



# 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 09-18-101 ; 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 296-400A WAC, Plumber Certification Rules

**Hearing location(s):**  
 Department of Labor and Industries  
 7273 Linderson Way Southwest, Room S117  
 Tumwater, Washington

Date: February 9, 2010 Time: 9:00 am

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

**Submit written comments to:**  
 Name: Sally Elliott  
 Address: Post Office Box 44400  
 Olympia, Washington 98504-4400  
 e-mail yous235@lni.wa.gov  
 fax (360) 902-5292 by February 9, 2010

**Assistance for persons with disabilities:** Contact  
 Sally Elliott by January 20, 2010  
 at 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 review the plumber certification rules for housekeeping changes in order to further clarify the rules. The plumber certification rules are reviewed on a regular basis to: ensure the rules are consistent with the national consensus standards, industry practice, and to clarify the rules.

The proposed amendments will:

- Require certified plumbers to carry their certification and photo identification with them on the jobsite, as a result of Substitute House Bill 1055, which passed the 2009 Legislature.
- Increase the plumber certification fees by 5.20%, which is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2010.
- Expand an exemption for plumbing trainees that are not in an apprenticeship as defined by chapter 49.04 RCW to a plumber trainee.
- Make additional housekeeping changes to further clarify the rules. For example, add a definition for "course of study" so applicants know what training classes are needed before they can take the written examination.

**Statutory authority for adoption:** Chapter 18.106 RCW, Chapter 36, Laws of 2009 (Substitute House Bill 1055), and Chapter 464, Laws of 2009 (Engrossed Substitute House Bill 1244)

**Statute being implemented:** Chapter 18.106 RCW, Chapter 36, Laws of 2009 (Substitute House Bill 1055), and Chapter 464, Laws of 2009 (Engrossed Substitute House Bill 1244)

**Is rule necessary because of a:**

Federal Law?  Yes  No  
 Federal Court Decision?  Yes  No  
 State Court Decision?  Yes  No

If yes, CITATION:

**DATE**  
 January 6, 2010

**NAME** (type or print)  
 Judy Schurke

**SIGNATURE**

**TITLE**  
 Director

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

DATE: January 06, 2010  
 TIME: 10:36 AM

WSR 10-02-103

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

NA

**Name of proponent:** (person or organization) Department of Labor and Industries

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Pete Schmidt	Tumwater, Washington	(360) 902-5571
Implementation.... Steve McClain	Tumwater, Washington	(360) 902-6348
Enforcement..... Steve McClain	Tumwater, Washington	(360) 902-6348

**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.

This rule is specifically exempt from the SBEIS requirement because since the proposed changes will clarify rule language without changing its effect [see RCW 19.85.025 referencing RCW 34.05.310(4)(d)]. The fee increase is exempt from a SBEIS under RCW 19.85.025 referencing RCW 34.05.310(4)(f), since the fee increase is based upon the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2009.

**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:

This rule is specifically exempt from the CBA requirement because the proposed changes will clarify rule language without changing its effect [see RCW 34.05.328(5)(b)(iv)]. The fee increase is exempt from a CBA under RCW 34.05.328(5)(b)(vi), since the fee increase is based upon the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2009.