

CONCISE EXPLANATORY STATEMENT (CES)

Board of Boiler Rules Pool Heater Definition and Fee Increases (FY 26)

WAC 296-104-010, Administration—What are the definitions of terms used in this chapter?

WAC 296-104-700, What are the inspection fees—Examination fees—Certificate fees—Expenses?

The date of adoption for this rule: April 22, 2025

The effective date for this rule: July 1, 2025

I. Purpose of rulemaking:

The purpose of this rulemaking is to adopt amendments to the boiler rules under chapter 296-104 WAC, Board of Boiler Rules – Substantive. The amendments affect the definitions and fees for boilers and pressure vessels. The adopted amendments are needed to clarify inspection requirements for pool heaters and increase fees to support the operating expenses of the Boiler Program.

Adopted amendments to the chapter are as follows:

WAC 296-104-010, Administration—What are the definitions of terms used in this chapter?

- Modifies the definition of “pool heaters” to clarify that pool heaters without shut-off valves are considered open to the atmosphere and exempt from inspection.
- Includes formatting updates by the Office of the Code Reviser.

WAC 296-104-700, What are the inspection fees—Examination fees—Certificate fees—Expenses?

- Increases fees by the fiscal growth factor rate of 6.41 percent for boiler and pressure vessel inspections and other Boiler Program services.

2. Differences between the rule as adopted and the proposed rule:

There are no differences between the rules as adopted and proposed.

3. Comments on proposed rule:

The public comment period for this rulemaking began on January 3, 2025, and written comments were accepted through January 27, 2025. L&I received one written comment on the proposed rules.

A hybrid public hearing was held on February 5, 2025, at 10:20 a.m. at L&I headquarters and via Zoom meeting. Seven (7) board members, five (5) L&I staff and four (4) other persons attended the public hearing. No persons provided testimony on the proposed rules.

Below is a summary of the comments that L&I received and L&I's responses.

General Comments	L&I Responses
Comment #1: Why is the licensing fees 10x that of other states and Washington still can't stay in budget? Is the entire state incompetent when it comes to budgets or is something nefarious going on?	Response #1: Thank you for your comments. The Board of Boiler Rules is required to adopt rules regulating boilers and pressure vessels under RCW 70.79.040. RCW 70.79.330 requires the Board to adopt fees that cover the expenses of running the program. Therefore, the Board occasionally needs to raise its fees to meet its statutory obligations.