

## CONCISE EXPLANATORY STATEMENT (CES)

### Boiler Rules and Fee Increase (FY 25)

**WAC 296-104-020, Administration – What are the filing requirements for boilers and unfired pressure vessels before their installation/reinstallation?**

**WAC 296-104-102, Inspection – What are the standards for in-service inspection?**

**WAC 296-104-200, Construction – What are the standards for new construction?**

**WAC 296-104-255, Installation – What are the required clearances for boilers?**

**WAC 296-104-260, Installation – What are the required clearances for unfired pressure vessels?**

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

The date of adoption for this rule: June 4, 2024

The effective date for this rule: July 5, 2024

#### **I. Purpose of rulemaking:**

The purpose of this rulemaking is to adopt changes to the boiler rules under chapter 296-104 WAC. The changes affect safety codes, installer and clearance requirements, and fees for boilers and pressure vessels. The updates are needed to ensure consistency with national boiler and unfired pressure vessel safety standards and industry practice.

The adopted rules are as follows:

- Increases fees by the fiscal growth factor rate of 6.40% to support operating expenses for the Boiler Program.
- Makes installers responsible for correcting deficiencies found on initial permit inspections and paying subsequent inspection fees.
- Removes the National Board Inspection Code, current edition Part 4, Section 6, and Supplement 3 from the non-mandatory guidelines for pressure relief devices for consistency with the code.
- Adds new Section XIII from the 2023 edition of the American Society of Mechanical Engineers, to the standards for new construction of boilers and pressure vessels for consistency with the code.
- Allows clearances less than 18 inches for boilers when recommended by the manufacturer's instructions for better direction on clearances.
- Adds a new exception that allows for side clearances less than 18 inches for pressure vessels when recommended by the manufacturer's instructions for better direction on clearances. This also includes:
  - Notating that exceptions must be documented in the state's jurisdictional database.
  - Clarifying the access requirements for manholes.

- Updates for general housekeeping. This includes:
  - Rearranging existing requirements under WAC 296-104-255 to restructure the rule for new language.
  - Renumbering subsections and converting spelled numbers to numerals for formatting.

## **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 2, 2024, and written comments were accepted through February 13, 2024. A hybrid public hearing was held on February 21, 2024, at 10:20 a.m. at L&I headquarters and via Zoom meeting. Five (5) board members, five (5) L&I staff and six (6) other persons attended the public hearing.

L&I filed a continuance of the CR-102 proposal ([WSR 24-09-062](#)) on April 16, 2024, to extend the public comment period and hold a second public hearing. The comment period began on April 16, 2024, and written comments were accepted through May 15, 2024.

A second hybrid public hearing was held on May 22, 2024, at 10:20 a.m. at L&I headquarters and via Zoom meeting. Five (5) board members, four (4) L&I staff and six (6) other persons attended the public hearing.

L&I did not receive any oral or written comments on the proposed rules; therefore, the rules have been adopted as proposed.