	AMD	99-05-016
468-52-070	AMD	99-06-035	480-09-120	AMD	99-05-031	480-92-110	AMD	99-05-016
468-300-010	AMD-P	99-05-035	480-09-125	AMD	99-05-031	480-100	PREP	99-08-105
468-300-010	AMD	99-08-066	480-09-130	AMD	99-05-031	480-110-011	REP-W	99-07-053
468-300-020	AMD-P	99-05-035	480-09-135	AMD	99-05-031	480-110-016	REP-W	99-07-053
468-300-020	AMD	99-08-066	480-09-140	AMD	99-05-031	480-110-018	REP-W	99-07-053
468-300-040	AMD-P	99-05-035	480-09-150	AMD	99-05-031	480-110-021	REP-W	99-07-053
468-300-040	AMD	99-08-066	480-09-200	AMD	99-05-031	480-110-023	REP-W	99-07-053
468-300-220	AMD-P	99-05-035	480-09-210	AMD	99-05-031	480-110-026	REP-W	99-07-053
468-300-220	AMD	99-08-066	480-09-220	AMD	99-05-031	480-110-028	REP-W	99-07-053
468-300-700	AMD	99-07-059	480-09-230	AMD	99-05-031	480-110-031	REP-W	99-07-053
468-310-010	AMD	99-03-025	480-09-230	AMD	99-05-031	480-110-032	REP-W	99-07-053
468-310-020	AMD	99-03-025	480-09-340	AMD	99-05-031	480-110-036	REP-W	99-07-053
468-310-050	AMD	99-03-025	480-09-390	AMD	99-05-031	480-110-041	REP-W	99-07-053
468-310-060	AMD	99-03-025	480-09-400	AMD	99-05-031	480-110-046	REP-W	99-07-053
468-310-100	AMD	99-03-025	480-09-410	AMD	99-05-031	480-110-051	REP-W	99-07-053
468-500-001	AMD-XA	99-06-004	480-09-420	AMD	99-05-031	480-110-056	REP-W	99-07-053
474-10-010	NEW	99-03-004	480-09-425	AMD	99-05-031	480-110-061	REP-W	99-07-053
474-10-020	NEW	99-03-004	480-09-426	AMD	99-05-031	480-110-066	REP-W	99-07-053
474-10-030	NEW	99-03-004	480-09-430	AMD	99-05-031	480-110-071	REP-W	99-07-053
474-10-040	NEW	99-03-004	480-09-440	AMD	99-05-031	480-110-076	REP-W	99-07-053
474-10-050	NEW	99-03-004	480-09-460	AMD	99-05-031	480-110-081	REP-W	99-07-053
474-10-060	NEW	99-03-004	480-09-465	AMD	99-05-031	480-110-086	REP-W	99-07-053
474-10-070	NEW	99-03-004	480-09-466	AMD	99-05-031	480-110-091	REP-W	99-07-053
474-10-080	NEW	99-03-004	480-09-467	AMD	99-05-031	480-110-096	REP-W	99-07-053
474-10-090	NEW	99-03-004	480-09-470	AMD	99-05-031	480-110-101	REP-W	99-07-053
474-10-100	NEW	99-03-004	480-09-475	AMD	99-05-031	480-110-111	REP-W	99-07-053
478-140	AMD-P	99-08-056	480-09-500	AMD	99-05-031	480-110-116	REP-W	99-07-053
478-140-010	AMD-P	99-08-056	480-09-510	AMD	99-05-031	480-110-121	REP-W	99-07-053
478-140-015	AMD-P	99-08-056	480-09-600	AMD	99-05-031	480-110-126	REP-W	99-07-053
478-140-018	AMD-P	99-08-056	480-09-610	AMD	99-05-031	480-110-131	REP-W	99-07-053
478-140-019	NEW-P	99-08-056	480-09-620	AMD	99-05-031	480-110-136	REP-W	99-07-053
478-140-021	AMD-P	99-08-056	480-09-700	AMD	99-05-031	480-110-141	REP-W	99-07-053
478-140-024	AMD-P	99-08-056	480-09-705	AMD	99-05-031	480-110-146	REP-W	99-07-053
478-140-050	AMD-P	99-08-056	480-09-710	AMD	99-05-031	480-110-151	REP-W	99-07-053
478-140-050	AMD-P	99-08-056	480-09-720	AMD	99-05-031			

Table

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-110-156	REP-W	99-07-053	480-143-070	REP	99-08-055	480-146-280	NEW-P	99-03-073
480-110-161	REP-W	99-07-053	480-143-080	REP-P	99-03-074	480-146-280	NEW	99-08-054
480-110-166	REP-W	99-07-053	480-143-080	REP	99-08-055	480-146-290	NEW-P	99-03-073
480-110-171	REP-W	99-07-053	480-143-100	NEW-P	99-03-074	480-146-290	NEW	99-08-054
480-110-176	REP-W	99-07-053	480-143-100	NEW	99-08-055	480-146-300	NEW-P	99-03-073
480-110-500	NEW-W	99-07-053	480-143-110	NEW-P	99-03-074	480-146-300	NEW	99-08-054
480-110-510	NEW-W	99-07-053	480-143-110	NEW	99-08-055	480-146-310	NEW-P	99-03-073
480-110-520	NEW-W	99-07-053	480-143-120	NEW-P	99-03-074	480-146-310	NEW	99-08-054
480-110-530	NEW-W	99-07-053	480-143-120	NEW	99-08-055	480-146-320	NEW-P	99-03-073
480-110-540	NEW-W	99-07-053	480-143-130	NEW-P	99-03-074	480-146-320	NEW	99-08-054
480-110-550	NEW-W	99-07-053	480-143-130	NEW	99-08-055	480-146-330	NEW-P	99-03-073
480-110-560	NEW-W	99-07-053	480-143-140	NEW-P	99-03-074	480-146-330	NEW	99-08-054
480-110-570	NEW-W	99-07-053	480-143-140	NEW	99-08-055	480-146-340	NEW-P	99-03-073
480-110-580	NEW-W	99-07-053	480-143-150	NEW-P	99-03-074	480-146-340	NEW	99-08-054
480-110-590	NEW-W	99-07-053	480-143-150	NEW	99-08-055	480-146-350	NEW-P	99-03-073
480-110-600	NEW-W	99-07-053	480-143-160	NEW-P	99-03-074	480-146-350	NEW	99-08-054
480-110-610	NEW-W	99-07-053	480-143-160	NEW	99-08-055	480-146-360	NEW-P	99-03-073
480-110-620	NEW-W	99-07-053	480-143-170	NEW-P	99-03-074	480-146-360	NEW	99-08-054
480-110-630	NEW-W	99-07-053	480-143-170	NEW	99-08-055	480-146-370	NEW-P	99-03-073
480-110-640	NEW-W	99-07-053	480-143-180	NEW-P	99-03-074	480-146-370	NEW	99-08-054
480-110-650	NEW-W	99-07-053	480-143-180	NEW	99-08-055	480-146-380	NEW-P	99-03-073
480-110-660	NEW-W	99-07-053	480-143-190	NEW-P	99-03-074	480-146-380	NEW	99-08-054
480-110-670	NEW-W	99-07-053	480-143-190	NEW	99-08-055	490-500-005	PREP	99-06-081
480-110-680	NEW-W	99-07-053	480-143-200	NEW-P	99-03-074	490-500-010	PREP	99-06-081
480-110-690	NEW-W	99-07-053	480-143-200	NEW	99-08-055	490-500-015	PREP	99-06-081
480-110-700	NEW-W	99-07-053	480-143-210	NEW-P	99-03-074	490-500-022	PREP	99-06-081
480-110-710	NEW-W	99-07-053	480-143-210	NEW	99-08-055	490-500-025	PREP	99-06-081
480-110-720	NEW-W	99-07-053	480-143-990	REP-P	99-03-074	490-500-030	PREP	99-06-081
480-110-730	NEW-W	99-07-053	480-143-990	REP	99-08-055	490-500-050	PREP	99-06-081
480-110-740	NEW-W	99-07-053	480-146-010	REP-P	99-03-073	490-500-055	PREP	99-06-081
480-110-750	NEW-W	99-07-053	480-146-010	REP	99-08-054	490-500-065	PREP	99-06-081
480-110-760	NEW-W	99-07-053	480-146-020	REP-P	99-03-073	490-500-070	PREP	99-06-081
480-110-770	NEW-W	99-07-053	480-146-020	REP	99-08-054	490-500-080	PREP	99-06-081
480-110-780	NEW-W	99-07-053	480-146-030	REP-P	99-03-073	490-500-170	PREP	99-06-081
480-110-790	NEW-W	99-07-053	480-146-030	REP	99-08-054	490-500-180	PREP	99-06-081
480-120	PREP	99-09-027	480-146-040	REP-P	99-03-073	490-500-185	PREP	99-06-081
480-120-139	AMD-P	99-07-107	480-146-040	REP	99-08-054	490-500-190	PREP	99-06-081
480-120-144	NEW	99-05-015	480-146-050	REP-P	99-03-073	490-500-200	PREP	99-06-081
480-120-151	NEW	99-05-015	480-146-050	REP	99-08-054	490-500-205	PREP	99-06-081
480-120-152	NEW	99-05-015	480-146-060	REP-P	99-03-073	490-500-257	PREP	99-06-081
480-120-153	NEW	99-05-015	480-146-060	REP	99-08-054	490-500-260	PREP	99-06-081
480-120-154	NEW	99-05-015	480-146-070	REP-P	99-03-073	490-500-270	PREP	99-06-081
480-121	AMD-P	99-07-106	480-146-070	REP	99-08-054	490-500-275	PREP	99-06-081
480-121-010	AMD-P	99-07-106	480-146-080	REP-P	99-03-073	490-500-300	PREP	99-06-081
480-121-020	AMD-P	99-07-106	480-146-080	REP	99-08-054	490-500-325	PREP	99-06-081
480-121-030	AMD-P	99-07-106	480-146-090	REP-P	99-03-073	490-500-350	PREP	99-06-081
480-121-040	AMD-P	99-07-106	480-146-090	REP	99-08-054	490-500-380	PREP	99-06-081
480-121-050	REP-P	99-07-106	480-146-091	REP-P	99-03-073	490-500-385	PREP	99-06-081
480-121-060	NEW-P	99-07-106	480-146-091	REP	99-08-054	490-500-389	PREP	99-06-081
480-121-070	NEW-P	99-07-106	480-146-095	REP-P	99-03-073	490-500-390	PREP	99-06-081
480-121-080	NEW-P	99-07-106	480-146-095	REP	99-08-054	490-500-418	PREP	99-06-081
480-121-090	NEW-P	99-07-106	480-146-200	REP-P	99-03-073	490-500-420	PREP	99-06-081
480-121-100	NEW-P	99-07-106	480-146-200	REP	99-08-054	490-500-430	PREP	99-06-081
480-140	PREP	99-09-028	480-146-210	REP-P	99-03-073	490-500-435	PREP	99-06-081
480-143-010	REP-P	99-03-074	480-146-210	REP	99-08-054	490-500-437	PREP	99-06-081
480-143-010	REP	99-08-055	480-146-220	REP-P	99-03-073	490-500-445	PREP	99-06-081
480-143-020	REP-P	99-03-074	480-146-220	REP	99-08-054	490-500-450	PREP	99-06-081
480-143-020	REP	99-08-055	480-146-230	REP-P	99-03-073	490-500-455	PREP	99-06-081
480-143-030	REP-P	99-03-074	480-146-230	REP	99-08-054	490-500-460	PREP	99-06-081
480-143-030	REP	99-08-055	480-146-240	NEW-P	99-03-073	490-500-465	PREP	99-06-081
480-143-040	REP-P	99-03-074	480-146-240	NEW	99-08-054	490-500-470	PREP	99-06-081
480-143-040	REP	99-08-055	480-146-250	NEW-P	99-03-073	490-500-475	PREP	99-06-081
480-143-050	REP-P	99-03-074	480-146-250	NEW	99-08-054	490-500-477	PREP	99-06-081
480-143-050	REP	99-08-055	480-146-260	NEW-P	99-03-073	490-500-480	PREP	99-06-081
480-143-060	REP-P	99-03-074	480-146-260	NEW	99-08-054	490-500-485	PREP	99-06-081
480-143-060	REP	99-08-055	480-146-270	NEW-P	99-03-073	490-500-500	PREP	99-06-081
480-143-070	REP-P	99-03-074	480-146-270	NEW	99-08-054	490-500-505	PREP	99-06-081

