

**Board of Boiler Rules Meeting Minutes**  
**August 21, 2024**  
**Department of Labor & Industries, Hybrid Meeting**

Board Members:

Tim Barker, Chair  
Keith Black, Boiler Operators  
Michael Kipper, Manufacturers  
John Pittman, Professional Engineers \*\*  
Stephanie Gross, Owner/Users  
Mike Carlson, Secretary

Other Attendees:

Alicia Curry, State of Washington \*\*  
Brian Hornback, State of Washington\*\*  
Don Sage, State of Washington  
Meagan Edwards, State of Washington  
Terry Chapin,  
Steve Frazier, City of Seattle  
Josh Swanson, IUOE Local 302  
Steve Bacon\*\*  
Troy Green  
Jason Stedman, State of Washington

\* Attended Study Session only

\*\* Attended Board Meeting only

The Board of Boiler Rules meeting began at 10:05 a.m. Discussion summaries are incorporated in the meeting minutes.

**Agenda Item 1 – Approval of Agenda**

Stephanie motioned to approve agenda. Keith Black seconded. All voted aye, motion carried. Agenda approved.

**Agenda Item 2 – Review and approve minutes from May 22, 2024 meeting**

The May 22, 2024, Meeting Minutes were amended to correct minor editorial changes during study session. Keith motioned to approve minutes, Stephanie seconded. All voted aye, motion carried. Minutes approved.

**Agenda Item 3 – WAC 296-104-700 – request to adjust inspection, exam, and certificate fees**

Mike Carlson discussed the request to increase the fiscal growth factor which is currently proposed 6.2% by OFM. May be adjusted to a different level in the end of November. This is to maintain the fund and in anticipation for updated database system within the next year. There will be cost involved in preparation for integration of accounting system.

Brian Hornback added additional that this is the standard fiscal growth factor increase to keep up with general cost increases and to ensure that the fund is healthy for any cost related to bringing new system online.

Tim Barker inquired about the pressure funds balance, noting it has increased to approximately \$1.25 million.

Brian Hornback explained that the increase aims to cover 7 months of operating expenses, with a goal to maintain a minimum balance of 3-4 months expenses. The program has been operating with vacancies, but the intention is to remain as fully staffed as possible throughout the year. If fully staffed, the expenses would increase. The fiscal growth factor is considered appropriate but could be adjusted if the balance continues to grow or if other system factors change.

Tim Barker Clarified the vacancy being a field inspector.

Brian Hornback provided added that vacancies also exist with the office staff, contributing to the higher balance. Full staffing would naturally increase expenses, and the request for an increase is to account for potential future staffing and operational costs.

A board member asked for a projection for the fiscal growth factor and inquired about the expected duration of the surplus.

Brian Hornback responded that the program could provide projections, but current numbers were not currently available. He emphasized that full staffing would reduce the surplus.

Tim Barker asked additional question, were there proposed increases asked for in the 2020's? Did we have these increases every year or did we miss a year?

Mike Carlson replied, that it has not been every year for increases. He mentioned increases in July 2024 and in 2022 prior to that.

Tim Barker clarified that this increase request is to approve the fee increase for 2025.

Alicia Curry added that there will be an opportunity to vote "No" in the future if it is decided so. This is not the final answer on the increase of approval. This starts the rule making process to begin making those changes.

Tim Barker stated his position and reasoning for questioning the increase. As an insurance representative on the board, he struggles with approving a financial increase when relying on the numbers. Not a financial expert and just asking the questions to gain additional clarity.

Brian Hornback added some additional context by comparing to other programs where increases are not asked for frequently, there are typically results where a larger increase is asked for at a later time.

No additional questions from the board.

Tim Barker asked for a motion to approve the increase in fee's which would begin in July 2025 assuming process goes through appropriately.

Mike Kipper motions to approve. Keith Black seconds the motion to approve.

Board votes "aye". Motion is approved unanimously.

**Agenda Item 4 – Approval of preproposal CR101 filing to initiate Rulemaking for the following WAC revisions:**

**WAC 296-104-010 – Changes in definition of Pool Heaters**

Mike Carlson spoke to WAC 296-104-010 in reference to definition of terms used in the chapter. There is a section regarding Pool Heaters. There has been Pool heaters (Part C) - open to atmosphere are excluded. There have been questions in the past from operators and inspectors. Back in 2022 in the Board of Boiler rules meeting from May 10 2022. Board approved current language of, “Pool heaters without shut off valves on the discharge side are considered open to the atmosphere and therefore are exempt from inspection requirements.”

