



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Board of Boiler Rules (Department of Labor and Industries)

|  |   |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 09-14-102 ; or | <input checked="" type="checkbox"/> Original Notice       |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or           | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).                                  | <input type="checkbox"/> Continuance of WSR _____         |

**Title of rule and other identifying information:** Board of Boiler Rules – Substantive (Chapter 296-104 WAC)

**Hearing location(s):**  
Department of Labor and Industries  
950 Broadway, Suite 200  
Tacoma, Washington

Date: February 10, 2010 Time: 10:00 am

**Date of intended adoption:** February 24, 2010  
(Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Sally Elliott  
Department of Labor and Industries  
Address: Post Office Box 44400  
Olympia, Washington 98504-4400  
e-mail yous235@lni.wa.gov  
fax (360) 902-5292 by 5:00 pm on February 10, 2010

**Assistance for persons with disabilities:** Contact

Sally Elliott by January 18, 2010  
yous235@lni.wa.gov or (360) 902-6411

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

- As a result of House Bill 1366, extend the inspection frequencies for internal inspection of low pressure heating boilers.
- Amend the definitions of low pressure heating boiler and hot waters heaters. The department has policies that have been approved and enforced as rules but need to be formally added to the rules.
- Amend the shop inspection requirements to allow the program to discontinue services when the shop inspection program cannot support the activity.
- Move three of the most frequently used fees to the beginning of the fee table in WAC 296-104-700 for easy identification. The fee amounts remain the same.

**Reasons supporting proposal:** See purpose statement.

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

**Statute being implemented:** Chapter 70.79 RCW and Chapter 90, 2009 Laws (House Bill 1366)

**Is rule necessary because of a:**

|                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: December 22, 2009

TIME: 3:17 PM

**WSR 10-01-190**

**DATE**  
December 22, 2009

**NAME** (type or print)  
Robert Olson

**SIGNATURE**

**TITLE**  
Chair, Board of Boiler Rules

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

None.

**Name of proponent:** (person or organization) Board of Boiler Rules

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

| Name                                | Office Location      | Phone          |
|-------------------------------------|----------------------|----------------|
| Drafting..... Board of Boiler Rules | Tumwater, Washington | (360) 902-5270 |
| Implementation....Linda Williamson  | Tumwater, Washington | (360) 902-5270 |
| Enforcement..... Linda Williamson   | Tumwater, Washington | (360) 902-5270 |

**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 Board of Boiler Rules has considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the costs associated with the proposed rules will not place a more than minor impact on any business or contractor and/or they are exempted 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:

A cost-benefit analysis was not prepared because the costs associated with the proposed changes are exempted by law since the proposed changes are updating the rule for clarification [see RCW 19.85.025 referencing RCW 34.05.310 (4) and RCW 34.05.328(5)(b)(vi)].