**TABLE**

**Table of WAC Sections Affected**

<b>WAC #</b>	<b>ACTION</b>	<b>WSR #</b>	<b>WAC #</b>	<b>ACTION</b>	<b>WSR #</b>	<b>WAC #</b>	<b>ACTION</b>	<b>WSR #</b>
490-500-510	PREP	99-06-081						
490-500-525	PREP	99-06-081						
490-500-530	PREP	99-06-081						
490-500-542	PREP	99-06-081						
490-500-545	PREP	99-06-081						
490-500-555	PREP	99-06-081						
490-500-560	PREP	99-06-081						
490-500-580	PREP	99-06-081						
490-500-590	PREP	99-06-081						
490-500-600	PREP	99-06-081						
490-500-605	PREP	99-06-081						
490-500-615	PREP	99-06-081						
490-500-620	PREP	99-06-081						
490-500-622	PREP	99-06-081						
490-500-625	PREP	99-06-081						
490-500-627	PREP	99-06-081						
490-500-630	PREP	99-06-081						
490-500-635	PREP	99-06-081						
516- 13-090	AMD-P	99-03-011						
516- 13-090	AMD-E	99-03-012						
516- 13-090	AMD	99-07-089						
516- 15-050	AMD-P	99-03-011						
516- 15-050	AMD-E	99-03-012						
516- 15-050	AMD	99-07-089						
516-133	PREP	99-08-044						

**TABLE**

## Subject/Agency Index

(Citation in bold type refer to material in this issue)

### ACCOUNTANCY, BOARD OF

Certificates and licenses  
 continuing education  
 foreign reciprocity  
 renewal and fee cycle revised  
 Confidential information  
 Fees  
 Hearings  
 Meetings

### AGRICULTURE, DEPARTMENT OF

Alfalfa seed commission  
 meetings  
 Animal health  
 brucellosis vaccine  
 importation  
 scrapie control  
 Asparagus commission  
 meetings  
 Barley commission  
 meetings  
 Beef commission  
 meetings  
 Blueberry commission  
 meetings  
 Brands  
 permanent renewal  
 Bulb commission  
 meetings  
 Cattle  
 brands  
 feedlots  
 brucellosis vaccinates  
 Chemicals  
 picloran  
 Cranberry commission  
 meetings  
 Eggs and egg products  
 Farmed salmon commission  
 meetings  
 Fertilizers  
 application rates for commercial fertilizers  
 metals analysis methods  
 Field pea and chick pea  
 standards  
 Food processing operations  
 Food safety  
 pull date labeling  
 raw fruit juice product labeling  
 Fruits and vegetables  
 apple standards  
 apricot standards amended  
 grapevines  
 registration and certification  
 inspections  
 onion, cantaloupe, rhubarb, and tomato standards  
 rule repeal  
 peach standards  
 inspection rule retained  
 potato grade standards  
 raw fruit juice product labeling  
 Fryer commission  
 meetings  
 Grain  
 inspection fee schedule  
 Hop commission

meetings  
 membership qualifications  
 Hops  
 bales and tares  
 Horticulture inspection district boundaries  
 reference to word horticultural changed to  
 fruits and vegetables  
 Integrated pest management, interagency  
 coordinating committee meetings  
 Livestock  
 brands  
 identification program  
 Meat  
 custom slaughter and facilities  
 Milk and milk products  
 Mint  
 rootstock certification  
 Mint commission  
 meetings  
 Noxious weed control board  
 meetings  
 noxious weed grant program  
 noxious weed list  
 yellow nutsedge  
 Nurseries  
 inspection fees  
 Pesticide registration, commission on  
 meetings  
 Pesticides  
 ethyl parathion  
 ethylene dibromide (EDB) tolerances  
 heptachlor treated grain seed  
 phosdrin  
 protection of pollinating insects  
 ziram  
 Plant pests  
 detection, testing and inspection fees  
 grape phylloxera  
 Potato commission  
 meetings  
 Poultry  
 importation  
 Quarantine  
 apple maggot  
 grape virus  
 yellow nutsedge  
 Red raspberry commission  
 grades and packs, standards  
 meetings  
 Rules agenda  
 Seeds  
 certification fees  
 Strawberry commission  
 meetings  
 Technical assistance  
 lists of organizations  
 Tuberculosis in cervidae  
 Turfgrass seed commission  
 creation  
 Weights and measures  
 national standards adopted  
 Wheat commission  
 meetings  
 Wine commission  
 assessments  
 rates increased  
 meetings

