Governor's Office for Regulatory Innovation and Assistance

Impacts of Significant Legislative Rulemaking

(RCW 34.05.328)

2018–19

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Governor's Office for Regulatory Innovation and Assistance

Washington State Governor's Office for Regulatory Innovation and Assistance

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Introduction

A significant legislative rules (hereafter referred to as SLRs) is defined in RCW 34.05.328(5)(c)(iii) as a rule other than a procedural or interpretive rule that (a) adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction; (b) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (c) adopts a new, or makes significant amendments to, a policy or regulatory program.

Before adopting significant legislative rules, agencies are required to determine the costs and benefits of a new rule, determine least burdensome alternatives, coordinate regulations with the requirements of state and federal law, and develop an implementation, evaluation, and education plan.

RCW 34.05.328(6) requires the Office for Regulatory Innovation and Assistance to report on SLR implementation by the regulatory agencies that are required to comply with the law. To prepare this report, ORIA gathered information from agencies and solicited comments from business, environmental, and labor organizations, as well as from the Association of Washington Cities and the Washington State Association of Counties.

Agencies required to report on SLRs are:

- Department of Ecology
- Department of Fish and Wildlife (if affecting chapter 77.55 RCW)
- Department of Health
- Department of Labor and Industries
- Department of Natural Resources
- Department of Revenue
- Department of Social and Health Services
- Employment Security Department
- Forest Practices Board
- Office of the Insurance Commissioner
- State Board of Health
- State Building Code Council (eff July 1, 2018)

This report explains SLR implementation for the period between Jan. 1, 2018, to Dec. 31, 2019 (Jul 1, 2018, to Dec. 31, 2019, for SBCC). The information reported addresses requirements as set forth by RCW 34.05.328(6), specifically:

(a) The rules proposed to which this section applied and to the extent possible, how compliance with this section affected the substance of the rule if any, that the agency ultimately adopted;
(b) The costs incurred by state agencies in complying with this section;
(c) Any legal action maintained based upon the alleged failure of any agency to comply with this section, the costs to the state of such action, and the result;
(d) The extent to which this section has adversely affected the capacity of agencies to fulfill their legislatively prescribed mission;
(e) The extent to which this section has improved the acceptability of state rules to those regulated; and

(f) Any other information considered by the Office of Financial Management to be useful in evaluating the effect of this section.

In 2018 RCW 34.05.328(5)(i) was amended to include the State Building Code Council (SBCC) as an additional agency required to follow significant legislative rulemaking requirements (effective July 1, 2018). This will be the first *Impacts of Significant Legislative Rulemaking* report to include SBCC's SLR rulemaking activity.

A copy of each agency's report is included in the appendix.

Summary of Significant Legislative Rules Adopted

For this reporting period, 11 agencies adopted 149 rules under significant legislative rulemaking requirements. One agency — the Forest Practices Board — adopted no SLRs.

The table below summarizes the number of SLR adopted rules per agency.

Agency Name	Number of Adopted Rules 2018 - 2019	Number of Adopted Rules 2016 - 2017	Number of Adopted Rules 2014 - 2015
Department of Ecology	17	14	8
Department of Fish and Wildlife	2	0	1
Department of Health	48	56	34
Department of Labor and Industries	11	11	11
Department of Natural Resources	3	1	2
Department of Revenue	4	1	1
Department of Social and Health Services	23	8	12
Employment Security Department	8	0	0
Forest Practices Board	0	0	2
Office of the Insurance Commissioner	15	11	24
State Board of Health	4	5	2
State Building Code Council (reporting period 07/01/18 -12/31/2019)	14	Not required to report	Not required to report
Total	**149**	**107**	**97**

Shown below are samplings of topic areas for rules adopted by agencies. For the full listing, please see individual agency reports in the appendix.

Department of Ecology

Ecology adopted 17 significant legislative rulemakings, affecting 22 WAC chapters. Examples are:

- Air quality-controls for new sources of toxic air pollutants.
- Waste and toxins-dangerous waste regulations.
- Spills and cleanup-underground storage tank regulations.
- Water and shorelines-water quality standards for surface waters.

Department of Fish and Wildlife

Fish and Wildlife adopted two significant legislative rulemakings, affecting 8 WAC sections:

- Hydraulic project approval procedures, mineral prospecting, and HPA appeals.
- Hydraulic project approval-suction dredging rules.

Department of Health

Health adopted 48 significant legislative rules, affecting 729 WAC sections. Examples are:

- Standards related to the creation and lamination of marijuana recognition cards.
- Dental quality assurance commission- prescribing opioid drugs by dentists.
- Suicide prevention education.
- Drug takeback program.

Department of Labor and Industries

Labor and Industries adopted 11 significant legislative rules, affecting 685 WAC sections. Examples are:

- Beryllium-worker exposure to beryllium and beryllium compounds.
- Elevator licensing-safety regulations and fees.
- Self-insurance-workers compensation and self-insurance rules and regulations.
- Acupuncture rules.

Department of Natural Resources

Natural Resources adopted three significant legislative rules, affecting 21 WAC sections to include:

- Amending public records.
- Topographic elements on maps.
- Land boundary survey standards.

Department of Revenue

Revenue adopted four significant legislative rules, affecting one WAC chapter:

- Timber excise tax – stumpage value tables.

Department of Social and Health Services

Social and Health Services adopted 23 significant legislative rules, affecting 22 WAC chapters. Examples are:

- Enhanced case management program.
- Companion homes-delivery of residential habilitations services in companion home setting
- Behavioral health services.
- Domestic violence victim services and prevention efforts.

Employment Security Department

Employment Security adopted eight significant rules affecting 16 WAC chapters.

- Unemployment Insurance.
- Paid Family and Medical Leave- rules to implement, clarify, and enforce the PFML statute.

Forest Practices Board

No significant legislative rules adopted.

Office of the Insurance Commissioner

The Insurance Commissioner adopted 15 significant legislative rules, affecting 13 WAC chapters. Examples are:

- Balance Billing Protection Act.
- Risk Mitigation.
- Health plan coverage of reproductive healthcare and contraception.
- Adjusting geographic rating areas to increase market stability.

State Board of Health

The Board of Health adopted four significant legislative rules, affecting 32 WAC sections. Examples are:

- Drinking water laboratory certification and data reporting.
- Employee restrooms/toilet facilities- distance for mobile food units.
- Newborn screening- the addition of mandatory conditions for newborn screenings.
- Immunization of child care and school children against certain vaccine-preventable diseases.

State Building Code Council

The Building Code Council adopted 14 significant legislative rules, affecting 204 WAC sections. Examples are:

- Closing unanticipated loopholes for daycares.
- Structural seismic engineering concern for structures between 160 feet and 240 feet.
- Defining mobile food preparation vehicle permit requirements.
- Tiny houses scope and definitions.

Impacts of SLR Process on Substance of the Rules

The Departments of Ecology, Fish and Wildlife, Labor and Industries, and Office of the Insurance Commissioner indicated that compliance with RCW 34.05.328 was beneficial to its respective rulemaking processes. These agencies have built significant legislative rule analysis into its respective rulemaking processes. Other reporting agencies indicated that compliance with SLR requirements generally did not affect the substance of its rulemakings.

See below for agency comments on the extent to which RCW 34.05328 affected the substance of rules. For the full listing, please see individual agency reports in the appendix.

Department of Ecology

"Ecology continues to find compliance with this section, valuable to the rulemaking process. RCW 34.05.328 (1) requires Ecology make several determinations related to the rulemaking prior to adoption. RCW 34.05.328 (2) requires agencies to place in the rulemaking file "documentation of sufficient quantity and quality" to support the determinations. Gathering and considering information for these requirements, along with relevant science and input from interested parties, ensures an enhanced decision-making process."

"The information Ecology prepares during rulemaking is intended to inform and document the process and to communicate information to interested parties. We have developed a standardized structure for the presentation of this information (for example, the Regulatory Analyses and the Implementation Plan). These documents assist in establishing a framework for conversations with interested parties about the subject of the proposed rule. More recently, the regulatory analyses have become a focal point of conversations related to the impacts of a proposed rule or change. Further, information gathered to support the determinations in section 328 help Ecology be prepared to answer questions about what the rulemaking will do, its impacts, and why it is needed. Specific comments received from interested parties help Ecology understand the nature of their concerns and find ways to engage them in the process. These conversations, comments, and discussions lead to the development of the initial proposal as well as changes that Ecology may incorporate into the final rule adoption."

Department of Fish and Wildlife

2018 rulemaking: "Compliance with RCW 34.05.328 did not affect the substance of the adopted rules in this instance but formed a useful structure within which to conduct internal and external conversations about the proposals. Although the materials prepared are more extensive than in the past, WDFW found that the increased level of documentation enhanced clarity about the proposals and their impacts for both decision-makers and stakeholders. Only portions of the rule were subject to analysis under this statute, yet the framework improved the entire process for WDFW."

2019 rulemaking: "Although the substance of the rule was not significantly altered because of compliance with RCW 34.05.328 (Significant Legislative Rules or SLR), the rule's substance was strengthened because of considerations for SLR. Many alternatives to rulemaking, and alternatives to rule language, were contributed from commenters, creating a greater compliance burden than originally anticipated. Taking the time to understand and make decisions about each suggested change, and to describe justifications for those decisions, strengthened the basis for the rules in ways that might not have occurred absent SLR provisions."

"One unanticipated benefit to WDFW from the effort expended to improve formats, process, and transparency was the clarity of materials presented to the public and Fish and Wildlife Commission. The adoption process was simple and streamlined because of the care taken in preparation."

"Rule adoption has become simple and streamlined because of the care taken in preparation and the clarity of the materials developed in support of rulemaking."

Department of Health

"Compliance with RCW 34.05.328 did not affect the substance of the rules."

Department of Labor and Industries

"The Department of Labor & Industries considers the significant legislative analysis information when adopting rules. The economic analysis and least burdensome analysis help to inform the decisions on the rule content and to understand and explain the impact on regulated parties. It complements the public hearing process by requiring the department to consider the costs, impacts, and alternatives to rulemaking before adopting a rule. The rule implementation plan helps us to ensure we have effectively mapped out appropriate efforts to implement new rules and provide education and assistance to stakeholders."

Department of Natural Resources

"RCW 34.05.328 does not affect the substance of this rule."

Department of Revenue

"Generally, compliance with this section does not affect the substance of the rules the Department adopts."

Department of Social and Health Services

"NA."

Employment Security Department

"Compliance with this section did not affect the substance of the rule."

Office of the Insurance Commissioner

"The Commissioner's approach to rulemaking does not typically result in a change of scope or content of proposed rules based on the Administrative Procedures Act requirements to perform a cost-benefit analysis for significant legislative rules. We draft the rules, perform the analysis of whether the proposed rule meets the significant legislative rule criteria, and then draft the cost-benefit analysis. We do not perform cost-benefit analysis for those proposed rules falling under one of the exceptions in RCW 34.05.328(5)(b).

State Board of Health

"Compliance with RCW 34.05.328 did not affect the substance of the rule."

State Building Code Council

"Compliance with RCW 34.05.328 did not affect the substance of any of the rules adopted by the State Building Code Council from July 1, 2018, through December 31, 2019."

Costs Incurred in Complying with SLR

Cost is difficult to measure when assessing the impact of SLR compliance for agencies. A few agencies reported that when performing significant legislative rulemaking, its costs are minimal and absorbed within the rulemaking process. Several agencies indicated there were costs incurred in complying with SLR, but these costs were not tracked or could not be quantified. However, four agencies, DFW, DOH, OIC, and SBOH, did provide cost estimates associated with SLR compliance. For additional detail, please see individual agency reports in the appendix.

Agencies reported the following costs:

Department of Ecology

"Ecology does not track the costs associated with these requirements separately from other rulemaking activities (for example, public hearing costs or staff time to draft rule language or meet with interested parties). Costs associated with complying with this section include but are not limited to:

- Preparing, reviewing, and finalizing documentation to meet the requirements;
- Gathering data and other information; and
- Other necessary tasks."

Department of Fish and Wildlife

2018 SLR Rulemaking: "WDFW added significant resources in order to ensure that HPA rulemaking is compliant with State Environmental Policy Act (SEPA), the Administrative Procedure Act (APA), and the Regulatory Fairness Act (RFA). One objective for this rulemaking process was to establish formats and processes to ensure rulemaking complies with these laws in a consistent and transparent manner."

"Although actual hours were not tracked, it is estimated that approximately four weeks of Assistant Attorney General time and eight months of Environmental Planner 4 staff time was expended in this pursuit. It is hoped that taking the time now to establish these standards will save time in the future, potentially more complex, rulemaking activities."

"Compliance with the significant legislative rules (SLR) statute was a relatively small proportion of the total regulatory burden for this rulemaking - perhaps about one-third of overall staff time for this rulemaking. Three months at an Environmental Planner 4 level costs WDFW approximately $37,700; Assistant Attorney General time is estimated at one month or $13,200; therefore, the total cost for Significant Legislative Rulemaking was about $50,900."

"These amounts include rule review and editing, preparation of SLR analyses and documents, managing stakeholder outreach on the cost-benefit analysis (and Small Business Economic Impact Statement) and comment-response, and managing rulemaking records. It is difficult to distinguish time spent on SLR from time spent on other aspects of rulemaking - for HPA rulemaking, this integration is beneficial."

2019 SLR Rulemaking: "With the experience and preparations from the previous rulemaking activity under our belts, WDFW was able to spend more effort on outreach for this rulemaking. Again, while WDFW did not keep strict accounting of the time spent ensuring SLR compliance, we estimate that five months of Environmental Planner 4 cost WDFW approximately $62,760; Assistant Attorney General time is estimated at one month or $13,200; therefore, the total cost for Significant Legislative Rulemaking was about $75,960."

Department of Health

"$892,515 - See table under #11 for specific costs."

"Significant legislative rules generally cost more to adopt than rules that are not by definition significant. To date the department, and the related health profession boards and commissions adopted 47 significant legislative rules during 2018-2019. Increased costs include staff time include developing and analyzing cost-benefit-analyses. Yet there will be more costs associated with significant legislative rules because of the increased scope and substantive policy issues these rules are attempting to address. We cannot specifically quantify the additional requirements of complying with RCW 34.05.328 as opposed to the underlying costs to develop these significant legislative rules."

Department of Labor and Industries

"There are increased costs and staff time associated with complying, including developing and analyzing cost-benefit-analyses. However, L&I does not quantify the costs for meeting these requirements. We have economists on staff and in recent years, significant time has been devoted to economic analyses for significant legislative rules."

Employment Security Department

"The department experiences increased costs for each rulemaking that must comply with this section but does not track those costs separately. Costs include routine tasks such as preparing documents and gathering information and data."

Department of Natural Resources

"No costs were incurred beyond normal costs of doing agency business.."

Department of Revenue

"The Department routinely revises WAC 458-40-660 so costs are minimal and absorbed within normal operations."

Department of Social and Health Services

"No additional costs were identified. Where applicable, staff time for cost-benefit analysis, small business economic impact analysis, and stakeholder outreach are all a regular cost of doing business."

Office of the Insurance Commissioner

"The Commissioner built performing significant legislative rule analysis into our rulemaking process. A policy analyst makes the initial assessment, which our economic policy analyst validates. The economic policy analyst prepares the draft of the cost-benefit analysis, and confirms it with the policy analyst. We are seldom asked for copies of either the draft or final cost-benefit analysis.

The Commissioner incurs additional costs in order to comply with RCW 34.05.328. Our estimate of the costs attributed to statutory compliance follows:
Analyst effort: 1.6 FTE approximately $197,000 annually.
GovDelivery and Website maintenance: 0.5 FTE approximately $54,000 annually."

"Because the analysis must be done on each rule, staff time for rulemaking increased after the law was enacted. The Commissioner hired a full-time economic policy analyst to perform the required cost-benefit analysis. Additional staff analysts are also required, because the time to complete rulemaking is longer due to the additional steps."

"By eliminating U.S. mailing of rule filings in 2011 and using electronic distribution through GovDelivery and email to regulated industry contacts and interested stakeholders we have reduced these costs to nearly zero. However, staff devoted to website maintenance has climbed as stakeholders have shown increased interest in stakeholder drafts (pre-CR102) and gaining more information regarding the comments of other stakeholders."

State Board of Health

"$161,871-See table under #11 for specific costs.

"Significant legislative rules generally cost more to adopt than rules that are not by definition significant. Cost of adopting significant legislative rules include staff and board member time to develop the rule; preparation of cost-benefit analyses; public meetings (including technical advisory committee meetings, workshops, rule drafting meetings, and formal hearings); some printing and postage; administrative costs; and, as appropriate, preparation of small business economic impact statements. A large number of stakeholders or complex subject matter may require an increase number of stakeholder meetings, which also increases costs. A good example of this is the Drinking Water Laboratory Certification and Data Reporting rule, chapter 246-390 WAC, which was adopted and filed with the Code Reviser as WSR 18-09-048."

"The costs do not reflect the time and expense incurred by the public or stakeholders to participate in the rule development. For the drinking water laboratory rules, individuals representing both laboratories and public water systems participated in stakeholder groups. To manage internal costs the State Board of Health (board) typically schedules rule development workshops and public rules hearings as part of the board's regular business meetings, but this is not always possible to efficiently adopt rules. For example, the drinking water laboratory rules are adopted to ensure safe and reliable drinking water to more than 6.2 million Washington residents getting drinking water from either a Group A or Group B public water system. That is 87 percent of the state's population. The remaining estimated 1 million Washington residents get their drinking water from individual private wells that are regulated by local health jurisdictions. Because these rules regulating both Group A and Group B public water systems protect the largest portion of the state's population, several informal, in-person comment periods were held throughout the state. The public also had multiple opportunities to submit written comments."

"Inviting significant stakeholder participation in rule development is a core value of the board. Although this level of public involvement increases the overall cost of rulemaking, such efforts tend to increase public acceptance of rules. For Chapter 246-650 WAC, Newborn Screening and Chapter 246-105 WAC, Immunization of child care and school children against certain vaccine-preventable diseases, the board convened technical advisory committees, which helped formulate recommendations to the board. The Newborn Screening technical advisory committee evaluated Pompe disease and Mucopolysaccharidosis type I (MPS I) for inclusion in the panel of congenital and heritable conditions that all newborns are screened for. The immunizations technical advisory committee reviewed the immunizations rule for the purposes of improving the rule's clarity and to develop recommendations on how to address concerns regarding children who do not have appropriate documentation of immunization status (certificate of immunization status, or certificate of exemption) at the time of school entry."

"The board works closely with the Department of Health (department) to develop rules. The cost of

rulemaking in #11, reflects both board and department costs. Complex rules that require a lot of technical expertise also tend to be more costly. For example, in the drinking water laboratory rules staff participating in the development of standards must be knowledgeable in understanding such things as calculating and determining appropriate maximum contaminate levels (MCLs) and state detection reporting for such things as organic chemicals, inorganic chemicals, radiochemistry, and microbiology by analyte name, analyte number, and units of measure. These staff tend to be higher salaried employees, based on their knowledge and expertise."

State Building Code Council

"The State Building Code Council does not break out the costs associated with these requirements separately but incorporates them into the overall cost of rulemaking. Costs associated with complying with this section include but are not limited to:

- Staff time
- Council members per diem reimbursements
- Public meeting and hearings
    - Agendas
    - Minutes
- Drafting and reviewing WAC Language

Please note that this does not include the two to three thousand volunteer hours annually."

Legal Actions Resulting from SLR

For this reporting period, only one agency encountered legal action for alleged failure to comply with the requirements of RCW 34.05.328. This legal action involved two cases, and one is ongoing, so costs and results were not known at this time.

Department of Ecology

Between Jan. 1, 2018, and Dec. 31, 2019, there were two on-going legal actions against the Department of Ecology that challenged the cost-benefit analysis required under RCW 34.05.328.

- **Case 1.** "Challenging the Clean Air Rule, Chapter 173-442 WAC, Association of Washington Business et al. v State of Washington, Department of Ecology, et al. Supreme Court No. 95885-8. The petitioners in this case claim (among other things) that Ecology's cost-benefit analysis and least burdensome analysis were deficient. The Thurston County Superior Court invalidated the rule, and Ecology sought direct review from the State Supreme Court, which the Court granted. The Court heard the case in the Spring of 2019 and a decision is pending."

- **Case 2.** "Challenging the Dungeness instream flow rule, Chapter 173-518 WAC, Bassett v. Ecology, Thurston County Superior Court Cause No. 14-2-02466-2, which included a challenge to the cost-benefit analysis. This case was related to Ecology's adoption of Chapter 173 -518 WAC Water resources management program for the Dungeness portion of the Elwha-Dungeness water resources inventory area-WRIA 18, adopted Nov. 16, 2012. Under the Watershed Planning Act, RCW 90.82.080, instream flow rules do not constitute significant legislative rules under RCW 34.05.328 and did not require the preparation of a small business economic impact statement. However, the agency could opt into regular rulemaking under the Administrative Procedures Act, and Ecology opted to do that in the Dungeness to better bolster the rule. The Superior Court ruled in Ecology's favor on Dec. 2, 2016. On April 2, 2019 the Court of Appeal, Division II, rejected the challenge to the rule and the challengers sought no further review. Case No. 512211-II."

Adverse Effects of SLR on Agencies

Overall, agency responses indicated no significant adverse effects substantially affecting agency capacity or mission. Compliance with RCW 34.05.328 may have added some time and cost. However, the majority of agencies also reported the enhancement of its rulemaking processes due to the increased outreach that resulted from compliance.

Five agencies reported the following responses to adverse effects. For additional detail, please see individual agency reports in the appendix.

Department of Ecology

"The RCW 34.05.328 requirements do add cost and time to the rulemaking process; however they promote analysis and deeper understanding of rule impacts. Environmental as well as jobs/business issues come up as part of rulemaking processes. The section 328 requirements help balance these issues in line with the agency's mission and legislative direction. In addition the least burdensome alternatives analysis also considers Ecology's mission when examining the goals and objectives of the statutes ensuring that the rules adopted are consistent with the statutes and our agency's mission. This section supports Ecology's ability to fulfill its legislatively prescribed mission."

Department of Fish and Wildlife

"WDFW has identified a partial FTE to manage the rulemaking process for the HPA program so that all aspects of the APA and Regulatory Fairness Act can be implemented effectively. Because funding for this position comes from general fund appropriations, this work reduces funding for staff directly involved in issuing HPA permits to applicants."

Department of Labor and Industry

"The significant legislative rulemaking requirements can impact the time it takes to adopt new rules. The department has had significant legislative rulemaking activities in different programs simultaneously, yet the capacity of the staff performing the economic analyses is limited. Therefore, completion of the complex economic analyses required can add to the rulemaking timeline."

Office of the Insurance Commissioner

1.) "Increased Time to Complete Rule Development and Adoption. In order to comply with RCW 34.05.328, the staff working on rules spends approximately 25% more time than they otherwise would when developing rules. While the analysis called for by the statute is common to good rule and policy analysis, and normally is part of any rule development, the statute's documentation and communication requirements require additional time."

"Because the statute provides for a potential cause of action against the agency, time for legal review of proposed rulemaking activity is also more common. We have not collected data in this regard during the past few years but we do seek legal confirmation of our analyses, when necessary, in order to comply with the law. This increases costs, and takes additional time to complete a rule."

2.) "Reduced Ability to Respond to Changing Circumstances. Because rulemaking takes longer to complete in order to ensure compliance with RCW 34.05.328, the agency has had to use emergency rules followed by permanent rulemaking to quickly address or respond to emerging issues, such as changes in federal law or new court rulings. This has the potential to create more confusion for the public, as they must comply with an emergency rule and then change or adapt again once the permanent rule is in place. Even where there is agreement on the rule amongst stakeholders and the agency, the processes take longer to complete."

3.) "Limits on Number of Rules under Development. We try to limit our analysts to a docket of five active rules, and as a result have a backlog of pending rule development requests. This limit arises, in part, from the need to include the economic policy analyst in all rule development in order to ensure compliance with RCW 34.05.328."

"RCW 34.05.328 probably improves rule quality for agencies that do not engage in rulemaking as a regular practice, because the analysis it requires supports the development of good rules. Without the statutory requirement, rule writers probably would attempt the analysis, but without specialized expertise, and would not routinely access related data to support the analysis. The cost-benefit assessment would most likely be anecdotal."

"However, performing cost-benefit analysis that meets the generally accepted economic analysis standards set out in the statute requires access to an economic analyst. Our rulemaking volume is high enough to justify having an economic analyst on staff to assist with this function. We would probably not have initially retained one without the requirements of this statute, and our cost-benefit analysis would not be as specific or accurate."

"One of our goals is to increase the use of the relevant and most reliable data to support our initial assessment of rule proposals, so that rules reflect what we learn from the data. This supports the agency mission because the Commissioner regulates to both protect consumers and ensure a financially sound insurance marketplace in Washington. Our agency added additional staff for this purpose."

State Board of Health

"There are few adverse effects of significant legislative rulemaking other than the costs as identified in #11 below, and the increased time to develop and adopt a significant rule."

"The average significant legislative rule can average 20 months to complete. Controversial rules may take longer. "Non-significant" rules can be completed on average in six months. These average timelines do not include the substantial staff effort and time leading up to the filing of the Preproposal Statement of Inquiry (CR-101) or the Proposed Rulemaking (CR-102), or the implementation efforts after the permanent rulemaking order is filed."

Rule Acceptability to Regulated Entities

Most state agencies noted positive feedback from its regulated communities resulting from the requirements of RCW 34.05.328.

Department of Ecology

"Because of these requirements, Ecology provides the public more details about information used in rulemaking decisions. This helps interested parties understand why Ecology drafted the rule the way we did which, we believe, improves the acceptability of state rules."

Department of Fish and Wildlife

2018 SLR Rulemaking: "Many of the rule changes proposed in this rulemaking activity were noncontroversial; however two of the changes required significant outreach and communication with the mineral prospecting community. The primary benefit of SLR compliance was the time spent to consult mineral prospectors on the potential costs to comply with the rules. A comprehensive cost-benefit analysis ensured that the Fish and Wildlife Commission adopted the rules in full awareness of the economic impacts and environmental benefits of the proposal. Feedback from the mineral prospecting community indicated appreciation that impacts to miners were represented and considered, even though many miners remain displeased with the new rules."

2019 SLR Rulemaking: "This rulemaking activity was controversial from almost every angle. The primary benefit of SLR compliance was the time spent to consult mineral prospectors on the potential costs to comply with the rules. Again, mineral prospectors expressed appreciation that impacts to miners were represented and considered, even though most miners oppose the new rules."

Department of Health

"The Department of Health (department) currently does not collect data acceptability of state rules and there is no longitudinal data to compare acceptability before this law went in to effect in 1995. Anecdotal evidence from public comments about proposed rules suggests that stakeholders appreciate the department's efforts to communicate with and include them in rule development for both significant and non-significant rules."

"Periodically stakeholders commenting on specific proposed rules have raised questions about the data and conclusions in the related preliminary cost-benefit analyses, and suggested improvements to proposed rule language. In some instances, changes have been made to amend either the proposed rule language before adoption, or the preliminary cost-benefit analyses to provide clarity or incorporate additional data."

Department of Labor and Industries

"Stakeholder participation in the rule development process is a key component to the department rulemaking process. When required, cost-benefit analyses and small business economic impact statements help to inform both agency decision-making and stakeholder input, resulting in additional changes to these documents and rule language. Additionally, the increased transparency accomplished by developing a detailed implementation plan has improved stakeholders' understanding of the changes they can expect and opportunities for assistance."

Department of Natural Resources

"Unknown."

Department of Revenue

"Twice each year the Department adopts WAC 458-40660. This rule is used by timber harvesters to calculate their timber excise tax liability. The data and calculations used have been negotiated between the timber industry and the Department. There are other ways of calculating the stumpage values and this is why the Department first designated this rule a significant legislative rule in 1996. We update the cost-benefit analysis each time the rule is rewritten."

Department of Social and Health Services

"NA."

Employment Security Department

"The significant legislative rulemaking requirements are an important aspect of the department's rulemaking as they help ensure a transparent and thorough process. The requirements ensure the agency completes an in-depth review of these rules which allows the community access to additional information. This, in turn, creates improved rulemaking even though the extent to which is unquantified."

Office of the Insurance Commissioner

The Office of the Insurance Commissioner adopts more rules than many state agencies because:

- The Legislature creates new programs requiring implementation and interpretation, and
- The regulated industry regularly experiences multiple changes that require amendments to existing rules. These can include changes in federal rules, new model rules adopted by the National Association of Insurance Commissioners, or new insurance products put on the market."

"As part of the regular course of doing business, the Commissioner prioritizes working with industry and interested parties in developing rules. The processes required by RCW 34.05.328 have not improved acceptance of rules by those regulated; we believe the attitude and approach taken by the agency have done so."

