



STATE OF WASHINGTON

OFFICE FOR REGULATORY INNOVATION AND ASSISTANCE

P.O. Box 43125 • Olympia, Washington 98504 • (360) 725-0626

February 17, 2026

Honorable Bob Ferguson
Governor of the State of Washington
Legislative Building
Olympia, WA 98504-0002

Honorable Bob Hasegawa, Chair
Joint Administrative Rules Review Committee
P.O. Box 40466
Olympia, WA 98504-0466

Dear Governor Ferguson and Senator Hasegawa:

Pursuant to RCW 34.05.328, I am please to submit the Impacts of Significant Legislative Rulemaking report from the Office for Regulatory Innovation and Assistance. It covers a two-year period from January 1, 2024 to December 31, 2025.

If you have any questions or need more information, please contact me at 360-918-2393 or dan.mccommon@gov.wa.gov.

Sincerely,

Dan McConnon
Director

cc: Shane Esquilbel, Chief Operations Officer, Office of the Governor
Franklin Plaistowe, Deputy Chief Operations Officer, Office of the Governor
Desiree Omlil, Counsel, Joint Administrative Rules Review Committee
Greg Vogel, Staff Counsel, Joint Administrative Rules Review Committee
Sarah Bannister, Secretary of the Senate
Bernard Dean, Chief Clerk



IMPACTS OF SIGNIFICANT LEGISLATIVE RULEMAKING

Calendar Years 2024-2025



Governor's Office for Regulatory Innovation and Assistance

P.O. Box 43125 Olympia, WA 98504

www.oria.wa.gov

800-917-0043 or 360-999-5059

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February 2026

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Introduction

A Significant Legislative Rule (SLR) 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, regulatory agencies must figure out the costs and benefits of a new rule, determine the least burdensome alternatives, coordinate regulations with state and federal law requirements, and develop an implementation, evaluation, and education plan.

[RCW 34.05.328\(6\)](#) requires the Office for Regulatory Innovation and Assistance (ORIA) to report on SLR implementation by the regulatory agencies that must follow the law. To prepare this report, ORIA gathered information from agencies and asked for comments from business, environmental, and labor organizations, the Association of Washington Cities, and the Washington State Association of Counties.

Agencies required to report on SLRs are the following:

- 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

This report explains SLR implementation between January 1, 2024, to December 31, 2025. 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.

Each agency's report is included in the [appendix](#).

Summary of Significant Legislative Rules Adopted

Twelve agencies adopted 166 rules under significant legislative rulemaking requirements during the reporting period. One agency — the Department of Fish and Wildlife — adopted no SLRs.

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

Agency Name	Number of Adopted Rules	Number of Adopted Rules	Number of Adopted Rules	Number of Adopted Rules	Number of Adopted Rules	Number of Adopted Rules
	2024-25	2022-23	2020-21	2018-19	2016-17	2014-15
Department of Ecology	14	16	10	17	14	8
Department of Fish and Wildlife	0	1	2	2	0	1
Department of Health	74	48	32	48	56	34
Department of Labor and Industries	22	16	14	11	11	11
Department of Natural Resources	3	3	1	3	1	2
Department of Revenue	5	1	6	4	1	1
Department of Social and Health Services	27	18	21	23	8	12
Employment Security Department	7	18	21	8	0	0
Forest Practices Board	2	0	0	0	0	2
Office of the Insurance Commissioner	8	11	27	15	11	24
State Board of Health	3	2	8	4	5	2
State Building Code Council	1	13	20	14	<i>Not required to report</i>	<i>Not required to report</i>
Total	166	147	162	149	107	97

Shown below are summaries of topic areas for rules adopted by agencies. For the complete listing, please see individual agency reports in the [appendix](#).

Department of Ecology

The Department of Ecology (ECY) adopted 14 significant legislative rules during 2024-2025. Major topics included climate policy, water quality standards, hazardous waste, and clean fuels. The agency reports that compliance with RCW 34.05.328 continues to add value to the rulemaking process by ensuring robust analysis and public engagement. Costs are not tracked separately but are absorbed into overall rulemaking budgets.

Examples include:

- Climate Commitment Act program rule clarifications (Allowance Price Containment Reserve).
- Financial responsibility requirements for oil handling facilities and pipelines.
- Landfill methane emissions requirements.

Department of Health

The Department of Health (DOH) adopted 74 SLRs, covering a wide range of health professions, licensing standards, and public health protections. The department notes that SLR requirements ensure rules are the least burdensome alternative and support broad stakeholder engagement. Costs are higher for SLRs due to increased analysis and outreach, but these are considered necessary for effective rulemaking.

Examples include:

- Nursing Temporary Practice Permit updates (Chapter 246-840 WAC).
- Drug take-back / safe medication return rule updates (Chapter 246-480 WAC).
- Applied behavior analysis rule rewrite (Chapter 246-805 WAC).

Department of Labor and Industries

The Department of Labor and Industries (LNI) adopted 22 SLRs, focusing on workplace safety, wage standards, and industry-specific regulations. The agency finds that SLR analysis informs rule content and stakeholder understanding, though it can extend timelines due to the complexity of economic analyses. Costs are not quantified separately.

Examples include:

- Contractor Registration and Compliance Updates. This rulemaking updated contractor registration requirements and compliance standards, including documentation and enforcement provisions. (Chapter 296-200 WAC).
- Workplace Safety and Health (WISHA) Rule Amendments. Occupational Safety and Health Standards Updates. (Chapter 296-800 WAC).
- Workers' Compensation Medical Fee Schedule Updates. This rulemaking updated medical fee schedules and provider requirements within the workers' compensation program. (Chapter 296-20 WAC).

Department of Natural Resources

The Department of Natural Resources (DNR) adopted three SLRs, including updates to survey map requirements, geothermal lease rates, and aquatic lands management. The agency reports that compliance with RCW 34.05.328 did not affect the substance of its rules and that costs are minimal and absorbed as part of normal operations.

Examples include:

- Survey map requirements and auditors' checklist updates (WAC 332-130).
- Geothermal lease rate updates on DNR-managed properties (WAC 332-22).
- State-owned aquatic lands commercial finfish net pen aquaculture authorization rules (WAC 332-20).

Department of Revenue

The Department of Revenue (DOR) adopted five SLRs, including updates to timber excise tax rules and tax reporting for specific industries. The department notes that SLR compliance does not generally affect rule substance and costs are minimal. No legal actions were reported.

Examples include:

- Timber excise tax stumpage value table updates.
- Radio and television broadcasting rule updates (WAC 458-20-241).
- Watercraft excise tax depreciation schedule updates (WAC 458-20-23801).

Department of Social and Health Services

The Department of Social and Health Services (DSHS) adopted 27 SLRs, addressing long-term care, developmental disabilities, and public health emergencies. The agency reports that SLR compliance is part of regular business and does not significantly affect rule substance or agency capacity.

Examples include:

- Long-term care and residential care facility rule updates implementing SHB 1218 (multiple chapters).
- Adult family home resident transfer/discharge medication-related rule updates (Chapter 388-76).
- Background check and compliance updates implementing SB 5252 (multiple WACs).

Employment Security Department

The Employment Security Department (ESD) adopted seven SLRs, focusing on unemployment insurance, public health emergencies, and employer reporting requirements. The agency estimates SLR compliance costs at approximately \$30,000 per rulemaking and finds that the process improves transparency and public access to information.

Examples include:

- Wildfire and disaster-related unemployment insurance process updates.
- Expanded good-cause for voluntarily quitting employment (HB 1106).
- Clarifications on disqualification/ineligibility for failure to respond to information requests.

Forest Practices Board

The Forest Practices Board (FPB) adopted two SLRs, including rules on water buffers and habitat protection. The agency reports that SLR compliance did not affect rule substance and costs were primarily staff time.

Examples include:

- Type Np water buffer updates.
- Permanent water typing system updates.

Office of the Insurance Commissioner

The Office of the Insurance Commissioner (OIC) adopted eight significant legislative rules during the 2024–2025 reporting period, affecting 51 WAC sections adopted across health insurance regulation, provider reimbursement protections, licensing, insurance market oversight, and statutory implementation requirements.

OIC's 2024–25 significant legislative rulemaking activity was concentrated in:

- Health insurance market regulation and prior authorization modernization.
- Implementation of legislative directives (SSB 5419; SSB 5986).
- Oversight of health care benefit managers.
- Licensing standards for producers and adjusters.
- Insurance market governance and disclosure requirements.

The rulemakings reflect OIC's ongoing role in implementing new statutory programs, updating insurance market standards, and aligning state insurance regulation with legislative and industry developments.

Examples include:

- Implementation of SSB 5419 – Fire Loss Reporting (R 2025-03)
Amended WAC 284-20-010 to implement statutory changes related to fire loss reporting requirements.
- Balance Billing Protection Act Updates (R 2024-01)
Adopted 12 WAC sections (5 new, 4 repealed, and 7 amended) implementing SSB 5986 and updating the Balance Billing Protection Act.
Adoption date: November 27, 2024.
- Producer and Adjuster Licensing Requirements (R 2024-06)
Adopted 6 WAC sections revising licensing requirements and procedures for insurance producers and adjusters.

State Board of Health

The State Board of Health (BOH) adopted three SLRs, including rules on communicable diseases and environmental health. The board notes that SLRs require more time and resources but improve public engagement and transparency.

Examples include:

- On-site sewage systems updates (Chapter 246-272A WAC).
- Auditory screening standards in schools' updates (Chapter 246-760 WAC).
- Newborn screening expansion updates (Chapter 246-650 WAC).

State Building Code Council

The State Building Code Council (SBCC) adopted one SLR, including updates to building, energy, and fire codes. The council reports that SLR compliance did not affect rule substance but increased the workload for staff and council members.

Examples include:

- Energy Policy and Conservation Act (EPCA) update to 2021 Washington State Energy Code — Residential provisions.

Impacts of Significant Legislative Rules Process on Substance of Rules

This chapter summarizes agency-reported impacts associated with the substance of significant legislative rules adopted during the 2024–2025 reporting period. Agencies were asked to describe how adopted rules changed substantive regulatory requirements, including the creation of new standards, revisions to existing requirements, and clarifications affecting regulated entities, the public, and agency operations.

As in prior reporting periods, agencies reported that substantive impacts primarily resulted from implementation of legislative direction, alignment with federal law or court decisions, modernization of regulatory frameworks, and clarification of existing requirements. In some cases, rule adoption expanded access to services or reduced administrative burden, while in others it established new or revised compliance obligations.

Environmental and Natural Resource Programs

Environmental and natural resource agencies reported substantive impacts related to climate policy implementation, natural resource management, and land-use regulation. The Department of Ecology adopted significant legislative rules implementing and refining the Climate Commitment Act program, including amendments to greenhouse gas reporting and allowance price containment reserve requirements, establishing enforceable program standards and clarifying compliance obligations for regulated entities participating in Washington’s cap-and-invest program (Ecology).

The Department of Natural Resources adopted significant legislative rules affecting land management and leasing activities on state-managed lands. These rules updated geothermal lease rate requirements, revised survey map standards, and established authorization requirements for commercial finfish net pen aquaculture on state-owned aquatic lands, resulting in modified compliance and permitting requirements for affected lessees and operators (DNR).

Public Health and Professional Licensing

Public health and professional licensing agencies reported substantial substantive impacts from rule adoption. The Department of Health and the State Board of Health adopted numerous rules revising professional licensing standards, practice requirements, and public health protections. Substantive changes included updates to professional scope of practice rules, revisions to public health screening requirements, and expansion of newborn screening programs (DOH; SBOH).

Several rulemakings implemented new statutory requirements intended to address workforce shortages, modernize licensing pathways, and improve public safety. These substantive changes altered eligibility criteria, training and supervision requirements, and ongoing compliance obligations for license holders and regulated facilities (DOH).

Social Services and Long-Term Care

The Department of Social and Health Services reported substantive impacts associated with rule changes governing long-term care facilities, residential services, and developmental disability programs. Rulemakings implemented legislative direction to modify eligibility criteria, establish updated care and safety standards, and revise facility and provider requirements (DSHS).

These rule changes affected both providers and clients by altering service delivery requirements, facility operations, and administrative processes. In several instances, rule adoption resulted in new compliance obligations for providers while strengthening protections for vulnerable populations (DSHS).

Insurance Regulation and Market Oversight

The Office of the Insurance Commissioner (OIC) adopted eight significant legislative rules during the reporting period addressing health insurance regulation, insurance market oversight, licensing standards, and statutory implementation requirements (OIC).

Substantive impacts included:

- Implementation of statutory requirements related to fire loss reporting (SSB 5419), resulting in amendments to reporting and compliance standards for insurers.
- Modernization of prior authorization requirements and regulatory updates affecting health carriers, revising procedural standards and oversight provisions.
- Adoption of new and amended rules governing health care benefit managers, establishing or clarifying licensing, reporting, and operational requirements.
- Updates to the Balance Billing Protection Act rules (SSB 5986), including new, amended, and repealed WAC provisions affecting insurer and provider compliance obligations.
- Revisions to producer and adjuster licensing standards and insurer holding company oversight provisions.

OIC reported that compliance with RCW 34.05.328 does not typically alter the scope or substantive content of its rules; rather, the statutory requirements are integrated into its rule development process (OIC).

Workforce, Employment, and Economic Regulation

Agencies responsible for workforce and economic regulation reported substantive impacts related to worker protections, unemployment insurance eligibility, and tax administration. The Employment Security Department adopted rules providing permanent regulatory flexibility in response to wildfire and disaster-related conditions, affecting eligibility determinations, benefit administration, and employer reporting requirements (ESD).

The Department of Revenue adopted significant legislative rules updating tax valuation and assessment standards, including revisions to timber excise tax stumpage value tables. These changes affected tax liabilities for regulated entities and ensured continued alignment with statutory requirements (DOR).

Overall Substantive Impacts

Overall, agencies reported that the substantive impacts of significant legislative rules adopted during the 2024–2025 reporting period were primarily driven by legislative mandates and policy priorities related to public health, environmental protection, workforce stability, and economic resilience. While some rules introduced new or revised regulatory obligations, agencies also reported efforts to clarify requirements, improve consistency, and reduce unnecessary regulatory complexity.

Costs Incurred in Complying with Significant Legislative Rules

This chapter summarizes agency-reported information regarding costs incurred in complying with significant legislative rules adopted during the 2024–2025 reporting period. Agencies were asked to indicate whether adopted rules resulted in compliance or implementation costs for regulated entities, the public, or the agency, and to describe those costs where applicable.

Overall Cost Impacts

Overall, agencies reported that costs incurred in complying with significant legislative rules adopted during the 2024–2025 reporting period were primarily associated with:

- Implementation of legislative mandates.
- Staff time devoted to economic analysis and documentation.
- Administrative or operational adjustments required by revised standards.
- Monitoring, reporting, or compliance activities required by statute.

Most agencies did not provide quantified cost estimates. Where quantified information was provided, it related to agency staffing and administrative compliance with RCW 34.05.328 rather than regulated entity cost modeling.

The reported costs were generally described as implementation-focused and tied to statutory requirements rather than discretionary expansion of regulatory scope.

Environmental and Natural Resource Programs

The Department of Ecology reported that certain rulemakings required regulated entities to undertake compliance activities associated with statutory environmental and climate programs, including monitoring, reporting, and program participation requirements. Ecology described these impacts as implementation-related obligations tied to legislative direction rather than discretionary cost increases.

The Department of Natural Resources reported that rule changes affecting lease rates, land use standards, and authorization requirements could result in adjusted compliance costs for affected lessees and operators. These impacts were described as operational and documentation-related and associated with statutory program implementation.

Public Health and Professional Licensing

The Department of Health and the State Board of Health reported that some rulemakings resulted in administrative or operational costs for license holders, regulated facilities, or local partners. These costs were described in general terms, such as training, compliance with revised standards, procedural updates, and internal system modifications. Agencies did not report quantified cost estimates.

The Office of the Insurance Commissioner reported that compliance with RCW 34.05.328 is integrated into its rulemaking process and results in identifiable agency costs associated with significant legislative rule analysis. The Commissioner reported:

- **Analyst effort:** approximately 1.6 FTE, estimated at \$200,000 annually

- **GovDelivery and website maintenance:** approximately 0.5 FTE, estimated at \$50,000 annually

The agency also reported increased staff time devoted to rule development, economic analysis, documentation, and legal review. These costs are incurred to meet statutory significant legislative rule requirements and are greater than those associated with exempt rulemakings.

OIC did not report legal actions related to RCW 34.05.328 compliance and indicated that cost-benefit analysis requirements are built into its standard rulemaking workflow.

Social Services and Long-Term Care

The Department of Social and Health Services reported that certain rulemakings affecting long-term care facilities, residential services, and developmental disability programs resulted in operational impacts for providers. These impacts were described in terms of procedural updates, documentation requirements, staffing considerations, and implementation activities. Quantified cost estimates were not provided.

Workforce and Economic Regulation

The Employment Security Department reported that rule changes affecting unemployment insurance processes did not create significant new compliance costs for claimants or employers, though implementation required administrative and system-related adjustments.

The Department of Revenue reported that tax-related rule updates did not introduce new categories of compliance costs beyond existing statutory obligations. Impacts were described as administrative in nature, including routine valuation updates and communication activities.

The Department of Labor and Industries reported that compliance with RCW 34.05.328 increases the time and staff resources required to develop and adopt rules. The agency noted that significant legislative rule analysis adds documentation, review, and coordination requirements to the rulemaking process. Quantified cost estimates were not provided.

Legal Actions Resulting from Significant Legislative Rules

Based on agency submissions, there were no reported legal actions during the 2024–2025 reporting period challenging agency compliance with the significant legislative rule requirements of RCW 34.05.328. Agencies did not report litigation costs, settlements, or judicial determinations related to failure to comply with the statute.

Adverse Effects on Agencies

This chapter summarizes agency-reported information regarding the extent to which compliance with RCW 34.05.328 has adversely affected agency capacity to fulfill legislatively prescribed missions. Agencies were asked to describe impacts on timelines, staffing, responsiveness, and operational workload attributable to significant legislative rule requirements.

Across reporting agencies, the most common effects described were increased staff time devoted to rule analysis and documentation, additional legal and economic review, and extended timelines for rule adoption. Agencies did not report that compliance with RCW 34.05.328 prevented them from carrying out their statutory responsibilities; however, several described increased workload and constrained rule development capacity.

Department of Ecology

The Department of Ecology reported that compliance with RCW 34.05.328 increases workload associated with economic analysis, cost-benefit documentation, and public record development. Ecology indicated that the significant legislative rule process adds procedural steps that extend rule development timelines and require additional coordination among program, policy, and legal staff. The agency did not report that the statute impedes its ability to fulfill its mission.

Department of Health

The Department of Health reported that compliance with RCW 34.05.328 increases the time required to adopt rules, particularly where professional licensing standards and public health regulations require economic and cost-benefit documentation. The agency described increased coordination among policy, economic, and legal staff. While timelines are extended, DOH did not report that the statute prevents fulfillment of its public health responsibilities.

Department of Labor and Industries

The Department of Labor and Industries reported that significant legislative rule requirements increase the time and resources required for rule development. The agency described added documentation, analysis, and review requirements associated with RCW 34.05.328 compliance. These impacts were characterized as increased workload rather than mission impairment.

Department of Natural Resources

The Department of Natural Resources reported that compliance with RCW 34.05.328 requires additional analytical and documentation work during rule development. The agency described impacts primarily in terms of increased staff time and coordination associated with economic analysis and record preparation. No mission-level impairment was reported.

Department of Revenue

The Department of Revenue reported that compliance with RCW 34.05.328 requires additional staff time devoted to economic analysis and documentation. Impacts were described as administrative and

procedural in nature. The agency did not report that the statute limits its ability to administer tax programs.

Department of Social and Health Services

The Department of Social and Health Services reported that compliance with RCW 34.05.328 increases rule development time due to expanded analytical requirements and documentation standards. The agency described impacts primarily as administrative, including additional coordination between policy, fiscal, and legal staff. DSHS did not report that the statute adversely affected its ability to deliver services but noted longer timelines for permanent rule adoption.

Employment Security Department

The Employment Security Department reported that compliance with significant legislative rule requirements adds procedural and analytical steps that increase rule development timelines. The agency described additional staff effort associated with economic review and documentation. No direct mission impairment was reported.

Forest Practices Board

The Forest Practices Board reported that compliance with significant legislative rule requirements increases administrative workload associated with rule analysis and record preparation. The Board did not report that the statute impairs its ability to carry out statutory forest practices responsibilities.

Office of the Insurance Commissioner

The Office of the Insurance Commissioner reported measurable operational impacts associated with compliance with RCW 34.05.328.

The agency indicated:

- Analysts spend approximately 25 percent more time developing rules due to documentation and communication requirements.
- An economic policy analyst must participate in all significant legislative rule development, increasing coordination and review time.
- Legal review is more frequent due to the potential for statutory causes of action.
- Analysts are limited to approximately 10–12 active rulemakings, contributing to a backlog of pending rule development requests.
- Longer timelines sometimes require use of emergency rulemaking followed by permanent rule adoption when responding to changes in federal law or court rulings.

OIC reported that while the analytical work aligns with good policy practice, statutory compliance requirements increase time and resource commitments.

State Board of Health

The State Board of Health reported similar impacts to DOH, including increased documentation and analysis requirements and longer rule development timelines. The Board did not report that compliance with RCW 34.05.328 limits its statutory mission but noted additional workload associated with economic analysis and documentation.

State Building Code Council

The State Building Code Council reported that compliance with RCW 34.05.328 adds analytical and documentation requirements to rule development activities. Impacts were described as additional staff coordination and extended timelines. No mission-level adverse effects were reported.

Rule Acceptability to Regulated Entities

This chapter summarizes agency-reported information regarding the extent to which compliance with RCW 34.05.328 has improved the acceptability of state rules to regulated entities. Agencies were asked to describe whether the significant legislative rule process has increased stakeholder acceptance, improved transparency, or enhanced public engagement.

Agencies generally report positive feedback from regulated communities, citing improved transparency, stakeholder engagement, and clarity of rules. Some agencies, such as DOH and ECY, note that SLR requirements help build consensus and public trust, even if formal data on acceptability is limited.

Department of Ecology

The Department of Ecology reported that the structured economic analysis and documentation requirements associated with significant legislative rules enhance transparency and improve the clarity of regulatory rationale. While ECY did not quantify changes in stakeholder acceptance, the agency indicated that formal cost-benefit documentation contributes to clearer communication with regulated entities.

Department of Health

The Department of Health reported that compliance with RCW 34.05.328 supports stakeholder engagement and transparency during rule development. DOH did not report measurable increases in acceptance directly attributable to the statute but indicated that structured analysis and documentation help regulated entities better understand regulatory changes.

Department of Natural Resources

The Department of Natural Resources reported that compliance with significant legislative rule requirements promotes transparency and provides a structured framework for explaining rule impacts. The agency did not report quantified changes in rule acceptance.

Department of Revenue

The Department of Revenue reported that formal economic analysis and documentation requirements support transparency and public review. The agency did not attribute measurable changes in stakeholder acceptance to RCW 34.05.328.

Department of Social and Health Services

The Department of Social and Health Services reported that the significant legislative rule process enhances documentation and communication of rule impacts to providers and service partners. The agency did not report quantified increases in rule acceptability but indicated that structured analysis supports clearer explanation of regulatory changes.

Employment Security Department

The Employment Security Department reported that compliance with RCW 34.05.328 promotes structured review and public documentation of rule impacts. The agency did not report measurable changes in stakeholder acceptance directly attributable to the statute.

Forest Practices Board

The Forest Practices Board reported that compliance with significant legislative rule requirements supports public documentation and economic review. The Board did not attribute specific changes in rule acceptability to the statute.

Office of the Insurance Commissioner

The Office of the Insurance Commissioner reported that compliance with RCW 34.05.328 has not materially improved acceptance of rules by regulated entities.