MISC 99-02-006  
 PROP 99-02-063  
 PROP 99-02-066  
 PERM 99-06-072  
 EXAD 99-08-113  
 MISC 99-07-017  
 PREP 99-07-084  
 PERM 99-04-069  
 PROP 99-07-116  
 PREP 99-04-066  
 PREP 99-03-093  
 MISC 99-01-036  
 MISC 99-04-035  
 EXRE 99-07-124  
 PREP 99-07-123  
 PREP 99-03-095  
 PROP 99-07-126  
 MISC 99-08-042  
 PREP 99-07-111  
 EXRE 99-04-007  
 PERM 99-07-112  
 EXRE 99-04-006  
 PERM 99-07-113  
 PREP 99-07-086  
 PREP 99-02-021  
 PREP 99-07-088  
 PREP 99-03-096  
 PROP 99-07-125  
 PREP 99-03-090  
 MISC 99-02-013  
 PROP 99-03-085  
**PERM 99-09-024**  
 PREP 99-03-092  
 PREP 99-03-091  
 PREP 99-07-123  
 PREP 99-01-180  
 PROP 99-07-108  
 MISC 99-01-176  
 MISC 99-04-107  
 MISC 99-07-129  
 PREP 99-04-095  
 PREP 99-04-096  
 MISC 99-01-072  
 PROP 99-05-022  
 PERM 99-08-039  
 EXRE 99-07-114  
 PERM 99-02-064  
 PROP 99-04-111  
 PERM 99-07-056  
 MISC 99-06-009  
 PREP 99-02-062  
 PROP 99-06-070  
 MISC 99-01-046  
 MISC 99-01-074

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

### AIR POLLUTION

(See **ECOLOGY, DEPARTMENT OF**; individual air pollution control authorities)

### ARCHITECTS

(See **LICENSING, DEPARTMENT OF**)

### ASIAN PACIFIC AMERICAN AFFAIRS, COMMISSION ON

Meetings MISC 99-01-018

### ATTORNEY GENERAL'S OFFICE

Notice of request for opinion MISC 99-01-152  
MISC 99-02-003  
MISC 99-08-027

#### Opinions

city council member compensation (1999, No. 1) MISC 99-06-012  
county meetings, authority to ban video or sound recordings (1998, No. 15) MISC 99-01-107  
military leave for public employees (1999, No. 2) MISC 99-06-013  
public utility districts, authority (1998, No. 14) MISC 99-01-106

### BASIC HEALTH PLAN

(See **HEALTH CARE AUTHORITY**)

### BATES TECHNICAL COLLEGE

Meetings MISC 99-07-092

### BELLEVUE COMMUNITY COLLEGE

Meetings MISC 99-01-042  
Public records, access PROP 99-05-018

### BELLINGHAM TECHNICAL COLLEGE

Meetings MISC 99-01-002  
MISC 99-01-108  
MISC 99-02-068  
MISC 99-05-007  
MISC 99-07-002  
MISC 99-08-018

### BENTON COUNTY CLEAN AIR AUTHORITY

Meetings MISC 99-07-046

### BLIND, DEPARTMENT OF SERVICES FOR THE

Client services, eligibility PROP 99-01-022  
PERM 99-05-005

### BOILER RULES, BOARD OF

(See **LABOR AND INDUSTRIES, DEPARTMENT OF**)

### BUILDING CODE COUNCIL

Building code  
allowable shear tables EMER 99-05-030

### CAPITOL CAMPUS

(See **GENERAL ADMINISTRATION, DEPARTMENT OF**)

### CASCADIA COMMUNITY COLLEGE

Meetings MISC 99-01-047  
MISC 99-03-071

### CENTRALIA COLLEGE

Meetings MISC 99-01-071

### CHILD SUPPORT

(See **SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**)

### CHILDREN'S SERVICES

(See **SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**)

### CLARK COLLEGE

Administration practices revised PREP 99-06-011  
Meetings MISC 99-01-128

### CLARKSTON, PORT OF

Meetings MISC 99-01-081

### CODE REVISER'S OFFICE

Quarterly reports  
98-19 - 98-24 See Issue 99-02  
99-01 - 99-07 See Issue 99-08

### COLLEGES AND UNIVERSITIES

(See **HIGHER EDUCATION COORDINATING BOARD**; names of individual institutions)

### COLUMBIA BASIN COLLEGE

Meetings MISC 99-01-056

### COLUMBIA RIVER GORGE COMMISSION

Urban area boundary revisions and proposed plan amendments PROP 99-05-057  
PERM 99-09-041

### COMBINED FUND DRIVE

(See **PERSONNEL, DEPARTMENT OF**)

### COMMODITY COMMISSIONS

(See **AGRICULTURE, DEPARTMENT OF**)

### COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF

Bond users clearinghouse PREP 99-08-059  
Building permit fee PERM 99-01-089  
Community economic revitalization board meetings MISC 99-04-041  
MISC 99-09-002  
Electric local curtailment PREP 99-07-005  
Emergency food assistance program PREP 99-06-025  
Historic registers application process PROP 99-03-098  
Industrial development PREP 99-08-060  
Long-term care ombudsman program PROP 99-04-072  
Public works board financial assistance, standards PROP 99-05-062  
MISC 99-01-091  
MISC 99-06-018  
MISC 99-06-019  
public health need and substantial environmental degradation definitions PERM 99-09-020

### COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR

Exceptional faculty awards trust fund PREP 99-04-029  
EMER 99-07-057  
Meetings PROP 99-08-013  
MISC 99-01-045  
MISC 99-04-098  
Retirement rule revisions PREP 99-09-017  
Running start program PREP 99-08-057

### CONVENTION AND TRADE CENTER

Meetings MISC 99-01-044  
MISC 99-03-019  
MISC 99-06-010  
MISC 99-07-044  
MISC 99-09-047

### CORRECTIONS, DEPARTMENT OF

Facilities site selection process PREP 99-07-096  
Meetings MISC 99-06-008

### COUNTY ROAD ADMINISTRATION BOARD

Meetings MISC 99-01-006  
MISC 99-04-040  
Practice and procedure PERM 99-01-020  
PERM 99-01-021  
Rules coordinator MISC 99-01-019  
Rural arterial program MISC 99-01-021  
PROP 99-09-084

### CRIME VICTIMS COMPENSATION

(See **LABOR AND INDUSTRIES, DEPARTMENT OF**)

### CRIMINAL JUSTICE TRAINING COMMISSION

Meetings MISC 99-03-013

### EASTERN WASHINGTON UNIVERSITY

Meetings MISC 99-03-035  
MISC 99-03-072  
MISC 99-04-023  
MISC 99-06-015  
MISC 99-08-017

## Subject/Agency Index

(Citation in bold type refer to material in this issue)

