



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 12-24-068; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: Chapter 296-104 WAC, Board of Boiler Rules – Substantive

Hearing location(s):
Department of Labor and Industries
950 Broadway, Suite 200
Tacoma, Washington 98402

Date: March 27, 2013 Time: 10:00 a.m.

Date of intended adoption: April 23, 2013
(Note: This is **NOT** the **effective** date)

Submit written comments to:
Name: Sally Elliott
Address: PO Box 44400
Olympia, WA 98504-4400
e-mail: Sally.Elliott@Lni.wa.gov
fax (360) 902-5292 by 5 p.m. on March 27, 2013

Assistance for persons with disabilities: Contact Sally Elliott by March 13, 2013, at Sally.Elliott@Lni.wa.gov or 360-902-6411.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Boiler Program reviewed their rules for additions and revisions to ensure the rules are consistent with the national consensus standards and industry practice. The rulemaking will:

- Adopt the current edition of the national safety standards for boiler and pressure vessels. It is critical the program adopt the current national consensus standards, as these standards are required to be used by boiler and pressure vessel manufacturers and repair organizations throughout the state. Also, these standards ensure that Washington State is consistent with other states and the same safety standards are met by boiler and pressure vessel inspectors working in other states.
- Adopt language to ensure consistency with statutory requirements.

Adopt amendments that have been determined to be beneficial to or requested and supported by the regulated entities or small businesses they affect. This includes:

- Adopt new definitions for terms used in the industry to eliminate confusion and misinterpretation.
- Adopt rules for reciprocity to accept historical boilers and pressure vessels certified in other jurisdictions to the same standards as Washington State.
- Proposals to clarify the rules to improve safety and to reflect current processes, for example:
 - Clarify the guidelines for the appeal process.
 - Create guidelines for regulating pool heaters.
- Proposals for general housekeeping, grammatical and reference corrections to bring the rules up to date.

Reasons supporting proposal: See purpose statement.

Statutory authority for adoption: RCW 70.79.030 , 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350

Statute being implemented: Chapter 70.79 RCW

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE
January 22, 2013

NAME (type or print)
Robert Olson

SIGNATURE

TITLE
Chair, Board of Boiler Rules

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 22, 2013

TIME: 11:10 AM

WSR 13-03-125

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

N/A

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..... José Rodriguez	Tumwater, Washington	(360) 902-6348
Implementation.... José Rodriguez	Tumwater, Washington	(360) 902-6348
Enforcement..... José Rodriguez	Tumwater, Washington	(360) 902-6348

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal 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 exempt from the small business economic impact statement requirement because the proposed changes will impose no more than minor costs on businesses in the affected industry and the agency was not requested to do so by the joint administrative rules review committee [see RCW 19.85.030(1)].

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Sally Elliott

Address: Post Office Box 44400

Olympia, Washington 98504-4400

phone (360) 902-6411

fax (360) 902-5292

e-mail sally.elliott@lni.wa.gov

No: Please explain: