



PROPOSED RULE MAKING

CR-102 (June 2004)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

Agency: Labor and Industries

Preproposal Statement of Inquiry was filed as WSR 09-19-122 ; 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: (Describe Subject)
Chapter 296-17A WAC, Classifications for Workers' Compensation Insurance

Hearing location(s):
Tumwater L&I Building
7273 Linderson Way SW
Tumwater Wa

Date: January 26, 2010 Time: 10:00 a.m.

Submit written comments to:
Name: Mr. Ronald Moore
Address: PO Box 44140
Olympia Wa 98504-4140

e-mail MOOA235@lni.wa.gov
fax (360)902-4729 by (date) January 26, 2010

Assistance for persons with disabilities: Contact
Bill Moomau at (360) 902-4774 or TTY (360) 902-5797 by
January 19, 2010

Date of intended adoption: February 16, 2010
(Note: This is NOT the effective date)

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

The department has conducted a study of the classification for dairy products manufacturing compared to other food products manufacturing. Classification 4002, for dairy products, has experienced a steady decline in hours with only a few such businesses remaining in the state fund. With no difference in the environment, processes, or hazards present among these businesses, revisions are being considered for the following classifications:

WAC 296-17A-4002-00 and 296-17A-4002-01 Dairy products manufacturing – repealing these classifications
WAC 296-17A-3902 Food products manufacturing – creating a new sub-classification to cover those businesses currently reporting in classifications 296-17A-4002-00 & 296-17A-4002-01

Reasons supporting proposal: This rule making will bring together operations that are so compatible that there is no basis for keeping them separate.

Statutory authority for adoption:
RCW 51.16.035, RCW 51.16.100, RCW 51.04.020(1)

Statute being implemented: RCW 51.16.035 and RCW 51.16.100

Is rule necessary because of a:
Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No
If yes, CITATION:

DATE
December 22, 2009

NAME (type or print)
Judy Schurke

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

**DATE: December 22, 2009
TIME: 12:29 PM**

WSR 10-01-172

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

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.....Renee Brady	Tumwater	(360) 902-4773
Implementation... Ronald C. Moore	Tumwater	(360) 902-4748
Enforcement.....Robert Malooly	Tumwater	(360) 902-4209

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.

In this case, the agency is exempt from conducting a SBEIS since the proposed rules set or adjust fees or rates to legislative standards described in RCW 34.05.310 (4)(f).

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:

In this case, the agency is exempt from conducting a CBA since the proposed rules set or adjust fees or rates pursuant to legislative standards described in RCW 34.05.328(5)(b)(vi) and because the content of the rules are specifically dictated by statute described in RCW 34.05.328(5)(b)(v). Preparation of a Small Business Economic Impact Statement and the evaluation of probable costs is required when a rule proposal has the potential of placing a more than minor economic impact on business.