Rules coordinator	MISC	99-01-125	Construction documents compliance with public works provisions	PREP	99-04-086
<b>ECOLOGY, DEPARTMENT OF</b>			Continuing education requirements	PROP	99-07-067
Air pollution			Early childhood special education subject area endorsement	EMER	99-05-002
nation emission and performance for new sources standards			Educational service districts criteria for organization	PREP	99-06-039
federal compliance	EXAD	99-04-097	Elementary and secondary standards	PROP	99-01-171
prevention of significant deterioration program	PREP	<b>99-09-093</b>	Emergency exit drills	PERM	99-06-005
wood fired boilers	PREP	99-07-093	Equivalency credit	PREP	99-04-083
Burning			Funding of schools state support	PROP	99-07-110
open, outdoor	PROP	99-07-110	Health services	PROP	99-04-089
Flood control assistance account program grants			High schools adult completion course work credit defined graduation requirements waiver option	PROP	99-04-088
public hearing on proposed award list	MISC	99-07-094	Marketing education	PROP	99-04-082
Forest practices to protect salmonids	EMER	99-07-077	Minimum length of school year	PROP	99-06-089
Forest practices to protect water quality	EMER	<b>99-09-001</b>	Physical education	PERM	99-01-173
Marine employee's commission meetings	PROP	99-02-016	Practice and procedure	PREP	99-04-088
Marine safety	PROP	<b>99-09-094</b>	School plant facilities	PROP	99-07-069
State Environmental Policy Act (SEPA) compliance	MISC	<b>99-09-018</b>	state assistance	PREP	99-04-085
Municipal stormwater general permits	EXRE	99-01-087	basic state support	PROP	99-07-066
Radioactive waste	PERM	99-07-076	educational specifications and site selection	PROP	99-04-079
commercial low level disposal-site use permit	MISC	99-03-078	interdistrict cooperation in financing school	PREP	99-03-026
low level disposal	MISC	99-03-079	plant construction	PREP	99-06-079
Rules agenda	MISC	99-04-047	interdistrict transportation cooperatives	PREP	99-06-080
Shoreline Management Act guidelines for development of master programs	PROP	99-08-124	modernization	PREP	99-06-077
Stormwater			preliminary provisions	PREP	99-06-076
watershed-based municipal stormwater general permits	MISC	99-08-061	procedural regulations	PREP	99-06-075
Vessels			School staff assignments	PREP	99-06-074
inspection standards	MISC	99-04-115	Specialized services	PREP	99-04-092
Water	MISC	99-04-002	Students rights	PROP	99-07-071
cleanup list	MISC	99-08-126	Transportation	PROP	99-04-084
surface water quality standards	PREP	99-05-060	state assistance	PERM	99-07-064
wastewater discharge			Vocational education	PROP	99-01-157
fresh fruit packing industry NPDES permit	MISC	99-04-063	certification requirements	PERM	99-08-004
sand and gravel general permit	MISC	<b>99-09-022</b>	Vocational-technical teacher education programs	PREP	99-06-006
Water resources	MISC	<b>99-09-079</b>		PROP	99-04-046
Methow Valley River Basin			<b>ELECTIONS</b>		
water conservation and management	PROP	<b>99-09-092</b>	(See SECRETARY OF STATE)		
Water rights			<b>EMPLOYMENT SECURITY DEPARTMENT</b>		
application processing	PROP	99-08-125	Academic year	EMER	99-05-003
changes or transfers	MISC	99-04-032	Educational employees	EMER	99-05-003
exempt ground water withdrawals	MISC	99-04-033	Employers		
Wetland mitigation banks	PREP	99-03-097	predecessor and successor employers	PROP	99-05-068
<b>ECONOMIC DEVELOPMENT FINANCE AUTHORITY</b>			Reasonable assurance	EMER	99-05-003
Meetings	MISC	99-01-041	Rules agenda	MISC	99-04-061
<b>EDMONDS COMMUNITY COLLEGE</b>			Unemployment benefits		
Meetings	MISC	99-01-009	application process	PROP	99-01-161
	MISC	99-02-043	voluntary quit	PERM	99-08-073
	MISC	99-02-051	work registration and job search requirements	PREP	99-01-160
	MISC	99-03-015	<b>ENERGY FACILITY SITE EVALUATION COUNCIL</b>	PROP	<b>99-09-097</b>
	MISC	99-04-064	Meetings	MISC	99-09-029
	MISC	99-06-094	<b>ENGINEERS</b>		
	MISC	99-07-045	(See LICENSING, DEPARTMENT OF)		
	MISC	99-08-067	<b>EXECUTIVE ETHICS BOARD</b>		
	MISC	99-08-068	Administrative procedures		
<b>EDUCATION, STATE BOARD OF</b>			investigations	PERM	99-06-073
Appeal procedures	PERM	99-01-172			
Certification					
compliance and requirements	PREP	99-04-087			
endorsements	PROP	99-07-070			
biology, chemistry, earth science, physics, mathematics	PROP	99-04-110			
early childhood education	PERM	99-07-102			
technology	PERM	99-06-005			
school nurse	PREP	99-04-109			
school occupational therapist	PREP	99-06-038			
school physical therapist	PREP	99-06-038			
school speech-language pathologist or audiologist	PREP	99-06-038			
standards	PERM	99-01-174			

## Subject/Agency Index

(Citation in bold type refer to material in this issue)

### FERTILIZERS

(See AGRICULTURE, DEPARTMENT OF)

### FINANCIAL INSTITUTIONS, DEPARTMENT OF

Banks, division of fees increased	PREP 99-02-033
	EMER 99-02-034
	PROP 99-07-131
Consumer Finance Act	EXRE 99-04-073
	PERM 99-08-123
Credit unions	
member business loans	PERM 99-03-009
Meetings	MISC 99-04-099
Rules agenda	MISC 99-04-011
Securities division	
advertising and promotional material	PERM 99-03-053
dishonest or unethical business practices	EXAD 99-01-155
fair practice rules changed to conduct rules	EXAD 99-07-012
investment advisers	
agency cross transactions	PERM 99-03-050
disclosures	PERM 99-03-052
guidelines	MISC 99-04-039
unethical practices	PERM 99-03-051
Trust companies	
investments	PERM 99-01-119

### FINANCIAL MANAGEMENT, OFFICE OF

Meetings	MISC 99-03-034
Official pay dates for 1999-2000	EXAD 99-07-128

### FISH AND WILDLIFE, DEPARTMENT OF

Aquaculture	
food fish/game fish lines	PREP 99-03-107
Dogs harassing deer or elk	EMER 99-08-063
Enhancement accounts	
funding	<b>PREP 99-09-040</b>
Fish and wildlife commission	
meetings	MISC 99-02-046
Fishing, commercial	
bottomfish	
coastal	EMER 99-02-017
	EMER 99-08-045
crab fishery	
areas and seasons	EMER 99-01-102
	EMER 99-02-004
	EMER 99-08-011
otter trawl logbook	EMER 99-03-008
	<b>EMER 99-09-035</b>
salmon	
Columbia River above Bonneville	EMER 99-04-059
	EMER 99-07-009
Columbia River below Bonneville	EMER 99-01-146
	EMER 99-05-055
	EMER 99-06-031
sea cucumbers	
areas and seasons	EMER 99-07-033
	EMER 99-08-010
sea urchins	
areas and seasons	EMER 99-01-010
	EMER 99-01-079
	EMER 99-01-101
	EMER 99-01-153
	EMER 99-02-027
	EMER 99-03-054
shrimp fishery	
coastal waters	PERM 99-01-154
	EMER 99-04-053
emerging commercial fishery	<b>EMER 99-09-036</b>
smelt	
areas and seasons	PERM 99-02-001
sturgeon	
areas and seasons	EMER 99-01-146
	EMER 99-02-026
	EMER 99-08-048
Fishing, personal use	
crab	
areas and seasons	EMER 99-08-038
	EMER 99-08-058
reporting rules	PREP 99-08-079
game fish	
seasons and catch limits	EMER 99-08-046
exceptions to state-wide rules	<b>EMER 99-09-015</b>

Humtulpis River closed to fishing licenses	EMER 99-06-020
	PERM 99-02-040
	PERM 99-03-029
	PREP 99-03-106
	EMER 99-06-007
expiration	
salmon	
annual fishing rules	PREP 99-05-037
areas and seasons	EMER 99-08-046
Puget Sound	EMER 99-05-061
shad	
areas and seasons	EMER 99-07-006
shellfish	
native clams	EMER 99-02-002
	EMER 99-07-008
	EMER 99-08-047
	<b>EMER 99-09-034</b>
smelt	
areas and seasons	EMER 99-02-025
	EMER 99-07-007
sportfishing rules	PERM 99-08-029
steelhead	
areas and seasons	EMER 99-04-060
	EMER 99-08-046
sturgeon	
areas and seasons	<b>EMER 99-09-014</b>
Fishing, subsistence	
Columbia River tributaries	<b>EMER 99-09-016</b>
Hunting	
bear	
	PREP 99-01-136
	PROP 99-05-063
	PERM 99-01-144
	PREP 99-01-136
	PROP 99-05-063
cougar	PREP 99-01-136
	PROP 99-05-063
deer	PREP 99-01-136
	PROP 99-05-063
disabled hunters	
crossbow and cocking device	PROP 99-05-064
elk	PROP 99-01-136
	PROP 99-05-063
game management units (GMUs)	PREP 99-01-136
	PROP 99-05-063
goose	PREP 99-01-136
	PROP 99-05-063
hunting hours and small game permit hunts	PREP 99-01-136
	PROP 99-05-063
moose	PREP 99-01-136
	PROP 99-05-063
mountain goat	PREP 99-01-136
	PROP 99-05-063
private lands wildlife management areas	PERM 99-01-138
	PERM 99-01-145
restricted and closed areas	PREP 99-01-136
	PROP 99-05-063
Prospecting	
gold and fish pamphlet	EXRE 99-01-054
	PERM 99-05-024
small scale prospecting and mining	PERM 99-01-088
	EXAD 99-05-023
Rules agenda	MISC 99-02-018
Volunteer cooperative projects	PREP 99-01-032
	PROP 99-05-075
	PROP 99-05-076
Wildlife	
deleterious exotic wildlife	
designation and control	PROP 99-01-055
	PERM 99-08-024
endangered, threatened, or sensitive species	PREP 99-01-137

### FOOD ASSISTANCE PROGRAM

(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)

### FOREST PRACTICES BOARD

(See also ECOLOGY, DEPARTMENT OF)

Meetings	MISC 99-01-083
Protection for threatened and endangered salmonids	EMER 99-07-075
	EMER 99-08-078
Rules agenda	MISC 99-01-082
	<b>PROP 99-09-078</b>
Water quality	PROP 99-01-070
Water typing rules	EMER 99-07-074

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	EMER	99-08-077	on-site sewage systems	MISC	99-03-059
			Environmental health program fees	PROP	99-07-120
			Facility standards and licensing		
			certificate of need		
			fees	PREP	99-05-011
			Fees		
			decreased for certain professions	PROP	99-02-057
				PERM	99-08-101
				PROP	99-08-097
			Food workers' permit		
			Health professions quality assurance division	MISC	99-03-055
			discipline	MISC	99-03-056
			intranet and internet use	MISC	99-03-057
			review of proposed statements procedures	MISC	99-03-057
			Hearing and speech, board of		
			audiology and speech-language pathology		
			education requirements	PROP	99-01-097
				PERM	99-08-102
			minimum standards of practice	EXAD	99-08-096
			hearing instrument purchase agreements	PROP	99-01-096
				PERM	99-08-103
				PERM	99-07-019
				PERM	99-07-019
			surety bonding		
			unfair practices		
			Hospitals		
			acute care hospital		
			standards	PERM	99-04-052
			Lead		
			reporting of blood lead levels	EXAD	99-06-091
			Local public health		
			guidelines	PERM	99-03-062
			rules review	PERM	99-03-063
			LPN		
			education supervision	MISC	99-02-060
			standing orders and protocols	MISC	99-02-060
			surgical technologist	MISC	99-02-059
			Medical quality assurance commission		
			sexual misconduct	PROP	99-07-121
			standing orders and protocols	MISC	99-02-061
			Midwives		
			examinations	PERM	99-03-064
			retired active status	PREP	99-06-090
			Nursing care quality assurance commission		
			alcohol misuse	<b>PREP</b>	<b>99-09-098</b>
			home health aids		
			simple trach care	MISC	99-02-058
			impaired practical nurse program, license		
			surcharge	PERM	99-01-099
			licenses		
			authorization to practice	PROP	99-06-092
				PROP	99-08-099
				PROP	99-08-099
			endorsement	EXRE	99-01-092
			qualifications	EXAD	99-01-098
				PERM	99-08-104
			occlusive dressings	MISC	99-05-010
			retired/active status	PREP	99-03-066
			sexual misconduct	PERM	99-04-051
			vagal nerve stimulator magnet	MISC	99-05-009
			voluntary monitoring	MISC	99-03-058
			Nursing home administrators, board of		
			complaints and hearing procedures	PERM	99-03-067
			program manager	PERM	99-03-069
			suitability and character	PERM	99-03-068
			Orthotist and prosthetists		
			examinations of candidates	PROP	99-03-083
				PERM	99-07-122
			Osteopathic medicine and surgery		
			standing orders and protocols	MISC	99-02-061
			Pharmacy, board of		
			standing orders and protocols	MISC	99-02-061
			Physician assistants		
			substance abuse monitoring surcharge	PROP	99-06-093
			Podiatric medical board		
			clinical rotation	MISC	99-03-060
			delegation of duties	PROP	99-08-100
			Psychology, examining board of		
			continuing education	<b>PROP</b>	<b>99-09-101</b>
			Radiation protection		
			dosimetry reporting	PROP	99-01-094
				PERM	99-05-013
				PROP	99-01-095
			industrial radiography equipment	PERM	99-05-012
				<b>PROP</b>	<b>99-09-099</b>
			machine facility registration fees		
<b>GAMBLING COMMISSION</b>					
Bingo					
charitable and nonprofit licenses					
net return	PERM	99-03-103			
promotions	PREP	99-03-099			
	PREP	99-03-100			
	PREP	99-03-101			
	PREP	99-03-102			
	PREP	99-04-005			
	PROP	99-08-094			
	PROP	99-08-093			
	<b>PREP</b>	<b>99-09-009</b>			
Card rooms					
house banked card games					
Licenses					
qualifications	<b>PREP</b>	<b>99-09-010</b>			
Promotional contests of chance	<b>PREP</b>	<b>99-09-011</b>			
Public disclosure	<b>PREP</b>	<b>99-09-012</b>			
Washington blackjack	PREP	99-07-095			
	<b>PROP</b>	<b>99-09-096</b>			
<b>GENERAL ADMINISTRATION, DEPARTMENT OF</b>					
Capitol campus design advisory committee					
meetings	MISC	99-01-026			
	MISC	99-01-118			
	MISC	99-05-020			
Capitol facilities division					
meetings	MISC	99-04-030			
Capitol grounds rules					
penalties for violations removed	PREP	99-08-086			
Federal surplus property	EXRE	99-01-151			
	PERM	99-06-001			
Property development, division of					
meetings	MISC	99-08-002			
State capitol committee					
meetings	MISC	99-05-067			
<b>GOVERNOR, OFFICE OF THE</b>					
Clemency and pardons board					
meetings	MISC	99-04-065			
Counties, state of emergency	MISC	99-03-028			
	MISC	99-04-068			
	MISC	99-06-041			
	MISC	99-06-096			
	MISC	99-07-035			
	MISC	99-07-055			
	MISC	99-07-083			
Ecology, department of					
notice of appeal	MISC	99-05-001			
Thomas Lake appeal	MISC	99-07-052			
Executive orders					
Council of economic advisors	MISC	99-04-027			
Executive orders, rescission	MISC	99-01-103			
School-to-work transition task force					
meetings	MISC	99-07-082			
<b>GRAYS HARBOR COLLEGE</b>					
Meetings	MISC	99-01-043			
	MISC	99-01-124			
<b>GREEN RIVER COMMUNITY COLLEGE</b>					
Meetings	MISC	99-02-005			
<b>GROWTH MANAGEMENT HEARINGS BOARDS</b>					
Meetings	MISC	99-02-050			
	MISC	99-04-045			
<b>HEALTH, DEPARTMENT OF</b>					
Antitrust immunity and competitive oversight					
transfer	PROP	99-04-049			
Antitrust review fees	PREP	99-04-050			
Boarding homes					
civil fines	PROP	99-04-048			
Chemical dependency professionals					
certification					
minimum standards	<b>PROP</b>	<b>99-09-100</b>			
examination and AIDS education requirements	PREP	99-08-095			
Children with special health care needs program	PERM	99-01-100			
	PERM	99-03-043			
Chiropractic quality assurance commission					
standards and licenses	PREP	99-03-061			
Community environmental health					

