



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: December 21, 2021
TIME: 8:32 AM

WSR 22-01-195

Agency: Board of Boiler Rules (Department of Labor & Industries)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-21-087 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____ ; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Proposed increase to the boiler fees under WAC 296-104-700 What are the inspection fees- Examination fees- Certificate fees- Expenses?

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
February 16, 2022	10:30 a.m.	Virtual and telephonic hearing only. Please join on your computer or mobile app (Microsoft Teams) Click here to join the meeting or visit https://teams.microsoft.com/l/meetup-join/19%3ameeting_NmZjMTk3MWYtODY0Ny00MzkxLWE4ODEtZTBhOWM1Yzk4M2Jk%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%225f6fb773-3e56-4283-86a5-4ec77e6b4de8%22%7d Or call (audio only) 1-253-372-2181 Phone Conference ID: 203 015 674# (pound sign must be entered)	The virtual and telephonic hearing starts at 10:30 a.m. and will continue until all oral comments are received.

Date of intended adoption: April 19, 2022 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Alicia Curry

Address: Department of Labor & Industries, P.O. Box 44400, Olympia, WA 98504-4400

Email: Alicia.Curry@Lni.wa.gov

Fax: 360-902-5292

Other:

By (date) 5 p.m. on February 11, 2022

Assistance for persons with disabilities:

Contact Alicia Curry
Phone: 360-902-6244
Fax: 360-902-5292
TTY:
Email: Alicia.Curry@Lni.wa.gov
Other:
By (date) February 1, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Board of Boiler Rules and Department of Labor & Industries (L&I) is proposing a 5.58 percent fee increase for boiler and pressure vessel inspections and other Boiler Program public safety activities. This is the Office of Financial Management's maximum allowable fiscal growth factor rate for fiscal year 2023. The current fee levels are not enough to cover current program expenses. A fee increase is needed to ensure the programs' revenues match expenditures; otherwise, service levels may need to be reduced.

Reasons supporting proposal: L&I evaluated the budget and projected revenue of the program. A fee increase is needed to support the cost of ongoing services. A fee increase enables the program to continue providing quality and timely services to customers to protect structures, workers and the public from boiler and/or unfired pressure vessel incidents. According to RCW 70.79.330 and RCW 70.79.350, a fee schedule for inspections is to be set by the Board of Boiler Rules and the fees are to be used to administer the Boiler Program.

Statutory authority for adoption: Chapter 70.79 RCW

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:

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

Name of proponent: (person or organization) Department of Labor & Industries Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Mike Carlson, Prog. Mgr.	Tumwater, Washington	360-902-5270
Implementation:	Steve Reinmuth, Asst. Dir.	Tumwater, Washington	360-902-6348
Enforcement:	Steve Reinmuth, Asst. Dir.	Tumwater, Washington	360-902-6348

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

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:
TTY:
Email:
Other:

No: Please explain: The rule is exempt from the cost benefit analysis requirement under the Administrative Procedure Act RCW 34.05.328(5)(b)(vi) rules that set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: December 21, 2021
Name: Terry Chapin
Title: Chair, Board of Boiler Rules

Signature: 
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