

WSR 22-01-195
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Board of Boiler Rules)
[Filed December 21, 2021, 8:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-21-087.

Title of Rule and Other Identifying Information: Proposed increase to the boiler fees under WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses?

Hearing Location(s): On February 16, 2022, at 10:30 a.m., virtual and telephonic hearing only. Please join on your computer or mobile app (Microsoft Teams) Click here to join the meeting [contact agency for link]; or visit [Date of Intended Adoption: April 19, 2022.](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NmZjMTk3MWYtODY0Ny00MzcxLWE4ODEtZTBhOWM1Yzk4M2Jk%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%220id%22%3a%225f6fb773-3e56-4283-86a5-4ec77e6b4de8%22%7d; or call (audio only) 1-253-372-2181, Phone Conference ID 203 015 674# (pound sign must be entered). The virtual and telephonic hearing starts at 10:30 a.m. and will continue until all oral comments are received.</p></div><div data-bbox=)

Submit Written Comments to: Alicia Curry, Department of Labor and Industries (L&I), P.O. Box 44400, Olympia, WA 98504-4400, email Alicia.Curry@Lni.wa.gov, fax 360-902-5292, by 5 p.m., on February 11, 2022.

Assistance for Persons with Disabilities: Contact Alicia Curry, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, by February 1, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The board of boiler rules and L&I is proposing a 5.58 percent fee increase for boiler and pressure vessel inspections and other boiler program public safety activities. This is the office of financial management's maximum allowable fiscal growth factor rate for fiscal year 2023. The current fee levels are not enough to cover current program expenses. A fee increase is needed to ensure the programs' revenues match expenditures; otherwise, service levels may need to be reduced.

Reasons Supporting Proposal: L&I evaluated the budget and projected revenue of the program. A fee increase is needed to support the cost of ongoing services. A fee increase enables the program to continue providing quality and timely services to customers to protect structures, workers and the public from boiler and/or unfired pressure vessel incidents. 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.

Statute Being Implemented: Chapter 70.79 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Mike Carlson, Program Manager, Tumwater, Washington, 360-902-5270; Implementation and Enforcement: Steve Reinmuth, Assistant Director, Tumwater, Washington, 360-902-6348.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The rule is exempt from the cost-benefit analysis requirement under the Administrative Procedure Act, RCW 34.05.328 (5) (b) (vi), 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.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules 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.

December 21, 2021
Terry Chapin, Chair
Board of Boiler Rules

OTS-3490.1

AMENDATORY SECTION (Amending WSR 21-20-118, filed 10/5/21, effective 11/5/21)

WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses? The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

The boiler and pressure vessel installation/reinstallation permit fee of \$((~~66.00~~)) 69.60 shall be paid by the installer, as defined in WAC 296-104-010.

Certificate of inspection fees: For objects inspected, the certificate of inspection fee per object is \$((~~28.40~~)) 29.90.

Hot water heaters per RCW 70.79.090, inspection fee: \$((~~8.50~~)) 8.90.

The department shall assess a \$((~~7.00~~)) 7.30 fee, per object, for processing of jurisdictional inspection reports to any authorized in-service inspection agency or inspector who does not file the report directly into the department's electronic inspection report system.

| Heating boilers: | Internal | External |
|---|--------------------------|--------------------------|
| Cast iron—All sizes | \$((48.00)) | \$((38.40)) |
| | <u>50.60</u> | <u>40.50</u> |
| All other boilers less than 500 sq. ft. | \$((48.00)) | \$((38.40)) |
| | <u>50.60</u> | <u>40.50</u> |
| 500 sq. ft. to 2500 sq. ft. | \$((96.00)) | \$((48.00)) |
| | <u>101.30</u> | <u>50.60</u> |
| Each additional 2500 sq. ft. of total heating surface, or any portion thereof | \$((38.40)) | \$((18.70)) |
| | <u>40.50</u> | <u>19.70</u> |
| Power boilers: | Internal | External |

| | | |
|---|----------------------|----------------------|
| Less than 100 sq. ft. | \$(48.00) | \$(38.40) |
| | <u>50.60</u> | <u>40.50</u> |
| 100 sq. ft. to less than 500 sq. ft. | \$(58.10) | \$(38.40) |
| | <u>61.30</u> | <u>40.50</u> |
| 500 sq. ft. to 2500 sq. ft. | \$(96.00) | \$(48.00) |
| | <u>101.30</u> | <u>50.60</u> |
| Each additional 2500 sq. ft. of total heating surface, or any portion thereof | \$(38.40) | \$(18.70) |
| | <u>40.50</u> | <u>19.70</u> |

Pressure vessels:

Square feet shall be determined by multiplying the length of the shell by its diameter.

| | Internal | External |
|--|----------------------|----------------------|
| Less than 15 sq. ft. | \$(38.40) | \$(28.40) |
| | <u>40.50</u> | <u>29.90</u> |
| 15 sq. ft. to less than 50 sq. ft. | \$(57.00) | \$(28.40) |
| | <u>60.10</u> | <u>29.90</u> |
| 50 sq. ft. to 100 sq. ft. | \$(66.50) | \$(38.40) |
| | <u>70.20</u> | <u>40.50</u> |
| For each additional 100 sq. ft. or any portion thereof | \$(66.40) | \$(18.70) |
| | <u>70.10</u> | <u>19.70</u> |

Nonnuclear shop inspections, field construction inspections, and special inspection services:

| | |
|---|----------------------|
| For each hour or part of an hour up to 8 hours | \$(58.10) |
| | <u>61.30</u> |
| For each hour or part of an hour in excess of 8 hours | \$(86.80) |
| | <u>91.60</u> |

Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:

| | |
|---|-----------------------|
| For each hour or part of an hour up to 8 hours | \$(86.80) |
| | <u>91.60</u> |
| For each hour or part of an hour in excess of 8 hours | \$(136.00) |
| | <u>143.50</u> |

Nonnuclear triennial shop survey and audit:

When state is authorized inspection agency:

| | |
|---|----------------------|
| For each hour or part of an hour up to 8 hours | \$(58.10) |
| | <u>61.30</u> |
| For each hour or part of an hour in excess of 8 hours | \$(86.80) |
| | <u>91.60</u> |

When insurance company is authorized inspection agency:

| | |
|---|-----------------------|
| For each hour or part of an hour up to 8 hours | \$(86.80) |
| | <u>91.60</u> |
| For each hour or part of an hour in excess of 8 hours | \$(136.00) |
| | <u>143.50</u> |

Examination fee: A fee of ~~\$(107.50)~~ 113.40 will be charged for each applicant sitting for an inspection examination(s).

Special inspector commission: A fee of ~~\$(58.00)~~ 61.20 for initial work card. A fee of ~~\$(36.00)~~ 38.00 for annual renewal.

If a special inspector changes companies: A work card fee of ~~\$(58.00)~~ 61.20.

Expenses shall include:

Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department

shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.

Requests for Washington state specials and extensions of inspection frequency: For each vessel to be considered by the board, a fee of \$((541.70)) 571.90 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

[Statutory Authority: Chapter 70.79 RCW. WSR 21-20-118, § 296-104-700, filed 10/5/21, effective 11/5/21; WSR 21-12-088, § 296-104-700, filed 6/1/21, effective 7/2/21; WSR 21-03-067, § 296-104-700, filed 1/19/21, effective 2/19/21; WSR 20-06-058, § 296-104-700, filed 3/3/20, effective 4/3/20; WSR 19-15-120, § 296-104-700, filed 7/23/19, effective 9/1/19; WSR 18-23-092, § 296-104-700, filed 11/20/18, effective 1/1/19; WSR 18-01-113, § 296-104-700, filed 12/19/17, effective 1/31/18; WSR 17-13-105, § 296-104-700, filed 6/20/17, effective 7/31/17; WSR 16-18-003, § 296-104-700, filed 8/25/16, effective 10/1/16; WSR 13-10-018, § 296-104-700, filed 4/23/13, effective 6/1/13. Statutory Authority: Chapter 70.79 RCW and 2011 1st sp.s. c 50. WSR 12-09-057, § 296-104-700, filed 4/17/12, effective 6/30/12. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and 2009 c 90. WSR 10-06-049, § 296-104-700, filed 2/24/10, effective 4/1/10. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350. WSR 08-12-015, § 296-104-700, filed 5/27/08, effective 6/30/08; WSR 07-11-137, § 296-104-700, filed 5/22/07, effective 6/30/07; WSR 06-12-032, § 296-104-700, filed 5/31/06, effective 7/1/06; WSR 05-12-028, § 296-104-700, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapter 70.79 RCW. WSR 04-21-069, § 296-104-700, filed 10/19/04, effective 1/1/05; WSR 04-13-044, § 296-104-700, filed 6/10/04, effective 6/30/04. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. WSR 04-01-194, § 296-104-700, filed 12/24/03, effective 1/24/04; WSR 03-12-051, § 296-104-700, filed 5/30/03, effective 6/30/03; WSR 02-23-036, § 296-104-700, filed 11/13/02, effective 12/14/02; WSR 02-12-021, § 296-104-700, filed 5/28/02, effective 6/28/02; WSR 01-24-061, § 296-104-700, filed 11/30/01, effective 12/31/01; WSR 01-12-034, § 296-104-700, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.79.030, 70.79.040 and chapter 70.79 RCW. WSR 00-21-024, § 296-104-700, filed 10/10/00, effective 11/13/00. Statutory Authority: RCW 70.79.030 and 70.79.040. WSR 99-08-049, § 296-104-700, filed 4/1/99, effective 5/2/99; WSR 98-09-064, § 296-104-700, filed 4/20/98, effective 5/21/98. Statutory Authority: RCW 70.79.040. WSR 93-12-014, § 296-104-700, filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 70.79.030 and 70.79.330. WSR 84-21-012 (Order 84-20), § 296-104-700, filed 10/5/84; WSR 84-11-016 (Order 84-09), § 296-104-700, filed 5/10/84; WSR 82-24-025 (Order 82-36), § 296-104-700, filed 11/23/82, effective 1/1/83; Order 77-23, § 296-104-700, filed 11/8/77; Emergency Order 77-22, § 296-104-700, filed 11/8/77.]