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Sex offender treatment provider program certification	EXRE 99-01-093 PERM 99-07-018		
Shellfish programs sewage disposal for commercial operation while operating a vessel	MISC 99-07-119		
Temporary worker housing building codes cherry harvest	PERM 99-03-065 PREP 99-03-082 PROP 99-08-098		
Veterinary, board of governors disciplinary reinstatement	MISC 99-02-080		
Water drinking water standards	PERM 99-07-021		
<b>HEALTH CARE AUTHORITY</b>			
Basic health plan appeals eligibility criteria underreported income	PERM 99-07-078 PREP 99-08-107 PREP 99-05-077 PROP 99-08-106 MISC 99-03-018		
Meetings Public employees benefits board meetings	MISC 99-07-036 MISC <b>99-09-030</b> MISC 99-06-101		
Rules agenda			
<b>HEARING AND SPEECH, BOARD OF</b> (See <b>HEALTH, DEPARTMENT OF</b> )			
<b>HIGHER EDUCATION COORDINATING BOARD</b>			
Administrative requirements	EXAD 99-01-039 PERM 99-06-021		
Exemptions from authorization	EXAD 99-01-040 PERM 99-06-022		
Meetings	MISC 99-01-116		
<b>HIGHLINE COMMUNITY COLLEGE</b>			
Meetings	MISC 99-01-110 MISC <b>99-09-077</b>		
<b>HISPANIC AFFAIRS, COMMISSION ON</b>			
Meetings	MISC 99-04-001		
<b>HORSE RACING COMMISSION</b>			
Horses identification Parimutuel rules	PERM 99-05-048 PROP 99-02-081 PERM 99-06-026 PERM 99-05-047		
Race Satellite locations Weights and equipment	PREP 99-03-014 PROP 99-02-082 PERM 99-05-049		
<b>HUMAN RIGHTS COMMISSION</b>			
Disability discrimination Meetings	PROP 99-04-108 MISC 99-01-129		
<b>HUNTING</b> (See <b>FISH AND WILDLIFE, DEPARTMENT OF</b> )			
<b>INDETERMINATE SENTENCE REVIEW BOARD</b>			
Hearing record preservation	MISC 99-07-081		
<b>INDUSTRIAL INSURANCE APPEALS, BOARD OF</b>			
Rules coordinator	MISC 99-04-043		
<b>INFORMATION SERVICES, DEPARTMENT OF</b>			
Meetings	MISC 99-03-024		
<b>INSURANCE COMMISSIONER'S OFFICE</b>			
Address Fraternal benefit societies risk-based surplus Health care services insurance mental health benefits	MISC 99-03-036 PERM 99-01-142 PROP 99-03-007 PROP 99-03-037 PROP 99-03-006 PROP 99-03-038 MISC 99-07-058		
pharmacy benefits Unigard security insurance company			
<b>INTEREST RATES</b> (See inside front cover)			
<b>INVESTMENT BOARD, STATE</b>			
Meetings		MISC 99-01-141	
<b>JAIL INDUSTRIES BOARD</b>			
Meetings Rules agenda		MISC 99-03-022 MISC 99-03-021	
<b>JUDICIAL CONDUCT, COMMISSION ON</b>			
Post-decision proceedings, procedure and confidentiality		<b>PROP 99-09-050</b>	
<b>LABOR AND INDUSTRIES, DEPARTMENT OF</b>			
Accident prevention programs Boiler rules, board of clear rule writing fees		EXAD 99-01-147 PREP 99-05-021 PROP 99-04-036 PERM 99-08-049	
Crime victims compensation rules review		PROP 99-01-179 PERM 99-07-004 PREP 99-02-083 PREP 99-05-078 PROP 99-08-129 PROP 99-08-128	
Electronic signatures Factory-assembled structures		PREP 99-06-040	
Fees First-aid requirements		PERM 99-07-130 EXAD 99-03-109 PERM 99-07-101 MISC 99-01-024 MISC <b>99-09-032</b> MISC 99-04-116	
Industrial Safety and Health Act (WISHA) abatement verification		PERM 99-02-019	
Plumbers advisory board position open fees			
Policy and interpretive statements			
Rules agenda Safety and health standards Asbestos removal and encapsulation construction advisory commission safety standards for construction work electrical equipment electrical workers		PROP 99-08-071 PREP 99-07-015 PERM 99-05-052 EXAD 99-04-078 PERM <b>99-09-080</b> PERM 99-07-063 PREP 99-07-014 PERM 99-05-080	
emergency washing facilities federal OSHA standards fire fighters hazardous waste operations and emergency responses		EXAD 99-01-149 PERM 99-07-097 PROP 99-08-072	
logging operations longshore, stevedore, and related waterfront operations longshore and marine terminals mines, pits, and quarries minors nonagricultural employment		PERM 99-02-023 PERM 99-02-024 PERM 99-01-023	
occupational health standards review penalty calculation and assessment explanations clarified policy and interpretive statements pulp, paper, and paperboard mills and converters review of standards scaffolds		PERM 99-02-041 PROP <b>99-09-081</b> PREP 99-04-057 PREP 99-08-069 MISC 99-02-069 PROP 99-06-071 PREP 99-04-057 PREP 99-08-070	
State funded nursing homes zero-lift environment discount Temporary worker building code factory-built structures		EMER 99-04-106 PREP 99-01-178 PROP 99-08-130	
Workers' compensation accident fund dividend distribution classification plan premium rates reporting and collection of premiums health care reimbursement rates retrospective rating		EMER 99-02-022 PREP 99-07-100 PREP 99-07-099 PREP 99-01-177 PROP 99-05-079 PREP 99-05-051	

## Subject/Agency Index

(Citation in bold type refer to material in this issue)

### LAKE WASHINGTON TECHNICAL COLLEGE

Meetings MISC 99-01-004  
MISC 99-07-037

### LAND SURVEYORS

(See LICENSING, DEPARTMENT OF)

### LICENSING, DEPARTMENT OF

Aircraft fuel tax PREP 99-08-127  
Architects, board of registration for licenses renewal PREP 99-01-001  
PROP 99-05-050  
PERM 99-08-062

Bail bond agents rules review PROP 99-08-087  
Boxing contests **PREP 99-09-083**  
Debt adjusters **EXRE 99-09-056**

Engineers and land surveyors, board of registration for professional branch offices PREP 99-02-075  
corporations and limited liability companies PREP 99-02-074  
documents PREP 99-02-079  
fees and charges PREP 99-02-070  
PROP 99-08-132  
meetings and officers PREP 99-02-072  
MISC 99-03-017

offer to practice PREP 99-02-076  
providing direct supervision PREP 99-07-135  
renewals PREP 99-02-073  
retired status certificate of registration PREP 99-07-134  
seals PREP 99-02-077  
seals/stamp usage PREP 99-02-078

signature electronic signature definition PREP 99-07-136  
temporary permits PREP 99-02-071  
Martial arts contests **PREP 99-09-083**  
Model traffic ordinance PROP 99-01-143  
PERM 99-04-070

Motor vehicle excise tax credit PREP 99-07-040  
PREP 99-07-079  
PREP 99-07-080  
**PROP 99-09-044**

Motor vehicles certificate of title PERM 99-01-014  
PROP 99-01-140  
PERM 99-02-049  
PROP 99-04-037  
PROP 99-04-038  
PERM 99-06-037  
PROP 99-07-016  
PERM 99-08-064  
PERM 99-08-065  
**PROP 99-09-043**

dealers and manufacturers rules review PROP 99-05-059  
drivers' licenses extension PROP 99-02-052  
PERM 99-05-032  
licenses PERM 99-01-133  
PROP 99-01-139  
PREP 99-03-003  
PERM 99-06-029  
PERM 99-01-104

Practice and procedure Public records disclosure copying fees EXAD 99-05-004  
**PERM 99-09-045**  
PREP 99-08-036

definitions Real estate appraisers appraisers fees PROP 99-08-028  
PERM 99-04-075  
PROP 99-01-158  
PERM 99-04-074  
uniform standards of practice

Real estate commission brokers and salesmen rules review PERM 99-03-042  
Rules agenda MISC 99-03-027

Uniform commercial code filing office fees PERM 99-06-003

Vessels registration and certificate of title PERM 99-01-134  
PROP 99-02-012

### LIQUOR CONTROL BOARD

Added activities on licensed premises PREP 99-04-113  
Alcoholic beverages brought into state for personal use

Credit card or debit card use PROP 99-05-014  
Electronic funds transfer PERM 99-04-114  
Hearing methods PREP 99-04-002

rules review **EXRE 99-09-038**  
Licenses penalty guidelines PERM 99-03-032  
PERM 99-03-033  
PROP 99-06-097  
**PREP 99-09-039**

retail rules review

Malt beverages tax reporting and filing PREP 99-04-112

Sports, entertainment facilities alcohol service PROP 99-07-085

Tobacco products sale or handling by employees under age eighteen PERM 99-03-031

Violations administrative procedure PROP 99-08-014

### LOTTERY COMMISSION

Lotto drawing dates PROP 99-04-012  
PROP 99-05-036

Meetings MISC 99-08-009

On-line games ticket sales PERM 99-04-077  
MISC 99-06-014

Policy summaries Quinto

drawing dates PROP 99-04-012  
Retailer compensation PREP 99-04-003

Retailer licensing PERM 99-01-038  
PREP 99-04-076

### LOWER COLUMBIA COLLEGE

Rules coordinator MISC 99-01-007

### MARINE SAFETY

(See ECOLOGY, DEPARTMENT OF)

### MEDICAL CARE

(See HEALTH, DEPARTMENT OF)

### MILITARY DEPARTMENT

911 enhanced funding PREP 99-06-024

### MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF

Annual goals PREP 99-05-082  
Political subdivision fees PREP 99-05-083

### MODEL TRAFFIC ORDINANCE

(See LICENSING, DEPARTMENT OF)

### MOTOR VEHICLES

(See LICENSING, DEPARTMENT OF; TRANSPORTATION, DEPARTMENT OF; WASHINGTON STATE PATROL; UTILITIES AND TRANSPORTATION COMMISSION)

### NATURAL RESOURCES, DEPARTMENT OF

Aquatic lands exchange PERM 99-07-034  
Burning permit fees PROP 99-08-117  
Meetings MISC 99-02-028  
MISC 99-08-083

Milwaukee Road Corridor-recreation use PREP 99-08-116

### NURSING CARE

(See HEALTH, DEPARTMENT OF)

### OLYMPIC COLLEGE

Meetings MISC 99-01-025  
MISC 99-04-044

### OSTEOPATHY

(See HEALTH, DEPARTMENT OF)

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

### OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR

Meetings MISC 99-03-047  
 MISC 99-03-048  
 Off-road vehicle funds EXAD 99-01-148  
 PREP 99-08-092  
 PROP 99-08-114

### PARKS AND RECREATION COMMISSION

Marine facilities  
 moorage and use PROP 99-01-120  
 PERM 99-04-117  
 Meetings MISC 99-01-135  
 Public use of park areas PROP 99-04-118  
 PERM 99-08-031  
 Trails  
 bicycle and equestrian use PREP 99-06-042  
 Wind/sand sailing on ocean beaches PROP 99-08-084

### PENINSULA COLLEGE

WAC revisions PREP 99-07-060

### PERSONNEL, DEPARTMENT OF

Affirmative action  
 governor's affirmative action policy committee meetings MISC 99-01-085  
 Initiative 200 compliance EMER 99-01-050  
 EMER 99-01-051  
 PROP 99-02-053  
 PROP 99-02-054  
 PERM 99-05-042  
 PERM 99-05-043  
 Certifications  
 actions required PERM 99-03-044  
 Combined fund drive PREP 99-05-081  
 PROP 99-08-109  
 Housekeeping changes and rules clarification PROP 99-05-058  
 Meetings MISC 99-01-049  
 Probationary period PERM 99-01-052

### PERSONNEL RESOURCES BOARD

(See PERSONNEL, DEPARTMENT OF)

### PESTICIDES

(See AGRICULTURE, DEPARTMENT OF)

### PIERCE COLLEGE

Meetings MISC 99-01-122  
 Student rights and responsibilities/code of conduct PREP 99-04-028  
 PROP 99-07-109

### PILOTAGE COMMISSIONERS, BOARD OF

New pilots, limitations PROP 99-01-117  
 PERM 99-08-003  
 Puget Sound district annual tariff PROP 99-08-075

### PROPERTY TAX

(See REVENUE, DEPARTMENT OF)

### PROSPECTING

(See FISH AND WILDLIFE, DEPARTMENT OF)

### PUBLIC ASSISTANCE

(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)

### PUBLIC DISCLOSURE COMMISSION

Agency rules  
 uniform procedure and format for public PROP 99-06-050  
 PROP 99-09-062  
 Commercial advertisers  
 public inspection of records PREP 99-06-064  
 PROP 99-09-074  
 Contributions to candidates, elected officials,  
 political committees or public office fund  
 lobbyist making contributions on behalf of  
 employer PREP 99-06-067  
 PROP 99-09-059  
 Elected public officials  
 annual list PREP 99-06-059  
 PROP 99-09-070  
 name not on list, impact PREP 99-06-061  
 PROP 99-09-071  
 responsibility for developing PREP 99-06-060

Freedom of communication  
 employer interference PROP 99-09-058  
 PREP 99-06-068  
 PROP 99-09-060

Legislature  
 form for report of legislative activity by  
 legislators and staff PREP 99-06-069  
 PROP 99-09-061

Lobbyist registration  
 last calendar quarter of biennial period PREP 99-06-065  
 PROP 99-09-075  
 termination PREP 99-06-066  
 PROP 99-09-076

Political advertising  
 political party identification PREP 99-06-063  
 PROP 99-09-073

Public records  
 copying charges for records on CDs and diskettes PREP 99-06-054  
 PROP 99-09-066  
 hours for inspection and copying PREP 99-06-052  
 PROP 99-09-064

index PREP 99-06-057  
 PROP 99-09-069  
 officer PREP 99-06-051  
 PROP 99-09-063

public inspection  
 exemptions PREP 99-06-055  
 PROP 99-09-067  
 requests PREP 99-06-053  
 PROP 99-09-065

forms PREP 99-06-058  
 PROP 99-09-057  
 review of denials PREP 99-06-056  
 PROP 99-09-068

Rules agenda MISC 99-01-150  
 Sample ballots PREP 99-06-062  
 PROP 99-09-072

### PUBLIC EMPLOYMENT RELATIONS COMMISSION

Interest arbitration and grievance rules PREP 99-04-013  
 Meetings MISC 99-02-011  
 Rules agenda MISC 99-01-086

### PUBLIC INSTRUCTION, SUPERINTENDENT OF

Alternative learning experience  
 requirements PERM 99-08-008  
 Running start program PREP 99-09-008  
 Special education services PREP 99-06-049

### PUBLIC WORKS BOARD

(See COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT,  
 DEPARTMENT OF)

### PUGET SOUND AIR POLLUTION CONTROL AGENCY

Dust control PROP 99-04-104  
 PERM 99-07-061  
 Meetings MISC 99-01-003  
 Odor control PROP 99-04-104  
 Outdoor burning  
 military training PROP 99-04-104  
 Source review requirements PROP 99-04-105  
 PERM 99-07-062

### RADIATION PROTECTION

(See HEALTH, DEPARTMENT OF)

### REAL ESTATE APPRAISERS

(See LICENSING, DEPARTMENT OF)

### RETIREMENT SYSTEMS, DEPARTMENT OF

Early retirement window EXRE 99-08-074  
 Law enforcement officers and fire fighters  
 retirement system  
 disability and general definitions PREP 99-09-006  
 Meetings MISC 99-02-029  
 Teacher's retirement system (TRS) plan 1 PREP 99-07-026  
 Untimely or deficient reporting EXRE 99-08-074

### REVENUE, DEPARTMENT OF

Abandoned property EXRE 99-04-018  
 PERM 99-08-007  
 Business and occupation tax

