



# 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 30, 2009 (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 make clarification and technical changes to the Board of Boiler Rules – Substantive (chapter 296-104 WAC) based on actions and requests of the Board of Boiler Rules. The changes will:

- Reduces board meetings from five times a year to four and allows the department to set times, date and location of board meetings with board approval, as the department has access to meeting room calendars.
- Keep the requirements for rules interpretation but moves the procedure to the boiler web site.
- Establish rules for applying for Washington State Specials and extension of inspection frequency.
- Amend the rule to conform with the adopted API-510 and the NBIC.
- Eliminate confusion of the term “agent”.
- Remove conflict between rules and adopted code.
- Remove installation standards from construction codes.
- Remove International Building Code (IBC) requirement from the boiler rules.

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

Repealed: See attachment 1.  
 Amended: See attachment 1.  
 Suspended: None.

**Statutory authority for adoption:** RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350

**Other authority :** None

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

Adopted under notice filed as WSR 09-08-107, filed on March 31, 2009.

Describe any changes other than editing from proposed to adopted version: WAC 296-104-018 removed “s” from “stakeholders” and WAC 296-104-273 changed word “appliance” to “appurtenances”.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: na

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**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:** May 27, 2009

**NAME (TYPE OR PRINT)**

Steven Bacon

**SIGNATURE**

**TITLE**

Chair, Board of Boiler Rules

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

**DATE:** May 27, 2009

**TIME:** 10:02 AM

**WSR 09-12-033**

**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	<u>1</u>	Amended	<u>6</u>	Repealed	<u>1</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	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	<u>1</u>	Amended	<u>6</u>	Repealed	<u>1</u>

**AMENDED SECTIONS:**

WAC 296-104-015, Administration--When and where are the board meetings held?

WAC 296-104-018, Administration--How are rules interpreted and revised?

WAC 296-104-020, Administration--What are the filing requirements for boilers and unfired pressure vessels before their installation/reinstallation?

WAC 296-104-100, Inspection--How often must boilers and unfired pressure vessels be inspected?

WAC 296-104-200, Construction--What are the standards for new construction?

WAC 296-104-273, Installation--What inspections are required for reinstalled standard boilers or unfired pressure vessels?

**REPEALED SECTION:**

WAC 296-104-310, Installation – how many exits are required in boiler rooms?