

WSR 18-01-004
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed December 6, 2017, 2:42 p.m.]

December 6, 2017
 Stephen Sinclair
 Secretary

Subject of Possible Rule Making: Changes to Washington department of fish and wildlife's (WDFW) Puget Sound commercial salmon fishing rules, resulting from North of Falcon recommendations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Puget Sound commercial salmon fishing rules are based on North of Falcon recommendations that change from year to year to reflect resource availability and to achieve conservation goals. Rule amendments to Puget Sound commercial salmon fishing rules are needed to implement the agreed-upon changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: NOAA Fisheries and the National Marine Fisheries Service. These agencies, as well as WDFW, the Pacific Fisheries Management Council, and the Pacific Salmon Commission, all provide input and/or take part in the North of Falcon meetings and recommendations.

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 Kirt Hughes, 600 Capitol Way North, Olympia, WA 98501-1091, phone 360-902-2705, fax 360-902-2158, email Kirt.Hughes@dfw.wa.gov.

December 6, 2017
 Scott Bird
 Rules Coordinator

WSR 18-01-008
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF CORRECTIONS

[Filed December 7, 2017, 7:41 a.m.]

Subject of Possible Rule Making: Chapter 137-08 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 10.97.080, 42.56.040, and 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring WAC in [to] conformance with changes in state law.

Process for Developing New Rule: The department invites interested parties to review and provide input on the proposed rules. Comments may be sent to John Nispel, rules coordinator at the address shown below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Nispel, Rules Coordinator, Department of Corrections, Contracts and Legal Affairs, P.O. Box 41114, Olympia, WA 98504-1114, phone 360-725-8365, fax 360-664-2009, email John.nispel@doc.wa.gov.

WSR 18-01-028
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed December 11, 2017, 2:38 p.m.]

Subject of Possible Rule Making: WAC 182-546-0150 Client eligibility for ambulance transportation, 182-546-0400 General limitations on payment for ambulance services, and other related sections, as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Effective January 1, 2018, the agency will cover all emergency and nonemergency ambulance services provided to apple health clients through fee-for-service, including those transports for clients enrolled in an agency-contracted managed care organization. The agency is removing references to managed care from appropriate sections of chapter 182-546 WAC.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amy Emerson, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1348, fax 360-586-9727, TTY 1-800-848-5429, email amy.emerson@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

December 11, 2017
 Wendy Barcus
 Rules Coordinator

WSR 18-01-044
PREPROPOSAL STATEMENT OF INQUIRY
WESTERN WASHINGTON UNIVERSITY

[Filed December 12, 2017, 12:12 p.m.]

Subject of Possible Rule Making: Chapter 516-26 WAC, Student records.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To revise, update and align existing chapter 516-26 WAC, Student records, with federal Department of Education guidance regarding the Family Educational Rights and Privacy Act of 1974 (FERPA) and ensure current student data processing, storage and transmittal meets current security controls and best practices.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education - FERPA - no requirement to inform that agency of proposed rule amendment because the purpose of rule making is to align with FERPA guidance.

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 David Brunner, Registrar, 516 High Street, Mailstop 9008, Bellingham, WA 98225, phone 360-650-7732, email David.Brunner@wwu.edu; or Jennifer Sloan, Rules Coordinator, 516 High Street, Mailstop 9015, Bellingham, WA 98225, phone 360-650-3117, fax 360-650-6197, email Jennifer.Sloan@wwu.edu, web site <https://wp.wwu.edu/rules/>.

December 12, 2017
Jennifer L. Sloan
Rules Coordinator

WSR 18-01-057

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR AND CANNABIS BOARD

[Filed December 13, 2017, 10:59 a.m.]

Subject of Possible Rule Making: WAC 314-02-106
What is a spirits retailer license?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to address the placement and storage of mini spirit bottles for sale in a spirit retailer's premises.

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

Process for Developing New Rule: Pilot rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, P.O. Box 43098, Olympia, WA 98504, phone 360-664-1631, fax 360-664-9689, email rules@lcb.wa.gov, web site lcb.wa.gov.

December 13, 2017
Jane Rushford
Chair

WSR 18-01-058

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR AND CANNABIS BOARD

[Filed December 13, 2017, 11:10 a.m.]

Subject of Possible Rule Making: Cannabis production and canopy rules in chapter 314-55 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342 and 69.50.345.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state liquor and cannabis board (WSLCB) is considering rule changes regarding cannabis production canopy as it relates to supply and demand for cannabis within Washington state. Rule change proposals will address how WSLCB may adjust canopy amounts to keep pace with demand for cannabis products (increases or decreases) should adjustments become necessary. Current rule, WAC 314-55-075 (7) and (8), includes some provisions for reductions in individual canopy or for exceeding all canopy, but does not address other instances where canopy adjustments may be advisable or required, including any increases. Rule proposals will provide conditions and parameters for additional canopy adjustments.