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

laundries and dry cleaners	EXAD	99-08-032	<b>SECRETARY OF STATE</b>	
sales of meals	EXAD	99-06-027	Elections	
successor to person quitting business	PROP	99-04-014	absentee ballots	
	PERM	99-08-034	mailing methods	PREP 99-07-042
	PROP	99-04-015	ballots	PREP 99-01-064
veterinarians	PERM	99-08-033		PROP 99-05-033
			county procedures, review	PERM 99-08-089
<b>Deductibility</b>				PROP 99-05-054
business and occupation tax, sales tax, public utility tax	EXAD	99-08-022	inactive voters, cancellation notice	PROP 99-07-043
<b>Estate taxes</b>				PREP 99-01-064
rule revisions	PREP	99-07-133		PROP 99-05-053
waiver or cancellation of penalty	PERM	99-03-010	logic and accuracy tests	PROP 99-05-034
<b>Excise tax</b>				PERM 99-08-115
domestic violence victims			officials, certification	PREP 99-01-065
housing for low-income homeless, tax exemption	EXAD	99-07-090	Electronic Authentication Act implementation	PERM 99-02-047
educational institutions	PERM	99-03-005		PERM 99-02-048
fuel oil, oil products, other extracted products	EXRE	99-04-019	Limited liability companies	
	PERM	99-08-005	fees	EXAD 99-05-039
	<b>PREP</b>	<b>99-09-082</b>	Limited partnerships	
<b>Indian reservations</b>	PERM	99-02-055	fees	EXAD 99-05-038
internal distribution tax	EXAD	99-04-021		
landscape and horticultural services	<b>PERM</b>	<b>99-09-013</b>	<b>SECURITIES</b>	
	EXRE	99-04-019	(See <b>FINANCIAL INSTITUTIONS, DEPARTMENT OF</b> )	
pattern makers	EXRE	99-04-019	<b>SEX OFFENDER TREATMENT PROVIDER PROGRAM</b>	
poultry and hatching egg producers	PROP	99-04-022	(See <b>HEALTH, DEPARTMENT OF</b> )	
ride sharing exemptions and credits	PERM	99-08-035		
	PREP	99-06-036	<b>SHORELINE COMMUNITY COLLEGE</b>	
stumpage value tables	PERM	99-04-031	Meetings	MISC 99-01-126
Intercounty utilities and transportation companies	PERM	99-08-006		MISC 99-07-001
	EXAD	99-08-023		
<b>Legal, arbitration, and mediation services</b>			<b>SKAGIT VALLEY COLLEGE</b>	
<b>Property tax</b>			Meetings	MISC 99-02-044
agricultural land valuation	PERM	99-01-067		MISC 99-07-091
exemptions	<b>PREP</b>	<b>99-09-085</b>		
forest land valuation	PERM	99-02-030	<b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF</b>	
homes for aging	EMER	99-02-031	Aging and adult services administration	
inflation rate	PERM	99-01-068	adult family homes	
nonprofit homes for the aging	PERM	99-04-016	secure environments	PREP 99-03-105
refunds, rate of interest	PERM	99-01-066	boarding home licensing	<b>EXAD 99-09-052</b>
reevaluation	PREP	99-05-069	in-home care providers	
timber and forest products	EXRE	99-04-017	contract qualifications	PERM 99-03-041
<b>Rules agenda</b>	MISC	99-01-175	long-term care services	<b>PREP 99-09-051</b>
<b>Sales of meals</b>	EXAD	99-06-027	private duty nursing services	PREP 99-01-165
<b>Sales tax</b>			Alcohol and substance abuse, division of	
games of chance	PROP	99-05-017	chemical dependency services	
	PERM	99-08-090	county administration	PREP 99-06-082
			Child care	
landfill gas, wind, and solar energy electric generating facilities	EXAD	99-06-028	subsidized payment rates	PROP 99-08-121
watercraft to nonresidents	EXAD	99-04-020	Child protective services	
<b>Timber excise tax</b>			investigations, notification and appeal process	PREP 99-01-164
stumpage values	PERM	99-02-032	Child support, division of	
<b>Use tax</b>			case closure	
advertising materials printed outside state	PREP	99-01-090	"most wanted" internet site	<b>PREP 99-09-003</b>
fuel oil, oil products, other extracted products	EXRE	99-04-019		<b>EMER 99-09-004</b>
landfill gas, wind, and solar energy electric generating facilities	EXAD	99-06-028	noncompliance penalties	PERM 99-01-057
watercraft to nonresidents	EXAD	99-04-020	prehearing procedures	MISC 99-03-039
			stepparent liability	MISC 99-01-030
			Children's administration	MISC 99-07-038
<b>RULES COORDINATORS</b>			child care facilities	MISC 99-01-031
(See Issue 99-01 for a complete list of rules coordinators designated as of 12/24/98)			licensing requirements	
County road administration board	MISC	99-01-019	child care payment rate	PREP 99-07-039
Eastern Washington University	MISC	99-01-125	foster homes	PREP 99-05-070
Industrial insurance appeals, board of	MISC	99-04-043	payment rates	
Insurance commissioner, office of	MISC	99-03-036	'safety requirements	PREP 99-01-114
Lower Columbia College	MISC	99-01-007	Indian child welfare	PERM 99-01-059
Veterans affairs, department of	MISC	99-01-130	Developmental disabilities, division of	PREP 99-01-166
Washington state library	MISC	99-05-019	family support opportunity	
Western Washington University	MISC	99-02-067	pilot program	PERM 99-04-071
			Economic services administration	
<b>SAFETY STANDARDS</b>			assistance programs, division of	
(See <b>LABOR AND INDUSTRIES, DEPARTMENT OF</b> )			errors and omissions corrected	PREP 99-07-105
			eligibility	PROP 99-02-014
<b>SALES TAX</b>			emergency assistance	PREP 99-01-113
(See <b>REVENUE, DEPARTMENT OF</b> )			exceptions and complaints	PREP 99-08-120
			general assistance-unemployable	PREP 99-04-055
<b>SCHOOLS</b>			need standards	PROP 99-01-029
(See <b>EDUCATION, STATE BOARD OF</b> )				PERM 99-04-056
			payment of grants	PERM 99-02-039
<b>SEATTLE COMMUNITY COLLEGES</b>			resource	PREP 99-03-040
Meetings	MISC	99-01-061		



## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

escort vehicles	PROP 99-05-006	<b>WASHINGTON STATE LIBRARY</b>	
Rules agenda	PERM 99-08-025	Library commission	
State Environmental Policy Act	MISC 99-01-053	meetings	MISC 99-01-078
review and update	PREP 99-04-042		MISC 99-04-100
Transportation building address	EXAD 99-06-004	Rules coordinator	MISC 99-07-022
Utility franchises and permits	PROP 99-08-082		MISC 99-05-019
<b>TRANSPORTATION IMPROVEMENT BOARD</b>		<b>WASHINGTON STATE PATROL</b>	
Meetings	MISC 99-03-023	Background checks	PROP 99-03-080
	MISC 99-07-011		PROP 99-03-081
	MISC 99-08-076		PERM 99-07-050
Rules update	PROP 99-03-089		PERM 99-07-051
	PERM 99-08-021	Buses	
Transportation Equity Act, implementation	PROP 99-03-088	warning device exemption	<b>PREP 99-09-021</b>
	PERM 99-08-020	Fire protection policy board	
		meetings	MISC 99-05-066
<b>TREASURER, OFFICE OF THE STATE</b>		Motor vehicles	
Securities		flashing lamps	PERM 99-02-045
collateral for payment	PERM 99-03-004	headlamps	
		blue tint	<b>PREP 99-09-049</b>
<b>TRUST COMPANIES</b>		ignition interlock breath alcohol devices	PERM 99-01-156
(See FINANCIAL INSTITUTIONS, DEPARTMENT OF)		impounds	<b>PREP 99-09-048</b>
<b>UNEMPLOYMENT COMPENSATION</b>		tire chain use	EXAD 99-01-084
(See EMPLOYMENT SECURITY DEPARTMENT)			PERM 99-06-023
<b>UNIVERSITY OF WASHINGTON</b>		<b>WASHINGTON STATE UNIVERSITY</b>	
Meetings	MISC 99-01-080	Meetings	MISC 99-09-005
	MISC 99-04-062		
Rules agenda	MISC 99-03-016	<b>WESTERN WASHINGTON UNIVERSITY</b>	
Student records disclosure	PREP 99-01-075	Bicycle traffic and parking	PROP 99-03-011
	PROP 99-08-056		EMER 99-03-012
Thomas Burke Museum	EXRE 99-01-131		PERM 99-07-089
	PERM 99-06-033	Organization	PREP 99-08-044
		Rules coordinator	MISC 99-02-067
		address	MISC 99-08-043
		Skateboards and in-line skates	PROP 99-03-011
			EMER 99-03-012
<b>USURY RATES</b>		<b>WHATCOM COMMUNITY COLLEGE</b>	
(See inside front cover)		Meetings	MISC 99-01-127
<b>UTILITIES AND TRANSPORTATION COMMISSION</b>		<b>WILDLIFE</b>	
Budgets		(See FISH AND WILDLIFE, DEPARTMENT OF)	
rules review	<b>PREP 99-09-028</b>	<b>WORKERS' COMPENSATION</b>	
Electric companies	PREP 99-08-105	(See LABOR AND INDUSTRIES, DEPARTMENT OF)	
Gas companies	PREP 99-08-052	<b>WORKFIRST</b>	
Low-level radioactive waste disposal rates	PERM 99-05-016	(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)	
Motor carriers		<b>WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD</b>	
household goods	PERM 99-01-077	Meetings	MISC 99-04-101
	PERM 99-08-026		MISC 99-06-095
	PROP 99-08-085		<b>MISC 99-09-033</b>
Pipeline safety	PERM 99-02-036		<b>MISC 99-09-042</b>
	PERM 99-02-037	<b>YAKIMA REGIONAL CLEAN AIR AUTHORITY</b>	
Practice and procedure	PERM 99-05-031	Compliance and enforcement	PROP 99-01-033
Property transfers	PROP 99-03-074	Permits	PROP 99-01-033
	PERM 99-08-055		PROP 99-06-017
	PREP 99-08-053	Public hearings	PROP 99-03-049
Railroad company operations			PROP 99-06-017
Securities, liens, affiliated interests,	PROP 99-03-073	<b>YAKIMA VALLEY COMMUNITY COLLEGE</b>	
refunding of notes, and leases	PERM 99-08-054	Meetings	MISC 99-07-048
	PREP 99-08-012	Public records	PREP 99-05-041
Solid waste collection companies		Student rights and responsibilities	PROP 99-08-019
Telecommunications			
customer proprietary network information	PERM 99-05-015		
	PROP 99-07-107		
	PROP 99-07-106		
registration			
Telephones			
pay phone and operator services providers, level	PERM 99-02-020		
of service	<b>PREP 99-09-027</b>		
rules review	PERM 99-01-076		
subscriber rates, calling areas	PREP 99-01-076		
Water companies			
investor owned companies	PROP 99-07-053		
<b>VETERANS AFFAIRS, DEPARTMENT OF</b>			
Rules coordinator	MISC 99-01-130		
<b>WALLA WALLA COMMUNITY COLLEGE</b>			
Meetings	MISC 99-01-034		
	MISC 99-01-062		
	MISC 99-03-070		
	MISC 99-06-016		
	<b>MISC 99-09-046</b>		

















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