



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 10-14-104; 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 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives

Hearing location(s):

Department of Labor and Industries Building
Room S117
7273 Linderson Way S.W.
Tumwater, Washington

Date: October 18, 2010 Time: 10 a.m.

Date of intended adoption: November 30, 2010

(Note: This is NOT the effective date)

Submit written comments to:

Name: Devin Proctor, Project Manager
Address: Department of Labor and Industries
PO BOX 44620
Olympia, WA 98507-4620
e-mail prof235@lni.wa.gov
fax (360)902-5529 by October 18, 2010

Assistance for persons with disabilities:

Contact Beverly Clark by October 4, 2010
TTY (360) 902-5516 or clah235@lni.wa.gov

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

The department is adding language to require those who store explosives to notify their local fire safety authority every year. Currently, notification is required on the first day that the explosive materials are stored. Notification to the local fire safety authority is not required until the explosives are moved. This rule making would make notification an annual event. Prior to this change, explosives could be left in one location for years and only one notification to local fire safety authorities was required.

Language will be added to Chapter 296-52 WAC that requires those who store explosives to notify their local fire authority every year.

See Attachment 1.

Reasons supporting proposal: See Attachment (a)

Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 70.74.020

Statute being implemented: Chapter 49.17 RCW and chapter 70.74 RCW

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 31, 2010

TIME: 3:13 PM

WSR 10-18-080

DATE
August 31, 2010

NAME
Judy Schurke

SIGNATURE

TITLE
Director

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

None

Name of proponent: Department of Labor and Industries

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Tracy Spencer	Tumwater	(360) 902-5530
Implementation.... Michael Silverstein	Tumwater	(360) 902-4805
Enforcement..... Michael Silverstein	Tumwater	(360) 902-4805

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement. **See Attachment 2.**

A copy of the statement may be obtained by contacting:

Name: Devin Proctor
Address: Post Office Box 44620
Olympia, WA 98504-4620

phone (360) 902-5541
fax (360)902-5619
e-mail prof235@lni.wa.gov

No. Explain why no statement was prepared.

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: There are no costs to assess within these rule amendments.

CR 102 RULE-MAKING ORDER (RCW 34.05.320)

Department of Labor and Industries

Department of Occupational Safety and Health (DOSH)

CR-102 Filing Date: August 31, 2010

Hearing Date: October 18, 2010

Attachment (1)

(Purpose Statement)

AMENDED SECTION:

Chapter 296-52-69040 WAC

- Added the requirement to notify your local fire safety authority “In writing when an explosive storage license is renewed.”

Department of Labor and Industries

Department of Occupational Safety and Health (DOSH)

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COST-BENEFIT ANALYSIS

WAC 296-52 Safety standards for possession, handling, and use of explosives

ECONOMIC ANALYSES REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURES ACT

This cost benefit analysis, prepared in compliance with the Administrative Procedures Act (APA), chapter 34.05 RCW, covers the assumed benefits and costs of the proposed rule changes set forth under chapter 296-52 WAC.

DESCRIPTION OF THE PROPOSED RULE CHANGE

This rulemaking updates the requirement of annual notification for explosives storage. Under the proposed rule, any person who stores explosives is required to notify the local fire safety authority in writing, when an explosive storage license is renewed.

PROBABLE COSTS OF THE PROPOSED RULE CHANGE

There is only one change being proposed in this rulemaking: the rule requires any person who stores explosives notify the local fire safety authority in writing each year at the time of license renewal. To meet this requirement, these persons only need to make a copy of the written material they already have and send it to the authority, by mail or fax. Besides, this document is supposed to be very short, one page in most cases, as it is required to contain three pieces of basic information only. Therefore, the total annual costs relating to the printing and sending of this document are expected to be very minimal and negligible.

PROBABLE BENEFITS OF THE PROPOSED RULE CHANGE

The purpose of this rule change is to help fire safety authority keep good track of the explosives storage and raise the awareness of securing explosives. This annual notification is necessary to prevent or reduce the possibility of any potential explosives accidents that will pose great danger to public safety.

CR 102 RULE-MAKING ORDER (RCW 34.05.320)

Attachment (2)

Department of Labor and Industries

Department of Occupational Safety and Health (DOSH)

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COST-BENEFIT DETERMINATION

The proposed rule change imposes very minimal costs on the persons it affects. At the same time, the new requirement helps promote public safety relating to explosives storage. For these reasons, the probable benefits of this rule change exceed the very minimal costs.