



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
(Implements RCW 34.05.360)

**Agency:** Department of Labor and Industries

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) January 25, 2010 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes
  - No
- If Yes, explain:

**Purpose:**

See Attachment 1.

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

Repealed: n/a  
 Amended: WAC 296-65-025, Fees.  
 Suspended: n/a

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

**Other authority :** RCW 49.26.130

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

Adopted under notice filed as WSR 09-19-120 on September 22, 2009.  
 Describe any changes other than editing from proposed to adopted version: None.

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

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

**Date adopted:**

December 22, 2009

**NAME**

Judy Schurke

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

DATE: December 22, 2009  
 TIME: 3:14 PM

**WSR 10-01-188**

**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	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

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

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

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**Purpose:**

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. 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. The estimated budget and projected revenue show that the program is going to be underfunded by the end of 2009-2011 biennial fiscal years and in great deficit by the end of 2011-2013 fiscal years, provided that no fee increase occurs during these periods. In order for the program to function smoothly and keep providing speedy and quality service for asbestos-related business, this fee increase rule is proposed and considered as a necessary means to help cover the cost of ongoing services of the asbestos program.

The purpose of the Asbestos Program within the Division of Occupational Safety and Health is to oversee the certification of asbestos abatement work. These certification requirements are set forth in chapter 296-65 WAC, Asbestos. This program reviews, approves, and audits asbestos abatement courses and asbestos abatement course providers. Asbestos abatement workers and supervisors are reviewed to ensure they have obtained an adequate level of training from an approved training course provider. Additionally, asbestos abatement supervisors must demonstrate a minimum level of experience to obtain certification. Asbestos abatement contractors are reviewed to ensure they are a registered contractor with the Department of Labor and Industries and they have at least one certified asbestos supervisor on staff.

**WAC 296-65-025, Fees.**

The proposed language in this section has been amended to increase the fees as follows:

- Increase fees for asbestos worker certificate from \$25 to \$45;
- Increase fees for asbestos supervisor certificate from \$35 to \$65;
- Increase fees for asbestos contractor certificate from \$1000 to \$1050; and
- Increase fees for asbestos training course approval from \$1000 to \$1250.