



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 14-09-093 ; 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 98402-4453

For directions to the L&I Office:
<http://www.lni.wa.gov/Main/ContactInfo/OfficeLocations/tacomasp>

Date: **May 27, 2015** Time: **10:00 a.m.**

Date of intended adoption: June 30, 2015
 (Note: This is NOT the effective date)

Submit written comments to:
 Name: Alicia Curry, Rules Coordinator
 Address: PO Box 44400
 Olympia, WA 98504-4400
 E-mail: Alicia.Curry@Lni.wa.gov
 Fax: 360-902-5292

Email or fax comments by **5 p.m. on May 27, 2015**

Assistance for persons with disabilities: Contact
 Alicia Curry by **May 14, 2015**, at
 Alicia.Curry@Lni.wa.gov or 360-902-6244.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Board of Boiler Rules is proposing amendments to Chapter 296-104 WAC, Board of Boiler Rules – Substantive. The boiler rules are reviewed on a regular basis to ensure the rules are consistent with national boiler and unfired pressure vessel safety standards and industry practice.

Proposed amendments to this chapter will:

- Add new definitions for “jacketed steam kettles” and update the existing definition for “places of public assembly”;
- Adopt the latest edition of national standards for American Petroleum Institute (API) 510 for boilers and unfired pressure vessels
- Adopt the latest edition of national standards for TAPPI TIP 0402-16 for pulp or paper machine dryers;
- Clarify the annual internal and external inspection requirements for power boilers;
- Clarify the shutdown requirements for automatically fired boilers, after December 2004;
- Correct references to National Board (NB) 263 and API 510 for continuous adoption of the latest edition of standards; and
- Update the definitions to modern-day terms by replacing the term for “boarding homes” with “assisted living facilities”.

Reasons supporting proposal: Rulemaking is needed to update the existing rules and adopt the most current national standards for the proper construction, installation, inspection, operation, maintenance, alterations, and repairs of boilers and unfired pressure vessels to protect public safety.

Statutory authority for adoption: Chapter 70.79 RCW, Boilers and Unfired Pressure Vessels

Statute being implemented: Chapter 70.79 RCW, Boilers and Unfired Pressure Vessels

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
March 31, 2015

NAME
Robert Olson

SIGNATURE

TITLE
Chair

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: **March 31, 2015**

TIME: **9:03 AM**

WSR **15-08-073**

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..... 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.

The board is exempt from preparing a small business economic impact (SBEIS) statement under RCW 19.85.030(1)(a), since the proposed rules would not impose more than minor costs on businesses.

Is a cost-benefit analysis required under RCW 34.05.328?

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

Name: Alicia Curry, Rules Coordinator

Address: PO Box 44400
Olympia, Washington 98504-4400

Phone: (360) 902-6244

Fax: (360) 902-5292

E-mail: Alicia.Curry@Lni.wa.gov

No: Please explain:

A cost benefit analysis (CBA) is required that complies with RCW 34.05.328(1)(c) and (d), as the probable benefits of the rules are greater than the probable costs.