



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: December 13, 2022

TIME: 1:02 PM

WSR 23-01-038

Agency: Department of Labor & Industries (L&I)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: This emergency rule allows the Factory Assembled Structure (FAS) Program to effectively approve plans for commercial coach trailers, factory-built housing and commercial structures, recreational park trailers, recreational vehicles, and conversion vendor units (food trucks and trailers) as required under RCWs 43.22.360 and 43.22.480. The rule language includes changes to chapters 296-150C and 150F WAC that clarify plan submission requirements. The rule adds provisions to chapters 296-150P, 150R, and 150V WAC to allow plans for recreational park trailers, recreational vehicles, and conversion vendor units to be reviewed and approved by a licensed professional engineer, architect or firm as authorized by RCW 43.22.360(3).

This emergency rule is needed to allow the FAS Program to continue addressing a backlog of more than 500 design plans that still exists, while permanent rules are being developed.

Citation of rules affected by this order:

New: WAC 296-150P-0315, 296-150P-0520, 296-150P-0530, 296-150P-0540, 296-150P-0550, 296-150P-0560, 296-150P-0570, 296-150P-0580, 296-150P-0590, 296-150P-3001, 296-150R-0315, 296-150R-0520, 296-150R-0530, 296-150R-0540, 296-150R-0550, 296-150R-0560, 296-150R-0570, 296-150R-0580, 296-150R-0590, 296-150R-3001, 296-150V-0420, 296-150V-0430, 296-150V-0440, 296-150V-0450, 296-150V-0460, 296-150V-0470, 296-150V-0480, 296-150V-0490, 296-150V-3001

Repealed:

Amended: WAC 296-150C-0310, 296-150C-0420, 296-150C-0430, 296-150C-0460, 296-150C-0480, 296-150F-0310, 296-150F-0420, 296-150F-0430, 296-150F-0460, 296-150F-0480, 296-150P-0020, 296-150V-0310

Suspended:

Statutory authority for adoption: RCWs 43.22.360(3), 43.22.480(3)

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: This emergency rulemaking allows the FAS Program (Program) to address the backlog of 500 design plans that still exists, while permanent rules are being developed. L&I filed a Preproposal Statement of Inquiry (CR-101) to initiate the permanent rulemaking process on August 16, 2022. L&I will be seeking input from stakeholders in the development of the permanent rules.

In February 2020, a state of emergency was declared in Washington state to respond to the COVID-19 virus, which ultimately became a global pandemic. L&I has been involved in several efforts to respond to the pandemic effects on the economy, employment, and worker safety. As a result of L&I's response, resources and staffing shortages in the Program has developed a backlog of plans for review and approval. This emergency rule is needed to protect the general welfare of Washingtonians, by ensuring plans for commercial coaches, factory-built housing and commercial structures, recreational park trailers, recreational vehicles, and conversion vendor units are approved in a timely manner and inspected to the safety standards of chapters 296-150C, 150F, 150P, 150R, and 150V WAC. If the emergency rule is not adopted the backlog of plans needing review by the Program will significantly increase and likely cause serious harm to the entire FAS industry by

impacting production as well as putting the public at risk of harm due to the lack of safety inspections for these structures prior to them being used by businesses and the public.

As of this filing, the Program has more than 500 plans waiting for review by the Program's seven plans examiners. L&I has worked aggressively to hire more plan reviewers. These plans are for all the types of structures identified above and include everything from simple RV trailers to large commercial buildings.

The backlog has also created delays in public safety inspections of factory-built housing and commercial structures and of conversion vendor units (food trucks and trailers), because inspections cannot be performed without approved plans. In addition, lacking plans for some of their designs the Recreational Vehicle and Recreational Park Trailer industries face delays in sending their products to Washington as they cannot apply Washington labels to models that have not been reviewed and approved.

These changes and additions made in the emergency rule will help address and reduce the backlog of plan reviews and promote timely public safety inspections, by providing for "Licensed Professional" plan reviews for the Program. This will provide manufacturers with an alternate method to obtain approved plans in a timely manner, thus helping businesses remain in business or continue business operations. In addition, updating the existing rules in chapters 296-150C and 296-150F WAC will make it easier for manufacturers using licensed professional reviews, by simplifying and clarifying our requirements for those types of plans.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	<u>29</u>	Amended	<u>12</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>29</u>	Amended	<u>12</u>	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>29</u>	Amended	<u>12</u>	Repealed	___

Date Adopted: December 13, 2022

Name: Joel Sacks

Title: Director

Signature:

