



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: June 04, 2024

TIME: 10:06 AM

WSR 24-12-068

**Agency:** Board of Boiler Rules (Department of Labor & Industries)

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) July 5, 2024 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes
  - No
- If Yes, explain:

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

Adopted amendments to the chapter are as follows:

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

- Adds a new subsection that installers are responsible for correcting deficiencies found on initial permit inspection and paying subsequent inspection fees.
- Renumbers subsections and converts spelled numbers to numerals for formatting.

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

- Removes the National Board Inspection Code (NBIC), current edition Part 4, Section 6, Supplement 3 from the non-mandatory guidelines for pressure relief devices for consistency with the code.

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

- Adds new Section XIII from the 2023 edition of the American Society of Mechanical Engineers (ASME), to the standards for new construction of boilers and pressure vessels for consistency with the code.
- Converts a spelled number to a numeral for formatting.

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

- Allows for clearances less than 18 inches for boilers when recommended by the manufacturer's instructions to provide better direction for clearances.
- Rearranges the existing requirements and renumbers subsections for formatting.

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

- Adds a new exception that allows for side clearances less than 18 inches for pressure vessels when recommended by the manufacturer's instructions and it does not inhibit inspection, maintenance, or repair to provide better direction for clearances. This also includes:
  - Notating that exceptions must be documented in the state's jurisdictional database.
  - Clarifying the access requirements for manholes.

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

- Increases fees by the fiscal growth factor rate of 6.40 percent to support operating expenses for the Boiler Program.

**Citation of rules affected by this order:**

New:

Repealed:

Amended: WAC 296-104-020, 296-104-102, 296-104-200, 296-104-255, 296-104-260, and 296-104-700

Suspended:

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

**Other authority:** None.

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 24-02-070 on January 02, 2024 (date).

Describe any changes other than editing from proposed to adopted version: None.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Meagan Edwards

Address: Department of Labor & Industries

Field Services & Public Safety

P.O. Box 44400

Olympia, WA 98504-4400

Phone: 360-522-0125

Fax: 360-704-1980

TTY:

Email: Meagan.Edwards@Lni.wa.gov

Web site: <https://lni.wa.gov/licensing-permits/boilers/laws-rules>

Other:

**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	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted on the agency's own initiative:**

New	___	Amended	<u>6</u>	Repealed	___
-----	-----	---------	----------	----------	-----

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>6</u>	Repealed	___

**Date Adopted:** June 4, 2024

**Name:** Tim Barker

**Title:** Chair, Board of Boiler Rules

**Signature:**

A handwritten signature in black ink, appearing to read 'Tim Barker', written in a cursive style.