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 Joanna Eide, Policy and Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, WA 98504, phone 360-664-1622, fax 360-664-9689, TTY 711 or 1-800-833-6388, email Rules@lcb.wa.gov, web site www.lcb.wa.gov.

December 13, 2017
Jane Rushford
Chair

WSR 18-01-066

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed December 14, 2017, 12:23 p.m.]

Subject of Possible Rule Making: WAC 182-526-0284
Orders of default, 182-526-0285 Orders of dismissal, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 42 C.F.R. Part 431, Subpart E—Fair Hearings for Applicants and Beneficiaries.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is revising WAC 182-526-0284 and 182-526-0285 to align with the changes proposed in WAC 182-526-0290 which were made to be consistent with the Administrative Procedures [Procedure] Act.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of social and health services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vance Taylor, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, TTY 1-800-848-5429, email vance.taylor@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

December 14, 2017
Wendy Barcus
Rules Coordinator

WSR 18-01-067
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)
[Filed December 14, 2017, 1:58 p.m.]

Subject of Possible Rule Making: The securities division intends to amend WAC 460-16A-205 to update its adoption of various statements of policy promulgated by the North American Securities Administrators Association (NASAA) that are applied to securities offerings sought to be registered under RCW 21.20.180 or 21.20.210. These statements of policy do not apply to offerings of federal covered securities or offerings that are exempt from registration under the Securities Act of Washington, chapter 21.20 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since WAC 460-16A-205 was last amended, several NASAA statements of policy have been amended and a new statement of policy was promulgated to address electronic offering documents and electronic signatures in the context of subscriptions in registered securities offerings. The securities division intends to amend WAC 460-16A-205 to adopt the amended statements of policy and to adopt the new statement of policy on electronic offering documents and electronic signatures. The securities division also intends to repeal the adoption of the statement of policy regarding health care facility offerings, which was repealed by NASAA when it became obsolete as a result of the fact that health care facility offerings are now structured as municipal bonds and exemptions from registration apply.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Securities are subject to regulation by other state regulatory agencies and the Securities and Exchange Commission. The amendments under consideration will better coordinate with the rules of other state agencies.

Process for Developing New Rule: The securities division will adopt rules after considering all comments received.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nathan Quigley, Department of Financial Institutions, P.O. Box 9033, Olympia, WA 98507-9033, phone 360-902-8797, fax 360-902-0524, TTY 360-664-8126, email Nathan.Quigley@dfi.wa.gov, web site <https://dfi.wa.gov/securities>.

December 14, 2017
William M. Beatty
Securities Administrator

WSR 18-01-072
PREPROPOSAL STATEMENT OF INQUIRY
SKAGIT VALLEY COLLEGE
[Filed December 14, 2017, 2:59 p.m.]

Subject of Possible Rule Making: Skagit Valley College intends to permanently repeal its rule concerning sexual harassment, WAC 132D-305-005.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule change is needed because Skagit Valley College has already updated and clarified its sexual harassment policy in a revised policy/procedure for prevention of sexual harassment and discrimination. The college intends to permanently repeal WAC 132D-305-005 to implement the updated policy changes in line with the most recent guidance from the United States Department of Education's Office for Civil Rights, Title IX guidance letters, Violence Against Women Act, and Campus SaVE.

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 Carolyn Tucker, 2405 East College Way, phone 360-416-7679, fax 360-416-7878, email carolyn.tucker@skagit.edu, web site www.skagit.edu.

December 14, 2017
Lisa Radeleff
Executive Assistant
Rules Coordinator

WSR 18-01-076
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
[Filed December 15, 2017, 8:21 a.m.]

Subject of Possible Rule Making: Chapter 246-916 WAC, Athletic trainers, the department of health is considering clarifying who an "authorized volunteer" is.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.250.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be necessary [to] clarify who is acting as an "authorized volunteer." RCW 18.250.050(5) exempts authorized volunteers from the requirement to obtain an athletic trainer license. However, authorized volunteer is not defined in the chapter. The athletic training advisory committee, which advises the secretary of health on rule making, has heard concerns that organizations are using minimally trained minors and students to fulfill athletic training duties. These duties may include concussion assessments, return to play evaluations and other tasks which require health care training and may be occurring without any supervision of the volunteer. Authorized volunteers may be called on to provide on the spot assessment of injuries, including concussion without an athletic trainer license. Traumatic brain injury and concussion detection is critical in ensuring the safety of Washington athletes. Rules

are intended to provide high standards of care for participants in athletic training programs and in the care of authorized volunteers.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Bronoske, Jr., P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4843, fax 360-236-2901, TTY 360-833-6388 or 711, email Bruce.Bronoske@doh.wa.gov, web site <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

Additional comments: Interested parties can participate in the rule-making process by providing comments on proposed language and/or attending a rules workshop. Notices will be sent to interested parties through GovDelivery and email.

