



EXPEDITED RULE MAKING

CR-105 (June 2024) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: July 23, 2024

TIME: 9:11 AM

WSR 24-15-121

Agency: Department of Labor & Industries

Title of rule and other identifying information: (describe subject) Plumber Certification Rules. WAC 296-400A-120, What do I need to know about plumber trainee certificates?

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This expedited rulemaking proposes amendments to plumber trainee requirements under WAC 296-400A-120. The proposed changes would affect application for a certificate, supervision ratios, and reporting of plumbing hours for plumber trainees. The amendments are needed for uniformity with the requirements in Substitute House Bill 1889 (SHB 1889) (Chapter 50, Laws of 2024) and Engrossed Substitute Bill 5997 (ESB 5997) (Chapter 97, Laws of 2024).

Amended Section:

WAC 296-400A-120, What do I need to know about plumber trainee certificates?

- Permits plumber trainee applicants the option of providing an Individual Taxpayer Identification Number (ITIN) in lieu of a Social Security Number (SSN) when applying for a plumber trainee certificate for uniformity with SHB 1889.
- Updates language for uniformity with ESB 5997. This includes:
 - Amending the expiration date for the required supervision ratios for plumber trainees to certified plumbers from December 31, 2025, to December 31, 2028; and
 - Removing the requirements that failure of a trainee to report plumbing hours worked for each employer is a violation of chapter 18.106 RCW, subject to an infraction under RCW 18.106.320, and must result in nonrenewal of a plumbing trainee certificate.
- Includes amendments to existing language for clarity.

Reasons supporting proposal: Rule amendments are required for uniformity with SHB 1889 and ESB 5997. SHB 1889 includes a provision that permits applicants the ability to provide an ITIN in lieu of a SSN when completing an application for a professional license, commercial license, certificate, permit, or registration under Title 18 RCW. The bill took effect July 1, 2024. ESB 5997 includes a provision that amends the expiration date of the required supervision ratios for plumber trainees to certified plumbers under RCW 18.106.070. The provision maintains the supervision ratio of three plumber trainees to one certified plumber on residential construction jobsites until December 31, 2028. A provision of the bill also removes the requirements that failure of a trainee to report plumbing hours worked for each employer is a violation of chapter 18.106 RCW, subject to an infraction under RCW 18.106.320, and must result in nonrenewal of the plumbing trainee certificate under RCW 18.106.070. The bill took effect June 6, 2024.

Statutory authority for adoption: Chapter 18.106 RCW

Statute being implemented: SHB 1889, Chapter 50, Laws of 2024; ESB 5997, Chapter 97, Laws of 2024: and Chapter 18.106 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:

Name of proponent: (person or organization) Department of Labor & Industries	<input type="checkbox"/> Private <input type="checkbox"/> Public <input checked="" type="checkbox"/> Governmental
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Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting:	Melissa McBride, Prog. Mgr.	Tumwater, WA	360-902-5571
Implementation:	Steve Reinmuth, Asst. Dir.	Tumwater, WA	360-902-6348
Enforcement:	Steve Reinmuth, Asst. Dir.	Tumwater, WA	360-902-6348

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The expedited rulemaking process is necessary due to amendments to Washington state statutes, effective June 6, 2024, and July 1, 2024.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Meagan Edwards, Management Analyst
 Agency: Department of Labor & Industries
 Field Services & Public Safety Division
 Address: PO Box 44400, Olympia, WA 98504-4400
 Phone: 360-522-0125
 Fax: 360-704-1980
 Email: Meagan.Edwards@Lni.wa.gov
 Other:

BEGINNING (date/time) 8 a.m. on July 24, 2024 **AND RECEIVED BY** (date/time) 5 p.m. on September 23, 2024

Date: July 23, 2024

Signature:

Name: Joel Sacks

A handwritten signature in black ink that reads "Joel Sacks". The signature is written in a cursive style with a large initial 'J' and 'S'.

Title: Director