



# RULE-MAKING ORDER

## CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Department of Labor and Industries

- Permanent Rule  
 Emergency Rule

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.  
 Other (specify) June 1, 2005 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The purpose of this rulemaking is to correct the inconsistency between chapter 70.74 RCW, Washington State Explosive Act, and chapter 296-52 WAC, Safety Standards for Possession and Handling of Explosives. The rulemaking changed the licensing requirements from two years to one year, in order to be consistent with the RCW. We also incorporated recommendations from the FBI regarding bomb technicians, and made housekeeping changes throughout the rule.

**Citation of existing rules affected by this order:**

Repealed: None  
 Amended: See attachment 1  
 Suspended: None

**Statutory authority for adoption:** RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060

**Other authority :** None.

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 05-01-171 on 12/21/2004.

Describe any changes other than editing from proposed to adopted version:

As a result of written and oral comments received, the following sections were changed:

WAC 296-52-60130

- Changed wording from BATF to ATF to reflect stakeholder suggestion.
- Changed the definition of "ATF" to include explosives
- Changed the definition of "manufacturer" to match that of the ATF

WAC 296-52-65005

- Changed proposed wording to reflect stakeholder suggestion

**EMERGENCY RULE ONLY**

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.
- 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:

**Date adopted:** April 5, 2005

**NAME**  
Judy Schurke

**SIGNATURE**

**TITLE**  
Acting Director

**CODE REVISER USE ONLY**

**WSR# 05-08-110**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	<u>32</u>	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	<u>32</u>	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	<u>32</u>	Repealed	_____

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**(1) Citation of existing rules affected by this order:**

**AMENDED SECTIONS:**

WAC 296-52-60130, Definitions  
WAC 296-52-61020, License fees  
WAC 296-52-61045, License terms  
WAC 296-52-62010, Dealer applicant information  
WAC 296-52-63010, Applicant information  
WAC 296-52-64005, Responsibility to obtain a blaster's license  
WAC 296-52-64040, List C qualifications  
WAC 296-52-64050, Blaster license applicant information  
WAC 296-52-64090, Blaster license renewal  
WAC 296-52-64095, List A and B renewal qualifications  
WAC 296-52-64100, List C renewal qualifications  
WAC 296-52-65005, Responsibility to obtain a manufacturer's license  
WAC 296-52-65010, Manufacturer applicant information  
WAC 296-52-66005, Responsibility to obtain a storage license  
WAC 296-52-66010, Storage applicant information  
WAC 296-52-67080, Drilling  
WAC 296-52-67165, Fixed location mixing  
WAC 296-52-69020, Storage facilities  
WAC 296-52-70005, Type 1 magazines: Permanent storage facilities  
WAC 296-52-70010, Building construction for type 1 magazines  
WAC 296-52-70015, Igloos, army-type structures, tunnels, and dugouts  
WAC 296-52-70020, Type 2 magazines: Portable field storage  
WAC 296-52-70025, Construction for type 2 magazines  
WAC 296-52-70030, Type 3 magazines: Indoor storage facilities  
WAC 296-52-70040, Construction for type 3 magazines  
WAC 296-52-70045, Type 4 magazines: Blasting agent, low explosives, or electric detonator storage facilities  
WAC 296-52-70050, Construction for type 4 magazines  
WAC 296-52-70055, Type 5 magazines: Blasting agent storage facilities  
WAC 296-52-70060, Construction for type 5 magazines  
WAC 296-52-71020, Storage with division 1.1, 1.2, or 1.3 explosives  
WAC 296-52-71080, Storage  
WAC 296-52-725, Appendix B, sample format for a blast record