



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 28, 2022

TIME: 11:29 AM

WSR 22-06-068

Agency: Department of Commerce

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) March 1, 2022

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

- Yes
 - No
- If Yes, explain:

Purpose: Commerce received a request from a water heater manufacturer on Sept. 29, 2021, to temporarily suspend the effective date in the water heater appliance standards rule (WAC 194-24-180) due to an inability to obtain parts required for the modular communications port (CTA-2045) due to supply chain disruptions caused by the COVID-19 pandemic. Following a public comment period with participation from manufacturers, installers, energy efficiency organizations, environmental organizations, and electric utilities, Commerce found sufficient evidence to support an emergency rule amending WAC 194-24-180 to suspend the rule's effective date until March 1, 2022. Commerce is issuing a preproposal notice of inquiry (CR-101) in order to determine a reasonable effective date on a permanent basis and is adopting this emergency rule until June 29, 2022. In light of continuing economic and supply chain disruptions caused by the COVID-19 pandemic, Commerce has determined that a further delay of the effective date is warranted. Commerce has issued a preproposal notice of inquiry (CR-101) in order to permanently amend WAC 194-24-180 to delay the effective date of the regulation to a reasonable date. Commerce is issuing this CR-103E to adopt an emergency rule to delay the effective date of WAC 194-24-180 while it undertakes the appropriate procedures to adopt the permanent rule.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 194-24-180
- Suspended:

Statutory authority for adoption: Chapter 19.260 RCW

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: The economic disruptions resulting from the COVID-19 pandemic continue to stymie global supply chains, preventing manufacturers from accessing critical materials required for manufacturing the electronic communication ports. These disruptions are already affecting the supply of compliant heat pump water heaters, which are primarily installed in new buildings, and were expected to escalate in January 2022 when standard resistance water heaters were to become covered by the standard.

The current effective date in the rule is March 1, 2022. This emergency rule suspends the effective date until June 29, 2022, in order to provide time for Commerce to conduct the procedures required to adopt a permanent rule establishing an effective date for the water heater standard.

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

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

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

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

New	___	Amended	<u>1</u>	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	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: Feb. 28, 2022
Name: Dave Pringle
Title: rules coordinator

Signature:

