



# PROPOSED RULE MAKING

**CR-102 (June 2024)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: January 02, 2025  
TIME: 8:11 AM

WSR 25-02-117

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

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR 24-21-134 ; or**

**Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

**Proposal is exempt under RCW \_\_\_\_\_.**

**Title of rule and other identifying information:** (describe subject) Boiler Rules and Fee Increases. Chapter 296-104 WAC, Board of Boiler Rules – Substantive. Specifically WAC 296-104-010, Administration – What are the definitions of terms used in this chapter?, and WAC 296-104-700, What are the inspection fees – Examination fees – Certificate fees – Expenses?

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
February 5, 2025	10:20 a.m.	Department of Labor & Industries 7273 Linderson Way SW Tumwater, WA 98501  OR  <b>Join electronically (Zoom):</b> <a href="https://lni-wa-gov.zoom.us/j/83557234241?pwd=WF30qUpra114jE0bLWrEc8zf8hSNOQ.1">https://lni-wa-gov.zoom.us/j/83557234241?pwd=WF30qUpra114jE0bLWrEc8zf8hSNOQ.1</a> Passcode: .9t\$jKaL  OR  <b>Join by phone (audio only):</b> 253-215-8782 Meeting ID: 835 5723 4241 Passcode: 13644385	The in-person and virtual/telephonic hearing starts at 10:20 a.m. and will continue until all oral comments are received.

**Date of intended adoption:** April 22, 2025 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name Meagan Edwards  
Address Department of Labor & Industries  
Field Services & Public Safety Division  
PO Box 44400  
Olympia, WA 98504-4400  
Email Meagan.Edwards@Lni.wa.gov  
Fax 360-704-1980  
Other

Beginning (date and time) January 3, 2025, at 8 a.m.  
By (date and time) January 27, 2025, at 5 p.m.

**Assistance for persons with disabilities:**

Contact Meagan Edwards  
Phone 360-522-0125  
  
Fax 360-704-1980  
TTY  
Email Meagan.Edwards@Lni.wa.gov  
Other  
By (date) January 22, 2025

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this rulemaking is to propose amendments to the boiler rules under chapter 296-104 WAC, Board of Boiler Rules – Substantive. The amendments would affect the fees and definitions for boilers and pressure vessels.

Proposed amendments to the chapter are as follows:

- **WAC 296-104-010, Administration – What are the definitions of terms used in this chapter?**
  - Modifies the definition of “pool heaters” to clarify that pool heaters without shut-off valves on the discharge side are considered open to the atmosphere and exempt from inspection requirements.
  - Includes formatting updates by the Office of the Code Reviser.
- **WAC 296-104-700, What are the inspection fees—Examination fees—Certificate fees—Expenses?**
  - Increases fees by the fiscal growth factor rate of 6.41 percent for boiler and pressure vessel inspections and other Boiler Program services.

**Reasons supporting proposal:** This rulemaking is needed to ensure the inspection requirements for pool heaters are clear to improve public safety, and that fees will support the Boiler Program’s operating expenses. The fee increase of 6.41 percent is the Office of Financial Management’s (OFM) maximum allowable fiscal growth factor for fiscal year 2026. According to RCW 70.79.330 and 70.79.350, a fee schedule for inspections is to be set by the Board of Boiler Rules and the fees are to be used to administer the Boiler Program.

**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:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None.

**Name of proponent:** (person or organization) Department of Labor & Industries

**Type of proponent:**  Private.  Public.  Governmental.

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting	Mike Carlson, Prog. Mgr.	Tumwater, WA	360-902-5270
Implementation	Steve Reinmuth, Asst. Dir.	Tumwater, WA	360-902-6348
Enforcement	Steve Reinmuth, Asst. Dir.	Tumwater, WA	360-902-6348

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

**Is a cost-benefit analysis required under [RCW 34.05.328](#)?**

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

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

No: Please explain: This rule proposal is exempt from the cost benefit analysis requirement under the Administrative Procedure Act. Specifically, RCW 34.05.328(5)(b)(iv) exempts rules that only correct typographical errors, make address

or name changes, or clarify language of a rule without changing its effect. RCW 34.05.328(5)(b)(vi) exempts rules that set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

**Regulatory Fairness Act and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

- |   |  |
|---|--|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations)         | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)             | <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)   |
| <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions: Check one.**

The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

**(3) Small business economic impact statement: Complete this section if any portion is not exempt.**

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

**Date:** January 2, 2025

**Signature:**

**Name:** Tim Barker

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

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