December 15, 2017
John Wiesman, DrPH, MPH
Secretary

WSR 18-01-077

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed December 15, 2017, 9:22 a.m.]

Subject of Possible Rule Making: WAC 182-517-0100 Federal medicare savings program and other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these rules to create a second eligibility methodology based on household size for the qualified medicare beneficiary program. During the course of this review, the agency may identify additional changes that are required to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of social and health services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, TTY 1-800-848-5429, email Melinda.froud@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

December 15, 2017
Wendy Barcus
Rules Coordinator

WSR 18-01-080

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed December 15, 2017, 10:57 a.m.]

Subject of Possible Rule Making: Chapter 246-290 WAC, Group A public water supplies (water systems), the state board of health (board) is considering setting a standard for poly- and perfluoroalkyl substances (PFAS).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050(2), 70.142.010, and 70.119A.080 (1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to a petition for rule making, the board will consider revisions to the chapter to set a standard for PFAS. The revisions may include requirements for monitoring, recordkeeping and reporting, follow-up actions, and other associated requirements for PFAS and other unregulated contaminants with established state advisory levels. The rule revision may also include technical and editorial changes as needed. The revisions are intended to improve public health protection by setting a regulatory standard for PFAS chemicals in Washington for Group A public water systems.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Environmental Protection Agency (EPA) established requirements for water systems under the third unregulated contaminant monitoring rule and set a health advisory level of seventy parts per trillion to provide information to states so they can take appropriate actions to protect public health. The board will rely on the EPA analytical method for detecting PFAS in drinking water and the board will consider other information from EPA. The department of ecology is in the process of developing a chemical action plan for PFAS and department of health (department) staff will participate in this process which will inform the board's rule-making efforts.

Process for Developing New Rule: The board and department will use a collaborative rule-making approach. The department will keep stakeholders and interested parties informed of the rule development through email, and posting information on the department's rule-making web sites. Stakeholders and interested parties will have the opportunity to provide comments throughout the rule-making process, during the formal comment period, and at the public hearing. The department may also hold workshops throughout the rule-making process to solicit feedback.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Theresa Phillips, Rules Coordinator, Department of Health, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-3147, TTY 360-833-6388 or 711, email theresa.phillips@doh.wa.gov, web site www.doh.wa.gov; or Stuart Glasoe, Policy Analyst, State Board of

Health, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-236-4111, TTY 360-833-6388 or 711, email stuart.glasoe@sboh.wa.gov, web site www.sboh.wa.gov.

December 13, 2017
Michelle A. Davis
Executive Director

WSR 18-01-086
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed December 15, 2017, 2:35 p.m.]

Subject of Possible Rule Making: Adding the provisions of RCW 42.17A.570 to the penalty schedule found under WAC 390-37-143, allowing the presiding officer to assess a higher penalty if a previous violation has gone unpaid.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17A.110(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making will ensure that the commission has the ability to assess penalties for failure to file required T-1 reports timely.

T-1 penalty schedule will be added to WAC 390-37-143.

The adoption of the addition of T-1 penalty schedule will allow respondents, who have received notification of enforcement hearing, to enter into statements of understandings and pay the scheduled penalty to avoid hearing.

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

Process for Developing New Rule: Collaborative rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara Sandahl, P.O. Box 40908, phone 360-753-111 [360-753-1111], fax 360-753-1112, email Barbara.sandahl@pdc.wa.gov, web site <https://www.pdc.wa.gov/engage/rule-making>.

December 14, 2017
B. G. Sandahl
Deputy Director

WSR 18-01-099
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed December 19, 2017, 8:19 a.m.]

Subject of Possible Rule Making: Additions to WAC 139-05-300 are required to clarify training requirements identified in RCW 43.101.427 Crisis intervention training—Rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 139-05-300 identifies

the minimum in-service training requirements for certified and reserve peace officers. The addition of this language will add the online crisis intervention two-hour course as one of the mandated courses as per RCW 43.101.427.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state criminal justice training commission (WSCJTC) regulates this process.

Process for Developing New Rule: Negotiated rule making; and WSCJTC commissioners were advised of the proposed rule change at the December commission meeting and will go through a public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sonja Peterson, 19010 1st Avenue South, Burien, WA, phone 206-835-7356, email speterson@cjtc.state.wa.us, web site www.cjtc.state.wa.us.

December 19, 2017
Sonja Peterson
HR Manager
Rules Coordinator

WSR 18-01-105
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)

[Filed December 19, 2017, 9:52 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-106-0010 What definitions apply to this chapter? and other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is planning to amend WAC 388-106-0010 in order to clarify the definition of "informal support" to indicate that paid care givers may not be the source of informal support unless they are household or family members of a client, to provide further detail on the determination of self-performance for instrumental activities of daily living, and to clarify how cognitive performance is determined using the comprehensive assessment reporting evaluation tool. Other definitions in this section may also be amended for clarity and accuracy.

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

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

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

lication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2495, fax 360-438-8633, TTY 1-800-833-6388, email angel.sullivan@dshs.wa.gov.

December 18, 2017
Katherine I. Vasquez
Rules Coordinator

WSR 18-01-107

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed December 19, 2017, 10:27 a.m.]

Subject of Possible Rule Making: Chapter 246-790 WAC, amending women, infants, and children (WIC) vendor and participant sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 7 C.F.R. Part 246 and RCW 43.70.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As a result of a management evaluation by the United States Department of Agriculture (USDA)/Food and Nutrition Service, the department of health is considering amending WIC vendor and participant rules to clarify business integrity requirements; clarify types of monitoring activities; define "pattern" relating to vendor violations and sanctions and remove a sanction. These amendments are necessary to provide needed clarification in order to support the program's authority to assess vendor and participant violations and apply sanctions; support WIC vendor compliance; and reduce fraud. Complying with federal requirements is necessary in order to continue to receive federal funds.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: 7 C.F.R. Part 246 governs the administration of the USDA special supplemental program for WIC. The department will collaborate and share information with other stakeholders including department of social and health services, supplemental nutrition assistance program, local WIC agencies and vendors.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Marsha Boling, P.O. [Box] 47886, phone 360-236-3641, TTY 360-833-6388 or 711, email marsha.boling@doh.wa.gov, web site <https://www.doh.wa.gov/YouandYourFamily/WIC>.

December 19, 2017
John Wiesman, MPH, DrPH
Secretary

WSR 18-01-109

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed December 19, 2017, 10:30 a.m.]

The department of health (department) is withdrawing the following preproposal statement of inquiry (CR-101): Chapter 246-790 WAC in WSR 17-08-019 on March 27, 2017, WIC grocery vendor sections.

It has been determined that it would be more efficient to repeal WSR 17-08-019 and begin the rules process on a new CR-101 that will encompass all proposed changes for both vendor and participant sections of the WAC.

If you have any questions, please contact Marsha Boling at marsha.boling@doh.wa.gov or 360-236-3641.

Tami M. Thompson
Regulatory Affairs Manager

WSR 18-01-115

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed December 19, 2017, 11:28 a.m.]

Subject of Possible Rule Making: WAC 296-20-135 Conversion Factors, 296-23-220 Physical therapy rules and 296-23-230 Occupational therapy rules, medical aid rules updates regarding rate setting for most professional health care services for injured workers. These updates may also impact rates for health care services provided to crime victims.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The affected rules describe elements used in the process of updating the maximum allowable payments for most professional health care services. These elements are set in rule in order to follow the established methodologies of the department of labor and industries (L&I) and maintain consistency with the health care authority and medicaid purchasing administration. Specifically, the proposed rule changes will do the following:

1. WAC 296-20-135, update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services. The conversion factors will be updated to correspond to changes in the medical procedure codes, the relative value units, and anesthesia base units. These changes will enable the department to continue a reimbursement methodology consistent with other state agencies. Cost-of-living increases may be incorporated into the changes in the conversion factors.

2. WAC 296-23-220 and 296-23-230, update the maximum daily reimbursement level for physical and occupational therapy services so the department may, if necessary, give cost-of-living increases to affected providers.

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

Process for Developing New Rule: The department works with external stakeholders and the provider listserv on updates to conversion factors and to the physical and occupational therapy maximum daily reimbursement level. The department coordinates these updates with the health care authority, the medicaid purchasing administration and the Centers for Medicare and Medicaid Services to insure consistent health care purchasing policies when possible. The proposed changes will be presented to the advisory groups, published on the provider listserv and publicized in a letter to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Emily Stinson, L&I, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone 360-902-5974, fax 360-902-4249, email Emily.Stinson@Lni.wa.gov.

December 19, 2017
Joel Sacks
Director

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Drug Enforcement Administration will need to be kept up to date throughout the rule-making process to ensure they are apprised of any new licensing requirements.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tracy West, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4988, TTY 360-833-6388 or 711, email tracy.west@doh.wa.gov.