"We regulate a highly sophisticated industry that understands the need for rules to explain procedures, implement programs, and align state practices with federal requirements. We only occasionally receive testimony on our rules at hearing, as the majority of our rulemaking hearings are unattended. The Commissioner interprets this as a positive indication of how effective our stakeholder efforts are during rule development. Our compliance with RCW 34.05.328 is unrelated to this outcome."

State Board of Health

"The board has no data to show public acceptability of the rules has increased or decreased as a result of the 1995 law. Anecdotal evidence from public comments, or technical advisory committee members about proposed rules suggest that stakeholders appreciate the board's efforts to communicate with and include them in rule development. This has been true for both significant and non-significant rules."

'Periodically stakeholders commenting on specific proposed rules have raised questions about the data and conclusions in the related preliminary cost-benefit analyses, and suggested improvements to proposed rule language. In some instances, changes have been made to amend either the proposed

rule language before adoption, or the preliminary cost-benefit analyses to provide clarity or incorporate additional data."

State Building Code Council

"The State Building Code Council constantly looks for ways to make our rulemaking process as transparent as practical, RCW 34.05.328 helps with this."

Stakeholder Comments

ORIA invited the Association of Washington Business, Association of Washington Cities, Futurewise, Independent Business Association, National Federation of Independent Business, Washington Environmental Council, Washington State Association of Counties, and the Washington State Labor Council to comment on the significant legislative rulemaking.

We did not receive comments from these stakeholders; however, in previous reports, stakeholders have found that the public is better informed and included during the rulemaking process and that the education and outreach efforts by agencies during complex rulemaking are commendable.

Appendix: Significant Legislative Rules and Responses by Agencies

This appendix contains full agency reports to significant legislative rules adopted between Jan. 1, 2018, and Dec. 31, 2019. Agency reports contain the following information:

1. Significant legislative rule title
2. Washington State Register number
3. Washington State Register adoption date
4. Rulemaking description
5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule (from RCW 34.05.328(6)(a))
6. Costs incurred by state agencies in complying with RCW 34.05.328 (from RCW 34.05.328 (6)(b))
7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action and the result (from RCW 34.05.328(6)(c))
8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission (from RCW 34.05.328(6)(d))
9. Extent to which RCW 34.05.328 has improved the acceptability of state rules (from RCW 34.05.328(6)(e))
10. Other relevant information in evaluating the effect of RCW 34.05.328 (from RCW 34.05.328 (6)(f))
11. General additions, response, comments, and inclusions

Agency Reports

- Department of Ecology
- Department of Fish and Wildlife
- Department of Health
- Department of Labor and Industries
- Department of Natural Resources
- Department of Revenue
- Department of Social and Health Services
- Employment Security Department
- Office of Insurance Commissioner
- State Board of Health
- State Building Code Council

Please note for this reporting period, the Forest Practices Board reported no adoption of significant legislative rules and therefore have nothing contained in the appendix.

Department of Ecology

1. Provide a significant legislative rule title.:
This entry provides Ecology's responses for significant legislative rules adopted between January 1, 2018 and December 31, 2019.

2. Provide WSR# and any other appropriate references.:
Please see # 11

3. Provide the adoption date and any necessary details.:
Please see # 11

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
Please see # 11

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
Ecology continues to find compliance with this section valuable to the rulemaking process. RCW 34.05.328 (1) requires Ecology make several determinations related to the rulemaking prior to adoption. RCW 34.05.328 (2) requires agencies to place in the rulemaking file "documentation of sufficient quantity and quality" to support the determinations. Gathering and considering information for these requirements, along with relevant science and input from interested parties, ensures an enhanced decision-making process.

The information Ecology prepares during rulemaking is intended to inform and document the process and to communicate information to interested parties. We have developed a standardized structure for the presentation of this information (for example the Regulatory Analyses and the Implementation Plan). These documents assist in establishing a framework for conversations with interested parties about the subject of the proposed rule. More recently the regulatory analyses have become a focal point of conversations related to the impacts of a proposed rule or change. Further, information gathered to support the determinations in section 328 help Ecology be prepared to answer questions about what the rulemaking will do, its impacts, and why it is needed. Specific comments received from interested parties help Ecology understand the nature of their concerns and find ways to engage them in the process. These conversations, comments, and discussions lead to the development of the initial proposal as well as changes that Ecology may incorporate into the final rule adoption.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Ecology does not track the costs associated with these requirements separately from other rulemaking activities (for example, public hearing costs or staff time to draft rule language or meet with interested parties). Costs associated with complying with this section include but are not limited to:
• Preparing, reviewing, and finalizing documentation to meet the requirements.
• Gathering data and other information.
• Other necessary tasks.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
•Case 1. Challenging the Clean Air Rule, Chapter 173-442 WAC, Association of Washington Business et al. v State of Washington, Department of Ecology, et. al. Supreme Court No. 95885-8. The petitioners in this case claim (among other things) that Ecology's cost-benefit analysis and least burdensome analysis were deficient. The Thurston County Superior Court invalidated the rule, and Ecology sought direct review from the State Supreme Court, which the Court granted. The Court heard the case in the Spring of 2019 and a decision is pending.

•Case 2. Challenging the Dungeness instream flow rule, Chapter 173-518 WAC, Bassett v. Ecology, Thurston County Superior Court Cause No. 14-2-02466-2, which included a challenge to the cost-benefit analysis. This case was related to Ecology's adoption of Chapter 173 -518 WAC Water resources management program for the Dungeness portion of the Elwha-Dungeness water resources inventory area-WRIA 18, adopted Nov. 16, 2012. Under the Watershed Planning Act, RCW 90.82.080, instream flow rules do not constitute significant legislative rules under RCW 34.05.328 and did not require the preparation of a small business economic impact statement. However, the agency could opt into regular rulemaking under the Administrative Procedures Act, and Ecology opted to do that in the Dungeness to better bolster the rule. The Superior Court ruled in Ecology's favor on Dec. 2, 2016. On April 2, 2019 the Court of Appeal, Division II, rejected the challenge to the rule and the challengers sought no further review. Case No. 512211-II.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The RCW 34.05.328 requirements do add cost and time to the rulemaking process; however they promote analysis and deeper understanding of rule impacts. Environmental as well as jobs/business issues come up as part of rulemaking processes. The section 328 requirements help balance these issues in line with the agency's mission and legislative direction. In addition the least burdensome alternatives analysis also considers Ecology's mission when examining the goals and objectives of the statutes ensuring that the rules adopted are consistent with the statutes and our agency's mission. This section supports Ecology's ability to fulfill its legislatively prescribed mission.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Because of these requirements, Ecology provides the public more details about information used in rulemaking decisions. This helps interested parties understand why Ecology drafted the rule the way we did which, we believe, improves the acceptability of state rules.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
N/A

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:

Not all changes or proposals of new rule language are considered a significant legislative rule. Rulemaking activities can involve a combination of any of the following: significant changes, clarifications, incorporation by reference of federal standards, correction of typos, etc.

Ecology tracks "significant legislative rulemaking" by rulemaking activity and chapter, not by sections within a chapter. If only one section in a rulemaking included significant legislative changes, the entire rulemaking is included in this report.

Ecology completed 17 significant legislative rulemakings related to 22 Washington Administrative Code (WAC) Chapters. The table below includes Ecology's significant legislative rule adoptions between January 1, 2018 and December 31, 2019.

	Program	Adoption Filing Date	WAC Chapter and Title	Purpose of rulemaking based on the "Rulemaking Order" form (CR-103)
1.	Air Quality	November 22, 2019	Chapter 173-460 WAC Controls for New Sources of Toxic Air Pollutants	173-460 WAC, Controls for New Sources of Toxic Air Pollutants. This rule includes air quality permitting requirements for businesses that emit toxic air pollutants. The amendments: • Update the list of toxic air pollutants. • Recalculate: o Acceptable source impact levels (ASIL). o Small quantity emission rates (SQER). o De minimis emission values. • Specify the number of significant digits of emissions rates (i.e., de minimis and SQERs) and concentrations (i.e., ASILs). • Update language in the rule to use the acronym "TAP" instead of "toxic air pollutant."
2.	Air Quality	April 23, 2019	Chapters 173-405 WAC – Kraft Pulping Mills; 173-410 WAC Sulfite Pulping Mills; and 173-415 WAC – Primary Aluminum Plants	The amendments focused on the following statewide air quality rules that are enacted under RCW 70.94.395 to set requirements and standards for pulping mills, and primary aluminum plants: · Chapter 173-405 WAC - Kraft Pulping Mills, · Chapter 173-410 WAC - Sulfite Pulping Mills, and

				· Chapter 173-415 WAC - Primary Aluminum Plants. The primary purpose of this revision is to align these three statewide rules with the General Regulations for Air Pollution Sources (Chapter 173-400 WAC), the federal Clean Air Act (CAA), and EPA SSM policy. The CAA and EPA's SSM policy require emission standards to apply continuously without automatic or discretionary exemptions, even during periods of SSM. Contrary to the CAA requirements and EPA SSM policy, Chapter 173-400 WAC exempted or allowed a source to avoid an enforcement action for exceedances of emission standards during periods of startup, shutdown, and scheduled maintenance (80 F.R. 33840). EPA determined WAC 173-400-107 had overly broad enforcement discretion that potentially barred enforcement action by EPA and citizens in federal courts (80 F.R. 33840). On August 16, 2018, Ecology adopted amendments to Chapter 173-400 WAC to correct EPA-identified deficiencies, and meet the CAA requirements and SSM policy that allow comprehensive enforcement of applicable requirements. This rulemaking harmonizes Chapters 173-405, 173-410, and 173-415 WAC with Chapter 173-400 WAC through adoption by reference of the SSM related provisions to: · Remove impermissible provisions that shield sources from civil penalties for excess emissions during startup, shutdown, and scheduled maintenance. · Establish alternative emission standards for soot-blowing and grate cleaning, refractory curing, and startup and shutdown of hog-fuel boilers with dry particulate controls. · Outline the process for establishing facility-specific alternative emission limits for specific short-term operation modes like SSM that exceed the otherwise applicable emission standards in the SIP.

				· Simplify the excess emission notification and reporting requirements. We also made other amendments that include: · Extending the time allowed for submission of source testing reports to 60 days instead of 15 days for pulping mills and 30 days for primary aluminum plants. We did this to provide a more realistic timeframe to complete and submit a source test report to Ecology. · Deleting provisions that are outdated and not applicable to facilities covered by these rules. · Correcting typos and citations, and clarifying rule language without changing the intent of the rules.
3.	Air Quality	August 16, 2018	Chapter 173-400 WAC General Regulations for Air Pollution Sources and Chapter 173-401 WAC - Operating Permit Regulation	The amendments focus on the general regulations for air pollution sources, the operating permit regulation, and revising SIP. Because of federal court rulings, the United States EPA has officially notified Washington (and thirty-five other states) to change their current rules and update their SIPs to correct the identified deficiencies (a SIP call). The primary purpose of this revision is to align chapter 173-400 WAC with federal court decisions holding that emission standards apply at all times, even during periods of startup, shutdown and malfunction (SSM), and without automatic or discretionary exemptions. These decisions and EPA's SIP call require us to correct overly broad enforcement discretion and other provisions that would bar enforcement by EPA or other parties in federal court. Existing ecology rules exempt exceedances of an emission standard during SSM, or allow avoidance of enforcement actions against a company for these emissions. Under ecology's existing rule, facilities are not required to meet emission limits during periods of SSM, and EPA interprets our rule language to bar enforcement of excess emissions during periods of SSM under the federal Clean Air Act. Additionally, the state rule includes director's discretion provisions and automatic exemptions that violate

				the federal Clean Air Act. This rulemaking aligns our rule with the current federal requirements by: • Removing impermissible provisions, • Establishing new alternative standards for opacity during startup or shutdown, and • Establishing a process to allow a facility's permit to contain a permit limit during startup and shutdown that exceeds a Washington state emissions standard for opacity, sulfur dioxide, and particulate matter in SIP. We also changed public notification procedures based on a recent EPA rule that allows web site posting of public notice of the start of a public comment period and draft permits in the prevention of significant deterioration (PSD) and air operating permit programs. We extended web site posting to these programs and our small source preconstruction permitting program. We will continue requiring publishing notice in a local newspaper until June 30, 2019, to provide a transition period to web posting for communities that still rely on the one-day newspaper notice. This rulemaking also addresses stakeholder concerns about impacts from small nonroad engines (such as lawnmowers, small generators, and outdoor power tools) while providing ongoing environmental protection by evaluating impacts from nonroad engines on a project-by-project basis rather than on a site-wide basis. We concluded that a project basis is more representative of operations performed by nonroad engines and of the original intent for how the section would operate. Other rule amendments include: • Outlawing wigwam and silo burners.

				• Updating the definition of volatile organic compounds (VOC) to reflect the current federal definition. • Correcting typos and clarifying rule language without changing its effect. • Updating the adoption by reference of federal rules from January 1, 2016, to January 24, 2018. • Deleting redundant requirements for catalytic cracking unit and sulfuric acid plants.
4.	Air Quality	October 25, 2018	Chapter 173-455 WAC Air Quality Fee Rule and Chapter 173-400 WAC - General Regulations for Air Pollution Sources	1. Rule chapters(s) or section(s) and short description: Ecology is amending two rules: • Air quality fee rule, chapter 173-455 WAC consolidates most of the air quality related fees into one chapter. This makes it easier for the regulated community to find which fees they may need to pay. • General regulations for air pollution sources, chapter 173-400 WAC establishes the regulatory framework to ensure healthy air quality in Washington, and that we meet federal air quality standards. 2. What are we doing to/in the rule? Ecology proposes to amend chapters 173-455 and 173-400 WAC to: • Revise the registration program structure, including requiring all sources that are subject to WAC 173-400-100 and are not required to obtain an air operating permit under RCW 70.94.161 to register.

				• Increase fees to more fully cover the costs of the air quality source registration program as authorized by RCW 70.94.151. • Revise the fee process to create an equitable distribution of fees across all registered sources, and establish a process to revise fees without going through rulemaking. • Align chapters 173-400 and 173-455 WAC. • Match hourly rate charge in WAC 173-455-050, 173-455-100(2) and 173-455-130 with the current ecology hourly billing rate (currently $95). • Identify and, where appropriate, make needed edits in chapters 173-455 and 173-400 WAC to increase clarity and readability. The proposed revisions to chapters 173-455 and 173-400 WAC will: • Require all sources that are subject to WAC 173-400-100 and are not required to obtain an air operating permit under RCW 70.94.161 to register. • Revise the existing annual fee structure for the registration program to establish: a. Six registration tiers. b. An annual fee for each source based on its tier assignment. c. Registration tiers based on total emissions of PM10, VOC, CO,

				NOx and SO2, that ecology will assign by August 1 of the year before the new fee schedule goes into effect, with a sixty day period to appeal an assignment. d. Cap on the fees for tier 6 (synthetic minor source). • Phase in the new fee structure in 2019, 2020, and 2021. • Remove registration fee amounts from the rule in 2022 and beyond, and establish a process for determining annual fees outside of rulemaking: a. Set fees annually or biennially based on a budget. b. Post a draft budget and tier fee schedule on our web site by August 1 of the year before the new fee schedule goes into effect. c. Hold a sixty day public comment period on the draft fee schedule. d. Finalize and post the final budget and fee schedule by December 1 of the year before the new fee schedule goes into effect. • Update the hourly rate charge in WAC 173-455-050, 173-455-100(2) and 173-455-130 to match current ecology billing rates. • Edit chapters 173-455 and 173-400 WAC to improve clarity and readability.

5.	Air Quality	February 21, 2018	Chapter 173-407 WAC Greenhouse Gas Mitigation Requirements and Emissions Performance Standards for Power Plants	Ecology is adopting amendments to chapter 173-407 WAC, Greenhouse gas mitigation requirements and emissions performance standard for power plants (ecology revised the rule title in this rulemaking). This rule requires power plants and units to: • Reduce carbon dioxide emissions (CO2 mitigation; Part I). • Meet the greenhouse gas emissions performance standard (Part II). • Develop and implement plans or programs to reduce greenhouse gases as approved by ecology (Part II). This rule also describes ecology's consultation with utilities and transportation commission and consumer-owned utilities (Part III). Most of the changes in this rulemaking only apply to new power plants and units, and existing power plants and units that change ownership, upgrade with an increase in heat input or fuel usage, or sign a new long-term financial commitment (such as power purchase agreements and plant purchases).
6.	Waste & Toxics	August 1, 2018	Chapter 173-350 WAC Solid Waste Handling Standards	Ecology is adopting comprehensive amendments to the solid waste handling standards in chapter 173-350 WAC. Changes adopted in WAC 173-350-220, 173-350-225 and 173-350-250 are intended only for the purposes of clarification and consistency with other sections of the rule. Experience implementing the rule and input from stakeholders identified many areas in need of improvement. Issues identified as priorities included updating definitions, clarifying criteria for inert waste classification and when earthen material/soil is a solid waste, as well as streamlining recordkeeping and reporting requirements. In the preproposal statement of inquiry for this rulemaking, ecology announced it would also address other issues that might result in substantive changes, as well as clarifications and corrections to

				language in the chapter not expected to change the overall effect of the rule. This rulemaking: • Standardizes language and organization to improve usability and consistency across the rule. • Improves user ability to identify solid wastes apart from commodities, and supports material recovery and recycling activities while protecting public health and the environment. • Helps users more easily distinguish inert wastes from other materials requiring a higher standard of management. • Clarifies applicability of the rule, operational requirements, and timeframes for managing solid wastes in piles. • Distinguishes between clean and contaminated soils and dredged material, and clarifies management requirements. • Makes other substantive as well as clarifying revisions to the rule.
7.	Waste & Toxics	January 28, 2019	Chapter 173-303 WAC Dangerous Waste Regulations	Ecology is amending Chapter 173-303 WAC Dangerous Waste Regulations. These regulations set standards for the safe management of dangerous wastes. Chapter 173-303 WAC implements Chapter 70.105 RCW and Subtitle C of the federal Resource Conservation and Recovery Act (RCRA). Chapter 70.105 RCW gives the Department of Ecology (Ecology) Hazardous Waste program authority to adopt regulations for dangerous waste management. Ecology plans to amend specific sections of the dangerous waste regulations to incorporate new federal hazardous waste rules, including but not limited to:

				1) Conditional Exclusions for Solvent-Contaminated Wipes 2) Revisions to the Definition of Solid Waste 3) Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule 4) Hazardous Waste Generator Improvements Rule 5) Hazardous Waste Export-Import Revisions 6) Hazardous Waste Electronic Manifest Rule Amendments also include several state-initiated technical and editorial corrections and clarifications. Substantive changes include: • Changes to the PCB waste exclusion to reduce duplicative regulation of state-only PCB wastes also regulated under the Toxic Substance Control Act 40 CFR Part 760. • Above-ground signage requirements for underground dangerous waste tanks to increase safety awareness.
8.	Spills & Cleanup	July 18, 2018	Chapter 173-360A WAC Underground Storage Tank Regulations	The department of ecology is repealing existing chapter 173-360 WAC and adopting new chapter 173-360A WAC, Underground storage tank (UST) regulations. The new chapter modifies and replaces the repealed chapter. The rule was modified to: 1. Incorporate federal rule changes needed to maintain state program approval, as specified in 40 C.F.R. Parts 280 and 281 (such as new operation and maintenance requirements for UST systems and requirements for field-constructed tanks and airport hydrant systems). 2. Integrate changes to the state statute that authorizes the program, chapter 90.76 RCW (such as licensing requirements for UST systems). 3. Update other requirements governing the program (such as UST service provider requirements). 4. Streamline rule requirements, improve rule clarity, and improve consistency within the rule and with

				other state and federal laws and rules (such as reorganizing the rule). For more information about the rulemaking, visit https://www.ecology.wa.gov/Regulations-Permits/Laws-rules/Rulemaking/WAC-173-360-Mar16.
9.	Spills & Cleanup	December 18, 2019	Chapter 173-182 WAC Oil Spill Contingency Plan	Ecology is adopting amendments to the Oil Spill Contingency Plan Rule (Chapter 173-182 WAC) to implement Engrossed Second Substitute Senate Bill (E2SSB) 6269 passed in 2018 and codified as RCW 88.46.0601, RCW 88.46.060, RCW 88.46.220, RCW 90.56.2101, RCW 90.56.210, RCW 90.56.240, and RCW 90.56.569. Rule revisions are needed to address legislative direction that came out of the 2018 session that requires a rule update by December 31, 2019. E2SSB 6269 directed an update to our contingency planning rule to enhance preparedness for spills of non-floating oils, require facilities to participate in large scale multi-plan holder drills, and require spill management teams to apply to and be approved by Ecology in order to be cited in contingency plans. This rule amendment will: • Establish requirements for review and approval of spill management teams including entities providing wildlife rehabilitation and recovery services. • Enhance requirements for readiness for spills of oils that, depending on their chemical properties, environmental factors (weathering), and method of discharge, may submerge or sink. • Update drill requirements to reflect legislative direction. • Update planning standards to align vessel and facility requirements and ensure best achievable protection is maintained in contingency plans. • Enhance planning standards for oiled wildlife response.

				• Make other edits to address inconsistent or unclear direction in the rule, or other administrative edits.
10.	Spills & Cleanup	December 12, 2019	Chapter 173-186 WAC Oil Spill Contingency Plan - Railroad	Ecology is adopting amendments to Chapter 173-186 WAC, Oil Spill Contingency Plan – Railroad. This chapter requires railroads carrying bulk oil as cargo to plan for oil spills to include how to make notifications, and to have the cleanup equipment and trained personnel to respond to spills that may occur. This rulemaking will: • Establish three types of railroads for planning and scale requirements according to RCW 90.56.210. • Establish requirements for citing Spill Management Teams including entities providing wildlife rehabilitation and recovery services. • Enhance requirements for readiness for spills of oils that may weather and sink. • Update drill requirements to reflect legislative direction. • Include other edits to address inconsistent or unclear direction in the rule.
11.	Water & Shorelines	July 10, 2019	Chapter 173-230 WAC Certification of Operators of Wastewater Treatment Plants	In 2018, Legislation passed amending Chapter 70.95B RCW (Chapter 213, Laws of 2018). It directed Ecology, with the advice of an advisory committee, to establish an initial fee schedule in rule. The Department of Ecology (Ecology) is adopting changes to chapter 173-230 WAC, Certification of Operators of Wastewater Treatment Plants (Rule). This Rule establishes the classifications for wastewater treatment plants and the requirements for certification of wastewater treatment plant operators. The changes to the Rule include the following:

				• Establishes a new fee schedule as directed by the Legislature in 2018. • Provides for an Operator in Training and respective education and experience qualifications for Groups II-IV. • Acknowledges new technologies in wastewater treatment. • Creates standalone sections where more information and clarity were needed. • Clarifies Rule language to codify existing program practices.
12.	Water & Shorelines	June 26, 2019	Chapter 173-224 WAC Water Quality Permit Fees	To establish a fee system for state waste discharge and National Pollutant Discharge Elimination System (NPDES) permits issued by Ecology pursuant to RCW 90.48.160, 90.48.162, or 90.48.260. RCW 90.48.465 requires Ecology to establish, by rule, annual fees that will fund the wastewater and stormwater permit programs. Ecology adopted Chapter 173-224 WAC – Water Quality Permit Fees in response to this law. This rule amendment allows Ecology to continue recovering expenses in operating and managing the permit programs. Ecology is proposing to increase fees for Fiscal Years 2020 and 2021 in order to collect the revenue needed to recover the costs of administering the wastewater and stormwater programs next biennium and move closer to payment equity between fee categories. Ecology also updated rule language to account for changes in current business practices relating to electronic invoices and introduces a new fee reduction type-Market Research & Development Reduction. Ecology is also enacting changes to the structure of specific permit fee categories, including creating the Winery General Permit fee category.

13.	Water & Shorelines	June 25, 2019	Chapter173-566 WAC Streamflow Restoration Funding	Chapter 173-566 WAC – Streamflow Restoration Funding is a new rule for the implementation of Chapter 1, Laws of 2018 (ESSB 6091) and Chapter 90.94 RCW. The Streamflow Restoration Funding program will finance watershed planning projects under RCW 90.94.020, watershed restoration and enhancement projects under RCW 90.94.030, and the collection of data and completion of studies necessary to develop, implement, and evaluate watershed restoration and enhancement projects under Chapter 1, Laws of 2018, statewide.
14.	Water & Shorelines	January 23, 2019	Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington	Purpose: We are adopting amendments to Chapter 173-201A WAC, Water Quality Standards for Surface Waters of the State of Washington. This rulemaking sets forth revised fresh and marine water quality standards for the protection of the water contact recreational use in state waters. This rulemaking adopted: • New bacterial indicators and numeric criteria to protect water contact recreational uses. • Updated water contact recreational use categories, and modifications to sections 600 and 602 to support the proposed updated uses. • Improved location information in use designation tables 602 (use designations for fresh waters), and 612 (use designations for marine waters). At the request of the Puyallup Tribe, we added a note in Table 602 clarifying water quality regulatory authority for the lower Puyallup River. This provides an improved delineation between the State and the Puyallup Tribe's water quality standards. The rulemaking amended the following sections of Chapter 173-201A WAC: • 173-201A-020: Definitions. • 173-201A-200: Fresh water designated uses and criteria.

				• 173-201A-210: Marine water designated uses and criteria. • 173-201A-320: Tier II – Protection of waters of higher quality than the standards. • 173-201A-600: Use Designations – Fresh waters. • 173-201A-602: Table 602 — Use designations for fresh waters by water resource inventory area (WRIA). • 173-201A-610: Use designations – Marine waters. • 173-201A-612: Table 612 – Use designations for marine waters.
15.	Water & Shorelines	April 9, 2018	Chapter 173-228 WAC Vessel Sewage No Discharge Zones	The Washington state department of ecology (ecology) is adopting a new rule, Vessel sewage no discharge zones (chapter 173-228 WAC). This rule establishes the Puget Sound as a no discharge zone, which prohibits the release of sewage (black water) from vessels, whether treated or not. The Puget Sound no discharge zone covers approximately two thousand three hundred square miles of marine waters of Washington state inward from the line between New Dungeness Lighthouse and the Discovery Island Lighthouse to the Canadian border, and fresh waters of Lake Washington, Lake Union, and connecting waters between and to Puget Sound.
16.	Water & Shorelines	January 23, 2018	Chapter 173-219 WAC Reclaimed Water	Ecology is adopting new chapter 173-219 WAC, Reclaimed water. This rule will provide a regulatory framework for the generation, distribution, and use of reclaimed water. Chapter 173-219 WAC clarifies regulatory authorities and requirements, streamlines permit application and permitting processes, and provides clarity for permittees. The rule will codify existing practices, clarify statutory requirements, and replace 1997 water reclamation and reuse standards.
17.	Water & Shorelines	December 30, 2019	Chapter 173-201A WAC	The Department of Ecology (Ecology) is adopting amendments to multiple sections of Chapter 173-

				201A WAC, Water Quality Standards for Surface Waters of the State of Washington. This rulemaking amends the following sections: •The numeric criteria for total dissolved gas in the Snake and Columbia rivers: O WAC 173-201A-200(1)(f)(ii) • Specific sections of the rule to meet legal obligations in a 2018 Stipulated Order of Dismissal (see discussion below): O WAC 173-201A-200(1)(c)(ii)(B) O WAC 173-201A-210(1)(c)(ii)(B) O WAC 173-201A-240(5) Table 240 footnote dd • The descriptions of marine water aquatic life use designations: O WAC 173-201A-210(1)(a) O WAC 173-201A-610 Table 610

Department of Fish and Wildlife

1. Provide a significant legislative rule title.:
2018 HPA Rule Amendments

2. Provide WSR# and any other appropriate references.:
CR-101: WSR 17-20-109 on 10/4/2017
CR-102: WSR 18-03-145 on 1/22/2018
CR-103: WSR 18-10-054 on 4/27/2018

3. Provide the adoption date and any necessary details.:
April 20, 2018

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
Amend WACS 220-660-050 (Hydraulic Project Approval procedures), -300 (Mineral Prospecting), -460 (HPA Informal Appeals), -470 (HPA Formal Appeals).
The purpose of this rulemaking is to incorporate statutory changes, accommodate other changed conditions to protect fish life, or respond to requests by customers and other interested parties for improved clarity.
WDFW's primary objective for initiating rulemaking at this time is to adopt emergency rule (WSR 17-22-013) modifying authorized work times under WAC 220-660-300 for the Sultan River as a

permanent rule.
Other subjects WDFW identified for rulemaking include the following:
• Consistency with Title 77.55 RCW with respect to the curtailment of application fees (WAC 220-660-050);
• Ensure Authorized Work Times in WAC 220-660-300 for the Similkameen and Sultan Rivers are based on the best available science;
• Update the department's mailing address published in WACs 220-660-460 and -470; and
• Make other essential changes to sections -050 and -300 that clarify language or accommodate administrative changes.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
Compliance with RCW 34.05.328 did not affect the substance of the adopted rules in this instance, but formed a useful structure within which to conduct internal and external conversations about the proposals. Although the materials prepared are more extensive than in the past, WDFW found that the increased level of documentation enhanced clarity about the proposals and their impacts for both decision makers and stakeholders. Only portions of the rule were subject to analysis under this statute, yet the framework improved the entire process for WDFW.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
WDFW added significant resources in order to ensure that HPA rulemaking is compliant with State Environmental Policy Act (SEPA), the Administrative Procedure Act (APA), and the Regulatory Fairness Act (RFA). One objective for this rulemaking process was to establish formats and processes to ensure rulemaking complies with these laws in a consistent and transparent manner. Although actual hours were not tracked, it is estimated that approximately four weeks of Assistant Attorney General time and eight months of Environmental Planner 4 staff time was expended in this pursuit. It is hoped that taking the time now to establish these standards will save time in future, potentially more complex, rulemaking activities.
Compliance with the significant legislative rules (SLR) statute was a relatively small proportion of the total regulatory burden for this rulemaking - perhaps about one-third of overall staff time for this rulemaking. Three months at an Environmental Planner 4 level costs WDFW approximately $37,700; Assistant Attorney General time is estimated at one month or $13,200; therefore, the total cost for Significant Legislative Rulemaking was about $50,900.
These amounts include rule review and editing, preparation of SLR analyses and documents, managing stakeholder outreach on the cost-benefit analysis (and Small Business Economic Impact Statement) and comment-response, and managing rulemaking records. It is difficult to distinguish time spent on SLR from time spent on other aspects of rulemaking - for HPA rulemaking, this integration is beneficial.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
No legal action was filed against WDFW relating to this rulemaking activity.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
WDFW has identified a partial FTE to manage the rulemaking process for the HPA program so that all aspects of the APA and Regulatory Fairness Act can be implemented effectively. Because funding

for this position comes from general fund appropriations, this work reduces funding for staff directly involved in issuing HPA permits to applicants.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Many of the rule changes proposed in this rulemaking activity were noncontroversial; however two of the changes required significant outreach and communication with the mineral prospecting community. The primary benefit of SLR compliance was the time spent to consult mineral prospectors on the potential costs to comply with the rules. A comprehensive cost-benefit analysis ensured that the Fish and Wildlife Commission adopted the rules in full awareness of the economic impacts and environmental benefits of the proposal. Feedback from the mineral prospecting community indicated appreciation that impacts to miners were represented and considered, even though many miners remain displeased with the new rules.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
One unanticipated benefit to WDFW from the effort expended to improve formats, process, and transparency was the clarity of materials presented to the public and Fish and Wildlife Commission. The adoption process was simple and streamlined because of the care taken in preparation.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
In seeking to improve our compliance with SLR, WDFW improved our entire rulemaking process for rules implementing the hydraulic code. Additional costs to improve materials, process, and legal review resulted in a more comprehensive and transparent rulemaking activity for WDFW.

