



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

- Preproposal Statement of Inquiry was filed as WSR 08-08-083; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information:

Chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives

Hearing location(s):

Department of Labor and Industries
Room S118
7273 Linderson Way SW
Tumwater, Washington

Date: June 24, 2008 Time: 9:00 a.m.

Submit written comments to:

Name: Beverly Clark
Address: P.O. Box 44620
Olympia, WA 98504-4620
e-mail clah235@lni.wa.gov
fax (360) 902-5516 by July 1, 2008

Assistance for persons with disabilities: Contact

Beverly Clark by June 13, 2008
(360) 902-5516 or clah235@lni.wa.gov

Date of intended adoption: July 22, 2008

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This rulemaking is in response to Chapter 285, Laws of 2008 (Engrossed House Bill 3381) which gave the department the authority to increase the fees associated with the explosives program.

See Attachment 1.

Reasons supporting proposal: See purpose statement.

Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. RCW 49.17.040, RCW 70.74.137, RCW 70.74.140, RCW 70.74.142, RCW 70.74.144, RCW 70.74.146, RCW 70.74.360, and Chapter 285, Laws of 2008

Statute being implemented: Chapter 49.17 RCW

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 20, 2008

TIME: 1:04 PM

WSR 08-11-104

DATE
May 20, 2008

NAME
Judy Schurke

SIGNATURE

TITLE
Director

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: Department of Labor and Industries

- Private
- Public
- Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Tracy Spencer	Tumwater, Washington	(360) 902-5530
Implementation	Stephen M. Cant	Tumwater, Washington	(360) 902-5495
Enforcement	Stephen M. Cant	Tumwater, Washington	(360) 902-5495

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

The department considered whether these proposed rules are subject to the Regulatory Fairness Act and determined that they do not require a small business economic impact statement because the proposed changes are exempt by law [see RCW 19.85.025 referencing RCW 34.05.310 (4)] from the small business economic impact requirements.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: The department considered whether these proposed rules are subject to the Regulatory Fairness Act and determined that they do not require a small business economic impact statement because the proposed changes are exempt by law from the cost-benefit analysis. RCW 34.05.328(5)(b)(vi) states that the requirement to do a cost-benefit analysis does not apply to "Rules that set or adjust fees or rates pursuant to legislative standards;"

Why is this rulemaking proposed?

Labor & Industries (L&I) is required by RCW 70.74.360 to process and issue all explosive licenses. On July 1, 2007, the Washington State Patrol (WSP) began charging the department for fees associated with processing state and Federal Bureau of Investigation (FBI) fingerprint and background records checks needed for L&I to issue the explosives license. Up to this point, the department had access to a federal and state database allowing us to conduct these fingerprint and background checks, also revoked by the WSP and the FBI prior to July 1, 2007.

It is anticipated that the annual cost to L&I to have the Washington State Patrol process 2,400 new applications and renewals will be \$100,000 per year. This cost is currently unfunded for the explosives licensing program within the Division of Occupational Safety and Health (DOSH) at L&I. Funding to pay the Washington State Patrol for these services is essential to meeting a statutory mandate and to the success of the explosives licensing program.

What change is being proposed?

Amends the rule to:

- Require license applicants to pay the current federal and state fees for processing fingerprinting and background checks.
- Increase the license fee paid:
 - For explosives' purchases
 - By businesses' storing explosives
 - By explosives' users
 - By explosives' manufacturers
 - By businesses selling explosives.