Additional comments: Interested parties can sign up for and receive updates on all rule projects through the commission's GovDelivery email lists. Additional updates will be posted regularly on the commission's rules in progress web site.

December 19, 2017
Tim Lynch, PharmD, MS, Chair
Pharmacy Quality Assurance Commission

WSR 18-01-123

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed December 19, 2017, 2:09 p.m.]

Subject of Possible Rule Making: Chapter 246-XXX WAC, the pharmacy quality assurance commission (commission) is considering revising its rules around licensing of pharmacies, facilities, and professionals that fall under the commission's jurisdiction. The commission will reevaluate current licensing standards, and will consider reorganizing licensing standards into a new chapter or chapters to address any changes identified as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.64, 18.64A, 69.41, 69.50, and 69.51 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is responsible for setting the standards for licensing of pharmacists, pharmacy interns, and facilities and locations where drugs are created, made, distributed, sold, and dispensed. A 2017 review of all of the commission's rules has shown a majority are out-of-date, sixty percent of the commission's thirty-four chapters of WAC have not been amended since the 1980s. Health care delivery and the role of pharmacists and other pharmacy personnel has changed dramatically over the last thirty years, and outdated rules have led to inconsistent application and interpretation of rules. Following the review and examination, the commission determined it needed to reexamine and look to modernize the standards around licensing as part of an overhaul of all the outdated rules. Modernization will also align the rules with current pharmacy practice, trends and industry standards. Reexamining the standards may involve reorganizing or replacing standards in the licensing chapters currently in place.

WSR 18-01-124

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed December 19, 2017, 2:18 p.m.]

Subject of Possible Rule Making: Chapter 246-XXX WAC, the pharmacy quality assurance commission (commission) is considering reevaluating the parameters around exercising its regulatory authority, specifically functions of the commission, and other general provisions that apply to the regulation of the practice of pharmacy. The commission will reevaluate current standards around its functions as a regulatory body, and will consider reorganizing standards in a new chapter or chapters to address any changes identified as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.64, 18.64A, 69.40, 69.41, 69.50, and 69.51 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is responsible for setting the standards and requirements for the practice of pharmacy in Washington state. A crucial part of the commission's role in regulation is how it implements and functions under the rules and statutes that apply to the practice of pharmacy. A 2017 review of all of the commission's rules has shown a majority are out-of-date, and sixty percent of the commission's thirty-four chapters of WAC have not been amended since the 1980s. Health care delivery and the role of pharmacists and other pharmacy personnel has changed dramatically over the last thirty years, and outdated rules have led to inconsistent application and interpretation of rules. Following the review, the commission determined it needed to reexamine and look to modernize the standards around its regulatory framework or other general provisions applicable to the pharmacy practice as part of an overhaul of all the outdated rules. The rules require modernization to better align

with current pharmacy practice, trends and industry standards. Reexamining the current standards may involve reorganizing or replacing standards across multiple existing sections or chapters of WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Drug Enforcement Administration will need to be kept up to date throughout the rule making process to ensure they are apprised of any requirement changes regarding controlled substances.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tracy West, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4988, TTY 360-833-6388 or 711, email tracy.west@doh.wa.gov.

Additional comments: Interested parties can sign up for updates through GovDelivery on all commission rule projects. Additional updates will be posted regularly on the commission's rules in progress web site.

December 19, 2017

Tim Lynch, PharmD, MS, Chair
Pharmacy Quality Assurance Commission

WSR 18-01-127
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket UT-170031—Filed December 19, 2017, 2:45 p.m.]

On February 3, 2017, the Washington utilities and transportation commission (commission) filed a preproposal statement of inquiry (CR-101) to consider adopting a rule to address repair standards for service interruptions and impairments, excluding major ones, WSR 17-04-85 [17-04-085]. The commission has decided not to proceed with this rule-making proceeding. The commission has determined a rule change to address service restoration is not necessary at this time. The commission, therefore, requests that the CR-101 published in WSR 17-04-85 [17-04-085] be withdrawn.

The commission will notify stakeholders in this rule-making docket of the withdrawal of this rule-making proceeding.

Steven V. King
Executive Director
and Secretary

WSR 18-01-133
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed December 20, 2017, 8:06 a.m.]

Subject of Possible Rule Making: Chapter 182-559 WAC, Foundational community supports.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending chapter 182-559 WAC, Foundational community supports, to align with changes to the foundational community supports program protocol that was recently approved by the Centers for Medicare and Medicaid Services (CMS). The agency is adding new WAC sections to provide more detailed information as required by the protocol. The agency is adding a new WAC section to clarify the grievance and appeals process for clients receiving services through the foundational community supports program. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: CMS and Washington state department of social and health services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Katie Pounds, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1346, fax 360-586-9727, TTY 1-800-848-5429, email katherine.pounds@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

December 20, 2017

Wendy Barcus
Rules Coordinator

WSR 18-01-134
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed December 20, 2017, 8:08 a.m.]

Subject of Possible Rule Making: WAC 182-535-1084 Dental-related services—Covered—Restorative services and other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This section is being revised to align with the department of health's (DOH) recent decision to designate silver diamine fluoride as a topical preventative agent and that the use of silver diamine fluoride is within the scope of practice for dental hygienists working under RCW 18.29.056.

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

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early

rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vance Taylor, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, TTY 1-800-848-5429, email vance.taylor@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

December 20, 2017
Wendy Barcus
Rules Coordinator

WSR 18-01-138

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed December 20, 2017, 8:54 a.m.]

Subject of Possible Rule Making: Chapter 16-86 WAC, Cattle and bison diseases in Washington state, the department is considering amending chapter 16-86 WAC to require cattle be individually identified with an official United States Department of Agriculture (USDA) radio-frequency identification device (RFID) when female cattle receive brucellosis vaccination and when bulls are sampled for trichomoniasis.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.36.040 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current regulations require cattle to be permanently identified with official individual identification when vaccinated for brucellosis and for bulls that are sampled for trichomoniasis. The Washington state department of agriculture (WSDA) is proposing to move away from the required metal official individual identification tag and require RFID.

WSDA's intent is to provide free RFID tags when female cattle receive brucellosis vaccination and when bulls are sampled for trichomoniasis as funding is available from USDA cooperative agreements.

Animal disease traceability (ADT) is a state and federal program which sets standards for individual animal identification and data management for animal tracing, protecting animal agriculture, animal health, human health and the state's economy. Application of ADT principals supports a safe food supply, assists in the prevention of zoonotic diseases, allows marketing opportunities, and protects the state's livestock industry by making it possible to quickly identify, locate and contain animals exposed to or infected with disease.

WSDA made a commitment to work with Washington's livestock industry and build a comprehensive and robust ADT system for animal agriculture in our state. WSDA has taken a number of proactive and necessary steps towards achieving the goal of a functional ADT system. WSDA currently has several programs which provide information for ADT, including green tags and electronic cattle transaction reporting for the dairy industry, health certificates, testing and vaccination records, and livestock inspection (brand cer-

tificates). While hot iron brand is a useful tool, relying on brand for individual ADT is not feasible as a brand does not provide individual animal identification. Currently the brand program is facing significant budgetary challenges which the agency is currently addressing through interim service reduction measures. The department remains committed to maintaining a strong brand program. In addition, data base systems have been created to ensure all programs capturing ADT information are housed in the same data base (animal tracks). Outreach and education efforts were increased, and state policies modified, all to support an ADT program.

USDA has set expectations for WSDA to show continued progress on implementing a robust ADT program to include increasing the use of official RFID. To continue progressing ADT in the state of Washington capturing individual identification is imperative in tracing livestock and protecting our livestock industry. Capturing official identification remains a challenge as imprinted tag numbers can prove difficult to read and record accurately due to human error. Official electronic identification devices have proven to be a reliable, efficient and cost-effective way to capture official identification for ADT.

United States beef exports to China must now meet specified requirements under the USDA export verification program which includes traceability to the United States birth farm using a unique identifier, or if imported to the first place of residence or port of entry. A ban implemented by China after the 2003 case in Washington of mad cow, bovine spongiform encephalopathy, closed important global markets to United States cattle producers. Prior to 2003, the United States was China's largest supplier of imported beef, providing seventy percent of their total consumption.

The department will continue to move ADT forward with a multi-phase approach and implementation, the first phase being this proposed rule making, with the end goal of having all cattle identified with RFID before leaving a Washington premises.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA, Animal and Plant Health Inspection Services, Veterinary Services regulates intrastate movement of animals and ADT.

Department staff have been discussing this proposal and our federal partners support continuing to move ADT forward in Washington.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, P.O. Box 42577, Olympia, WA 98504-2577, phone 360-902-1889, fax 360-902-2087, email jjones@agr.wa.gov, web site www.agr.wa.gov.

December 20, 2017
Dr. Brian E. Joseph
State Veterinarian

WSR 18-01-139**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed December 20, 2017, 8:54 a.m.]

Subject of Possible Rule Making: Chapter 16-604 WAC, Public livestock markets—Health, facilities, and sanitation, the department is considering amending chapter 16-604 WAC, to require official United States Department of Agriculture (USDA) radio-frequency identification device (RFID) on all sexually intact cattle and bison over eighteen months of age.

To align with federal requirements, the department is also considering amending chapter 16-604 WAC to amend the requirement that markets must maintain records from one year to five years.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.36.040 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current regulations require public livestock markets to officially identify all sexually intact cattle and bison over eighteen months of age with official individual identification prior to being presented for sale. The Washington state department of agriculture (WSDA) is proposing to move away from the required metal official individual identification tag and require RFID.

WSDA's intent is to provide free RFID tags as funding is available from USDA cooperative agreements.

Animal disease traceability (ADT) is a state and federal program which sets standards for individual animal identification and data management for animal tracing, protecting animal agriculture, animal health, human health and the state's economy. Application of ADT principals supports a safe food supply, assists in the prevention of zoonotic diseases, allows marketing opportunities, and protects the state's livestock industry by making it possible to quickly identify, locate and contain animals exposed to or infected with disease.

WSDA made a commitment to work with Washington's livestock industry and build a comprehensive and robust ADT system for animal agriculture in our state. WSDA has taken a number of proactive and necessary steps towards achieving the goal of a functional ADT system. WSDA currently has several programs which provide information for ADT, including green tags and electronic cattle transaction reporting for the dairy industry, health certificates, testing and vaccination records, and livestock inspection (brand certificates). While hot iron brand is a useful tool, relying on brand for individual ADT is not feasible as a brand does not provide individual animal identification. Currently the brand program is facing significant budgetary challenges which the agency is currently addressing through interim service reduction measures. The department remains committed to maintaining a strong brand program. In addition, data base systems have been created to ensure all programs capturing ADT information are housed in the same data base (animal tracks). Outreach and education efforts were increased, and state policies modified, all to support an ADT program.

USDA has set expectations for WSDA to show continued progress on implementing a robust ADT program to include increasing the use of official RFID. To continue pro-

gressing ADT in the state of Washington capturing individual identification is imperative in tracing livestock and protecting our livestock industry. Capturing official identification remains a challenge as imprinted tag numbers can prove difficult to read and record accurately due to human error. Official electronic identification devices have proven to be a reliable, efficient and cost-effective way to capture official identification for ADT.

United States beef exports to China must now meet specified requirements under the USDA export verification program which includes traceability to the United States birth farm using a unique identifier, or if imported to the first place of residence or port of entry. A ban implemented by China after the 2003 case in Washington of mad cow, bovine spongiform encephalopathy, closed important global markets to United States cattle producers. Prior to 2003, the United States was China's largest supplier of imported beef, providing seventy percent of their total consumption.

The department will continue to move ADT forward with a multi-phase approach and implementation, the first phase being this proposed rule making, with the end goal of having all cattle identified with RFID before leaving a Washington premises.

WSDA is proposing to align regulations with USDA regulations and USDA requires public livestock markets to maintain records for five years.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA, Animal and Plant Health Inspection Services, Veterinary Services regulates intrastate movement of animals and ADT.

Department staff have been discussing this proposal and our federal partners support continuing to move ADT forward in Washington.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, P.O. Box 42577, Olympia, WA 98504-2577, phone 360-902-1889, fax 360-902-2087, email jjones@agr.wa.gov, web site www.agr.wa.gov.

December 20, 2017

Dr. Brian Joseph
State Veterinarian**WSR 18-01-143****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed December 20, 2017, 9:39 a.m.]

Subject of Possible Rule Making: Chapter 16-302 WAC, General rules for seed certification and WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains, as a result

of a petition submitted by the Washington State Crop Improvement Association (WSCIA), the department is considering amending the seed certification rules to better align with current farming practices, and to make housekeeping changes to increase clarity. Affected rule sections include WAC 16-302-050, 16-302-560, 16-302-660, 16-302-665, 16-302-690, and 16-303-340.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.005, [15.49].021, [15.49].310, and [15.49].370, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under WAC 16-302-010 and its agreement with the department, WSCIA provides certification services for specific crops including buckwheat, chickpeas, field peas, lentils, millet, soybeans, sorghum, small grains, and forest trees. The following proposed amendments pertain only to crops inspected by WSCIA:

1. Modify the field inspection application deadline for all crops inspected by WSCIA that are currently due June 1 to an earlier date;
2. Clarify at what stage of growth chickpeas are required to be inspected;
3. Reduce land history requirements and isolation standards for field peas, lentils, and chickpeas;
4. Update field pea standards to more accurately address winter food grade;
5. To allow for organic seed production, change the requirement that all chickpea seed stocks be treated with thia-bendazole to treatment only if ascochyta blight is found in the crop;
6. Move chickpea inspection requirements from WAC 16-302-690 to 16-302-560 to prevent confusion with other requirements; and
7. Add language to WAC 16-303-340 to explain the WSCIA audit process and to clarify the appropriate application and assessment of final certification and production fees.

Changing the application deadlines will allow WSCIA to more timely respond to field inspection requirements. Reducing land history requirements and isolation standards will allow growers more flexibility with regard to crop rotations without compromising genetic purity. Clarifying the stage of growth for chickpea inspections will enable WSCIA to make more accurate inspections at the appropriate stage of growth to identify certification factors.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As applicable under RCW 15.49.310, be guided by officially recognized associations, such as Association of Official Seed Certifying Agencies or regulations under the Federal Seed Act.

Process for Developing New Rule: Department staff will discuss proposed amendments with affected stakeholders, including WSCIA, dealers, and growers. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeff Larsen, 1111 Washington Street S.E., Olympia, WA 98504-2560, phone 360-902-1960, fax

360-902-2085, TTY 711, email jlarsen@agr.wa.gov, web site <https://agr.wa.gov/LawsRules/Rulemaking/>; or Victor Shaul, 21 North 1st Avenue, Suite 203, Yakima, WA 98902-2663, phone 509-249-6950, fax 509-454-4395, TTY 711, email vshaul@agr.wa.gov, web site <https://agr.wa.gov/LawsRules/Rulemaking/>.

December 20, 2017

Jason Ferrante
Assistant Director

WSR 18-01-145

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed December 20, 2017, 10:49 a.m.]

Subject of Possible Rule Making: Chapter 16-228 WAC, General pesticide rules, as a result of a petition for rule making, the department is considering amendments to chapter 16-228 WAC that include adding garlic grown for seed to the list of seed crops in WAC 16-228-1270. This would allow the department to issue special local need (SLN) registrations for garlic grown for seed without residue data if all applicable requirements are met by the garlic seed industry. In addition, the department is considering several changes to improve clarity, organization, or readability of WAC 16-228-1270. Revisions may include adding in rule the process currently used by the department to evaluate petitions for new seed crops, the need to consult with the United States Environmental Protection Agency (EPA) when evaluating additional seed crops, and any applicable restrictions that would preclude consideration of certain types of seed crops (such as the EPA Residue Chemistry Test Guidelines, OPPTS 860.1000).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.58.040, 17.21.030; and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SLN registration can be issued by the department to allow an additional use of a federally registered pesticide, such as an additional crop. The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) authorizes states to issue SLN registrations under section 24(c) of FIFRA. Generally, states can only issue SLN registrations for food crops, such as garlic, if residue data demonstrate that the pesticide residue will not exceed the tolerance established by EPA. Modification to the rule would allow the department to issue SLN registrations for garlic grown for seed without residue data if all applicable requirements are met by the garlic seed industry. In addition, housekeeping changes and other revisions could make it easier for seed crop growers to understand the process used by the department, and help them to avoid submitting petitions for additional seed crops that are excluded.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will consult with EPA prior to adoption of any rule changes, and may also consult with other state lead agencies (such as the Oregon Department of Agriculture and California Department of Pesticide Regulation).

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelle Davis, Acting Program Manager, Registration and Licensing Services, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1851, email kmdavis@agr.wa.gov, web site <https://agr.wa.gov/LawsRules/Rulemaking/>; or Erik Johansen, Policy Assistant, Registration and Licensing Services, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2078, email ejohansen@agr.wa.gov, web site <https://agr.wa.gov/LawsRules/Rulemaking/>.

December 20, 2017
Joel Kangiser
Acting Assistant Director

WSR 18-01-149

PREPROPOSAL STATEMENT OF INQUIRY UNIVERSITY OF WASHINGTON

[Filed December 20, 2017, 11:28 a.m.]

Subject of Possible Rule Making: Chapter 478-118 WAC, Parking and traffic rules of the University of Washington, Tacoma.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.560 and 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The University of Washington is considering amending the parking and traffic rules of the University of Washington Tacoma in order to update and clarify sections of this chapter.

The parking and traffic rules are needed to protect and control pedestrian and vehicular traffic on the campus of the University of Washington Tacoma; to assure access at all times for emergency vehicles and equipment; to minimize traffic disturbances; to facilitate the operations of the university by assuring access to its vehicles; to allocate limited parking space for the most efficient use; to protect the state property; and to encourage travel to the campus by means other than a single occupancy vehicle.

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 University of Washington, Rules Coordination Office, P.O. Box 351210, Seattle, WA 98195-1210, email rules@uw.edu.

December 20, 2017
Barbara Lechtanski
Director of Rules Coordination