



RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 29, 2021

TIME: 9:15 AM

WSR 21-22-070

Agency: Department of Commerce

Effective date of rule:

Permanent Rules

31 days after filing.

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

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

Yes No If Yes, explain:

Purpose: Lead-Based Paint - Lowering dust wipe clearance standards for floors and window sills including language updates for clarity

Citation of rules affected by this order:

New:

Repealed:

Amended: **WAC 365-230-010, WAC 365-230-020, WAC 365-230-020, WAC 365-230-100, WAC 365-230-160, WAC 365-230-170, WAC 365-230-190, WAC 365-230-200, WAC 365-230-210, WAC 365-230-360, WAC 365-230-380** ,

Suspended:

Statutory authority for adoption: Chapter 70A.420 RCW

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 21-15-007 on July 7, 2021 (date).

Describe any changes other than editing from proposed to adopted version:

- Includes inspectors, risk assessors, supervisors, lead-based paint workers, renovators, and dust sampling technicians as individuals who can be certified by the Department (9)
- Updates language for "clearance examination standards" to "clearance dust standards" (13), and includes the newly lowered EPA dust standards for "dust-lead hazard" (32) which currently reference the older standard
- Updates the concentration measurement standard from "micrograms per gram or parts per million by weight" to "micrograms per square foot or micrograms per gram or parts per million by weight" (17)
- Clarifies that a supervisor is licensed by the construction contractors' board (79) and removes the same requirement for workers (90).
- Updates references from "clearance examination standards" to "clearance dust standards" in WAC 365-230-200 and 210 to align with changes in 020.
- Change to rule language to improve clarity and usability.

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

Name:

Address:

Phone:

Fax:

TTY:
Email:
Web site:
Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	___	Repealed	___
Federal rules or standards:	New		Amended	<u>10</u>	Repealed	___
Recently enacted state statutes:	New		Amended		Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New		Amended		Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	<u>4</u>	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	<u>10</u>	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: October 29, 2021

Name: Dave Pringle

Title: Policy Advisor, Rules Coordinator

Signature:

