



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** Department of Labor and Industries

**Subject of possible rule making:** Chapter 296-65 WAC, Asbestos Removal and Encapsulation

**Statutes authorizing the agency to adopt rules on this subject:** RCW 49.17.010, RCW 49.17.040, RCW 49.17.050, RCW 49.17.060, and Chapter 564, Laws of 2009 (Engrossed Substitute House Bill 1244)

**Reasons why rules on this subject may be needed and what they might accomplish:**

As approved by the 2009 Legislature, the purpose of this rulemaking is to adjust the fees set forth in WAC 296-65-025, Fees, for the Division of Occupational Safety and Health's Asbestos Program. If these fees are increased, this will be the first fee increase since the program began in 1985. This fee increase will ensure the Department's ability to continue the asbestos program.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

No other state or federal agencies (other than OSHA) are known to regulate worker safety and health for this subject.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

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**DATE**  
August 4, 2009

**NAME**  
Judy Schurke

**SIGNATURE**

**TITLE**  
Director

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STATE OF WASHINGTON  
FILED

**DATE:** August 04, 2009  
**TIME:** 1:22 PM

**WSR 09-16-112**