The approved change was never moved to rulemaking and this Agenda Item starts that process.

Clarification provided that the definitions are intended to indicate pool heaters without shutoff valves are exempt from registration with the department and periodic inspection. If there is no isolation valve, then it does not meet the definition of a boiler and therefore not required to have inspection.

Further clarification provided that this proposal is to begin putting this definition change into the rule making/law.

**WAC 296-104-700**

Next topic is pre-approval for WAC 296-104-700, asking to clarify the rulemaking process.

Alicia Curry, the FSPS Senior Policy Manager, asked the board to approve the filing of CR-101.

The CR-101 is notification to the public indicating that rulemaking is being considered regarding changes under WAC 296-104-700. This includes a fiscal growth factor fee increase.

The preliminary fiscal growth factor rate is 6.20%, but this may change after the Expenditure Committee votes in November to finalize the percentage. The confirmed rate will be known then.

The CR-101 filing is planned for early October.

In the November meeting, the board will be asked to approve the filing of the **CR-102**, which will contain the proposed language for the changes.

- If approved, the CR-102 will be filed in late December.
- The department will then accept written comments and hold a public hearing, likely to take place during the February board meeting. This avoids the need for a special meeting.
- If the board approves the rulemaking at that stage, the **CR-103** will be filed in early April, with the rules expected to take effect on July 1, 2025.

Alicia Curry provided more context on the fiscal growth factor rate, which is the average personal income growth over the past decade. She included a link to further information about the rate and related calculations in the meeting chat.

- Notifications throughout the rulemaking process will be sent via the Boiler Program's Gov Delivery email list.
- Information will also be available on the agencies rulemaking page as well as the programs Laws and rule page.

No additional questions,

Tim Barker entertains a motion to approve CR-101 filing to initiate rulemaking for WAC's 296-104-010 and WAC 296-104-700.

Mike Kipper moves to approve. Stephanie seconds the motion.

Board all vote "aye."

Motion passes unanimously.

## **Department Notes**

Mike Carlson presented quarterly boiler program inspection information to the board.

Respectfully submitted,

Mike Carlson.

Inspections completed from May 1, 2024- July 31, 2024

The following information is regarding current workload and overdue inspections in the Boiler program. Data collected 8/20/2024. Currently, there are:

149 State Commissioned Inspectors

Inspections in the last quarter- May 1, 2024- July 31, 2024

444 Internal boiler inspections. (233)

1,840 External boiler inspections. (1,782)

11,958 Pressure vessel inspections. (9,963)

Total inspections = 14,244. (11,978)

The Statewide overdue rate average is 9.6%, (10%) with 11,200 (11,685) (60 days or more overdue) without a valid certificate.

As of 9/20/2024, 3,112 new objects have been added this year.

Current total of objects is 116,993 (116,900)

There were 512 violations opened, 174 were closed last quarter. (539,234)

Currently there are 346-boiler, and 1,046-pressure vessel violations open which totals 1,392. (312, 992, 1,304)

2 red tag violation opened last quarter. (2)

More info next quarter and info for folks.

Mike Carlson also addressed the board Bylaws being over 9 years old which should require a review and resigning of the document.

Boiler extensions. If a company changes or sells to another business, we think the board should have to revisit that vessel. It's a brand new company and we should have them agree to uphold that vessel. Would want to know the board's position on that. Proposing to have a designator for frequencies so we can track them.

Suggests a state number with a "W" or an "E". Will need to bring up to board in another session.

We can do that, Carlson replied.

## **Public Comment**

Terry Chapin reports from the Steam Certification Board from their Quarterly meeting. Reports that student interest in Boiler Operators is down.

Josh Swanson from Local 302, we have come to the board with the notion of attempting to certify boiler operators. May present a draft of the proposed Legislation in the November Boiler Board Meeting.

November 20, 2024 is the next board meeting. Study Session on November 19. Both meetings are hybrid.

Tim Barker entertains a motion to adjourn the meeting. Stephanie moves to adjourn. John seconds the motion.

All board Members vote "Aye".

August 20 session of the Board of Boiler rules is adjourned.