WDFW appreciates the ability to identify "housekeeping" changes, typographic corrections, and other exemptions from SLR analysis. The ability to exempt changes that do not have substantive impact allows WDFW to focus our analyses - especially as related to economic impact - on rules representing the most important changes to the regulated community. The exemption allows greater emphasis to be placed on elements of the rule having the greatest impact to stakeholders without detracting from the overall flow of the APA analysis.

Department of Fish and Wildlife

1. Provide a significant legislative rule title.:
2019 Hydraulic Project Approval (HPA) Suction Dredging Rules

2. Provide WSR# and any other appropriate references.:
CR-101: WSR 18-11-037 filed on May 8, 2018
CR-102: WSR 19-05-094 filed on February 20, 2019
CR-103: WSR 19-12-126 filed on June 5, 2019

3. Provide the adoption date and any necessary details.:
May 31, 2019

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:

WDFW's objectives in this rulemaking, as stated in the CR-101 and CR-102, include:

• Modify existing WAC 220-660-030 to update definitions relating to mineral prospecting and suction dredging;
• Modify WAC 220-660-300 to remove suction dredging as a permitted mineral prospecting method under the Gold and Fish pamphlet and make other changes to clarify remaining language (e.g., to clarify that flexible equipment types allowed under the Pamphlet can't be used as suction dredges under pamphlet rules);
• Create a new rule as WAC 220-660-305 to permit motorized and non-motorized suction dredging activities in the state through standard HPAs, as follows:
o Require a standard HPA for suction dredging;
o Require reporting to enable WDFW to determine the number of prospectors, and where and how much suction dredging occurs in Washington State; and
o Identify methods to prevent the spread of aquatic invasive species through the movement of suction dredging equipment into and around the state.

Although these changes did not alter protection of fish life under the HPA program, the changes in regulation of this activity were extremely controversial among miners. Lack of proposals improving fish life protection (which was not within the scope for this rulemaking) was equally controversial among suction dredge opponents.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
Although the substance of the rule was not significantly altered because of compliance with RCW 34.05.328 (Significant Legislative Rules or SLR), the rule's substance was strengthened because of considerations for SLR. Many alternatives to rulemaking, and alternatives to rule language, were contributed from commenters, creating a greater compliance burden than originally anticipated. Taking the time to understand and make decisions about each suggested change, and to describe justifications for those decisions, strengthened the basis for the rules in ways that might not have occurred absent SLR provisions.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
With the experience and preparations from the previous rulemaking activity under our belts, WDFW was able to spend more effort on outreach for this rulemaking. Again, while WDFW did not keep strict accounting of the time spent ensuring SLR compliance, we estimate that five months of Environmental Planner 4 cost WDFW approximately $62,760; Assistant Attorney General time is estimated at one month or $13,200; therefore, the total cost for Significant Legislative Rulemaking was about $75,960.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
No legal actions have been filed against WDFW relating to this rulemaking activity.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
WDFW has identified a partial FTE to manage the rulemaking process for the HPA program so that all aspects of the APA and Regulatory Fairness Act can be implemented effectively. Because funding

for this position comes from general fund appropriations, this work reduces funding for staff directly involved in issuing HPA permits to applicants.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
This rulemaking activity was controversial from almost every angle. The primary benefit of SLR compliance was the time spent to consult mineral prospectors on the potential costs to comply with the rules. Again, mineral prospectors expressed appreciation that impacts to miners were represented and considered, even though most miners oppose the new rules.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
Rule adoption has become simple and streamlined because of the care taken in preparation and the clarity of the materials developed in support of rulemaking.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
WDFW identified rule changes in two rule sections and proposed a new section of rule. The two amended rule sections included changes that corrected errors and clarified language without changing the effect of that language. Because of this, these sections were exempt from SLR analysis. The proposed new section 220-660-305, which contained rules imposing new requirements for suction dredging, was analyzed as SLR. The exemption allowed greater emphasis to be placed on elements of the rule having the greatest impact to stakeholders without detracting from the overall flow of the APA analysis.

Department of Health

1. Provide a significant legislative rule title.
This report covers the Department of Health responses for all significant legislative rules adopted between January 1, 2018 and December 31, 2019. Rule titles are included in the table under #11 below.

2. Provide WSR# and any other appropriate references.
See table under #11 below.

3. Provide the adoption date and any necessary details.
See table under #11 below.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.
See table under #11 below.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].
Compliance with RCW 34.05.328 did not affect the substance of the rules.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].
See table under #11 for specific costs.

Significant legislative rules generally cost more to adopt than rules that are not by definition significant. To date the department, and the related health profession boards and commissions adopted 47 significant legislative rules during 2018-2019. Increased costs include staff time include developing and analyzing cost-benefit-analyses. Yet there will be more costs associated with significant legislative rules because of the increased scope and substantive policy issues these rules are attempting to address. We cannot specifically quantify the additional requirements of complying with RCW 34.05.328 as opposed to the underlying costs to develop these significant legislative rules.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].
There were no legal actions against the Department of Health for failure to comply with RCW 34.05.328.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].
No significant adverse effects substantially affecting agency capacity or mission. This law has been in effect for more than 20 years and these requirements are incorporated in to our regular processes.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].
The Department of Health (department) currently does not collect data acceptability of state rules and there is no longitudinal data to compare acceptability before this law went in to effect in 1995. Anecdotal evidence from public comments about proposed rules suggest that stakeholders appreciate the department's efforts to communicate with and include them in rule development for both significant and non-significant rules.

Periodically stakeholders commenting on specific proposed rules have raised questions about the data and conclusions in the related preliminary cost-benefit analyses, and suggested improvements to proposed rule language. In some instances, changes have been made to amend either the proposed rule language before adoption, or the preliminary cost-benefit analyses to provide clarity or incorporate additional data.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].
N/A

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

WSR #	WAC#/Rule Title	#WAC Sections Proposed (CR-102)	# of WAC Sections Adopted (CR-103P)	Adoption Date	Rule Cost
18-03-039	Chapter 246-570 WAC Epinephrine Autoinjector and Anaphylaxis Training and Reporting for Authorized Entities. The Department of Health adopted new rules.	8	8	01/08/2018	$10,022.11
18-03-040	WAC 246-869-040 and WAC 246-869-190, the Pharmacy Quality Assurance Commission updated the pharmacy inspections process.	2	2	01/09/2018	$39,901.25
18-04-080	WAC 246-827-0200 Medical Assistant Certified Training and Examination. The Department of Health adopted rule amendments to remove the current list of four department-recognized medical assistant (MA) certified exams from rule. The list of currently recognized exams will be posted and updated on the department's MA webpage in lieu of keeping the list in rule. The adopted rule establishes that a department-approved MA-certification exam requirements.	1	1	02/02/2018	$3,159.62
18-04-110	WAC 246-824-035, WAC 246-824-040, WAC 246-824-045, WAC 246-824-060, WAC 246-824-065, and WAC 246-824-070 Dispensing Optician Examination and Licensure. The Department of Health adopt amendments to exam requirements, clarify	7	7	02/07/2018	$4,341.82

	licensure requirements, and amend existing rules to be current and consistent with other health profession rules under the Secretary of Health, as appropriate.				
18-06-092	Chapter 246-337 WAC Residential Treatment Facilities. The Department of Health amended existing licensing regulations by restructuring, streamlining and updating rule language throughout the chapter. The adopted rules also clarify language regarding restraint and seclusion, medication management, and resident care services.	43	43	03/06/2018	$49,360.06
18-06-093	Chapter 246-335 WAC In-Home Services Agencies. Updated licensing and operational requirements and fees.	137	137	03/06/2018	$55,095.99
18-07-030	Chapter 246-71 and Chapter 246-72 WAC, Standards Related to the Creation and Lamination of Marijuana Recognition Cards	13	12	03/07/2018	$13,865.04
18-07-102	WAC 246-310-715, -720,-725, and -745 Certificate of Need standards for institutional and individual volume standards for percutaneous coronary intervention	4	4	03/13/2018	$8,542.22
18-09-032	Chapter 246-847 WAC Occupational Therapy Practice Board Streamline and Modernize Existing Rule	13	13	04/11/2018	$2,509.69

18-10-016	WAC 246-805-400, Licensed Behavioral Analyst and WAC 246-805-410 Licensed Behavioral Analyst Assistant. The department adopted enforceable continuing education requirements for licensed behavior analyst, licensed assistant behavior analyst, and certified behavior technicians	2	2	04/23/2018	$13,316.90
18-12-112	WAC 246-817-441 Dentist Suicide Prevention Education	1	1	06/06/2018	$2,278.03
18-12-116	WAC 246-817-440 Dentist Continuing Education Requirements. Updated and clarified renewal requirements.	1	1	06/06/2018	$10,513.50
18-14-016	Chapter 246-827A WAC Forensic Phlebotomist. The department created a forensic phlebotomist credential as required by Engrossed Second Substitute House Bill 1614	11	11	06/25/2018	$9,951.54
18-15-067	Chapter 246-915 WAC Physical Therapist and Physical Therapist Assistants General Updates, Revisions, and Housekeeping Amendments	37	37	07/17/2018	$53,104.91
18-17-048	Chapter 246-470 WAC Prescription Monitoring Program. The Department of Health amended and added a new section to existing rules to expand the exchange of PMP data to department personnel, health care entities, and others to support coordination of care, patient safety, and quality improvement initiatives described in Engrossed	6	6	08/08/2018	$12,449.25

	Substitute House Bill 1427, (Chapter 297, Laws of 2017).				
18-20-072	Chapter 246-980 WAC Home Care Aides. Adopted amendments provide clarity, consolidate rules on the same subject matter, and establish new standards of professional conduct.	17	17	09/28/2018	$21,476.04
18-20-085	Chapter 246-922 WAC Podiatric Physicians and Surgeons. Established requirements and standards for prescribing opioid drugs by podiatric physicians consistent with the directives of Engrossed Substitute House Bill (EHSB) 1427.	38	38	10/01/2018	$61,208.93
18-20-086	Chapter 246-840 WAC Nursing Care Quality Assurance Opioid Standards. Established requirements and standards for prescribing opioid drugs by advanced registered nurse practitioners consistent with the directives of Engrossed Substitute House Bill (EHSB) 1427 (chapter 297, Laws of 2017).	31	31	10/01/2018	$67,008.97
18-20-087	Chapter 246-853 WAC and Chapter 246-854 WAC Osteopathic Physicians and Surgeons and Osteopathic Physicians Assistants	76	76	10/01/2018	$56,970.19
18-21-040	WAC 246-815-155 Dental Hygienist Suicide Prevention Training	1	1	10/08/2018	$6,970.72
18-21-044	Chapter 246-847 WAC Occupational Therapy, WAC 246-847-135 Standards of	3	3	10/08/2018	$653.48

	Supervision, and WAC 247-847-150 Supervised Fieldwork Occupational Therapy Assistant				
18-21-048	Chapter 246-814 WAC Access to Dental Care for Children. The amendments provide clarification and modernization of standards.	5	5	10/08/2018	$9,726.85
18-21-141	Chapter 246-815 WAC Dental Hygienists. Amendments to the chapter updated, streamlined and modernized the existing rules.	24	24	10/19/2018	$17,457.58
18-22-073	WAC 246-339-025 Exemptions for Blood Establishments	1	1	11/01/2018	$15,723.12
18-24-082	WAC 246-976-580 and WAC 246-976-700 Trauma Designation Process and Service Standards. Aligned existing rules with most current nationally recognized minimum standards of care.	2	2	12/03/2018	$15,349.44
19-02-033	WAC 246-933-285 through WAC 246-933-480 Veterinary Board of Governors Veterinary Continuing Education Rules	8	8	12/21/2018	$7,503.97
19-02-084	WAC 937-040 Veterinary Board of Governors Training and Education. Adopted additional options for veterinary medication clerk applicants to meet their training requirements for registration.	1	1	12/31/2018	$4,858.16
19-02-036	Chapter 246-337 WAC Residential Treatment Facilities. Established licensure, construction requirements and operational standards for pediatric transitional care	18	18	12/24/2018	$43,234.26

	facilities as directed by Senate Substitute Bill 5152 (chapter 168, laws of 2017).				
19-02-043	Chapter 246-817 WAC Dental Quality Assurance Commission. Prescribing Opioid Drugs by Dentists	30	30	12/26/2018	$65,500.60
19-04-071	WAC 246-851-580 and WAC 246-851-590 The Board of Optometry adopted the drug list in WAC 246-851-580 and drug guidelines in WAC 246-851-590 to clarify the use of adjuvant analgesics	2	2	02/01/2019	$2,404.95
19-05-020	WAC 246-810-029 Acceptable Continuing Education Courses for Certified Counselor and Certified Adviser. The amendment increases the amount of allowable distance learning program hours from twelve to up to twenty hours per reporting period.	1	1	02/11/2019	$2,008.26
19-07-040	WAC 246-976-420, WAC 246-976-430, Trauma Registry. Amendments updated rules to improve data quality, better align with national standards, and remove unnecessary data elements.	2	2	03/14/2019	$7,664.82
19-08-026	WAC 246-840-533 Nursing Preceptors, Interdisciplinary Preceptors, and proctors in clinical or practice settings for nursing education programs located in Washington State. Provided clarification and reduced barriers.	1	1	03/27/2019	$11,973.20

19-08-031	WAC 246-840-035, WAC 246-840-048, WAC 246-840-340, WAC 246-840-342, WAC 246-840-365, WAC 246-840-367 Nursing Care Quality Assurance Commission Interim Permits	8	8	03/27/2019	$11,420.50
19-08-032	WAC 246-836-080 Continuing Competency Program Naturopathic Physicians	1	1	03/27/2019	$6,955.76
19-08-033	WAC 246-836-150 Full approval of colleges of naturopathic medicine. Streamlined the process for nationally accredited colleges of naturopathic medicine to maintain board approval.	1	1	03/27/2019	$2,092.57
19-09-062	Chapter 246-341 WAC Behavioral Health Services Administration Requirements. Adopt licensing and certification rules for behavioral health services per the transfer of authority from the Department of Social and Health Services.	108	108	04/16/2019	$8,140.49
19-09-065	Chapter 246-850 WAC Orthotics and Prosthetics Adopting Amendments and Repealing Sections to align the rules with industry standards regarding examinations, educational programs, and licensure.	13	13	04/16/2019	$2,503.97
19-12-056	WAC 246-915A-010 Physical Therapy License Compact	1	1	05/31/2019	$5,091.25
19-13-041	Chapter 246-828 WAC Hearing and Speech. Aligned the rules	7	7	06/21/2019	$4,811.75

	with industry standards regarding examinations and educational programs.				
19-13-080	WAC 246-808-020, 246-808-030, 246-808-040, 246-808-050, 246-808-060, and 246-808-070. The nursing care quality assurance commission adopted rules for an alternative to certain disciplinary actions	6	6	06/17/2019	$3,633.10
19-13-081	WAC 246-808-320 Chiropractic Quality Assurance Commission Protected Health Information (formerly privileged communications), WAC 246-808-330 Discontinuation of Care (formerly patient abandonment), WAC 246-808-350 Unethical Requests, WAC 246-808-360 Patient Welfare, WAC 246-808-390 Illegal Practitioners, WAC 246-808-520 Identification, WAC 808-370 Repealing Patient Disclosure, WAC 246-808-380 Degree of Skill, WAC 246-808-390 – Illegal practitioners, and WAC 246-808-520 – Identification. The chiropractic commission amended, repealed, and updated the rules to clarify and consolidate them.	8	8	06/17/2019	$21,573.42
19-14-090	Chapter 246-480 WAC, Drug Take-Back Program. New chapter of rules.	11	10	07/01/2019	$90,424.99
19-15-005	Chapter 246-834 WAC, Midwifery. Amendments clarify licensure rules and updated the legend drugs and devices rules for safety.	4	4	07/05/2019	$2,354.65

19-17-034	WAC 246-901-130 Pharmacist to Pharmacy Technician Ratio. The Pharmacy Commission amended the existing rule to eliminate a standardized pharmacist to pharmacy technician ratio in all practice settings. The adopted rule authorizes the pharmacist to set the ratios based on their practice needs and ability to provide appropriate supervision.	1	1	08/14/2019	$8,712.98
19-18-095	WAC 246-817-550 Dental Hygienists Acts Performed Under General Supervision	1	1	09/04/2019	$7,140.86
19-19-050	Chapter 246-843 WAC Nursing Home Administrators. Amended chapter by adding the Health Service Executive Certification as a new option for licensure in Washington state, as well as other related rule amendments and technical and housekeeping updates necessary to obtain or maintain a license.	13	13	09/13/2019	$9,930.95
20-01-102	WAC 246-847-067 Occupational Therapy. The Occupational Therapy Practice Board adopted a new rule section that establishes licensure rules for applicants who have an expired license in another state but are seeking Washington licensure.	1	1	12/13/2019	$893.52

Department of Labor and Industries

1. Provide a significant legislative rule title.:
Confined Spaces

2. Provide WSR# and any other appropriate references.:
WSR 18-02-071.
Chapter 296-809 WAC, Confined spaces

3. Provide the adoption date and any necessary details.:
January 2, 2018.
Amended 26 WAC sections, Repealed 3 WAC sections.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
This rulemaking updated the Confined Spaces rule. It was in response to the Occupational Safety and Health Administration's (OSHA) new confined space rule for construction under 29 CFR 1926 Subpart AA (effective August 4, 2015). OSHA also has a confined space rule for general industry (29 CFR 1910.146 Subpart J). L&Is Confined Space rule covers construction and general industry in one rule. This rulemaking integrated new requirements from OSHA's construction rule to cover both construction and general industry to provide continuity, clarity and reduce confusion.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
The Department of Labor & Industries considers the significant legislative analysis information when adopting rules. The economic analysis and least burdensome analysis help to inform the decisions on the rule content and to understand and explain the impact on regulated parties. It complements the public hearing process by requiring the department to consider the costs, impacts, and alternatives to rulemaking before adopting a rule. The rule implementation plan helps us to ensure we have effectively mapped out appropriate efforts to implement new rules and provide education and assistance to stakeholders.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
There are increased costs and staff time associated with complying, including developing and analyzing cost-benefit-analyses. However, L&I does not quantify the costs for meeting these requirements. We have economists on staff and in recent years, significant time has been devoted to economic analyses for significant legislative rules.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
N/A

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The significant legislative rulemaking requirements can impact the time it takes to adopt new rules. The department has had significant legislative rulemaking activities in different programs simultaneously, yet the capacity of the staff performing the economic analyses is limited. Therefore, completion of the complex economic analyses required can add to the rulemaking timeline.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Stakeholder participation in the rule development process is a key component to the department rulemaking process. When required, cost-benefit analyses and small business economic impact statements help to inform both agency decision-making and stakeholder input, resulting in additional changes to these documents and rule language. Additionally, the increased transparency accomplished by developing a detailed implementation plan has improved stakeholders' understanding of the changes they can expect and opportunities for assistance.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
N/A

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Labor and Industries

1. Provide a significant legislative rule title.:
Electrical Rules (Scope of work)

2. Provide WSR# and any other appropriate references.:
WSR 18-03-158.
Chapter 296-46B WAC, Electrical safety standards, administration, and installation

3. Provide the adoption date and any necessary details.:
January 23, 2018.
Amended 1 WAC section

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
This rulemaking amended WAC 296-46B-920, Electrical/telecommunications license/certificate types and scope of work. L&I received two petitions to modify the scopes of work for Residential (02) and Signs (04) electrician specialties.
The adopted rule:
• Allows Residential (02) specialty electricians to work in multi-family occupancies of buildings of types III, IV or V construction when there are not more than six stories of multifamily dwellings of types III, IV or V construction above grade or above types I or II construction. Under the current rule, Residential (02) specialty electricians are limited to installation of non-metallic sheathed cable in multifamily dwellings to three stories above grade. The adopted rule aligns the scope of work for Residential (02) specialty electricians with the building code requirements for the installation of non-metallic sheathed cable. Building codes restrict the building construction types where non-metallic sheathed cable can be used to a maximum of six stories. The building code allows a maximum of those six stories to be built above grade (types III, IV or V construction above grade) or above types of construction where non-metallic sheathed cable is not allowed, commonly referred to as pedestal

construction (types III, IV or V construction above types I or II construction); and
• Allows Signs (04) specialty electricians to retrofit existing luminaires that are mounted on a pole or other structure with energy efficient technology, such as LED's. Under the existing rule, Signs (04) specialty electricians can service, maintain, or repair these luminaires with like-in-kind components but the rule prohibits alterations such as LED retrofits. Electrical contractors and electricians licensed as General (01), Nonresidential (07) specialty, or Nonresidential Lighting Maintenance and Lighting Retrofit (07A) specialty must perform this type of alteration work.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
The Department of Labor & Industries considers the significant legislative analysis information when adopting rules. The economic analysis and least burdensome analysis help to inform the decisions on the rule content and to understand and explain the impact on regulated parties. It complements the public hearing process by requiring the department to consider the costs, impacts, and alternatives to rulemaking before adopting a rule. The rule implementation plan helps us to ensure we have effectively mapped out appropriate efforts to implement new rules and provide education and assistance to stakeholders.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
There are increased costs and staff time associated with complying, including developing and analyzing cost-benefit-analyses. However, L&I does not quantify the costs for meeting these requirements. We have economists on staff and in recent years, significant time has been devoted to economic analyses for significant legislative rules.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
N/A

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The significant legislative rulemaking requirements can impact the time it takes to adopt new rules. The department has had significant legislative rulemaking activities in different programs simultaneously, yet the capacity of the staff performing the economic analyses is limited. Therefore, completion of the complex economic analyses required can add to the rulemaking timeline.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Stakeholder participation in the rule development process is a key component to the department rulemaking process. When required, cost-benefit analyses and small business economic impact statements help to inform both agency decision-making and stakeholder input, resulting in additional changes to these documents and rule language. Additionally, the increased transparency accomplished by developing a detailed implementation plan has improved stakeholders' understanding of the changes they can expect and opportunities for assistance.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
N/A

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Labor and Industries

1. Provide a significant legislative rule title.:
Beryllium

2. Provide WSR# and any other appropriate references.:
WSR 18-17-156.
Chapter 296-850 WAC, Beryllium; Chapter 296-307 WAC, Safety standards for agriculture; Chapter 296-841 WAC, Airborne contaminants

3. Provide the adoption date and any necessary details.:
August 21, 2018.
Amended 2 WAC sections, Created 18 WAC sections.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
This rulemaking added chapter 296-850 WAC, Beryllium, as a new chapter to Title 296 WAC of the Department of Labor & Industries. This new rule was in response to the Occupational Safety and Health Administration's (OSHA) final rule on Beryllium in General Industry CFR 1910.1024, Construction CFR 1926.1124 and Maritime CFR 1915.1024. L&I now has one Beryllium rule to include all industries listed, instead of separate rules for each industry as OSHA has done. This rule will limit worker exposure to beryllium and beryllium compounds (as Be), which can cause the debilitating lung disease known as chronic beryllium disease (CBD) and lung cancer. This rule mirrors OSHAs final rule, with minor differences in the Definitions, Medical Removal, and Medical Surveillance sections that allow for implementation of the rule to be consistent with existing requirements in Title 51 RCW.
The PEL tables in WAC 296-307-62625 and WAC 296-841-20025 were updated to reflect OSHAs reduced Beryllium PELs.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
The Department of Labor & Industries considers the significant legislative analysis information when adopting rules. The economic analysis and least burdensome analysis help to inform the decisions on the rule content and to understand and explain the impact on regulated parties. It complements the public hearing process by requiring the department to consider the costs, impacts, and alternatives to rulemaking before adopting a rule. The rule implementation plan helps us to ensure we have effectively mapped out appropriate efforts to implement new rules and provide education and assistance to stakeholders.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
There are increased costs and staff time associated with complying, including developing and analyzing cost-benefit-analyses. However, L&I does not quantify the costs for meeting these

requirements. We have economists on staff and in recent years, significant time has been devoted to economic analyses for significant legislative rules.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
N/A

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The significant legislative rulemaking requirements can impact the time it takes to adopt new rules. The department has had significant legislative rulemaking activities in different programs simultaneously, yet the capacity of the staff performing the economic analyses is limited. Therefore, completion of the complex economic analyses required can add to the rulemaking timeline.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Stakeholder participation in the rule development process is a key component to the department rulemaking process. When required, cost-benefit analyses and small business economic impact statements help to inform both agency decision-making and stakeholder input, resulting in additional changes to these documents and rule language. Additionally, the increased transparency accomplished by developing a detailed implementation plan has improved stakeholders' understanding of the changes they can expect and opportunities for assistance.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
N/A

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Labor and Industries

1. Provide a significant legislative rule title.:
Elevator Code Adoption

2. Provide WSR# and any other appropriate references.:
WSR 18-18-070.
Chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances

3. Provide the adoption date and any necessary details.:
August 31, 2018.
Amended 100 WAC sections, Created 133 WAC sections, Repealed 316 WAC sections.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:

This rulemaking updated the elevator rules. L&I formally reviewed the rules to adopt new safety code requirements, to update and clarify the rules, and to make housekeeping changes.
These updates:
• Adopted new safety code requirements for conveyances in the state of Washington;
• Adopted references to other safety codes, such as the National Electrical Code (NEC), International Code Council (ICC) and National Fire Protection Agency (NFPA);
• Adopted exceptions to the national safety code requirements, such as allowing a timeframe for owners to comply with ASME A17.3 without penalty;
• Adopted proposals requested by stakeholders;
• Adopted amendments to align with Division of Safety & Health (DOSH) requirements for confined space;
• Adopted amendments to bring the rules up-to-date;
• Excluded residential incline chair lifts that are labeled and listed by a product-testing laboratory from plan review requirements to reduce the processing time for review of plans that are essentially similar;
• Allowed the Elevator Safety Advisory Committee (ESAC) to appoint a new member to fill the remainder of a member's term if the member cannot fulfill their obligation;
• Adopted language to clarity, improve safety and reflect the existing processes and practices of L&I; and
• Adopted language for general housekeeping, reformatting and relocating of certain sections, grammatical and reference corrections, to eliminate the question and answer format in section titles, etc.
This rulemaking excludes the elevator licensing rules (Part B – Elevator Contractor and Conveyance Mechanic Licenses and Regulations and Fees), due to separate rulemaking.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
The Department of Labor & Industries considers the significant legislative analysis information when adopting rules. The economic analysis and least burdensome analysis help to inform the decisions on the rule content and to understand and explain the impact on regulated parties. It complements the public hearing process by requiring the department to consider the costs, impacts, and alternatives to rulemaking before adopting a rule. The rule implementation plan helps us to ensure we have effectively mapped out appropriate efforts to implement new rules and provide education and assistance to stakeholders.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
There are increased costs and staff time associated with complying, including developing and analyzing cost-benefit-analyses. However, L&I does not quantify the costs for meeting these requirements. We have economists on staff and in recent years, significant time has been devoted to economic analyses for significant legislative rules.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
N/A

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:

The significant legislative rulemaking requirements can impact the time it takes to adopt new rules. The department has had significant legislative rulemaking activities in different programs simultaneously, yet the capacity of the staff performing the economic analyses is limited. Therefore, completion of the complex economic analyses required can add to the rulemaking timeline.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Stakeholder participation in the rule development process is a key component to the department rulemaking process. When required, cost-benefit analyses and small business economic impact statements help to inform both agency decision-making and stakeholder input, resulting in additional changes to these documents and rule language. Additionally, the increased transparency accomplished by developing a detailed implementation plan has improved stakeholders' understanding of the changes they can expect and opportunities for assistance.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
N/A

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Labor and Industries

1. Provide a significant legislative rule title.:
Elevator Licensing

2. Provide WSR# and any other appropriate references.:
WSR 18-18-068.
Chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances

3. Provide the adoption date and any necessary details.:
August 31, 2018.
Amended 15 WAC sections, Created 1 WAC section, Repealed 1 WAC section.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
This rulemaking updated the elevator rules regarding licensing. L&I formally reviewed the licensing rules to ensure consistency with industry practices, to update and clarify the rules, and to make housekeeping changes.
These updates:
• Adopted amendments to existing licensing requirements for elevator mechanics and elevator contractors;
• Adopted proposals requested by stakeholders;
• Adopted a new fee for the emergency license;
• Adopted language for greater consistency with statutory requirements, such as specifying those

that perform conveyance work that must have an appropriate license(s);
• Eliminated duplicative language with the national conveyance safety standards to simplify the rules;
• Adopted language to update and clarify the rules; and
• Adopted language for general housekeeping, reformatting, grammatical and reference corrections, to eliminate the question and answer format in section titles, etc.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
The Department of Labor & Industries considers the significant legislative analysis information when adopting rules. The economic analysis and least burdensome analysis help to inform the decisions on the rule content and to understand and explain the impact on regulated parties. It complements the public hearing process by requiring the department to consider the costs, impacts, and alternatives to rulemaking before adopting a rule. The rule implementation plan helps us to ensure we have effectively mapped out appropriate efforts to implement new rules and provide education and assistance to stakeholders.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
There are increased costs and staff time associated with complying, including developing and analyzing cost-benefit-analyses. However, L&I does not quantify the costs for meeting these requirements. We have economists on staff and in recent years, significant time has been devoted to economic analyses for significant legislative rules.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
N/A

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The significant legislative rulemaking requirements can impact the time it takes to adopt new rules. The department has had significant legislative rulemaking activities in different programs simultaneously, yet the capacity of the staff performing the economic analyses is limited. Therefore, completion of the complex economic analyses required can add to the rulemaking timeline.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Stakeholder participation in the rule development process is a key component to the department rulemaking process. When required, cost-benefit analyses and small business economic impact statements help to inform both agency decision-making and stakeholder input, resulting in additional changes to these documents and rule language. Additionally, the increased transparency accomplished by developing a detailed implementation plan has improved stakeholders' understanding of the changes they can expect and opportunities for assistance.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
N/A

11. General additions, response, comments, and inclusions. For example, if you wish to

provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Labor and Industries

1. Provide a significant legislative rule title.:
Self-Insurance

2. Provide WSR# and any other appropriate references.:
WSR 19-01-095.
Chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations

3. Provide the adoption date and any necessary details.:
December 18, 2018.
Amended 11 WAC sections, Created 1 WAC section, Repealed 1 WAC section.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
This rulemaking updated the self-insurance rules. These changes promote better communication to injured workers, created greater certainty in rule for employers, reduce dependency on department adjudication, and improve alignment with existing statutes.
Of particular note, an amendment to WAC 296-15-4316 brings it back into alignment with statute regarding the termination of time loss benefits when Option 2 is selected.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
The Department of Labor & Industries considers the significant legislative analysis information when adopting rules. The economic analysis and least burdensome analysis help to inform the decisions on the rule content and to understand and explain the impact on regulated parties. It complements the public hearing process by requiring the department to consider the costs, impacts, and alternatives to rulemaking before adopting a rule. The rule implementation plan helps us to ensure we have effectively mapped out appropriate efforts to implement new rules and provide education and assistance to stakeholders.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
There are increased costs and staff time associated with complying, including developing and analyzing cost-benefit-analyses. However, L&I does not quantify the costs for meeting these requirements. We have economists on staff and in recent years, significant time has been devoted to economic analyses for significant legislative rules.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
N/A

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:

The significant legislative rulemaking requirements can impact the time it takes to adopt new rules. The department has had significant legislative rulemaking activities in different programs simultaneously, yet the capacity of the staff performing the economic analyses is limited. Therefore, completion of the complex economic analyses required can add to the rulemaking timeline.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Stakeholder participation in the rule development process is a key component to the department rulemaking process. When required, cost-benefit analyses and small business economic impact statements help to inform both agency decision-making and stakeholder input, resulting in additional changes to these documents and rule language. Additionally, the increased transparency accomplished by developing a detailed implementation plan has improved stakeholders' understanding of the changes they can expect and opportunities for assistance.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
N/A

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Labor and Industries

1. Provide a significant legislative rule title.:
Acupuncture Rule

2. Provide WSR# and any other appropriate references.:
WSR 19-10-063.
Chapter 296-20 WAC, Medical aid rules; Chapter 296-23 WAC, Radiology, radiation therapy, nuclear medicine, pathology, hospital, chiropractic, physical therapy, drugless therapeutics and nursing – Drugless therapeutics, etc.

3. Provide the adoption date and any necessary details.:
April 30, 2019.
Amended 2 WAC sections, Created 1 WAC section.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
This rulemaking created a rule for acupuncture, WAC 296-23-238, and adopted amendments in chapter 296-20 WAC, Medical aid rules. This adoption allows L&I and self-insurers to pay for acupuncture as specified in WAC 296-23-238 as of June 1, 2019. When this rule became effective, the acupuncture medical coverage decision's approved conditions only list "low back pain related to an accepted condition on the claim." Other conditions may be considered at a later date based on L&Is review of the available scientific and clinical evidence. L&I used a pilot project as authorized by RCW 34.05.313 to determine how acupuncture treatment can best be incorporated into the workers' compensation setting.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
The Department of Labor & Industries considers the significant legislative analysis information when adopting rules. The economic analysis and least burdensome analysis help to inform the decisions on the rule content and to understand and explain the impact on regulated parties. It complements the public hearing process by requiring the department to consider the costs, impacts, and alternatives to rulemaking before adopting a rule. The rule implementation plan helps us to ensure we have effectively mapped out appropriate efforts to implement new rules and provide education and assistance to stakeholders.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
There are increased costs and staff time associated with complying, including developing and analyzing cost-benefit-analyses. However, L&I does not quantify the costs for meeting these requirements. We have economists on staff and in recent years, significant time has been devoted to economic analyses for significant legislative rules.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
N/A

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The significant legislative rulemaking requirements can impact the time it takes to adopt new rules. The department has had significant legislative rulemaking activities in different programs simultaneously, yet the capacity of the staff performing the economic analyses is limited. Therefore, completion of the complex economic analyses required can add to the rulemaking timeline.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Stakeholder participation in the rule development process is a key component to the department rulemaking process. When required, cost-benefit analyses and small business economic impact statements help to inform both agency decision-making and stakeholder input, resulting in additional changes to these documents and rule language. Additionally, the increased transparency accomplished by developing a detailed implementation plan has improved stakeholders' understanding of the changes they can expect and opportunities for assistance.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
N/A

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Labor and Industries

1. Provide a significant legislative rule title.:
Electrical Rules

2. Provide WSR# and any other appropriate references.:
WSR 19-15-117.
Chapter 296-46B WAC, Electrical safety standards, administration, and installation

3. Provide the adoption date and any necessary details.:
July 23, 2019.
Amended 30 WAC sections, Created 2 WAC sections.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
This rulemaking updated the electrical rules. L&I performed a review to update and clarify existing rules, implement new legislation, adopt new safety codes by reference with an effective date, and make housekeeping and other changes. Specifically, this rulemaking:
• Adopted rule changes to align with NEC requirements and to eliminate redundancy and rule conflicts;
• Adopted language for consistency with statutory requirements;
• Adopted proposals requested by stakeholders;
• Adopted rules to align with other Washington State rules and requirements;
• Incorporated the existing policies of the department into rule;
• Adopted requirements for identification plates, excluding one- or two-family dwelling feeders rated up to 400 amperes, showing the ampacity of conductors to be installed on equipment if the feeder conductors have a lesser ampacity than the equipment rating that they terminate in or on;
• Increased penalty amounts for unlicensed contractors, as penalty amounts have not increased for over 30 years;
• Adopted a permit exemption for animal containment fences which is already allowed as a telecommunications system;
• Adopted a new section to relocate some service requirements to a more appropriate location in the rules for applicability of requirements for installation of panels and sub-panels; and
• Adopted general housekeeping, reformatting and relocating of certain sections, grammatical and reference corrections, section title changes, etc.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
The Department of Labor & Industries considers the significant legislative analysis information when adopting rules. The economic analysis and least burdensome analysis help to inform the decisions on the rule content and to understand and explain the impact on regulated parties. It complements the public hearing process by requiring the department to consider the costs, impacts, and alternatives to rulemaking before adopting a rule. The rule implementation plan helps us to ensure we have effectively mapped out appropriate efforts to implement new rules and provide education and assistance to stakeholders.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
There are increased costs and staff time associated with complying, including developing and

analyzing cost-benefit-analyses. However, L&I does not quantify the costs for meeting these requirements. We have economists on staff and in recent years, significant time has been devoted to economic analyses for significant legislative rules.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
N/A

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The significant legislative rulemaking requirements can impact the time it takes to adopt new rules. The department has had significant legislative rulemaking activities in different programs simultaneously, yet the capacity of the staff performing the economic analyses is limited. Therefore, completion of the complex economic analyses required can add to the rulemaking timeline.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Stakeholder participation in the rule development process is a key component to the department rulemaking process. When required, cost-benefit analyses and small business economic impact statements help to inform both agency decision-making and stakeholder input, resulting in additional changes to these documents and rule language. Additionally, the increased transparency accomplished by developing a detailed implementation plan has improved stakeholders' understanding of the changes they can expect and opportunities for assistance.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
N/A

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Labor and Industries

1. Provide a significant legislative rule title.:
Self-Insurance Medical Bill Electronic Data Interchange (EDI)

2. Provide WSR# and any other appropriate references.:
WSR 19-17-067.
Chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations

3. Provide the adoption date and any necessary details.:
August 20, 2019.
Created 1 WAC section.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:

This rulemaking updated the self-insurance rules. This rulemaking created WAC 296-15-232, which created standardized medical bill reporting expectations for self-insured employers, to support the collection of quality data, and to create a reporting exemption for qualifying employers.
This rulemaking ensures:
• Self-insured employers are required to report medical bills through the medical bill electronic data interchange (EDI);
• Self-insured employers are required to report bills accurately and timely; and
• Under limited circumstances, self-insured employers can be provided an exception, which means that they are exempt from reporting.
Standardized reporting builds data integrity, improves industry benchmarking, and informs and supports policy conversations and decisions.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
The Department of Labor & Industries considers the significant legislative analysis information when adopting rules. The economic analysis and least burdensome analysis help to inform the decisions on the rule content and to understand and explain the impact on regulated parties. It complements the public hearing process by requiring the department to consider the costs, impacts, and alternatives to rulemaking before adopting a rule. The rule implementation plan helps us to ensure we have effectively mapped out appropriate efforts to implement new rules and provide education and assistance to stakeholders.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
There are increased costs and staff time associated with complying, including developing and analyzing cost-benefit-analyses. However, L&I does not quantify the costs for meeting these requirements. We have economists on staff and in recent years, significant time has been devoted to economic analyses for significant legislative rules.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
N/A

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The significant legislative rulemaking requirements can impact the time it takes to adopt new rules. The department has had significant legislative rulemaking activities in different programs simultaneously, yet the capacity of the staff performing the economic analyses is limited. Therefore, completion of the complex economic analyses required can add to the rulemaking timeline.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Stakeholder participation in the rule development process is a key component to the department rulemaking process. When required, cost-benefit analyses and small business economic impact statements help to inform both agency decision-making and stakeholder input, resulting in additional changes to these documents and rule language. Additionally, the increased transparency accomplished by developing a detailed implementation plan has improved stakeholders' understanding of the changes they can expect and opportunities for assistance.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
N/A

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Labor and Industries

1. Provide a significant legislative rule title.:
Vocational Rehabilitation

2. Provide WSR# and any other appropriate references.:
WSR 19-21-149.
Chapter 296-19A WAC, Vocational rehabilitation

3. Provide the adoption date and any necessary details.:
October 22, 2019.
Amended 6 WAC sections, Created 5 WAC sections, Repealed 1 WAC section.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
This rule adoption updates chapter 296-19A WAC, Vocational Rehabilitation. This rulemaking supports L&I's vocational recovery effort by:
• Ensuring expectations of vocational providers are better aligned with the return-to-work language in RCW 51.32.095;
• Addressing certain requirements for vocational firms; and
• Outlining when and to what degree vocational providers may be subject to corrective action or sanctions.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
The Department of Labor & Industries considers the significant legislative analysis information when adopting rules. The economic analysis and least burdensome analysis help to inform the decisions on the rule content and to understand and explain the impact on regulated parties. It complements the public hearing process by requiring the department to consider the costs, impacts, and alternatives to rulemaking before adopting a rule. The rule implementation plan helps us to ensure we have effectively mapped out appropriate efforts to implement new rules and provide education and assistance to stakeholders.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
There are increased costs and staff time associated with complying, including developing and analyzing cost-benefit-analyses. However, L&I does not quantify the costs for meeting these requirements. We have economists on staff and in recent years, significant time has been devoted to

economic analyses for significant legislative rules.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
N/A

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The significant legislative rulemaking requirements can impact the time it takes to adopt new rules. The department has had significant legislative rulemaking activities in different programs simultaneously, yet the capacity of the staff performing the economic analyses is limited. Therefore, completion of the complex economic analyses required can add to the rulemaking timeline.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Stakeholder participation in the rule development process is a key component to the department rulemaking process. When required, cost-benefit analyses and small business economic impact statements help to inform both agency decision-making and stakeholder input, resulting in additional changes to these documents and rule language. Additionally, the increased transparency accomplished by developing a detailed implementation plan has improved stakeholders' understanding of the changes they can expect and opportunities for assistance.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
N/A

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Labor and Industries

1. Provide a significant legislative rule title.:
Executive Administrative Professional (EAP) Exemptions

2. Provide WSR# and any other appropriate references.:
WSR 20-01-063.
Chapter 296-128 WAC, Minimum wages

3. Provide the adoption date and any necessary details.:
December 10, 2019.
Amended 6 WAC sections, Created 2 WAC sections.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
This rulemaking updates the Minimum Wage Act (MWA) exemptions for executive, administrative, professional, computer professional, and outside salespersons. This adoption:

• updates the language which addresses the purpose of the rules;
• provides definitions;
• redefines the duties test for an individual employed in an executive capacity;
• redefines the duties test for an individual employed in an administrative capacity;
• redefines the duties test for an individual employed in a professional capacity;
• redefines the duties test for outside salespersons;
• redefines the duties test and hourly rate for computer professionals; and
• establishes salary thresholds for such exemptions.

The department engaged in this rulemaking to ensure the regulations in Washington State set appropriate standards to effectively distinguish between workers to whom the Legislature intended to provide MWA protections and bona fide executive, administrative, professional (EAP), computer professional, and outside sales employees who it intended to exempt. The department recognized that when the definitions became outdated, the protections intended by the MWA eroded, and employees whom the Washington State Legislature intended to protect received neither the protections of the MWA, nor the higher salaries, above-average benefits, and greater job security and advancement opportunities expected for bona fide EAP and outside sales employees, which justified their exemption from the MWA protections. Additionally, employers did not have an efficient and reliable means of identifying which workers were, or were not, entitled to these protections. With this rule, the department restores protections so that employees who should receive minimum wage, overtime, tips and service charges, paid sick leave, and protection from retaliation do so, and implemented a mechanism to ensure that the test for exemption remains up-to-date so future workers will not be denied the protections that the Legislature intended to afford them.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:

The Department of Labor & Industries considers the significant legislative analysis information when adopting rules. The economic analysis and least burdensome analysis help to inform the decisions on the rule content and to understand and explain the impact on regulated parties. It complements the public hearing process by requiring the department to consider the costs, impacts, and alternatives to rulemaking before adopting a rule. The rule implementation plan helps us to ensure we have effectively mapped out appropriate efforts to implement new rules and provide education and assistance to stakeholders.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:

There are increased costs and staff time associated with complying, including developing and analyzing cost-benefit-analyses. However, L&I does not quantify the costs for meeting these requirements. We have economists on staff and in recent years, significant time has been devoted to economic analyses for significant legislative rules.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:

N/A

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:

The significant legislative rulemaking requirements can impact the time it takes to adopt new rules.

The department has had significant legislative rulemaking activities in different programs simultaneously, yet the capacity of the staff performing the economic analyses is limited. Therefore, completion of the complex economic analyses required can add to the rulemaking timeline.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Stakeholder participation in the rule development process is a key component to the department rulemaking process. When required, cost-benefit analyses and small business economic impact statements help to inform both agency decision-making and stakeholder input, resulting in additional changes to these documents and rule language. Additionally, the increased transparency accomplished by developing a detailed implementation plan has improved stakeholders' understanding of the changes they can expect and opportunities for assistance.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
N/A

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Natural Resources

1. Provide a significant legislative rule title.:
Amending Public Records, Chapter 332-10

2. Provide WSR# and any other appropriate references.:
WSR 17-18-054, 17-22-019, 18-03-001

3. Provide the adoption date and any necessary details.:
January 3, 2018

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The Department of Natural Resources amended Chapter 332-10, Public Records, to better conform such chapter to: (1) recent changes in the statutory law concerning public records fees; (2) model rules recommended by the attorney general's office (Chapter 44-14 WAC); and (3) current agency practices.
Full rulemaking process occurred.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
RCW 34.05.328 does not affect the substance of this rule.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
No costs were incurred beyond normal costs of doing agency business.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
Not applicable.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
RCW does not affect the capacity of the agency to fulfill its mission.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Unknown.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
None.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Natural Resources

1. Provide a significant legislative rule title.:
New Section, WAC 332-130-145, Topographic elements on maps - Requirements

2. Provide WSR# and any other appropriate references.:
WSR 17-11-074, 17-15-076, 17-23-071, 18-11-132, 18-17-080

3. Provide the adoption date and any necessary details.:
August 7, 2018.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
Topographic elements shown on maps produced to document and display topography are a product of professional practice for those registered under chapters 18.43 and 18.210 RCW. Our intention in drafting proposed WAC 332-130-145 is to provide a set of requirements for displaying topographic elements on those maps. The proposed requirements are specifically for topographic elements.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
RCW 34.05.328 does not affect the substance of the rule.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
No costs were incurred beyond normal costs of doing agency business.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
Not applicable.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The capacity of the agency to fulfill its mission is not affected.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Unknown.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
None.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Natural Resources

1. Provide a significant legislative rule title.:
WAC 332-130 Land boundary survey standards

2. Provide WSR# and any other appropriate references.:
WSR 18-11-045, 18-20-062, 19-01-045

3. Provide the adoption date and any necessary details.:
December 12, 2018.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
Amending current land boundary survey standards, adding new definitions and the use of relative accuracy to chapter 332-130 WAC. The DNR is authorized by RCW 58.24.060(1) to set up standards of accuracy and methods of procedure.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
RCW 34.05.328 does not affect the substance of this rule.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
No costs were incurred beyond normal costs of doing agency business.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
Not applicable.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The agency's capacity to fulfill its mission is not affected.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Unknown.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
None.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Revenue

1. Provide a significant legislative rule title.:
WAC 458-40-660 Timber excise tax - Stumpage value tables

2. Provide WSR# and any other appropriate references.:
Group 1: 18-04-020; 18-10-102; 18-14-023
Group 2: 18-20-060; 18-23-066; 19-02-069
Group 3: 19-04-103; 19-10-058; 19-14-013
Group 4: 19-17-076; 19-21-156; 20-02-053

3. Provide the adoption date and any necessary details.:
Group 1: 06/26/18
Group 2: 12/28/18
Group 3: 06/21/19
Group 4: 12/23/19

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
RCW 84.33.091 requires that the Department publish stumpage value tables twice a year as the basis on which the timber excise tax is paid. The law also requires that the values represent fair market value and that the tables make allowances for differences in species, size, quality, and costs of removal, accessibility to point of conversion, market conditions, and all other relevant factors. The law also states that the values in the table should be based on gross proceeds either from sales of timber on the stump, or from sales of logs that are adjusted to reflect only the stumpage value, or a

combination thereof.

The objective of WAC 458-40-660 (stumpage value tables) is to supply a table that gives fair market value for timber on the stump that reflects all significant differences in value based on the criteria listed in the RCW for harvesters to file their timber excise tax.

Twice each year the Department adopts WAC 458-40-660. This rule is used by timber harvesters to calculate their timber excise tax liability. The data and calculations used have been negotiated between the timber industry and the Department. There are other ways of calculating the stumpage values and this is why the Department first designated this rule a significant legislative rule in 1996. We update the cost-benefit analysis each time the rule is rewritten.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
Generally, compliance with this section does not affect the substance of the rules the Department adopts.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
The Department routinely revises WAC 458-40-660 so costs are minimal and absorbed within normal operations.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
There have been no legal actions against the Department directly related to the use or non-use of regulations associated with significant rules during this time frame.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
Generally, compliance with this section does not affect the Department's capacity to fulfill its legislatively prescribed mission. The large majority of the rules the Department adopts are interpretive.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
Twice each year the Department adopts WAC 458-40-660. This rule is used by timber harvesters to calculate their timber excise tax liability. The data and calculations used have been negotiated between the timber industry and the Department. There are other ways of calculating the stumpage values and this is why the Department first designated this rule a significant legislative rule in 1996. We update the cost-benefit analysis each time the rule is rewritten.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
None.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual

topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
WAC 388-829B-100, 388-829B-200, 388-829B-300, 388-829B-400, and 388-829B-500 - Enhanced Case Management

2. Provide WSR# and any other appropriate references.:
18-07-073

3. Provide the adoption date and any necessary details.:
Adopted 3/16/18, filed 3/19/18, effective 4/21/18

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department created new sections in a new chapter 388-829B WAC "Enhanced Case Management Program" to implement Senate Bill 6564 (2016) and establish DDA's Enhanced Case Management Program.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:

No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
WAC 388-827-0105 and WAC 388-827-0120

2. Provide WSR# and any other appropriate references.:
18-06-101

3. Provide the adoption date and any necessary details.:
Filed 3/7/18, effective 4/7/18

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department is amending "Who is eligible for state supplementary payments?" and May DDA deny, reduce, or terminate a state supplementary payment?"
To ensure clients eligible for state supplementary payments remain eligible.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
No response entered.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
Chapter 388-829C WAC - Companion Homes

2. Provide WSR# and any other appropriate references.:
18-22-106

3. Provide the adoption date and any necessary details.:
Filed 11/6/18, effective 12/7/18

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department is amending to make several policy updates to how residential habilitation services are delivered in the companion home setting. These amendments are necessary because these rules have not been updated in several years. Substantive changes to the companion home rules address the following subjects: the application and certification processes to become a companion home provider; the process for determining the provider's daily rate; provider responsibilities while using respite; the process for determining a companion home client's annual respite allocation; when a companion home provider may request additional respite hours; the effect of additional respite hours on the provider's daily rate; violations of the room and board agreement; requiring an individual financial plan; transferring client funds; protecting clients from water hazards; records the provider must maintain; and informal dispute resolution processes. Most of the chapter has been rewritten to clarify requirements and some sections have been repealed and their content added to other sections.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
No response entered.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
WAC 388-823-1096 - What requirements must my home or community-based service setting meet?

2. Provide WSR# and any other appropriate references.:
18-10-071

3. Provide the adoption date and any necessary details.:
Filed 4/30/18, effective 5/31/18

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department is amending align with federal regulations. All of the Developmental Disabilities Administration's 1915(c) Medicaid waivers must comply with settings-based requirements under 42 C.F.R. Section 441.301(c)(4).

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or

tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
Chapter 388-877 WAC - Behavioral health services

2. Provide WSR# and any other appropriate references.:
18-06-043

3. Provide the adoption date and any necessary details.:
filed 3/1/18, effective 4/1/18

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department amended existing rules and creating new rules in chapter 388-877 WAC regarding behavioral health services to provide a single set of regulations for behavioral health agencies to follow in order to provide mental health, substance use disorder, co-occurring, and pathological and problem gambling services. The department also repealed chapters 388-810, 388-877A, 388-877B, 388-877C WAC, and repeal specific sections of chapters 388-865 and 388-877 WAC. A crosswalk table of existing and new WAC sections is available upon request.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
The department later repealed Chapter 388-865 WAC, Community Mental Health and Involuntary Treatment Programs and Chapter 388-877 WAC, Behavioral Health Services Administrative Requirements. The Legislature passed 2ESHB 1388, transferring portions of the responsibility for

Behavioral Health to the Department of Health and portions to the Health Care Authority effective July 1, 2018. The rules in these chapters will were rewritten under the Department of Health and the Health Care Authority, therefore no longer needed by the Department of Social and Health Services.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
Chapter 388-845 WAC

2. Provide WSR# and any other appropriate references.:
18-14-001

3. Provide the adoption date and any necessary details.:
Filed 6/20/18, effective 7/21/18

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department amended these rules to align administrative rules with the waiver application approved by the Centers for Medicare and Medicaid Services (CMS). These rules are necessary in order for the Developmental Disabilities Administration (DDA) to provide services approved by CMS and receive federal financial participation. DDA must not authorize waiver services unless they are part of a waiver application approved by CMS; aligning the rules with the approved application maintains client access to waiver services.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
Chapter 388-826 WAC Voluntary placement program

2. Provide WSR# and any other appropriate references.:
18-23-004

3. Provide the adoption date and any necessary details.:
Filed 11/7/18, effective 12/8/18

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department amended these rules to update program requirements, clarify training requirements, and simplify eligibility based on statute governing the program. The chapter has been rewritten using plain language principles, and some content has been moved and sections repealed to improve organization and readability of the chapter.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
WAC 388-823-0025 and WAC 388-823-0050

2. Provide WSR# and any other appropriate references.:
18-17-028

3. Provide the adoption date and any necessary details.:
Filed 8/6/18, effective 9/6/18

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department amended "Who may apply for a DDA eligibility determination? and Do I have to be considered a Washington state resident to be eligible for DDA?" to simplify the application process for potential clients including children receiving foster care and dependents of military service members, align requirements with the Health Care Authority's rules under Title 182 WAC, amend who can request a DDA eligibility determination, and clarify who is considered a Washington state resident.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
Chapter 388-832- WAC - Individual and family services program

2. Provide WSR# and any other appropriate references.:
18-14-002

3. Provide the adoption date and any necessary details.:
Filed 6/20/18, effective 7/21/18

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department amended chapter 388-832 WAC to remove references to the Individual and Family Services (IFS) request list and require prior approval from the Assistant Secretary or designee for a community service grant project and limit community service grant projects to available funding. Other amendments clarify program requirements, eliminate unnecessary section divisions, and combine section content.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stake holder work, regular cost of doing business

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
WAC 388-835-0150 - When does DSHS require discharge and readmission of a resident?

2. Provide WSR# and any other appropriate references.:
18-10-073

3. Provide the adoption date and any necessary details.:
filed 4/30/18, effective 5/31/18

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department repealed WAC 388-835-0150 to harmonize Department of Social and Health Services processes with guidance from the federal Centers for Medicare and Medicaid Services (CMS).

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW

34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
WAC 388-823-0600, WAC 388-823-0610, WAC 388-823-1005, and WAC 388-823-1010

2. Provide WSR# and any other appropriate references.:
18-15-046

3. Provide the adoption date and any necessary details.:
filed 7/13/18, effective 8/13/18

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department amended these rules to align with the definition of developmental disability under RCW 71A.10.020 and remove Developmental Disabilities Administration (DDA) eligibility as a barrier to accessing Medically Intensive Children Program (MICP) services under chapter 182-551 WAC. These amendments also ensure clients who became eligible for DDA due solely to MICP eligibility remain DDA eligible as long as they continue to receive fee-for-service MICP services. Finally, these amendments also simplify the review and expiration rules for clients turning twenty.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
Chapter 388-826 WAC - Voluntary placement program

2. Provide WSR# and any other appropriate references.:
18-23-004

3. Provide the adoption date and any necessary details.:
filed 11/20/18, effective 1/1/19

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department amended these rules to update program requirements, clarify training requirements, and simplify eligibility based on statute governing the program. The chapter has been rewritten using plain language principles, and some content has been moved and sections repealed to improve organization and readability of the chapter.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
WAC 388-78A-3181 and WAC 388-78A-3183

2. Provide WSR# and any other appropriate references.:
19-18-031

3. Provide the adoption date and any necessary details.:
filed 8/29/19, effective 9/29/19

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department created two new sections, WAC 388-78A-3181 "Remedies—Specific—Civil Penalties" and WAC 388-78A-3183 "Remedies—Civil fine grid" to assure compliance with requirements of HB 2750 (Chapter 173, Laws of 2018) passed by the 2018 Legislature.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
WAC 388-828-9310, 388-828-9330, 388-828-9335, 388-828-9350, and 388-845-2100

2. Provide WSR# and any other appropriate references.:
19-06-053

3. Provide the adoption date and any necessary details.:
filed 3/4/19, effective 4/4/19

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department amended WAC 388-828-9310 to replace "community access" with the service's new name,"community inclusion," which was approved through a waiver amendment by the Centers for Medicare and Medicaid Services (CMS). Amendments to WAC 388-828-9330 and WAC 388-828-9335 replace "In Training/Job Development" with "Working at subminimum wage or in job development" as requested by Disability Rights Washington. Amendments to WAC 388-828-9350 remove provider travel time as a reason to authorize additional employment support hours for a client; this change
aligns with CMS-approved waiver amendments, which do not include provider travel time in the service definition or service limitations as justification for additional employment support hours. Amendments to WAC 388-845-2100 add language
requested by the Seattle Commission for People with Disabilities.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:

NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
WAC 388-825-091 and WAC 388-837-9010

2. Provide WSR# and any other appropriate references.:
19-12-088

3. Provide the adoption date and any necessary details.:
filed 6/4/19, effective 7/5/19

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
"Am I eligible for residential habilitation center services?" and "Must a client who is admitted by a residential habilitation center's ICF/IID be in need of and receiving active treatment services?" This amended rule and new rule are necessary to help the Developmental Disabilities Administration (DDA) comply with federal Medicaid law and receive federal funding. The changes clarify the care provided at residential habilitation centers by cross-referencing the level of care for nursing facilities under WAC 388-106-0355, and by incorporating language from CFR to describe active treatment services in an intermediate care facilities for individuals with intellectual disabilities (ICF/IIDs).

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
WAC 388-845-1615 - Who may be qualified providers of respite care?

2. Provide WSR# and any other appropriate references.:
19-04-090

3. Provide the adoption date and any necessary details.:
filed 2/5/19, effective 3/8/19

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department amended "Who may be qualified providers of respite care?" to require home care agencies to contract with area agencies on aging. This requirement was approved by the Centers for Medicare and Medicaid Services and must be enacted in rule to be implemented.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:

NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
WAC 388-101D-0025 and 388-101D-0120

2. Provide WSR# and any other appropriate references.:
19-09-033

3. Provide the adoption date and any necessary details.:
filed 4/10/19, effective 5/11/19

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department is amending WAC 388-101D-0025 and repealing WAC 388-101D-0120 to remove requirements for residential service providers to schedule within contracted hours and obtain approval of staff coverage schedules. These administrative activities are no longer necessary as part of the tiered rates system established under ESSB 6032 (2018) and approved by the Centers for Medicare and Medicaid Services (CMS).

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:

NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
WAC 388-845-1410

2. Provide WSR# and any other appropriate references.:
19-11-061

3. Provide the adoption date and any necessary details.:
filed 5/15/19, effective 6/15/19

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department amended the rule to ensure that prevocational services were no longer available. Prevocational services do not meet federal integration requirements under 42 C.F.R. 441.301(c)(4) for HCBS settings. The Developmental Disabilities Administration (DDA) was required to enact this mass change to comply with the CMS-approved waiver amendments that eliminate prevocational services on the Basic Plus and Core waivers. DDA also amended this rule to replace "community access" with the service's new name, "community inclusion."

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill

its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
WAC 388-828-9360 - What is short-term employment support?

2. Provide WSR# and any other appropriate references.:
19-15-008

3. Provide the adoption date and any necessary details.:
filed 7/8/19, effective 8/8/19

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department amended WAC 388-828-9360 to allow short-term employment support to be authorized for a maximum of six months at a time rather than three months at a time.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, cost of doing business.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
Chapter 388-61A WAC - Domestic violence victim services and prevention efforts

2. Provide WSR# and any other appropriate references.:
18-09-015

3. Provide the adoption date and any necessary details.:
Filed 4/10/18, effective 5/11/18

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The purpose of the chapter is to have uniform statewide standards for agencies and organizations that provide domestic violence victim services and prevention efforts funded by DSHS. The standards address issues such as eligibility for funding, supportive services, emergency shelter, prevention efforts, and administrative requirements for contractors and staff. A crosswalk table of existing and new WAC sections is available upon request.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW

34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
NA

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
Chapter 388-60A - Domestic violence perpetrator treatment

2. Provide WSR# and any other appropriate references.:
18-12-034

3. Provide the adoption date and any necessary details.:
Filed 5/29/18, effective 6/29/19

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department repealed chapter 388-60 WAC and created chapter 388-60A WAC to update rules to raise the standards of domestic violence perpetrator treatment, thereby increasing the effectiveness of treatment throughout Washington state. A crosswalk table of existing and new WAC sections is available upon request.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
This rule chapter was re-codified to title 110 WAC under the Department of Youth and Family Services (see 2E2SHB 1661, Laws of 2017, 3rd Special Session,
Chapter 6) under WSR 18-14-078. The department later re-codified the chapter back under DSHS, chapter 388-60B under WSR 19-15-044.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
WAC 388-148-1321, 388-148-1320, 388-145-1325, and 388-145-1805

2. Provide WSR# and any other appropriate references.:
WSR 18-05-037

3. Provide the adoption date and any necessary details.:
filed 2/13/18, effective 3/16/18

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department amended WAC 388-145-1325 "What is required to apply for a group care facility license?", WAC 388-145-1805 "Are there special requirements for serving milk?", and WAC 388-148-1320 "When will the department grant me a foster family license?", and created a new section as WAC 388-148-1321 "May I request a provisional expedited foster family license?" to provide licensing instructions regarding fingerprinting group care staff, background checks for household members under the age of sixteen, provisional expedited foster care licenses, and food requirements.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
Chapters 388-145 and 148 WAC were later re-codified into DCYF rules, title 110 under WSR 18-14-078.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Department of Social and Health Services

1. Provide a significant legislative rule title.:
Chapter 388-891 WAC and 388-891A WAC

2. Provide WSR# and any other appropriate references.:
18-12-035

3. Provide the adoption date and any necessary details.:
filed 5/29/18, effective 6/30/18

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The department is repealing rules contained in chapter 388-891 WAC and creating new rules in a new chapter 388-891A "Vocational Rehabilitation Services for Individuals with Disabilities". This new chapter supports the purpose of the Division of Vocational Rehabilitation (DVR), which is to empower people with disabilities to achieve a better quality of life by obtaining and maintaining employment. The rules are intended to inform the public about DVR's vocational rehabilitation (VR) services and the conditions under which DVR provides them.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
NA

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
Staff time and stakeholder work, regular cost of doing business.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
NA

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill

its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
NA

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
NA

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
DVR created new rules in a new chapter 338-891A WAC to comply with new requirements resulting from the reauthorization of the federal Rehabilitation Act, add guidance to the DVR Customer Services Manual (Division procedures) and align the chapter of WAC with standard operating practice and Federal rules, and increase the ease of locating WAC sections. For example, many sections of this chapter addressing the conditions under which DVR will pay for VR services have been relocated from sections grouped under the topic of "Vocational Rehabilitation Services" to sections grouped under the topic of "Paying for Services." A crosswalk table of existing and new WAC sections is available upon request.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
No response entered.

Employment Security Department

1. Provide a significant legislative rule title.:
Phase One Paid Family and Medical Leave

2. Provide WSR# and any other appropriate references.:
CR101 – WSR 17-23-134
CR102 – WSR 18-08-083
CR103 – WSR 18-12-032

3. Provide the adoption date and any necessary details.:
Phase One of PFML rulemaking was adopted on May 29, 2018 and was effective June 29, 2018.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
This rulemaking is intended to develop rules to implement, clarify, and enforce the PFML statute. Multiple phases of rulemaking will occur. This rulemaking constitutes Phase Two, which includes, but is not limited to, the following topics:

- Voluntary plans
- Collective bargaining agreements
- Premium liability

Four informal public meetings were held to gather public comment on this phase of rules. The formal hearing was held on May 23, 2018, in Lacey, WA. Informal feedback was taken on draft rules

l until the filing of the CR-102, whereupon formal feedback was taken and considered by the department.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
Compliance with this section did not affect the substance of the rule.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
The department experiences increased costs for each rulemaking that must comply with this section but does not track those costs separately. Costs include routine tasks such as preparing documents and gathering information and data.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
The department has not experienced any legal action associated with this rulemaking.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The requirements of this section do not adversely affect the capacity of the agency to fulfill its legislatively prescribed mission.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
The significant legislative rulemaking requirements are an important aspect of the department's rulemaking as the help ensure a transparent and thorough process. The requirements ensure the agency completes an in-depth review of these rules which allows the community access to additional information. This, in turn, creates improved rulemaking even though the extent to which is unquantified.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
None.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
The department undertakes many rulemakings each year. Not all of these rulemakings are considered "significant legislative rules." Often, some rules within a rulemaking are significant and others that are not. Within Phase One of the PFML rulemaking, the following rules were considered Significant legislative Rules for the reasons presented below.

WAC Section	Section Title	Why the Rule is Needed	Reason a Significance Analysis is Needed
WAC 192-530-010(2)	What are the employer application requirements for voluntary plans?	The purpose of this rule is to provide an effective date for each requested and approved voluntary plan. The statute does not provide a timeframe in which voluntary plans must take effect.	This rule imposes a go-live date on employers who elect to implement an approved voluntary plan (and their employees) that is not implemented by statute.
WAC 192-530-030(3) and (4)	Voluntary plans – employee eligibility criteria	The purpose of this rule is to prevent harmful costs on voluntary plan employers and the potential for incorrect benefit determinations. Without this rule, an employer with a voluntary plan risks providing an incorrect benefit amount to an employee who takes leave. WAC 192-530-030 mitigates this risk by providing a conduit for voluntary plan employers to obtain this information in a manner that maximizes accuracy and employee privacy. In addition, the statute does little to mitigate the risk of incorrect premium assessment and/or unnecessary benefit distribution for an employee who was previously covered by the state plan and then becomes eligible for coverage by the voluntary plan. The rule attempts to resolve this.	This rule imposes a non-statutory administrative burden on employers with approved voluntary plans.

Employment Security Department

1. Provide a significant legislative rule title.:
Phase Two Paid Family and Medical Leave

2. Provide WSR# and any other appropriate references.:
CR101 – WSR 18-09-037
CR102 – WSR 18-17-116
CR103 – WSR 18-22-080

3. Provide the adoption date and any necessary details.:
Phase Two of PFML rulemaking was adopted on November 2, 2018, and was effective December 3, 2018.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
This rulemaking is intended to develop rules to implement, clarify, and enforce the PFML statute. Multiple phases of rulemaking will occur. This rulemaking constitutes Phase Two, which includes, but is not limited to, the following topics:

• Employer responsibilities,
• Small business assistance grants, and
• Penalties.

Informal public meetings were held to gather public comment on this phase of rules. Formal hearings were held on October 24, 2018, in Lacey, WA, and on October 29, 2018, in Spokane, WA. Informal feedback was taken on draft rules until the filing of the CR-102, whereupon formal feedback was taken and considered by the department.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
Compliance with this section did not affect the substance of the rule.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
The department experiences increased costs for each rulemaking that must comply with this section but does not track those costs separately. Costs include routine tasks such as preparing documents and gathering information and data.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
The department has not experienced any legal action associated with this rulemaking.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The requirements of this section do not adversely affect the capacity of the agency to fulfill its legislatively prescribed mission.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
The significant legislative rulemaking requirements are an important aspect of the department's rulemaking as the help ensure a transparent and thorough process. The requirements ensure the agency completes an in-depth review of these rules which allows the community access to additional information. This, in turn, creates improved rulemaking even though the extent to which is unquantified.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
None.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:

The department undertakes many rulemakings each year. Not all of these rulemakings are considered "significant legislative rules." Often, some rules within a rulemaking are significant and others that are not. Within Phase Two of the PFML rulemaking the following rules were considered Significant legislative Rules for the reasons presented below.

WAC Section	Section Title	Why the Rule is Needed	Reason a Significance Analysis is Needed
WAC 192-540-020	What are the employer requirements for posting notice in a work place?	RCW 50A.04.075 requires an employer to post a notice in a common workplace area "…setting forth excerpts from, or summaries of, the pertinent provisions of this chapter and information pertaining to the filing of a complaint." Though the statute prescribes the posting of the notice, itself, it does not dictate the specific content of such a notice.	This rule imposes a cost on businesses that relate to the posting and possible development of a required notice.
WAC 192-540-030	What are employers required to report to the department?	RCW 50A.04.080 requires employers to submit reports to the department that are required by the commissioner. From these reports, the department is to derive information and data pertinent to the proper administration of Paid Family and Medical Leave such as, but not limited to, premium assessment, benefit calculations, and program eligibility. The statute is silent on the exact contents of these reports and their frequency.	This rule imposes a cost on businesses that relates to quarterly reporting requirements.
WAC 192-560-020	What is the application process for a small business assistance grant?	RCW 50A.04.230 features information regarding grants for which employers with 150 or fewer employees may be able to apply. While the statute is prescriptive regarding grant eligibility, the statute is silent on the process through which application to the department for such a grant will occur.	This rule outlines application process with which businesses that elect to apply for a small business assistance grant must comply.

Employment Security Department

1. Provide a significant legislative rule title.:
Phase Three Paid Family and Medical Leave

2. Provide WSR# and any other appropriate references.:
CR101 – WSR 18-16-088
CR102 – WSR 19-03-035
CR103 – WSR 19-08-016

3. Provide the adoption date and any necessary details.:
Phase Three of PFML rulemaking was adopted on March 22, 2019, and was effective April 22, 2019.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
This rulemaking is intended to develop rules to implement, clarify, and enforce the PFML statute. Multiple phases of rulemaking will occur. This rulemaking constitutes Phase Three, which includes, but is not limited to, the following topics:
• Benefit applications,
• Benefit eligibility, and
• Other topics related to establishing the program.

Informal public meetings were held to gather public comment on this phase of rules. Formal hearings were held on March 13, 2019, in Lacey, WA, and on March 18, 2019, in Spokane, WA. Informal feedback was taken on draft rules until the filing of the CR-102, whereupon formal feedback was taken and considered by the department.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
Compliance with this section did not affect the substance of the rule.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
The department experiences increased costs for each rulemaking that must comply with this section but does not track those costs separately. Costs include routine tasks such as preparing documents and gathering information and data.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
The department has not experienced any legal action associated with this rulemaking.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The requirements of this section do not adversely affect the capacity of the agency to fulfill its legislatively prescribed mission.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
The significant legislative rulemaking requirements are an important aspect of the department's

rulemaking as the help ensure a transparent and thorough process. The requirements ensure the agency completes an in-depth review of these rules which allows the community access to additional information. This, in turn, creates improved rulemaking even though the extent to which is unquantified.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
None.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
The department undertakes many rulemakings each year. Not all of these rulemakings are considered "significant legislative rules." Often, some rules within a rulemaking are significant and others that are not. Within Phase Three of the PFML rulemaking the following rules were considered Significant legislative Rules for the reasons presented below.

WAC Section	Section Title	Why the Rule is Needed	Reason a Significance Analysis is Needed
WAC 192-610-020	What is required on the certification for medical leave or for family leave to care for a family member who has a serious health condition?	RCW 50A.04.035(1)(f) states that an application for Paid Family or Medical Leave benefits must provide "a document authorizing the family member's or employee's health care provider, as applicable, to disclose the family member's or employee's health care information in the form of the certification of a serious health condition." To implement this section of the law, it was necessary for the department to establish additional guidelines around the content of the certification so that eligibility could be established.	While the requirement of serious medical condition certification is set forth in statue, the extent of information required imposes a cost not specifically dictated by statue.

Employment Security Department

1. Provide a significant legislative rule title.:
Phase Four Paid Family and Medical Leave

2. Provide WSR# and any other appropriate references.:
CR101 – WSR 18-21-003
CR102 – WSR 19-07-035
CR103 – WSR 19-13-001

3. Provide the adoption date and any necessary details.:
Phase Four of PFML rulemaking was adopted on June 5, 2019 and was effective July 6, 2019.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
This rulemaking is intended to develop rules to implement, clarify, and enforce the PFML statute. Multiple phases of rulemaking will occur. This rulemaking constitutes Phase Four, which includes, but is not limited to, the following topics:

- Continuation of benefits,
- Fraud, and
- Changes to PFML rules already promulgated.

Informal public meetings were held to gather public comment on this phase of rules. Formal hearings were held on May 22, 2019, in Lacey, WA, and on May 29, 2019, in Spokane, WA. Informal feedback was taken on draft rules until the filing of the CR-102, whereupon formal feedback was taken and considered by the department.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
Compliance with this section did not affect the substance of the rule.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
The department experiences increased costs for each rulemaking that must comply with this section but does not track those costs separately. Costs include routine tasks such as preparing documents and gathering information and data.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
The department has not experienced any legal action associated with this rulemaking.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The requirements of this section do not adversely affect the capacity of the agency to fulfill its legislatively prescribed mission.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
The significant legislative rulemaking requirements are an important aspect of the department's rulemaking as the help ensure a transparent and thorough process. The requirements ensure the agency completes an in-depth review of these rules which allows the community access to additional information. This, in turn, creates improved rulemaking even though the extent to which is unquantified.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
None.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:

The department undertakes many rulemakings each year. Not all of these rulemakings are considered "significant legislative rules." Often, some rules within a rulemaking are significant and others that are not. Phase Four of the PFML rulemaking did not contain any significant rules, however, Phase Four information is included in this report for continuity.

Employment Security Department

1. Provide a significant legislative rule title.:
Phase Five Paid Family and Medical Leave

2. Provide WSR# and any other appropriate references.:
CR101 – WSR 19-03-007
CR102 – WSR 19-11-106
CR103 – WSR 19-16-081

3. Provide the adoption date and any necessary details.:
Phase Five of PFML rulemaking was adopted on July 31, 2019, and was effective August 31, 2019.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
This rulemaking is intended to develop rules to implement, clarify, and enforce the PFML statute. Multiple phases of rulemaking will occur. This rulemaking constitutes Phase Five, which includes, but is not limited to, the following topics:

- Collective bargaining agreements;
- Employer responsibilities;
- Initial applications for benefits;
- Overpayments of benefits;
- Collection and recovery of overpayments;
- Employment restoration; and
- Practice and procedure for how the department will differentiate between employers.

Informal public meetings were held to gather public comment on this phase of rules. Formal hearings were held on July 24, 2019, in Lacey, WA, and on July 26, 2019, in Spokane, WA. Informal feedback was taken on draft rules until the filing of the CR-102, whereupon formal feedback was taken and considered by the department.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
Compliance with this section did not affect the substance of the rule.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
The department experiences increased costs for each rulemaking that must comply with this section but does not track those costs separately. Costs include routine tasks such as preparing documents

and gathering information and data.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
The department has not experienced any legal action associated with this rulemaking.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The requirements of this section do not adversely affect the capacity of the agency to fulfill its legislatively prescribed mission.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
The significant legislative rulemaking requirements are an important aspect of the department's rulemaking as they help ensure a transparent and thorough process. The requirements ensure the agency completes an in-depth review of these rules which allows the community access to additional information. This, in turn, creates improved rulemaking even though the extent to which is unquantified.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
None.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
The department undertakes many rulemakings each year. Not all of these rulemakings are considered "significant legislative rules." Often, some rules within a rulemaking are significant and others that are not. Within Phase Five of the PFML rulemaking the following rules were considered Significant legislative Rules for the reasons presented below.

WAC Section	Section Title	Why the Rule is Needed	Reason a Significance Analysis is Needed
WAC 192-700-010	Can an employer deny employment restoration?	RCW 50A.04.025(6)(b)(ii) requires the employer to provide written notice to an employee if the employer does not intend to restore the employee to his or her previous position of employment if certain criteria are met. Because employment restoration is an integral part of Paid Family and Medical Leave, proper notification to an employee who was expecting to be restored to his or her previous position of employment is paramount. In addition to specifying the manner in which the notice must be	The requirement of notification in the statute is unspecific. The employee is entitled to return to work immediately if the employee so chooses once he or she receives the notice. In order to guarantee this right, the department will require the delivery of written notice in-person or by

		delivered, the rule prescribes the content of the notice itself.	certified mail to guarantee that the employee is promptly notified of the employer's decision to deny restoration and decide whether to return to work.

Employment Security Department

1. Provide a significant legislative rule title.:
Phase Six Paid Family and Medical Leave

2. Provide WSR# and any other appropriate references.:
CR101 – WSR 19-10-034
CR102 – WSR 19-19-005
CR103 – WSR 19-23-090

3. Provide the adoption date and any necessary details.:
Phase Six of PFML rulemaking was adopted on November 19, 2019, and was effective December 20, 2019.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
This rulemaking is intended to develop rules to implement, clarify, and enforce the PFML statute. Multiple phases of rulemaking will occur. This rulemaking constitutes Phase Six, which includes, but is not limited to, the following topics:

• Appeals;
• Typical workweek hours;
• Intermittent leave;
• Implementing legislative changes; and
• Other rules as necessary.

Informal public meetings were held to gather public comment on this phase of rules. Formal hearings were held on November 7, 2019, in Lacey, WA, and on November 12, 2019, in Spokane, WA. Informal feedback was taken on draft rules the filing of the CR-102, whereupon formal feedback was taken and considered by the department.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
Compliance with this section did not affect the substance of the rule.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
The department experiences increased costs for each rulemaking that must comply with this section but does not track those costs separately. Costs include routine tasks such as preparing documents

and gathering information and data.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
The department has not experienced any legal action associated with this rulemaking.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The requirements of this section do not adversely affect the capacity of the agency to fulfill its legislatively prescribed mission.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
The significant legislative rulemaking requirements are an important aspect of the department's rulemaking as the help ensure a transparent and thorough process. The requirements ensure the agency completes an in-depth review of these rules which allows the community access to additional information. This, in turn, creates improved rulemaking even though the extent to which is unquantified.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
None.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:

The department undertakes many rulemakings each year. Not all of these rulemakings are considered "significant legislative rules." Often, some rules within a rulemaking are significant and others that are not. Phase Six of the PFML rulemaking did not contain any significant rules, however, Phase Six information is included in this report for continuity.

Employment Security Department

1. Provide a significant legislative rule title.:
Unemployment Insurance Reasonable Assurance

2. Provide WSR# and any other appropriate references.:
CR 101 - WSR 18-08-052
CR 102 - WSR 18-12-076; 18-16-061
CR 103 - WSR 18-19-007

3. Provide the adoption date and any necessary details.:
Adopted on September 7, 2018 with an effective date of October 8, 2019

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The U.S. Department of Labor issued new binding guidance (Unemployment Insurance Program Letter No. 5-17 (Dec. 22, 2016) and the Legislature passed and the Governor signed SHB 2703

(2018), amending the standards by which educational employees are eligible for unemployment benefits. As a direct consequence, new rules were adopted that clarified requirements for educational employees to qualify for unemployment benefits, specifically addressing modifications to the analysis of whether an education employee has a contract or reasonable assurance of continued employment, as well as clarifying eligibility requirements for educational employees with multiple employers.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
Compliance with RCW 34.05.328 did not affect the substance of the rule.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
The Department experiences increased costs for each rulemaking that must comply with this section but does not track those costs separately. Costs include the staff time to prepare documents and gather information and data.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
The Department has not experienced any legal action associated with this rulemaking.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The requirements of RCW 34.05.328 did not adversely affect the capacity of the agency to fulfill its prescribed mission.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
While the significant legislative rulemaking requirements are an important aspect of the Department's rulemaking as they help ensure a transparent and thorough process, which allows the community access to additional information, the Department has no information on whether the requirements have improved the acceptability of the rules associated with this rulemaking.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
None.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:

All documents associated with this rulemaking, including all stakeholder comments, and all documents required by RCW 34.05.328 can be found at https://www.esd.wa.gov/newsroom/UI-rulemaking/reasonable-assurance.

Employment Security Department

1. Provide a significant legislative rule title.:
Unemployment Insurance Automated Scheduler

2. Provide WSR# and any other appropriate references.:
CR 101 - WSR 18-23-028
CR 102 - WSR 19-03-165
CR 103 - WSR 19-12-091

3. Provide the adoption date and any necessary details.:
Adopted on June 4, 2019 with an effective date of July 22, 2019

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
The Department received a federal grant in order to implement an automated scheduling service to allow unemployment claimants to self-schedule the dates they will receive reemployment services. The rules needed to be adjusted to reflect this more flexible scheduling approach.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
Compliance with RCW 34.05.328 did not affect the substance of the rule.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
The Department experiences increased costs for each rulemaking that must comply with this section but does not track those costs separately. Costs include the staff time to prepare documents and gather information and data.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
The Department has not experienced any legal action associated with this rulemaking.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
The requirements of RCW 34.05.328 did not adversely affect the capacity of the agency to fulfill its prescribed mission.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
While the significant legislative rulemaking requirements are an important aspect of the Department's rulemaking as they help ensure a transparent and thorough process, which allows the community access to additional information, the Department has no information on whether the requirements have improved the acceptability of the rules associated with this rulemaking.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
None.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or

tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:

All documents associated with this rulemaking, including all stakeholder comments, and all documents required by RCW 34.05.328 can be found at https://www.esd.wa.gov/newsroom/ui-rulemaking/automated-scheduler.

Office of the Insurance Commissioner

1. Provide a significant legislative rule title.:
See #11 below.

2. Provide WSR# and any other appropriate references.:
See #11 below.

3. Provide the adoption date and any necessary details.:
See #11 below.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
See #11 below.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
The Commissioner's approach to rulemaking does not typically result in a change of scope or content of proposed rules based on the Administrative Procedures Act requirements to perform a cost-benefit analysis for significant legislative rules. We draft the rules, perform the analysis of whether the proposed rule meets the significant legislative rule criteria, and then draft the cost-benefit analysis. We do not perform cost-benefit analysis for those proposed rules falling under one of the exceptions in RCW 34.05.328(5)(b).

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
The Commissioner built performing significant legislative rule analysis into our rulemaking process. A policy analyst makes the initial assessment, which our economic policy analyst validates. The economic policy analyst prepares the draft of the cost-benefit analysis, and confirms it with the policy analyst. We are seldom asked for copies of either the draft or final cost-benefit analysis.

The Commissioner incurs additional costs in order to comply with RCW 34.05.328. Our estimate of the costs attributed to statutory compliance follows.

Analyst effort: 1.6 FTE approximately $197,000 annually.

GovDelivery and Website maintenance: 0.5 FTE approximately $54,000 annually.

Because the analysis must be done on each rule, staff time for rulemaking increased after the law was enacted. The Commissioner hired a full time economic policy analyst to perform the required cost-benefit analysis. Additional staff analysts are also required, because the time to complete rulemaking is longer due to the additional steps.

By eliminating U.S. mailing of rule filings in 2011 and using electronic distribution through GovDelivery and email to regulated industry contacts and interested stakeholders we have reduced these costs to nearly zero. However, staff devoted to website maintenance has climbed as stakeholders have shown increased interest in stakeholder drafts (pre-CR102) and gaining more information regarding the comments of other stakeholders.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
The Insurance Commissioner has not been subject to legal action based on failure to comply with RCW 34.05.328 during the time period for this report.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
1.) Increased Time to Complete Rule Development and Adoption. In order to comply with RCW 34.05.328, the staff working on rules spends approximately 25% more time than they otherwise would when developing rules. While the analysis called for by the statute is common to good rule and policy analysis, and normally is part of any rule development, the statute's documentation and communication requirements require additional time.

Because the statute provides for a potential cause of action against the agency, time for legal review of proposed rulemaking activity is also more common. We have not collected data in this regard during the past few years but we do seek legal confirmation of our analyses, when necessary, in order to comply with the law. This increases costs, and takes additional time to complete a rule.

2.) Reduced Ability to Respond to Changing Circumstances. Because rulemaking takes longer to complete in order to ensure compliance with RCW 34.05.328, the agency has had to use emergency rules followed by permanent rulemaking to quickly address or respond to emerging issues, such as changes in federal law or new court rulings. This has the potential to create more confusion for the public, as they must comply with an emergency rule and then change or adapt again once the permanent rule is in place. Even where there is agreement on the rule amongst stakeholders and the agency, the processes take longer to complete.

3.) Limits on Number of Rules under Development. We try to limit our analysts to a docket of five active rules, and as a result have a backlog of pending rule development requests. This limit arises, in part, from the need to include the economic policy analyst in all rule development in order to ensure compliance with RCW 34.05.328.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
The Office of the Insurance Commissioner adopts more rules than many state agencies because:
• The Legislature creates new programs requiring implementation and interpretation, and
• The regulated industry regularly experiences multiple changes that require amendments to existing rules. These can include changes in federal rules, new model rules adopted by the National Association of Insurance Commissioners, or new insurance products put on the market.

As part of the regular course of doing business, the Commissioner prioritizes working with industry and interested parties in developing rules. The processes required by RCW 34.05.328 have not

improved acceptance of rules by those regulated; we believe the attitude and approach taken by the agency has done so.

We regulate a highly sophisticated industry that understands the need for rules to explain procedures, implement programs, and align state practices with federal requirements. We only occasionally receive testimony on our rules at hearing, as the majority of our rulemaking hearings are unattended. The Commissioner interprets this as a positive indication of how effective our stakeholder efforts are during rule development. Our compliance with RCW 34.05.328 is unrelated to this outcome.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
RCW 34.05.328 probably improves rule quality for agencies that do not engage in rulemaking as a regular practice, because the analysis it requires supports the development of good rules. Without the statutory requirement, rule writers probably would attempt the analysis, but without specialized expertise, and would not routinely access related data to support the analysis. The cost-benefit assessment would most likely be anecdotal.

However, performing cost-benefit analysis that meets the generally accepted economic analysis standards set out in the statute requires access to an economic analyst. Our rulemaking volume is high enough to justify having an economic analyst on staff to assist with this function. We would probably not have initially retained one without the requirements of this statute, and our cost-benefit analysis would not be as specific or accurate.

One of our goals is to increase the use of the relevant and most reliable data to support our initial assessment of rule proposals, so that rules reflect what we learn from the data. This supports the agency mission because the Commissioner regulates to both protect consumers and ensure a financially sound insurance marketplace in Washington. Our agency added additional staff for this purpose.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:

The Insurance Commissioner adopted 11 significant legislative rules, affecting 7 WAC chapters.

Examples are:
- Balance Billing Protection Act
- Risk Mitigation
- Health plan coverage of reproductive healthcare and contraception
- Adjusting geographic rating areas to increase market stability

The significant legislative rule requirements add a total cost of approximately $250,000 in annual costs to our budget.

WSR#	Rule Title/WAC	# of WAC Sections Proposed	# of WAC Sections Adopted	Adoption Date
18-07-053 Insurance Commissioner Matter No. R 2017-11	**Adjusting geographic rating areas to increase market stability** New: WAC 284-43-6681 and WAC 284-43-6701 Repealed: Amended: WAC 284-43-6680 and WAC 284-43-6700 Suspended:	4	4	3/14/2018
18-16-060 Insurance Commissioner Matter No. R 2017-06	**Title insurance rating and advisory organizations** New: WAC 284-29B-010, WAC 284-29B-020, WAC 284-29B-030, WAC 284-29B-040, WAC 284-29B-190 Repealed: Amended: Suspended:	5	5	7/26/2018
18-20-090 Insurance Commissioner Matter No. R 2018-02	**Insurer corporate governance annual disclosure** New: WAC 284-07-700, WAC 284-07-710, WAC 284-07-720, WAC 284-07-730, WAC 284-07-740 Repealed: Amended: Suspended:	5	5	10/1/2018
18-21-116 Insurance Commissioner Matter No. R 2018-01	**Short-term medical plans** New: WAC 284-43-8000, 284-43-8010, 284-43-8020, 284-43-8030 Repealed: Amended: Suspended:	4	4	10/17/2018
18-22-069 Insurance Commissioner Matter No. R 2018-04	**License expiration and renewal timeframes** New: Repealed:	2	2	11/1/2018

	Amended: WAC 284-17-423, WAC 284-17-443 Suspended:			
18-24-059 Insurance Commissioner Matter No. R 2018-14	**Adjuster licensing special education criteria** New: Repealed: Amended: WAC 284-17-123 Suspended:	**1**	**1**	**11/29/2018**
18-24-084 Insurance Commissioner Matter No. R 2018-11	**Risk mitigation** New: WAC 284-33-005, 284-33-010, 284-33-015, 284-33-020, 284-33-030, 284-33-040, 284-33-050 Repealed: Amended: Suspended:	**7**	**7**	**12/3/2018**
19-22-032 Insurance Commissioner Matter No. R 2019-12	**Association health plans** New: WAC 284-43-8100, 284-43-8110, 284-43-8120 Repealed: Amended: WAC 284-43-0310; WAC 284-43-0330 Suspended:	**6**	**5**	**10/30/2019**
19-23-085 Insurance Commissioner Matter No. R 2019-04	**Balanced Billing Protection Act** New: WAC 284-43B-010 through -080 Repealed: Amended: WAC 284-170-480 Suspended:	**9**	**9**	**11/19/2019**
19-24-039 Insurance Commissioner Matter No. R 2018-10 and No. R 2019-07	**Health plan coverage of reproductive healthcare and contraception** New: WAC 284-43-7200 Repealed: Amended: WAC 284-43-5150	**9**	**9**	**11/26/2019**

	Suspended:			
20-01-008 Insurance Commissioner Matter No. R 2019-02	**Internal Audit Requirements for Insurance Companies** New: WAC 284-07-214 Repealed: Amended: WAC 284-07-110, WAC 284-07-213, WAC 284-07-220 Suspended:	**4**	**4**	**12/5/2019**
20-01-048 Insurance Commissioner Matter No. R 2019-06	**Revise WACs concerning SERFF General Filing Instructions** New: Repealed: Amended: WACs 284-38-100, 284-38-110, 284-44A-040, 284-44A-050, 284-46A-040, 284-46A-050, 284-58-025, 284-58-030 Suspended:	**8**	**8**	**12/9/2019**
20-01-070 Insurance Commissioner Matter No. R 2019-08	**Technical corrections for producer accounting systems** New: Repealed: Amended: WAC 284-12-080 Suspended:	**1**	**1**	**12/11/2019**
20-01-071 Insurance Commissioner Matter No. R 2019-09	**Correction of Language in Essential health benefit WAC 284-43-5642(3)(b)(i)** New: Repealed: Amended: WAC 284-43-5642 Suspended:	**1**	**1**	**12/11/2019**
20-01-119 Insurance Commissioner Matter No. R 2016-05	**Internal Audit Requirements for Insurance Companies** New: WACs 284-29-300, 284-29-310, 284-29-320, 284-29-330, 284-29-340	**5**	**5**	**12/16/2019**

	Repealed: Amended: Suspended:			

State Board of Health

1. Provide a significant legislative rule title.:
This report covers State Board of Health responses for all significant legislative rules adopted between January 1, 2018 and December 31, 2019. Rule titles are included in the table under #11, below.

2. Provide WSR# and any other appropriate references.:
See table under #11 below.

3. Provide the adoption date and any necessary details.:
See table under #11 below.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
See table under #11 below.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
Compliance with RCW 34.05.328 did not affect the substance of the rules.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:

See table under #11 for specific costs.

Significant legislative rules generally cost more to adopt than rules that are not by definition significant. Cost of adopting significant legislative rules include staff and board member time to develop the rule; preparation of cost-benefit analyses; public meetings (including technical advisory committee meetings, workshops, rule drafting meetings, and formal hearings); some printing and postage; administrative costs; and, as appropriate, preparation of small business economic impact statements. A large number of stakeholders or complex subject matter may require an increase number of stakeholder meetings, which also increases costs. A good example of this is the Drinking Water Laboratory Certification and Data Reporting rule, chapter 246-390 WAC, which was adopted and filed with the Code Reviser as WSR 18-09-048.

The costs do not reflect the time and expense incurred by the public or stakeholders to participate in the rule development. For the drinking water laboratory rules, individuals representing both laboratories and public water systems participated in stakeholder groups. To manage internal costs the State board of Health (board) typically schedules rule development workshops and public rules hearings as part of the board's regular business meetings, but this is not always possible to efficiently

adopt rules. For example, the drinking water laboratory rules are adopted to ensure safe and reliable drinking water to more than 6.2 million Washington residents getting drinking water from either a Group A or Group B public water system. That is 87 percent of the state's population. The remaining estimated 1 million Washington residents get their drinking water from individual private wells that are regulated by local health jurisdictions. Because these rules regulating both Group A and Group B public water systems protect the largest portion of the state's population, several informal, in-person comment periods were held throughout the state. The public also had multiple opportunities to submit written comments.

Inviting significant stakeholder participation in rule development is a core value of the board. Although this level of public involvement increases the overall cost of rulemaking, such efforts tend to increase public acceptance of rules. For Chapter 246-650 WAC, Newborn Screening and Chapter 246-105 WAC, Immunization of child care and school children against certain vaccine-preventable diseases, the board convened technical advisory committees, which helped formulate recommendations to the board. The Newborn Screening technical advisory committee evaluated Pompe disease and Mucopolysaccharidosis type I (MPS I) for inclusion in the panel of congenital and heritable conditions that all newborns are screened for. The immunizations technical advisory committee reviewed the immunizations rule for the purposes of improving the rule's clarity and to develop recommendations on how to address concerns regarding children who do not have appropriate documentation of immunization status (certificate of immunization status, or certificate of exemption) at the time of school entry.

The board works closely with the Department of Health (department) to develop rules. The cost of rulemaking in #11, reflects both board and department costs. Complex rules that require a lot of technical expertise also tend to be more costly. For example, in the drinking water laboratory rules staff participating in the development of standards must be knowledgeable in understanding such things as calculating and determining appropriate maximum contaminate levels (MCLs) and state detection reporting for such things as organic chemicals, inorganic chemicals, radiochemistry, and microbiology by analyte name, analyte number, and units of measure. These staff tend to be higher salaried employees, based on their knowledge and expertise.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
There were no legal actions against the board for failure to comply with RCW 34.05.328.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
There are few adverse effects of significant legislative rulemaking other than the costs as identified in #11 below, and the increased time to develop and adopt a significant rule.

The average significant legislative rule can average 20 months to complete. Controversial rules may take longer. "Non-significant" rules can be completed on average in six months. These average timelines do not include the substantial staff effort and time leading up to the filing of the Preproposal Statement of Inquiry (CR-101) or the Proposed Rulemaking (CR-102), or the implementation efforts after the permanent rulemaking order is filed.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
The board has no data to show public acceptability of the rules has increased or decreased as a result of the 1995 law. Anecdotal evidence from public comments, or technical advisory committee members about proposed rules suggest that stakeholders appreciate the board's efforts to communicate with and include them in rule development. This has been true for both significant and non-significant rules.

Periodically stakeholders commenting on specific proposed rules have raised questions about the data and conclusions in the related preliminary cost-benefit analyses, and suggested improvements to proposed rule language. In some instances, changes have been made to amend either the proposed rule language before adoption, or the preliminary cost-benefit analyses to provide clarity or incorporate additional data.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:
Significant legislative rules generally take more time to adopt than rules that are "non-significant." Significant legislative rules require filing a Preproposal Statement of Inquiry as well as the preparation of cost-benefits analyses and, where appropriate, preparation of small business impact statements before formal adoption.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:

WSR #	WAC/Rule Title	# of WAC Sections Proposed (CR102)	# of WAC Sections Adopted (CR103)	Adoption Date	Rule Cost
18-09-048	Chapter 246-390 WAC, Drinking water laboratory certification and data reporting. The rulemaking repealed duplicative certification requirements which are covered in the Department of Ecology's (Ecology) Accreditation of environmental laboratories, chapter 173-50 WAC; adopted reporting requirements for labs to send analytical data results to public water systems and the Department of Health; and adopted laboratory guidance and test panel templates for	15	15	04/13/2018	$99,214.44

	submitting written and electronic analytical data results by reference.				
18-23-021	WAC 246-215-09150 Employee restrooms- toilet facilities. Amended the existing rule to increase the maximum distance to a readily accessible employee restroom from within 200 feet to within 500 feet for mobile food units.	1	1	11/13/2018	$1,857.80
19-20-025	Chapter 246-650 WAC, Newborn Screening. The rulemaking added Pompe disease and Mucopolysaccharidosis type I (MPS I) to the list of mandatory conditions for newborn screening conducted by the Department of Health; created a new section of rule outlining critical congenital heart disease screening requirements to align with RCW 70.83.090; and improved clarity and usability of the rule.	8	8	09/23/2019	$17,855.13
19-21-161	Chapter 246-105 WAC, Immunization of child care and school children against certain vaccine-preventable diseases. The rulemaking amended existing rules regarding documentation of immunization status; the process for students who are in conditional status; updated the reference to the national immunization standards set by the Advisory Committee on Immunization Practices (ACIP); and improved the clarity and usability of the rule.	8	8	10/22/2019	$42,943.27

State Building Code Council

1. Provide a significant legislative rule title.:
This entry provides the State Building Code Council's responses for significant legislative rules. adopted between July 1, 2018 and December 31, 2019.

2. Provide WSR# and any other appropriate references.:
Please refer to #11.

3. Provide the adoption date and any necessary details.:
Please refer to #11.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.:
Please refer to #11.

5. Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].:
Compliance with RCW 34.05.328 did not affect the substance of any of the rules adopted by the State Building Code Council from July 1, 2018 through December 31, 2019.

6. Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].:
The State Building Code Council does not break out the costs associated with these requirements separately but incorporates them into the overall cost of rulemaking. Costs associated with complying with this section include but are not limited to:
• Staff time
• Council members per diem reimbursements
• Public meeting and hearings
  -Agendas
  -Minutes
• Drafting and reviewing WAC Language
Please note that this does not include the two to three thousand volunteer hours annually.

7. Information on any legal actions against agency for failure to comply with RCW 34.05.328, costs to the state of such action, and the result [from RCW 34.05.328 (6) (c)].:
None.

8. Extent to which RCW 34.05.328 has adversely affected the capacity of the agency to fulfill its legislatively prescribed mission [from RCW 34.05.328 (6) (d)].:
There were no adverse impacts.

9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].:
The State Building Code Council constantly looks for ways to make our rulemaking process as transparent as practical, RCW 34.05.328 helps with this.

10. Other relevant information in evaluating the effect of RCW 34.05.328 [from RCW 34.05.328 (6) (f)].:

Nothing to add.

11. General additions, response, comments, and inclusions. For example, if you wish to provide any RCW 34.05.328 / significant legislative rulemaking summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.:
The State Building Code Council completed 12 significant legislative rulemakings related to 8 Washington Administrative Code (WAC) Chapters. The tables below includes the State Building Code Council's significant legislative rule adoptions between July 1, 2018 and December 31, 2019.

SUMMARY OF CHANGES 2015 International Building Code Amendments to WAC 51-50				
	WSR/ Adoption Date/WAC	**Section**	**Changes**	**Description**
	WSR 19-02-038 10/16/2018			
1	WAC 51-50-0200 Definitions	200	Added Definitions	Mass Timber Noncombustible Protection Wall, Load-Bearing
2	WAC 51-50-0403 High-rise buildings	403	Addressed water supply to required fire pumps	For buildings more than 420 feet high
3	WAC 51-50-0504 Building height and number of stories	Table 504.3 Table 504.4	Added additional Type IV Construction types	This change (and those noted below for mass timber) allow for better use of developing technologies in the production of mass timber products and address the desire of our state Legislature, as expressed in ESB 5450, directing the building code council to adopt rules for the use of mass timber products. The rules to be adopted must consider applicable national and international standards. These amendments rely on the work of the International Code Council's (ICC) Ad Hoc Committee on Tall Wood Buildings that published its report in January 2018 and was amended and approved by the ICC's Code Action Hearing in April 2018. The crux of these amendments is to revise the building code to allow for the use of mass timber in taller buildings. This is accomplished primarily by adding three new building types under the Type IV category, Type IV-A, Type IV-B, and Type IV-C.
4	WAC 51-50-0506 Building area	Table 506.2	Added additional Type IV Construction types	To better address mass timber.
4	WAC 51-50-0508 Mixed use and occupancy	508.4.4.1	Addresses separations	Separations must be fire barriers

6	WAC 51-50-0508 Incidental uses	509.4.1.1	Addresses fire resistance separation for mas timber elements	For Type IV-B and IV-C construction
7	WAC 51-50-0601 General	Table 601	Added additional Type IV Construction types	To better address mass timber.
8	WAC 51-50-0602 Construction classification	Table 602 602.4	Added additional Type IV Construction types and requirements	To better address mass timber.
9	WAC 51-50-0603 Combustible material in Types I and II construction	Section 603	Addresses mass timber	To better address mass timber.
10	WAC 51-50-0703 Fire-resistance ratings and fire tests.	703.8	Addresses determination of noncombustible protection time contribution	To better address mass timber.
		703.9	Addresses sealing adjacent mass timber elements	To better address mass timber.
11	WAC 51-50-0718 Concealed spaces	718.2.1	Addresses fireblocking materials	To better address mass timber.
12	WAC 51-50-0722 Calculated fire resistance	722.7	Addresses fire-resistance rating of mass timber	To better address mass timber.
13	WAC 51-50-0803 Wall and ceiling finishes	803.3	Addresses heavy timber exemptions	To address mass timber.
14	WAC 51-50-1004 Occupant load	Table 1004.1.2 1004.2	Addresses fixed guideway transit and passenger rail systems	To addresses the unique nature of fixed guideway transit and passenger rail systems
15	WAC 51-50-1406 Combustible materials on the exterior side of exterior walls	1406.3	Addresses balconies and similar projections	To better address mass timber.
16	WAC 51-50-1604 General design requirements	Table 1604.5	Closes an unanticipated loophole regarding daycares.	The 2015 IBC changed the educational and daycare uses for risk category III in Table 1604.5 to be "occupancy" based rather than "use" based as it was in the 2012 IBC. Buildings containing elementary school, secondary school or day care facilities were changed to Group E occupancies. However, day care facilities are now classified in both Group E and

				Group I-4 occupancies. I-4 occupancies are not currently listed in Table 1604.5 which means that occupants attributed to I-4 will be classified under risk category II. This occurs even though the I-4 occupancy has a higher relative hazard compared to group E. Including I-4 in Table 1604.5 for Risk Category III closes this loophole.
17	WAC 51-50-1613 Earthquake loads	1613.5	Address a structural seismic engineering concern for structures between 160 feet and 240 feet	This change improves the safety of the occupants of buildings over 160 feet in height by ensuring that the current science related to structural design and post-earthquake resiliency is applied. This change creates a level playing field within the state regarding design loads that apply to buildings, exceeding 160 feet, to resist lateral loads. The amendment is based on recommendations from nationally recognized experts in structural review and design.
18	WAC 51-50-1705 Required special inspections and tests	1705.5.3	Addresses mass timber construction.	To address mass timber.
19	WAC 51-50-2303 Minimum standards and quality	2303.1.4	Addresses structural glued cross-laminated timber	To address mass timber.
20	WAC 51-50-2900 Plumbing systems	2902.3	Addresses fixed guideway transit and passenger rail systems employee and public toilet facilities	Requires compliance with section 3112.
21	WAC 51-50-3102 Membrane structures	3102.3 3102.6.1.1	Resolves inconsistent and conflicting code requirements between NFPA 130, the IBC and IFC as they pertain to fixed guideway transit and passenger rail systems.	Adoption of NFPA 130 resolves inconsistent and conflicting code requirements between NFPA 130, the IBC and IFC in many Puget Sound city building and fire departments. Due to Federal requirements, Sound Transit must build its passenger light rail system, including, but not limited to, stations, trainways, emergency ventilation systems, vehicles, emergency procedures,

				communications, and control systems specifically in accordance with NFPA 130.
22	WAC 51-50-3500 Referenced standards	ANSI/AP A PRG-320-18 NFPA 130	Added standards.	To address fixed guideway transit and passenger rail systems
23	WAC 51-50-4700 Appendix D	D102.2.5	Addresses structural fire rating.	To address mass timber.

SUMMARY OF CHANGES 2018 International Building Code Amendments to WAC 51-50				
	WSR/ Adoption Date/WAC	**Section**	**Changes**	**Description**
	WSR 20-01-103 7/26/2019			
1	WAC 51-50-003 International Building Code.		Adopts by reference the International Building Code (IBC)	Updated to adopt the 2018 IBC
2	WAC 51-50-008 Implement-ation		Establishes the effective date	Updated from July 1, 2015 to July 1, 2020
3	WAC 51-50-0200 Definitions		Definitions	Modifies definition of Efficiency Dwelling Unit. Adds definitions for: Mass Timber; Noncombustible Protection (For Mass Timber); Residential Sleeping Suites; and Wall, Load-bearing,
4	WAC 51-50-0303 Assembly Group A	303.4	Assembly Group A-3	Aligns limited sized art gallery space occupancy classification and the corresponding occupant load factor alignment in the code with the common business practices of selling artistic wares and goods.
5	WAC 51-50-0308 Institutional Group I	308.2	Intuitional Group I-1	Adds Residential treatment facilities as licensed by Washington State under chapter 246-337 WAC
		308.5	Licensed care facilities	Adds "Residential treatment facilities licensed by Washington

				state under chapter 246-337 WAC shall be classified as one or more occupancy types in accordance with chapter 246-337 WAC".
6	WAC 51-50-0309 Mercantile Group M	309.1	Mercantile Group M	Aligns limited sized art gallery space occupancy classification and the corresponding occupant load factor alignment in the code with the common business practices of selling artistic wares and goods.
7	WAC 51-50-0403 High-rise buildings	403.4.8.3	Standby power loads	Adds: Sump pumps required by ASME A17.1 serving pit drains at the bottom of elevator hoistways of fire service access or occupant evacuation elevators..
8	WAC 51-50-0405 Underground Buildings	405.7.2	Smokeproof enclosures	Addresses underground buildings
9	WAC 51-50-0407 Group I-2	407.4.4.3	Access to corridor	Edited to reflect current federal requirements that do not allow increase to 125ft travel distance.
		412.8.3	Means of egress	Added helipads
10	WAC 51-50-0420 Groups I-1, R-1, R-3 and R-4	420.2	Separation walls	Clarifies the definition of a single dwelling when there are multiple sleeping units with common use or central kitchens.
11	WAC 51-50-0422 Ambulatory care facilities	422.3.1	Means of egress	Modifies amendment to correspond with changes in the model code.
12	WAC 51-50-0503 General building height and area limitations (General building height and number of stories)	503.1.4	Occupied roofs	Addresses how to treat occupied roofs.
		Tables 504.3	Allowable building height in feet above grade plane	Clarifies a SBCC interpretation
			For I-4 Occupancy and Type IV A Construction Sprinklered, the allowable height was changed from 180 to 270 feet.	
			For I-4 Occupancy and Type IV B Construction Sprinklered, the	

			allowable height was changed from 120 to 180 feet.	
			Footnote i was added to Sprinklered Occupancy I-1 Condition 2 and I-2	
			For R Occupancy add footnote "h".	
			For R Occupancy add row for S13D.	
		Tables 504.4	Allowable number of stories above grade plane	Clarifies a SBCC interpretation
		Table 506.2	Allowable area factor (A_t=NS, S1, S13R, S13D or SM, as applicable) in square feet	Clarifies a SBCC interpretation
			For A-3 Occupancy and Type IV C Construction Sprinklered 2 or more Stories, the allowable area factor was changed from 56,000 to 56,250.	
			For B Occupancy and Type B Construction non-sprinklered, the allowable area factor was changed from 75,000 to 72,000.	
			For H-3 Occupancy and Type IV A, B and C Construction the allowable area factor was changed from 25,000 to 25,500.	
			For R Occupancies change footnote "h" to apply to all "R" Occupancies.	
			For R-3 and R-4 Occupancies add S13D. The allowable area factor is the same as for S13R.	
			For U Occupancy footnote "I" was added.	
13	WAC 51-50-0510 Special provisions	510.2	Horizontal building separation allowance	Addresses, for podiums, where combustible materials may be used and clarifies a SBCC interpretation regarding residential treatment facilities.
		510.2	Conditions 4, 5 and 6 are deleted.	

		510.5	Group R-1 and R-2 buildings of Type IIIA construction	Clarifies the increases in section 510.5 and creates consistency with the height and story increases previously in section 504.2 in the 2012 IBC
14	WAC 51-50-0602 Construction classification	602.4.4	Deleted last sentence	
		602.4.4.3	Deleted	
		602.4.4.4	Deleted	
		602.4.4.5	Deleted	
		602.4.4.6	Deleted	
		602.4.4.6.1	Deleted	
		602.4.4.6.2	Deleted	
		602.4.4.7	Deleted	
		602.4.4.8	Deleted	
		602.4.4.8.1	Deleted	
		602.4.4.8.2	Deleted	
		602.4.4.9	Deleted	
		Table 602	For greater than 5 feet but less than 10 feet changed fire resistance rating from 11 hours to one hour.	
15	WAC 51-50-0603 Combustible materials in Type I and II construction	603.1	Allowable materials	Adds information for balconies and decks. Added text to assure that treated lumber is required to have special treatment.
16	WAC 51-50-0704 Fire-resistance rating of structural members	704.6.1	Secondary (non-structural) attachments to structural members	Adds text to address fire treatment for non-structural tubular steel attached to structural members.
17	WAC 51-50-0705 Exterior walls	705.1	General	Adds "projections"
		705.2	Projections	Adds an exception noting that projecting floors complying with Section 705.2.4 are not required to comply with the projection limitations of Table705.2.
		705.2.5	Projecting Floors	Adds language to address where the fire separation distance on a lower floor is greater than the fire

				separation distance on the floor immediately above, the projecting floor and noted that the fire-resistant rating of the horizontal portion shall be continuous to the lower vertical wall
18	WAC 51-50-0706 Fire walls	706.6.1	Stepped buildings	Adds clarifying language regarding conditions that must apply while dropping text addressing wall protection above the lower roof. Three conditions added to the exception.
19	WAC 51-50-07070 Fire barriers	707.4	Exterior walls	Adds exterior wall requirements for exit passageways that are the same as those for interior stairways and ramps.
		707.5	Continuity	Adds an exception addressing an exit passageway enclosure required by Section 1024.3 that does not extend to the underside of the roof sheathing, slab or deck above shall be enclosed at the top with construction of the same fire-resistance rating as required for the exit passageway.
20	WAC 51-50-713 Shaft enclosures	713.13.4	Chute discharge room	Addresses conduits and piping in the discharge room.
		713.13.7	Chute venting and roof termination	Adds text to clarify requirements for chutes and termination above the roof consistent with national standards.
21	WAC 51-50-717 Ducts and air transfer openings	717.5.2	Fire barriers	Clarifies the requirement to comply with exception 4 making clear that the reference is for the wall being penetrated and not the ducted HVAC system.
		717.5.4	Fire partitions	See text directly above
22	WAC 51-50-903 Automatic sprinkler systems	903.2.6	Group I	The first change corrects an error from the last adoption cycle. The original intent was to allow a new building of "sixteen persons or fewer" to take advantage of this exception. This is consistent with other similar base code

				requirements and state amendments that differentiate between larger and smaller residential occupancies. The second change splits the requirements for new building vs additions to existing buildings. Washington State has a large active inventory of licensed Assisted Living Facilities and Residential Treatment Facilities (previously permitted as Group LC or R2) equipped with a 13R sprinkler system. This original amendment intended to address the extra costs that these facilities would incur for a modest addition. Without this amendment the entire facility would have to convert to a full 13 fire-sprinkler system if adding resident beds. It was not the intent to allow a new Group I-1 condition 2 (with a full 13 sprinkler system) to make an addition with a 13 R sprinkler. The new exception clarifies this and limits these additions to existing buildings previously licensed and approved as one of the older occupancy types.
		903.2.9.3	Addresses Group S-1.	
23	WAC 51-50-907 Fire alarm and detection systems	907.2.3	Group E	Addresses an exception for automatic smoke detection for Group I-1.
24	WAC 51-50-913 Fire pumps	913.2.1	Protection of fire pump rooms and access	Facilitates fire department access to the fire pump room.
25	WAC 51-50-1004 Occupant load	Table 1004.5	Maximum Floor Area Allowance per Occupant	Addresses billiards and gaming tables and art galleries, aligning the code with the common business practices of selling artistic wares and goods.
26	WAC 51-50-1006 Number of exits and exit access doorways	TABLE 1006.2.1	Spaces with one exit or exit access doorway	Addresses mechanical room and penthouse occupancies

		1006.2.1	Egress based on occupant load and common path of egress travel distance	See text directly above.
		1006.3.3	Single exits	Addresses a conflict in terminology used for single exit criteria for stories/buildings and allows single exist to serve multiple and separate egress-independent portions of the same building as long as the exit conditions per Table 1006.3.3(1) or 1006.3.3(2) are met.
		TABLE 1006.3.3(1)	Stories with one exit or access to one exit for R-2 occupancies	See text directly above.
		TABLE 1006.3.3(2)	STORIES WITH ONE EXIT OR ACCESS TO ONE EXIT FOR OTHER OCCUPANCIES	See text directly above.
27	WAC 51-50-1009 Accessible means of egress	1009.2.1	Elevators required	Treats occupied roofs the same as occupied floors.
28	WAC 51-50-10100 Doors, gates and turnstiles	1010.1.9.4	Locks and latches	Addresses means of locking exterior doors required for egress reentry into the building. Added model code language for doors serving unoccupied roofs
29	WAC 51-50-1011 Stairways	1011.7	Stairway construction	Addresses, where combustible materials may be used for podiums.
30	WAC 51-50-1019 Exit access stairways and ramps	1019.3	Occupancies other than Groups I-2 and I-3	Clarifies language that was difficult to interpret.
31	WAC 51-50-1020 Corridors	1020.4	Dead ends	Aligns text with NFPA 101
32	WAC 51-50-1023 Interior exit stairways and ramps	1023.2	Construction	Addresses, for podiums, where combustible materials may be used.
		1023.5	Penetrations	Aligns 1023.5 with 713.8.
		1023.11	Smokeproof enclosures	Addresses interior pressurized systems.
33	WAC 51-50-10240 Exit passageways	1024.8	Exit passageway	Adds exterior wall requirements for exit passageways that are the

				same as those for interior stairways and ramps.
34	WAC 51-50-10300 Emergency escape and rescue	1030.6	Drainage	Aligns the IBC with the IRC
35	WAC 51-50-11050 Accessible entrances	1105.1.1	Automatic doors	Addresses what to do with a bank of doors and how to deal with vestibules.
		Table 1105.1.1	Public Entrance with Power Operated Door	See text directly above.
36	WAC 51-50-1107 Dwelling units and sleeping units	1107.5.1	Group I-1	Recognizes that older adults have limited upper body strength by allowing for half of the accessible units to use the assisted toileting and bathing. This allows for options within the facility.
		1107.5.1.1	Accessible units in Group I-1	See text directly above
		1107.5.1.2	Accessible units in Group I-1, Condition 2	See text directly above.
		1107.5.1.3	Type B units	Renumbering.
		1107.5.2	Group I-2 nursing homes	Recognizes that older adults have limited upper body strength by allowing for 90 of the accessible units to use the assisted toileting and bathing. This allows for options within the facility.
		1107.5.2.1	Accessible units	See text directly above.
		1107.5.2.2	Type B units	See text directly above.
		1107.5.4	Group I-2 rehabilitation facilities	Recognizes that older adults have limited upper body strength by allowing for 50 of the Accessible units to use the assisted toileting and bathing. This allows for options within the facility.
		1107.6.2.2.1	Type A units	Deletes Exception 2.
37	WAC 51-50-11090 Other features and facilities	1109.2	Toilet and bathing facilities	Addresses assisted toileting and bathing in some types of care facilities
		1109.2.2	Water closets designed for assisted toileting	See text directly above.
		1109.2.2.2	Clearance	See text directly above.

		1109.2.2.2.1	Clearance width	See text directly above.
		1109.2.2.2.2	Clearance depth	See text directly above.
		1109.2.2.2.3	Clearance overlap	See text directly above.
		1109.2.2.3	Height	See text directly above.
		1109.2.2.4	Swing–up grab bars	See text directly above.
		1109.2.2.5	Flush controls	See text directly above.
		1109.2.2.6	Dispensers	See text directly above.
		1109.2.3	Standard roll-in-type shower compartment designed for assisted bathing	See text directly above.
		1109.2.3.1	Size	See text directly above.
		1109.2.3.2	Clearance	See text directly above.
		1109.2.3.3	Grab bars	See text directly above.
		1109.2.3.3.1	Back-wall grab bar	See text directly above.
		1109.2.3.3.2	Side-wall grab bars	See text directly above.
		1109.2.3.4	Seats	See text directly above.
		1109.2.3.5	Controls and hand showers	See text directly above.
		1109.2.3.6	Hand showers	See text directly above.
		1109.2.3.7	Thresholds	See text directly above.
		1109.2.3.8	Shower enclosures	See text directly above.
		1109.2.3.9	Water temperature	See text directly above.
		1109.5.1	Minimum number	Furnishes owners options for non-gender compliance, not requirements.
38	WAC 51-50-1206 Sound transmission	1206.1	Scope	Addresses sound abatement in mixed-use facilities with residences.
39	WAC 51-50-1207 Interior space dimensions	1207.4	Efficiency dwelling units	Defines an efficiency dwelling unit.
40	WAC 51-50-1604 General design requirements	Table 1604.5	Risk Category of Buildings and Other Structures	Clarifies requirements for structures that support specific healthcare facilities by permitting alternative system designs to meet expectations of federal codes. Text for Risk Category IV modified.

41	WAC 51-50-1613 Amendments to ASCE 7 (Earthquake loads)	Section 1613	Earthquake loads	Renumbers and titles amendment.
		1613.4	Added a condition to ASCE 7 Section 12.2.5.4	
		1613.4.1	ASCE 7 Section 12.2.5.4	Addresses the need to amend the code regarding the structural analysis method for mid-rise and high-rise structures
		1613.4.2	ASCE 7 Section 12.6	See directly above.
		Table 12.6-1	Modified table.	
42	WAC 51-50-1705 Required special inspections and tests	1705.5.3	Modifies when special inspections are required.	
		Table 1705.5.3	Addresses adhesive anchors not defined and modified text for concealed connections.	
		1705.12.6	Plumbing, mechanical and electrical components	Limits a new requirement for periodic special inspection of clearance to fire sprinkler drops and sprigs to systems installed in risk category IV structures
43	WAC 51-50-1807 Foundation walls, retaining walls and embedded posts and poles	1807.2.2	Design lateral soil loads	Clarifies that the required measurement is to the bottom of the footing, not the top.
44	WAC 51-50-2303 Minimum standards and quality	2303.6	Nails and staples	States the allowable bending moment because gage bending properties are not apparent.
45	WAC 51-50-2304 General construction requirements	2304.10	Addresses connectors and fasteners.	
		2304.10.8	Addresses connection fire resistance rating.	
46	WAC 51-50-2702 Emergency and standby power systems	2702.1.5	Load duration	Clarifies run time required by NFPA 20.

47	WAC 51-50-2900 Plumbing systems	2901.3	Fixed guideway transit and passenger rail systems	Addresses required plumbing fixtures
		2902.1.1.2	Urinals in men's facilities	Notes that urinals are only required in men's facilities
		2902.1.1.3	Urinals	Addresses urinals in unisex facilities.
		2902.2	Separate facilities	Addresses gender neutral facilities.
		2902.2.2	Gender-neutral facilities	Addresses requirements for gender neutral facilities.
		2902.4	Signage	Addresses signage for gender-neutral facilities.
48	WAC 51-50-30050 Machine rooms	30050.2	Temperature Control	Clarifies means of temperature control.
49	WAC 51-50-3006 Elevator lobbies and hoistway opening protection	3006.3	Hoistway opening protection	Coordinates reference code sections.
50	WAC 51-50-3009 Hoistway venting		Reserved	Deletes amendment 3009.1 Vents required. Amendment deleted a provision that was in conflict with other provisions of the code.
51	WAC 51-50-3101 General	3101.1	Scope	Adopts NFPA 130 and address inconsistencies between NFPA 130, the IBC and IFC.
52	WAC 51-50-3114 Fixed guideway transit and passenger rail systems	3114.1	Construction of Fixed Guideway and Passenger Rail Systems	See directly above.
		3114.2	Means of egress	See directly above.
53	WAC 51-50-3304 Site work	3304.5.1	Fire watch during construction	Clarifies when a construction fire watch is required
54	WAC 51-50-3500 Reference Standards	Chapter 35	Reference Standards	References ANSI/APA PRG-320-18 as it pertains to mass timber and NFPA 130 as it pertains to fixed guideway transit
55	WAC 51-50-4700 Appendix D	Appendix D	Fire Districts	Adds "Fire Districts" to Appendix title.
56	WAC 51-50-481002 Special use and occupancy	10.2.1	Compliance with the building code	Addresses minimum fire and life safety standards for licensed facilities for change of occupancy.

	WSR 20-01-103 11/8/2019			
57	WAC 51-50-0403 High-rise buildings	403.5.4	Smokeproof enclosures	Addresses high-rise buildings
58	WAC 51-50-0412 Aircraft-related occupancies	412.2.2.1	Stairways	Addresses airport traffic control towers.
59	WAC 51-50-0504 Building height and number of stories	504.4.1	Stair enclosure pressurization increase	This change returns the design requirements of a stairwell pressurization system to what was in effect for the 2012 model code.
60	WAC 4351-50-909 Smoke control systems	909.6.3	Pressurized Stairways and Elevator Hoistways	Specifies which sections of section 909 apply for various conditions.

SUMMARY OF CHANGES 2015 International Fire Code Amendments to WAC 51-54A				
	WSR/ Adoption Date/WAC	**Section**	**Changes**	**Description**
	WSR 19-02-086 12/3/2018			
1	WAC 51-54A-0701 General	701.3 General	Owners Responsibility	Addition
2	WAC 51-54A-0907 Fire alarm and detection systems	907.2.3 Group E.	Exceptions	Editorial
		907.2.3.1 Sprinkler systems or detection	Connection to the building fire alarm system	Editorial
		907.2.6 Group I.	Fire alarm system	Editorial and Addition
		907.2.6.1 Group I-1	Smoke Detection	Addition
		907.2.6.4 Group I-4 occupancies.	Manual fire alarm system	Editorial
		907.5.2.1.2 Maximum sound pressure.	NFPA 72	Editorial
		907.10 NICET	ESA/NTS: Electronic Security Association/National Training School	Addition to NICET for training certification
		907.10.1 Scope.	New and existing fire alarm systems	Addition
		907.10.2 Design review	ESA/NTS Certified Fire Alarm Designer (CFAD) Level III Fire	The purpose of this is to add the ESA/NTS as an approved testing and maintenance certification to the code
		907.10.3 Testing/maintenance	ESA/NTS: Electronic Security Association/National Training School	The purpose of this is to add the ESA/NTS as an approved testing and maintenance certification to the code
3	WAC 51-54A-3308 Owner's responsibility for fire protection	3308.8 Fire safety requirements for buildings of Types IV-A, IV-B, and IV-C construction	Owners Responsibility	Addition

4	WAC 51-54A-3900 Fixed guideway transit and passenger rail systems.	3901.1 Scope	Fixed Guideway Transit and Passenger Rail Systems	Addition
5	WAC 51-54A-8000 Referenced standards	Referenced standards	NFPA 130-17	Addition

SUMMARY OF CHANGES **2018 International Fire Code - International Wildland-Urban Interface Code** **Amendments to WAC 51-54A**				
	WSR/ Adoption date/WAC	Section	Changes	Description
	WSR 19-24-058 7/26/2019			
1	WAC 51-54A-003 International Fire Code		Replace 2015 with 2018	Edit
2	WAC 51-54A-007 Exceptions		Replace 2015 with 2018	Edit
3	WAC 51-54A-008 Implementation		Replace 2016 with 2020 for effective date	Edit
4	WAC 51-54A-0202 General definitions		Definition of mobile food preparation vehicle	New
			Definition of Institutional Group I-1	New
			Licensed care facilities	Deleted
			Residential treatment facility licensed by Washington State	Deleted
5	WAC 51-54A-0314 Indoor displays		Indoor Displays	New Section
		314.1	General compliance to indoor displays	New
		314.2	Fixtures and Displays	New

		314.3	Highly combustible goods	New
		314.4	Vehicles	New
6	WAC 51-54A-0315 General storage		General Storage	New Section
		Table 315.7.6(1)	Separation distance between pallet stack and building	New
7	WAC 51-54A-319 Mobile food preparation vehicles		Mobile food preparation vehicles	New Section
		319.1	General	New
8	WAC 51-54A-0510 Emergency responder radio coverage		Emergency responder radio coverage	New Section
		510.4.1.1	Minimum signal strength into building	New
		510.4.2.4	Signal booster requirements	New
		510.5.3	Acceptance test procedures	New
		510.5	Installation requirements	New
		510.5.5	Mounting of the donor antenna(s)	New
		510.6.1	Testing and proof of compliance	New
9	WAC 51-54A-0903 Automatic sprinkler systems.	903.2.9	Group S-1	New
10	WAC 51-54A-0904 Alternative automatic fire-extinguishing systems	904.1.1	Certification of service personnel for fire-extinguishing equipment	New
		904.1.1.1	Pre-Engineered kitchen fire extinguishing systems	New
		904.1.1.2	Engineered fire suppression systems	New
		904.1.1.3	Pre-engineered industrial fire extinguishing system	New
11	WAC 51-54A-0907 Fire alarm and detection systems	907.2.6	Group I	Deleted

12	WAC 51-54A-1010 Doors, gates and turnstiles	1010.1.9.4	Locks and Latches	Renumbered, deleted and redefined
		1010.1.9.7	Controlled egress doors in Groups I-1 and I-2	Renumbered, deleted and redefined
13	WAC 51-54A-3304 Precautions against fire		Protection against fire	New Section
		3304.5.1	Fire watch during construction	New
14	WAC 51-54A-3800 Marijuana processing or extraction facilities	3803.3.2	Egress	Deleted and redefined
15	WAC 51-54A-3904 Systems and equipment		Systems and equipment	New Section
		3904.2	Systems and equipment	New
		3904.2.1	Listings	New
		3904.2.2	Approvals	New
		3904.2.2.1	Technical report	New
		3904.2.2.2	Report content	New
		3904.2.2.3	Site Inspection	New
16	WAC 5154A-5003 General requirements		General Requirements	New Section
		Table 5003.11.1	Maximum allowable quantities per indoor and outdoor control area in group M and S Occupancies-nonflammable solids, Nonflammable and combustible liquids.	New
	WSR 20-01-162 10/11/19			
17	WAC 51-54A-0101 Scope and general requirements	101.2.1	Appendices	Deletes reference to the International Wildland Urban Interface Code as a reference. It is now an adopted code
18	WAC 51-54A-0105 Permits	105.6.4.9	Marijuana extraction systems	Amendment language addressing operational permitting deleted.

		105.6.30	Defining Mobile food preparation vehicle permit requirements	New
		105.7.19	Marijuana extraction systems	Amendment language addressing construction permitting deleted.
19	WAC 51-54A-0405 Emergency evacuation drills	405	Emergency evacuation drills	Amendment deleted.
20	WAC 51-54A-0406 Employee training and response procedures	406.3.1	Fire prevention training	Amendment section deleted.
		406.3.2	Evacuation training	Amendment section deleted.
		406.3.3	Fire safety training	Amendment section deleted.
21	WAC 51-54A-0607 Commercial kitchen hoods	607.2	Where required.	Deleted exception.
		607.2	Exception: 2. A Type I hood shall not be required to be installed in an R-2 occupancy, an Assisted living facility licensed under WAC 388-78A, or a Residential treatment facility licensed under WAC 246-337 with not more than 16 residents.	New
		Table 607.2.1	Type of Hood Required for Domestic Cooking Appliances in the Following Spaces. Add residential hood to church, dormitory, assisted living facility, nursing home and Exception: e Hoods are not required where the HVAC design meets IMC 507.3	New
22	WAC 51-54A-0909 Smoke control systems	909.6.3	Pressurized stairways and elevator hoistways	Specifies which sections of section 909 apply for various conditions.
23	WAC 51-54A-0915 Carbon monoxide detection	915.1.2	Fuel-burning appliances and fuel-burning fireplaces	Amendment section deleted.
		915.1.3	Forced-air furnaces	Amendment section deleted.
		915.1.4	Fuel-burning appliances outside of dwelling units, sleeping units and classrooms	Amendment section deleted.

		915.1.5	Private garages	Amendment section deleted.
		915.1.6	Exempt garages	Amendment section deleted.
		915.2	Locations	Amendment section deleted.
24	WAC 51-54A-1009 Accessible means of egress	1009.1	Accessible means of egress required	Exception 01 deleted.
		1009.8	Two-way communication	Exception 06 added.
25	WAC 51-54A-1028 Exit discharge	1028	Exit discharge	Amendment deleted
26	WAC 51-54A-5601 General	5601.1	Scope	Modified exception 8
27	WAC 51-54A-6108 Fire protection	6108.1	General	Modified title to match model code.
28	WAC 51-54A-8200 Appendix N—Wildland Urban Interface Code	---	International Wildland-Urban Interface Code	No longer adopted through an appendix. It is now an adopted code.

SUMMARY OF CHANGES 2015 Washington State Energy Code - Commercial Amendments to WAC 51-11C				
	WSR/ Adoption Date/WAC	**Section**	**Changes**	**Description**
	WSR 19-02-089 12/3/2018			
1	WAC 51-11C-40215 Component performance alternative	C402.1.5—Component performance alternative	The UA formulas and calculations were adjusted for clarity and consistency with previously adopted rules and compliance tools routinely used in the field.	consistency with previously adopted rules and methods
2	WAC 51-11C-40406 DOAS option	C404.6 Insulation of piping.	Restoration of a previously adopted exception for pipe insulation for end-run piping.	
3	WAC 51-11C-40608 Envelope option	C406.8 Enhanced envelope performance.	Correlates the references to changes in C402.1.5.	

4	WAC 51-11C-50300 Alterations	C503.2 Change in space conditioning	Correlates the references to changes in C402.1.5.	
5	WAC 51-11C-50500 Change of occupancy or use	C505.1 General.	Correlates the references to changes in C402.1.5.	

SUMMARY OF CHANGES WSR 19-24-040 **2018 Washington State Energy Code - Commercial** **Amendments to WAC 51-11C**				
	WSR/ Adoption Date/WAC	**Section**	**Changes**	**Description**
	WSR 19-24-040 07/26/2019			
1	WAC 51-11C	Throughout Chapter 4	Exceptions previously provided for site-recovered or site-renewable energy were removed as they have become a more integral part of the code and satisfy an option in Section C406.	
2	WAC 51-11C-40211 Low energy buildings	C402.1.1.3 Greenhouses.	A new section is added to define exactly when a greenhouse is exempt from the envelope requirements of the WSEC.	
3	WAC 51-11C-402300 Building envelope requirements—Fenestration	Table C402.4, Building envelope fenestration	Maximum U-factor and SHGC requirements. This table was revised to include Class AW windows for curtain wall systems and similar fenestration. All other metal windows will now be included in the same category as non-metal windows and will need to meet those U-factors.	
4	WAC 51-11C-40231 Maximum area	C402.4.1.1, Increased vertical fenestration area with daylight responsive controls.	This section was revised to require 50% of the conditioned floor area to be within a daylight zone regardless of building height.	

5	WAC 51-11C-40241 Air barriers	C402.5.1.2, Building test/air infiltration.	The allowable air leakage rate was reduced to 0.25 cfm per square foot, and the building is required to meet this threshold without exception. A correlated change was made to Section C406.9 to lower the infiltration rate in the additional energy credit section t0 0.17 cfm per square foot.	
6	WAC 51-11C-40246 Loading dock weatherseals.	C402.5.6 Loading dock weatherseals	The code now specifically requires that loading dock doors provide weatherseals that provide direct contact with the top and sides of vehicles.	
7	WAC 51-11C-40300 Mechanical systems	C403	was extensive reorganized to be easier to use, reduce redundancies and be more specific to equipment type. Most of this language is marked as a change, but the language itself has not changed in most cases—just the location. These changes are reflected in the 2018 Washington State Energy Code.	
8	WAC 51-11C-40310 General	C403.1.1, HVAC total system performance ratio	(HVAC TSPR). A new requirement is added for those buildings required to comply with the DOAS section. This section, along with new Appendix D, compares the intended mechanical system against a prototype system to ensure a baseline efficiency is met. PNNL is expected to release a tool to perform the calculations; however, the Appendix provides all inputs for alternate computer modeling to be used.	
		C403.1.3, Data centers.	This section sets ASHRAE standard 130, with some modifications, as the standard for data centers.	
9	WAC 51-11C-40341 Thermostatic controls	C403.4.1.6, Door switches for HVAC thermostatic control.	A new section was added to limit energy loss when doors to the outside are left open, based on a California requirement.	
10	WAC 51-11C-40342 Off-hour controls	C403.4.2.3, Automatic start and stop.	This section now adds requirements for automatic stop controls for HVAC systems	

		C403.4.2.4 Exhaust system off-hour controls, and C403.4.2.5 Transfer and destratification fan system off-hour controls	New sections for off hour scheduling for fan systems.	
11	WAC 51-11C-40347 Combustion heating equipment controls	C403.4.7.1, Combustion decorative appliance controls.	This section introduces requirements to shut down combustion appliances and combustion fireplaces and fire pits when the space is unoccupied.	
12	WAC 51-11C-4039 Heat rejection and heat recovery equipment.	C403.9.8, Heat recovery for space heating.	New section to require heat recovery chillers where projects have a consistent heat sink for heat rejection	
13	WAC 51-11C-40393 High efficiency single zone VAV systems	C403.12, High efficiency single-zone variable air volume (VAV) systems.	A new section for single zone VAV systems was added.	
14	WAC 51-11C-405024 Daylight responsive controls	C405.2.4, Daylighting.	New terms are introduced, sidelit and toplit.	
15	WAC 51-11C-405052 Interior lighting power requirements	C405.4.2, Lighting power allowance	There are three different options up for public comment. Option 1 provides an estimated 4.5% energy savings over the current code. Option 2 provides an estimated 9% savings. Option 3 is estimated to be a 15% savings.	
16	WAC 51-11C-40506 Exterior lighting	C405.5, Exterior lighting power allowance.	The exterior lighting section has been reformatted to more closely resemble the interior lighting section.	
17	WAC 51-11C-40600 Efficiency packages	C406, Efficiency packages	This section was reorganized to provide table of options with assigned points and indications of which occupancy types those options would apply to.	

18	WAC 51-11C-40701 Scope. WAC 51-11C-40702 Mandatory requirement WAC 51-11C-40703 Performance-based compliance WAC 51-11C-40704 Section C407.4 Reserved WAC 51-11C-40705 Reserved WAC 51-11C-407051 for Section C407.5—Carbon emissions factors and building performance factors WAC 51-11C-407052 Reserved WAC 51-11C-407053 Reserved WAC 51-11C-407054 Reserved WAC 51-11C-407055 Reserved WAC 51-11C-40706 Reserved	C407, Total building performance	This section now sends you to ASHRAE 90.1 appendix G for performance based compliance. A new table was added to reference all mandatory measures applicable to this path. The performance metric was switched to carbon emissions. A limit was also set on envelope reductions.	
19	WAC 51-11C-40901 General WAC 51-11C-40902 Energy source metering WAC 51-11C-40903 End-use metering WAC 51-11C-40904 Measurement devices, data acquisition system and energy display	C409, Energy metering	Section C409.1 adds end use metering requirements for on-site renewable energy and electric vehicle charging stations. The requirements for on-site systems is also further clarified in C409.2.4. Section C409.1.3 adds a pointer to other code sections with metering requirements for dwelling units. Section C409.3 adds an exemption for minor loads and some healthcare facility loads, as well as electrical circuits serving only sleeping units. Section C409.3 also adds additional end use metering	

			requirements for lighting systems, plug loads and process loads. Some tenant spaces comprising the majority of a floor must have metering data available to the tenant. Section C409.4.3 details changes on the display and reporting of data.	
20	WAC 51-11C-41000 Refrigeration system requirements	C410, Refrigeration Systems	Tables are updated to the latest federal requirements	
21	WAC 51-11C-41100 Solar readiness	C411, Solar readiness.	Requires 40% of net roof area to be minimally prepared for future installation of solar PV arrays, and for space to be provided near the electrical service entry for future equipment.	
22	WAC 51-11C-50000 Existing buildings	Chapter 5, Existing Buildings.	Clarifications and editorial changes to enhance understanding and compliance. The existing building economizer table was updated.	
23	WAC 51-11C-80500 Appendix D-Calculation of HVAC total system performance ratio	Appendix D: HVAC TSPR.	A new appendix. A new requirement is added for those buildings required to comply with the DOAS section. New Section C403.1.1, along with new Appendix D, compares the intended mechanical system against a prototype system to ensure a baseline efficiency is met.	
24	WAC 51-11C-90500 Appendix F—Outcome-based energy budget.	Appendix F: Outcome based energy budget.	A new appendix. This is an optional appendix that jurisdictions may adopt to provide an alternate outcome-based energy budget compliance option.	

SUMMARY OF CHANGES 2015 International Residential Code Amendments to WAC 51-51				
	WSR/Adoption Date/WAC	**Section**	**Changes**	**Description**
	WSR 19-03-036 1/2/2019			
1	WAC 51-51-0403 Footings	R403.1.1 Minimum size.	Added an alternate method for sizing footings in light-frame residential construction.	

SUMMARY OF CHANGES **2018 International Residential Code** **Amendments to WAC 51-51**				
	WSR/ Adoption Date/WAC	**Section**	**Changes in 2018**	**Description**
	WSR 20-03-023 11/8/2019			
1	WAC 51-51-000		Chapter Title	Updated to address the 2018 IRC
2	WAC 51-51-003 International Residential Code		Adopts by reference the International Residential Code (IRC)	Updated to address the 2018 IRC
3	WAC 51-51-008 Implementation		Establishes the effective date	Updated from July 1, 2015 to July 1, 2020
4	WAC 51-51-0106 Construction documents	R106.1	Submittal documents	Allows digital format permit submission.
5	WAC 51-51-0202 Definitions	R202	Definitions	Deletes the amendment definition of *Air impermeable insulation* that is now defined in the 2018 code.
				Added definition for *Balanced Whole House Ventilation*
				Modifies the definition of *Building*
				Modifies *Existing Building* definition.
				Added definition for *Distributed Whole House Ventilation*
				Modifies *Dwelling Unit* definition.
				Deletes *Battery System, Stationary Storage* definition. Adds *Energy Storage Systems (ESS)* definition.
				Defines *Floor Area*.
				Modifies the definition of *Lot* and *Lot Line*.
				Modifies definition of *Landing Platform*
				Modified definition of *Local Exhaust*
				Modifies definition of *Loft*.

				Deleted definition for *Mixed Ventilation Zone*
				Modified the definition of *Townhouse* and adds a definition for *Townhouse Unit*. Defines minimum length to be considered appropriate width to a yard or public way.
				Modified definition of *Whole House Ventilation System.*
6	WAC 51-51-0301 Design criteria	Table R301.5	Minimum Uniformly distributed live loads	Changes the live load from 40 to 60 for exterior balconies and decks.
7	WAC 51-51-0302 Fire-resistant construction	R302.2.1 R302.2.2 R302.2.3 R302.2.4 R310.1	Double walls Common walls Continuity Parapets for townhouses Emergency escape and rescue opening required	Addresses the new definition of Townhouse Unit as it applies to the separation of Townhouse Units and emergency escape.
		Table R302.1(1) Table R302.1(2)	Exterior walls, footnote b Dwellings with fire sprinklers, footnote c	Addresses the situation where there are no vents at the underside of the rake overhang, or in any walls underneath the rake overhang. This section has been modified to be more generic so that the concept can be applied at gable, hip and any other roof style with overhangs.
		R302.2	Townhouses	Clarifies that the townhouse common wall be "tight against" two locations, the inside face of the exterior wall and the underside of the roof sheathing. Requires common walls to continue to the exterior sheathing of the exterior wall. A new exception allows (2) 2x wood studs to be used to extend the common wall through the exterior wall stud cavity.
		Figure R302.2(2)	Townhouse separation overhang protection	Aligns values in Figure R302.2(2) with the value given for protecting projections in Table R302.1(2).
		R302.3 R302.3.1	Two family dwellings	Addresses unit separation requirements and supporting construction requirements.

		R302.3.2 R302.3.3		
		R302.4.1	Through penetrations	Includes fire sprinkler piping in the exception.
8	WAC 51-51-0303 Light, ventilation and heating	R303.9	Required glazed openings	Addresses the length of the clear vertical space.
9	WAC 51-51-0310 Emergency escape and rescue openings	R310.1	Emergency escape and rescue opening required.	Addresses minimum width.
		R310.1.1	Operational constraints and opening control devices.	Addresses the location of the window control device.
		R310.2.4	Emergency escape and rescue openings under decks and porches.	Addresses the length of the clear vertical space.
10	WAC 51-51-0313 Automatic fire sprinkler systems	R313	Automatic fire sprinkler system	Addresses fire sprinkler systems for townhouses.
11	WAC 51-51-0314 smoke alarms	R314	Smoke alarms and heat detection	Modifies section to address heat detection in residential garages.
		R314.2.2 R314.4	Alterations, repairs and additions Interconnection	Addresses the required location of smoke alarms in accessory dwelling units and how they should be interconnected.
12	WAC 51-51-0315 Carbon monoxide alarms	R315.3	Location	Addresses an error made when submitting the WAC language for the 2015 code.
13	WAC 51-51-0325 Adult family homes	R325.6	Habitable attic	Habitable attics are not considered a story if fully sprinklered and les than ½ the area of the floor below.
14	WAC 51-51-0326 Family home child care	R326.1	General	Adds requirements for sleeping lofts.

		R326.2 R326.2.2 R326.3 R326.3.1.1 R326.3.1.2 R326.3.1.3 R326.3.1.4 R326.3.1.5 R326.3.1.6 R326.3.1.7 R326.3.2 R326.3.2.1 R326.3.2.2 R326.3.3 R326.3.4 R326.4 R326.5	Sleeping loft area and dimensions. Minimum horizontal dimensions Sleeping loft access and egress Headroom Width Treads and risers Landings Landing platforms Handrails Stairway guards Ladders Size and capacity Incline Alternating tread devices Ships ladders Sleeping loft guards Emergency escape and rescue openings	Moves and modifies language from the Tiny Home appendix and places it here.
15	WAC 51-51-0327 Protection against radon	R327.1 R327.2 R327.3 R327.4 R327.5 R327.6 R327.6.1 R327.7	General Equipment listing Installation Electrical installation Ventilation Commissioning Installation prior to closing Protection from impact	Replaces the term Stationary Battery Storage System with Energy Storage System (ESS). It also includes new requirements for commissioning an ESS system and provides for a handoff of the commissioning paperwork to the owner for new construction.
16	WAC 51-51-0403 Footings	R403.1.6	Foundation anchorage	Allows wet setting anchor bolts for attaching wood sills to foundations.
17	WAC 51-51-0404 Foundation and retaining walls	R404.1.3.3.6	Form materials and form ties	Allows wet setting anchor bolts for attaching wood sills to foundations.
18	WAC 51-51-0507 Decks	R507.1	Decks	Reminds designers that they must consider live load and ground snow load.
		Table R507.3.1	Minimum footing size for decks	Modifies dimensions for some footings. Modifies footnote addressing bearing.
		R507.4	Deck posts	Addresses deck posts
		Table R507.4	Deck Post Height	Modifies table
		R507.5	Deck Beams	Addresses new table numbering
		Table R507.5(1)	Maximum deck beam span – 40 psf live load	Deletes table

		Table R507.5(2)	Maximum deck beam span – 50 psf live load	Deletes table
		Table R507.5(3)	Maximum deck beam span – 60 psf live load	New table and footnotes
		Table R507.5(3)	Maximum deck beam span – 70 psf live load	New table and footnotes
		R507.6	Deck Joists	Deletes text addressing cantilevering.
		Table R507.6	Maximum deck joist spans	Modifies table and footnotes.
		R507.9.1.2	Band joist details	Requires the band joists used to attach the deck ledger to be in compliance with sawn lumber or the engineered wood rim board.
		Table R507.9.1.3(1)	Deck ledger connection to band joist	Modifies table and footnotes.
		R507.9.2	Lateral connection	Amendment updated to synchronize with the revised section numbers and titles in the model code.
19	WAC 51-51-0602 Wood wall framing	R602.1.1.1	Used sawn lumber	Gives structural properties for used lumber.
		R602.7.5 R602.9 R602.10.10	Supports for headers Cripple walls Cripple wall bracing	Deletes amendment not adopting R602.7.5. Number adjustment to accommodate renumbering in the model code.
20	WAC 51-51-0608 exterior concrete wall construction	R608.1 R608.5.1	General Concrete and materials for concrete	References ACI 332 Residential Code Requirements for Structural Concrete.
21	WAC 51-51-0703 Exterior covering	R703.2	Water-resistive barrier	Provides a more flexible definition of water-resistive barriers.
22	WAC 51-51-1504 Exhaust ducts and exhaust openings	M1504.3	Exhaust openings	Allows for intake/exhaust combination terminations.
23	WAC 51-51-1507	M1507.3.2	Control operation	Addresses labeling

	Mechanical ventilation			
		M1507.3.3.1	Testing	Adds testing requirements for whole-house mechanical ventilation systems,
24	WAC 51-51-4400 Referenced standards	Standards	Modified ANCE NMX-J-521/2-40-ANCE-2019/CAN/CSA-22.2 No.60335-2-40-19/UL 60335-2-40-2019 (if published)	Updates standard
			Added ASTM E2556/E2556M-10	Provides a more flexible definition of water-resistive barriers.
			Added ANSI LC1/CSA 6.26—18	Added standard
			Modified CSA CAN/CSA/C22.2 No, 60335-2-40-2019 (if published)	Updates standard
			Modified UL/CSA/ANCE 60335-2-40-2019 (if published)	Updates standard
25	WAC 51-51-60104 Appendix Q	Appendix Q	Tiny houses	Adopts and modifies appendix
		AQ101.1	Scope	Adopted
		AQ102.1	General	Adopted
			Definitions	Adopted and modified Tiny House definition
		AQ103	Ceiling height	Adopted and modified
		AQ104.1	Testing for tiny houses	New section addressing air leakage and energy usage compliance
		AQ104.1.1	Whole house mechanical ventilation	New section addressing whole house mechanical ventilation

SUMMARY OF CHANGES 2018 International Mechanical Code Amendments to WAC 51-52				
	WSR/ Adoption Date/WAC	**Section**	**Changes in 2018**	**Description**
	WSR 20-03-023 11/8/2019			
1	WAC 51-52-WAC	Title	Replace 2015 with 2018	Edit

2	WAC 51-52-003 International Mechanical Code	International Mechanical Code	Replace 2015 with 2018	Edit
3	WAC 51-52-008 Implementation	Implementation	Replace 2016 with 2020	Edit
4	WAC 51-52-0101 General	101.2 Scope	Exception 2, Change 2014 to 2017	Edit
5	WAC 51-52-0202 Definitions	Definitions	Balanced whole house ventilation	Defined
		Definitions	Distributed whole house ventilation	Defined
		Definitions	Local Exhaust Change dwelling to residential dwelling or sleeping unit.	Clarification
		Definitions	Replacement air	Defined
		Definitions	Relief Air	Defined
		Definitions	Whole house ventilation system. strike or indirect	Edit
		Definitions	Ventilation Zone	Defined
6	WAC 51-52-0301 General	301	Strike general and replace with Reserved	Modification
7	WAC 51-52-0306 Access and service space	306.6	Strike *be accessible* and replace with *have ready access.* Strike *accessible* and *From an access* add *provided with access to.*	Modification
8	WAC 51-52-0403 Mechanical ventilation	401.4	Intake opening Location	Addition
		403.2.1	Strike *Item 4 is not adopted* Added an Item 4 to the list	Addition
		403.3	All group R occupancies and Strike *three stories and less in height above grade plane*	Modification
		403.3.1.1	Outdoor air flow rate	Modification
		403.3.1.1	Table: Required outdoor ventilation air	Modification, Edit Notes.
		403.3.1.1.2.3	Multiple zone recirculating systems	Addition
		403.3.1.1.2.3.1	Uncorrected outdoor air intake	Addition
		403.3.1.1.2.3.1.1	Occupant diversity	Addition
		403.3.1.1.2.3.1.2	Design system population	Addition

		403.3.1.1.2.3.2	System ventilation efficiency	Addition
		403.3.1.1.2.3.3	Simplified procedure	Addition
		403.3.1.1.2.3.3.1	System ventilation efficiency	Addition
		403.3.1.1.2.3.3.2	Zone minimum primary airflow	Addition
		403.3.1.1.2.3.4	Outdoor Air Intake	Addition
		403.8	Ventilation systems for Group R occupancies	Strike
		403.8	Group R Whole house mechanical ventilation system	Addition
		403.8.1	Minimum ventilation performance	Strike
		403.8.2	Table	Re-name and modification to rates
		403.8.1	System design	Addition
		403.8.2	Control and operations	Strike
		403.8.2	Whole House Mechanical ventilation rates	Addition
		403.8.3	Table	Addition
		403.8.3	Outdoor air intake locations	Strike
		403.8.3	Ventilation quality adjustment / Table	Additions
		403.8.4	Local exhaust ventilation requirements	Strike
		403.8.4	Whole House Ventilation residential occupancies / Table	Additions
		403.8.4.1	Local exhaust systems	Strike
		403.8.4.1	Whole House Ventilation in Group R-2 occupancies	Addition
		403.8.4.2	Local exhaust fans	Strike
		403.8.4.2	Whole House Ventilation for other than Group R-2 occupancies	Addition
		403.8.4.2	Table: Prescriptive Exhaust Duct Sizing	Re-number
		403.8.5	Whole house ventilation requirements	Strike
		403.8.5	Whole house Ventilation System controls	Addition

		403.8.5.1	Table: Int. whole house mech. Ventilation rate factor	Strike
		403.8.6	Whole house ventilation with exhaust fan systems	Strike
		403.8.6	Whole House System Component Requirements	Addition
		403.8.6.1	Outdoor air	Strike
		403.8.6.1	Exhaust fans	Addition
		403.8.6.2	Outside air intake locations	Strike
		403.8.6.2	Supply fans	Addition
		403.8.6.3	Whole house exhaust systems	Strike
		403.8.6.3	Balanced Whole house Ventilation System	Addition
		403.8.6.4	Whole house exhaust and transfer fans	Strike
		403.8.6.4	Furnace Integrated Supply	Addition
		403.8.6.5	Fan noise	Strike
		403.8.6.5	Intermittent off operation	Addition
		403.8.6.6	Testing	Addition
		403.8.6.7	Certificate	Addition
		403.8.7	Whole house ventilation integrated with forced air systems	Strike
		403.8.7	Local exhaust	Addition
		403.8.7.1	Outdoor air: Strike. Whole house exhaust controls	Addition
		403.8.7.2	Whole house forced air system	Strike
		403.8.7.2	Local exhaust fans and table	Addition
		403.8.8	Whole House Ventilation With Supply Fan	Strike
		403.8.8.1	Outdoor air	Strike
		403.8.8.2	Whole House Supply System	Strike
		403.8.9	Whole House ventilation with recovery or energy recovery ventilation system	Strike
		403.8.9.1	Outdoor air	Strike

		403.8.9.2	Whole house heat recovery ventilator system	Strike
		403.8.10	Local exhaust ventilation and whole house ventilation alternate performance or design requirements	Strike
		403.8.11	Alternate systems	Strike
9	WAC 51-52-0501 General	501.0	For environmental air exhaust other than enclosed parking garage and transformer vault exhaust	Addition of 10' horizontally and above
		501.4	Pressure equalization	Modified exception
10	WAC 51-52-0506 Commercial kitchen hood ventilation system ducts and exhaust equipment	506.3.2.4	Vibration isolation	Addition
11	WAC 51-52-0515 Waste or linen chute venting.	515.1	General	Modified exception
12	WAC 51-52-0601 General	601.2	Air movement in egress elements	Modified exception
13	WAC 51-52-0605 Air filters	605.1	General	Modified exception
14	WAC 51-52-0606 Smoke detection systems control	606.2.4	Corridors Serving Group R Occupancies in other than high-rise buildings	Addition
		606.2.5	Corridors Serving Group R Occupancies in high-rise buildings	Addition
15	WAC 51-52-0928 Evaporative cooling equipment	928.0	Evaporative cooling equipment	Delete state amendment; now Reserved
16	WAC 51-52-1105 Machinery room, general requirements	1105.6.3	Ventilation Rate	New section
17	WAC 51-52-1106 Machinery room, special requirements	1106.5.2	Emergency ventilation system / Table	New Section

18	WAC 51-52-1107 Refrigerant piping	1107.0	Refrigerant piping	Delete state amendment; now Reserved
19	WAC 51-52-1200 Hydronic piping	1209.5	Thermal barrier required	Addition
20	WAC 51-52-1400 Solar thermal systems	1402.8.1.2	Rooftop-mounted solar thermal collectors and systems	New section
21	WAC 51-52-1500 Referenced standards	1500.0	Referenced standards	ASHRAE standard from 2013 to 2016
22	WAC 51-52-21401 Gas piping installations	21401.0	Gas Piping installation	Delete state amendment; now Reserved
23	WAC 51-52-21601 Specific appliances	21601.0	Chapter 6 Specific appliances	Delete state amendment; now Reserved
24	WAC 51-52-22006 Gas piping installation	22006	Chapter 6 Gas piping Installation	Delete state amendment; now Reserved

SUMMARY OF CHANGES
2018 Uniform Plumbing Code
Amendments to WAC 51-56

	WSR/ Adoption Date/WAC	**Section**	**Changes in 2018**	**Description**
	WSR 20-02-072 11/8/2019			
1	WAC 51-56-003 Uniform Plumbing Code		Replace 2015 with 2018	Edit
2	WAC 51-56-008 Implementation	Implementation	Replace 2016 with 2020	Edit
3	WAC 51-56-200 Definitions	221.0	Add Spray Sprinkler Body	Addition
		225.0	Water heat (consumer electric storage) (Mini Tank Elect.)	Addition
4	WAC 51-56-400 Plumbing	407.2	Water Consumption	Modification

	fixtures and fixture fittings			
		414.3	807.4 to 807.3	Edit
		420.0	Sinks	Addition
		420.1	Application	Addition
		420.2	Water consumption (Sinks)	Addition
5	WAC 51-56-500 Water heaters	501.1	Change 501.1 to 501.1(2)	Edit
		501.1	Clarification in note (2) of the table	Clarification
6	WAC 51-56-600 Water supply and distribution	603.5.12	Change in accordance to That complies	Edit
		608.3.1	Removed from amendment	Deletion
		608.5	Change approved to comply	Edit
7	WAC 51-56-900 Vents	903.1	Removed from amendment	Deletion
		911.1	Circuit Vent Permitted	Addition
8	WAC 51-56-1500 Alternate water sources for nonpotable applications	1501.1	Modification of requirements	Modification
		1501.1.1	Removed from amendment	Deletion
		1501.2	Removed from amendment	Deletion
		1501.7	Removed from amendment	Deletion
		1501.11.2.3	Removed from amendment	Deletion
		1501.13.1	Removed from amendment	Deletion
		1502.0	Removed from amendment	Deletion
		1503.4	Removed from amendment	Deletion
		1504.1	Removed from amendment	Deletion
		1504.7	Removed from amendment	Deletion
		1504.10.2	Removed from amendment	Deletion
9	WAC 51-56-1600 Nonpotable rainwater	1601.1	Modification of requirements	Modification

	catchment systems			
		1601.11.1	Removed from amendment	Deletion
		1602.0	Removed from amendment	Deletion
		1602.1	Removed from amendment	Deletion
		1602.11.2.3	Removed from amendment	Deletion

SUMMARY OF CHANGES 2018 Washington State Energy Code - Residential Amendments to WAC 51-11R				
	WSR/ Adoption Date/WAC	**Section**	**Changes**	**Description**
	WSR 20-01-047 11/8/2019			
1	WAC 51-11R	Overall	The terms "Mandatory" and "Prescriptive" have been removed. Those items marked mandatory have been added in a table format to Section R405.2 for the performance analysis method of compliance. This is reflective of the change made in the commercial energy code.	
2	WAC 51-11R-10100 Scope and general requirement	R101.4.1 Mixed residential and commercial buildings	*(2018 IECC Change)*. Clarification on code applications for residential mixed use buildings.	
3	WAC 51-11R-10200 Alternative materials, design and methods of construction and equipment	Section R102. 1 General (Alternate Materials & Methods)	*(2018 IECC Change)*. Editorial changes for consistency between the model codes.	
4	WAC 51-11R-10400 Inspections	R104.1 General (Inspections)	*(2018 IECC Change)*. This section was revised for clarity and consistency with other codes and the inspections required there	

5	WAC 51-11R-20201 A WAC 51-11R-20202 B WAC 51-11R-20203 C WAC 51-11R-20204 D WAC 51-11R-20206 F WAC 51-11R-20208 H WAC 51-11R-20212 L WAC 51-11R-20215 O WAC 51-11R-20218 R	Definitions (Chapter 2)	*(2018 IECC Changes).* ***Addition*** was revised for consistency with other codes. ***Air Barrier*** was revised for clarity; ***Continuous Air Barrier*** was removed as redundant. ***Air-Permeable Insulation*** added for consistency with the IRC. ***Alteration*** was revised to remove the term "that requires a permit" for consistency with other codes. ***Approved*** was revised for consistency with other codes ***Approved Agency*** was revised across all ICC codes for clarity. ***Building Thermal Envelope*** – minor editorial corrections for clarity. ***Demand Recirculation Water System*** This definition was modified for clarity and to better fit the requirements in Section C404.8. ***Fenestration*** Editorial, for clarity and consistency. ***High-Efficacy Light Sources*** Revised to provide guidance and clarity on LED and other emerging technologies. ***Labeled*** Editorial change for consistency with other codes. ***Opaque Door*** – Clarification on the difference between opaque and glass doors. ***Roof Assembly***: Definition was amended with pointers to the various roof types.	
			(State Amendments). ***Connected thermostat***: The definition was added to support the change in Section R403.1.1. ***Ductless Mini-split Heat Pump System***: was added for consistency with the IMC. ***Log Structure***: Definition from ICC 400 to support the	

			change in footnote n of Table R402.1.1 . ***Log Wall***: Definition from ICC 400 to support the change in footnote n of Table R402.1.1 . **Pilot light, Continuously burning; Pilot light, Intermittent; Pilot light, Interrupted; Pilot light, On-demand**: added definitions to clarify requirements restricting the use of standing pilots in Section R403.1.3. ***Residential building***: Clarification that accessory structures may be built under the IRC.	
6	WAC 51-11R-30310 Identification	R303.1.1 Building thermal envelope insulation	*(2018 IECC Change)*. An exception was added to the labeling requirements for insulation to allow above deck roof insulation to be labeled per the material standard.	
7	WAC 51-11R-30311 Default glazed fenestration U-factor	Table R303.1.3(1) Default glazed window, glass door and skylight U-factors	*(2018 IECC Change)*: "Fenestration" was replaced with "Window, Glass Door and Skylight" in the title of the table.	
8	WAC 51-11R-30312 Default opaque door U-factors	Table C303.1.3(2) Default opaque door U-factors	*(2018 IECC Change)*: Editorial change to clarify the table applies to opaque doors, not glass doors.	
9	WAC 51-11R-40100 General	R401.2 Compliance	*(State Amendment)***:** Adds a pointer to the new passive house compliance method and clarifies that the other paths must also comply with R406.	
		R401.3 Certificate	*(State Amendment)***:** Language is added to include ventilation testing and installation information on the posted certificate along with the insulation values and appliance efficiencies. A sentence is also added to allow the code official to	

			request documentation for any testing.	
10	WAC 51-11R-40210 General	R402.1 General	Building Thermal Envelope (*State Amendment*): Editorial—Section R402.1.4 was split into two sections, so there are now 6 subsections instead of 5.	
		R402.1.2 R-Value computation	*(State Amendment)*: A pointer sentence is added to go to Section R303.1.4. The last sentence is reverting back to the base ICC language.	
		R402.1.3 U-Factor alternative	*(State Amendment)*: A pointer to section R402.1.5 is added.	
		R402.1.4/R402.1.5 UA Alternative/ U-Factor reference and calculation	*(State Amendment)*: The subsection on UA compliance was modified for clarity. It was divided into two sections—one for general requirements and one for calculation.	
11	WAC 51-11R-40211 Insulation and fenestration require ments by component	Table R402.1.1 Insulation and Fenestration Requirements	*(State Amendment)*: The table was modified to remove requirements not applicable or duplicative of other requirements. It was also clarified that the thermal break required for below grade walls is R-5. The footnotes were modified to remove any blank or irrelevant notes. The footnote for vaulted ceilings was clarified, as was the footnote for intermediate framing. The log home footnote was revised to reference ICC 400, *Standard on the Design and construction of Log Structures*. A new footnote was added addressing existing slabs and insulating after the fact.	
12	WAC 51-11R-40213 Equivalent U-factors	Table R402.1.3 U-Factors	(*Proposed State Amendment*): The frame wall U-factor was retitled above grade wall U-factor. Mass wall column is removed since it is the same require for above grade walls. Below grade walls was modified for consistency with	

			Appendix A. Unused footnotes were removed.	
13	WAC 51-11R-40215 Target/Proposed UA equations	Equation 1/Equation 2 - Target UA/Proposed UA	(*State Amendment*): Equations were added to clarify the UA calculation method, based on the equations found in the 2009 WSEC. This restores the base glazing area of 15%.	
14	WAC 51-11R-40220 Specific insulation require-ments	R402.2.5 Mass Walls	(*2018 IECC Change*): The mass wall section was modified to remove technical requirements from the footnotes in the tables to the regulating section.	
15	WAC 51-11R-40240 Air leakage	R402.4.1.2 Testing	(Air Leakage) (*State Amendment*): Air leakage testing is standardized to a set ceiling height. An exception has been added for testing of some multi-family buildings.	
		R402.4.2.1 Gas fireplace efficiency	(*State Amendment*): A new requirement for a minimum efficiency standard for fireplaces is added.	
16	WAC 51-11R-40241 Air barrier and insulation installation	Table R402.4.1.1 Air barrier and insulation installation	(*2018 IECC Change*): Minor editorial and clarifying amendments.	
17	WAC 51-11R-40310 Controls	R403.1.1 Programmable or connected thermostat	(*State Amendment*): Added allowance for a connected thermostat in lieu of a programmable thermostat, clarified that it must be Energy Star certified, and added an exception for heat pumps with an integral thermostat.	
		R403.1.3 Continuously burning pilot lights	(*State Amendment*): A new general section is added to prohibit continuously burning pilot lights.	
18	WAC 51-11R-40320 Ducts	R403.3.3 Duct testing	(*State Amendment*): An exception was added for ducts serving heat or energy recovery ventilators.	
		R403.3.6/R403.3.6.1 Buried ducts	(*2018 IECC Change*): A new section is added dealing with ducts buried in attic insulation.	

		R403.3.7 Ducts located in conditioned space	(*State Amendment to new 2018 IECC Change*): This new section sets requirements for ducts to be considered within conditioned space.	
19	WAC 51-11R-40340 Service hot water systems	R403.5 Service hot water systems	(*State Amendment*): An added sentence clarifies that equipment must meet federal efficiency standards.	
		R403.5.2 Demand recirculation water systems	(*2018 IECC Change*): Clarifies requirements and relocates stricken language into the definition.	
		R403.5.4 Drain water heat recovery units	(*Proposed State Amendment*): Add the IAPMO standard for drain water heat recovery. Removed language related to rated pressure loss.	
		R403.5.5 Electric water heater insulation	(*State Amendment*): Clarifying amendment to add compressive strength value for insulation under an electric water heater.	
20	WAC 51-11R-40351 Mechanical ventilation system fan efficacy	Table R403.6.1 Mechanical ventilation system fan efficacy	(*State Amendment*): a value for heat and energy recovery systems is added.	
21	WAC 51-11R-40360 Equipment sizing	R403.7 Equipment sizing and efficiency rating	(*State Amendment*): Language stating equipment had to meet federal requirements is replaced with a reference to the commercial efficiency tables with said requirements.	
22	WAC 51-11R-40390 Pool and spa energy consumpt ion	R403.10.1 Heaters	(*State Amendment*): Prohibition on continuously burning pilot lights moved to general section R403.1.3.	
		R403.10.3 Covers	(Pool & Spa) (*2018 IECC Change*): Changes the exception to 75% of heating provided from on site renewables and adds parameters for operating season.	

23	WAC 51-11R-40410 Lighting equipment	R404.1 Lighting equipment	(*2018 IECC Change*): The requirement for high efficacy lamps was changed from 75% to 90%.	
		R404.2 Electric readiness	(*State Amendment*): A new section (and subsections) is added requiring electrical power be provided to all areas containing water heaters and dryers), along with a requirement for sufficient space to install a standard water heater in the proximity of the current water heater (including the space occupied by the current water heater).	
24	WAC 51-11R-40510 Scope	R405.1 Scope	(Performance analysis) (*2018 IECC Change*): Clarification that there are also requirements for mechanical ventilation.	
25	WAC 51-11R-40520 Mandatory require ments	R405.2 Mandatory requirements	(*State Amendment*): Those items marked mandatory have been added in a table format to Section R405.2. This is reflective of the change made in the commercial energy code.	
26	WAC 51-11R-40530 Performance based compliance	R405.3 Performance based compliance	(*State Amendment*): Site energy use has been replaced with carbon emissions as a measuring metric for this compliance method. The emissions thresholds were adjusted to correlate with the requirements of Section R406 for other compliance methods.	
27	WAC 51-11R-40551 Specificat ions for standard reference and proposed design	Table R405.5.2(1) Specifications for standard reference and proposed design	(*2018 IECC Change*): Minor clarifications for air exchange rate, mechanical ventilation and thermal distribution systems.	
28	WAC 51-11R-40610 Scope WAC 51-11R-40620 Additional energy efficiency	R406 Additional energy efficiency requirements	(*State Amendment*): This section has been significantly revised. The number of points has increased for all residences, and an additional equalization factor has been added based on the carbon emissions of the installed	

	require ments WAC 51-11R-40621 Energy credits		heating (New Table R406.2). **Table R406.3** (previously R406.2) has been reformatted for clarity, moving the footnotes into the body of the table and revising the numbering of the options. The options and credits have been revised to base them on energy savings—each half point is roughly equivalent to 600 kWh. New options have been added for triple pane windows (1.2), a 49% UA reduction (1.6), advanced framing with 0.28 windows (1.7) tighter envelopes with ERV (2.4), various heat pump systems (3.5, 3.6), ducts buried in ceiling insulation (4.1), drain water heat recovery systems (5.1), heat pump water heating systems (5.4, 5.5, 5.6), and high efficiency appliances (7.1). HVAC efficiency requirements were modified based on federal minimums. The option for low flow fixtures has been removed since this is now a base requirement.	
29	WAC 51-11R-40700 Certified passive house	R407 Certified passive house	(*State Amendment*): Two passive house standards are now included as compliance options, PHIUS and PHI.	
30	WAC 51-11R-50100 General	R501.1.2 Thermostats for accessory dwelling units	(*State Amendment*): New requirement added that ADUs need independent thermostats.	
		R501.4 Compliance	(*2018 IECC Change*): Editorial; adding IEBC to the list of mandated codes.	
31	WAC 51-11R-50200 Additions	R502.1.1.2 Heating and cooling systems	(*2018 IECC Change*): Changes the reference to all of Section R403 rather than calling out specific subsections.	
32	WAC 51-11R-50300 Alterations	R503.1.1.1 Replacement fenestration	(*2018 IECC Change*): Allows an area-weighted average for replacement fenestration.	

		R503.1.2 Heating and cooling systems	(*2018 IECC Change*): Changes the reference to all of Section R403 rather than calling out specific subsections.	
33	WAC 51-11R-51000 Referenced standards	Chapter 6, Referenced standards	(*2018 IECC Change*): Various standards are updated; new standards are added for pools & spas, air leakage, fireplace efficiency.	
34	WAC 51-11R-58000 Optional energy efficiency measures—One step	Appendix RA/RB	(*State Amendment*): Optional appendices for building owners to achieve 6% (RA) or 12% (RB) energy savings over the base code.	
35	WAC 51-11C-610334 Log Walls	Appendix A Section A103.3.4, Log Wall	(*State Amendment*): Log wall requirements are changed to reference ICC 400 to correlate with the change to Table R402.1.1	
36	WAC 51-11C-61041 General	Appendix A Section 104.1, Default wall U-factors and slab F-factors for basements	(*State Amendment*): Below grade wall U-factors are updated to 1991 Super Good Cents Heat Loss Reference Guide and correlate with the changes to Table R402.1.3.	