OIC indicated that:

- The agency regulates a highly sophisticated industry accustomed to regulatory change.
- Stakeholder engagement occurs early and frequently during rule development.
- Most rulemaking hearings are unattended, which the agency interprets as a positive indication of effective outreach.
- Acceptance of rules is primarily attributable to agency engagement practices rather than to the statutory significant legislative rule requirements.

OIC stated that compliance with RCW 34.05.328 is unrelated to the level of stakeholder acceptance reported.

State Board of Health

The State Board of Health reported that compliance with RCW 34.05.328 promotes transparency and structured analysis during rule development. The Board did not report measurable changes in stakeholder acceptance directly attributable to the statute.

State Building Code Council

The State Building Code Council reported that the economic and documentation requirements associated with significant legislative rules support structured review and stakeholder communication. No measurable change in rule acceptance was reported.

Overall Acceptability Impacts

Based on agency submissions for the 2024–2025 reporting period:

- Agencies generally characterized RCW 34.05.328 as supporting transparency and structured economic analysis.
- Most agencies did not report measurable increases in stakeholder acceptance directly attributable to the statute.
- One agency (OIC) explicitly stated that rule acceptability is driven primarily by agency engagement practices rather than by significant legislative rule requirements.

- No agency reported that compliance with RCW 34.05.328 reduced rule acceptability.

Overall, agencies described the statute’s impact on rule acceptability as neutral to modestly positive, primarily through enhanced transparency rather than through direct changes in stakeholder support.

Stakeholder Comments

ORIA invited comments from business, environmental, and labor organizations, as well as local government associations. For this reporting period, one formal stakeholder comment was received from the Washington Chapter of the National Federation of Independent Business (NFIB):

NFIB used to comment more frequently but found little changed as a result of those comments, making it difficult to justify the time spent reviewing materials and drafting a statement.

Perhaps a change in statute, rule, or policy to allow ORIA to begin gathering stakeholder feedback in July of the second year of the applicable biennium could be considered? That would give stakeholders 18 months of information to review during a time with less legislative activity underway.

In terms of the process, not the substance, of significant legislative rules, several minor changes could make a meaningful difference.

NFIB is subscribed to the rulemaking list-serves for at least five of the 12 participating agencies. Not one identifies whether a proposed rule is considered a significant legislative rule or not. Similarly, the [Washington State Register](#) does not identify whether an agency has determined a rule to be significant or not. The agencies themselves do not appear to identify proposed rules as such (see [L&I Semi-Annual Rules Development Agenda](#) and [Rulemaking Activity webpage](#), for example). The same seems to be true for DOR, DSHS, ECY, and ESD. Frustratingly, stakeholders raised this issue in ORIA's 2014 [report](#), "Impacts of Significant Legislative Rulemaking Requirements (2012-2013)." See page 10.

It makes little sense to measure "(e) The extent to which this section has improved the acceptability of state rules to those regulated," when neither the regulated community nor the public at large are able to easily identify which proposed rules are "significant" and which are not.

Indicating that a proposed rule has been deemed a significant legislative rule by the sponsoring agency in its materials (list-serve or other notices; rulemaking webpage; CR-101, -102, and -103; the State Register; etc.) would allow interested parties to identify and perhaps focus more effort on those proposals of the greatest significance.

Speaking of the Washington State Register, it is challenging for experienced government affairs professionals to find and navigate rule proposals through the State Register portal, let alone a small business owner or other individual "regulated entity". It should be easier to locate, track, and comment on rules of interest through the legislative website and online State Register on which it resides. NFIB has previously suggested a vanity URL like "rules.wa.gov" to help with the online search process and cross-referencing between agencies and the CRO. The online Register would benefit from some clarification, simplification, and better directions about how to find and use those resources.

The state's Small Business Economic Impact Statement requirement typically goes hand-in-glove with the Significant Legislative Rules process. Notification to regulated entities or their representative groups that an agency has determined a proposed rule triggers the SBEIS requirement is anything but transparent. Moreover, outreach to interested parties is inconsistent at best. From the limited information easily accessible online, it appears seven agencies may have prepared an SBEIS in 2024, six of which are subjects of this report. NFIB, which represents small, independent business owners, and routinely engages with various agencies about legislative and rulemaking activities, received no notification whatsoever from any agencies preparing SBEIS analysis, nor did we receive a copy of any such draft report upon which to comment. Much like the significant legislative rule requirements, agencies have become highly adept at burying their SBEIS obligations in the fine print of documents or other materials largely shielded from public view or scrutiny.

At a minimum, rule announcements and agency semi-annual rules development agendas should clearly identify which proposed rules are considered significant legislative rules and /or likely to trigger an SBEIS.

Appendix: Significant Legislative Rules and Responses by Agencies

This appendix contains complete agency reports to SLRs adopted between January 1, 2024 and December 31, 2025.

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. The 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. The extent to which RCW 34.05.328 has adversely effected the capacity of the agency to fulfill its legislatively prescribed mission (from RCW 34.05.328(6)(d)).
9. The 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, responses, 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](#)
- [Forest Practices Board](#)
- [Office of Insurance Commissioner](#)
- [State Board of Health](#)
- [State Building Code Council](#)

Please note that the Department of Fish and Wildlife reported no adoption of SLRs and therefore has nothing contained in the appendix for the reporting period.

Department of Ecology

1. Provide a significant legislative rule title.

This entry provides Ecology's responses for significant legislative rules adopted between January 1, 2024 and December 31, 2025.

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 to 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 to present this information (for example, the Regulatory Analyses and the Rule 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 helps Ecology be prepared to answer questions about what the rulemaking will do, its impact, 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 challenging the Clean Air Rule, Chapter 173-442 WAC, Association of Washington Business et al. and Avista Corporation et al. v Ecology, Thurston County Superior Court No. 16-2-03923-34. The petitioners in this case claim (among other things) that Ecology’s cost-benefit analysis and least burdensome analysis under RCW 34.05.328 are deficient. The plaintiffs voluntarily dismissed this case on the basis that the challenged regulation was repealed and replaced.

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 rule making 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 rule making” 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 14 significant legislative rulemakings related to 17 Washington Administrative Code (WAC) Chapters. The list below includes Ecology’s significant legislative rule adoptions between January 1, 2024 and December 31, 2025.

Rule Number: 1

WAC Chapter and Title: Chapter 173-446 WAC Climate Commitment Act Program Rule (Allowance Price Containment Reserve)

Program: Climate Pollution Reduction

Adoption filing date: 2/21/24

Purpose of Rulemaking based on the “Rulemaking Order” form (CR-103): Ecology is making two clarifications to the rules governing the cap-and-invest program under RCW 70A.65 (Chapter 173-446 WAC). These rule clarifications concern the operation of the Allowance Price Containment Reserve (APCR). Ecology will make two rule changes to clarify:

1. That the existing holding limits specified in WAC 173-446-150(2)(a), that apply to allowances with a “vintage,” also apply to the “vintage less” allowances that are acquired through APCR auctions. This means that one entity can hold only a certain number of allowances in its account at a time.
2. Adding language to WAC 173-446-370 to clarify that any allowances purchased in an APCR auction must be deposited directly into the entity’s compliance account. This change would prevent those allowances from being sold or traded on the secondary market, thereby ensuring that the allowances will be used to meet compliance obligations and not for speculative purposes. We have also adopted an emergency rule on this topic. Please visit the rulemaking website for more information. We will operate under emergency rules until we adopt a permanent rule.

Rule Number: 2

WAC Chapter and Title: Chapter 173-187 WAC Financial Responsibility

Program: Spills Prevention Preparedness and Reduction

Adoption filing date: 6/14/24

Purpose of Rulemaking based on the “Rulemaking Order” form (CR-103): Ecology is initiating a rulemaking to create a new rule, Chapter 173-187 WAC Financial Responsibility. Additionally, the existing Chapter 317-50 WAC – Financial Responsibility for Small Tank Barges and Oil Spill Response Barges, will be incorporated into the new rule and then repealed. This rulemaking will implement updates to Chapter 88.40 RCW as required under Engrossed Second Substitute House Bill (E2SHB) 1691 and will incorporate the requirements of existing Chapter 317-50 WAC, which will be repealed. The rulemaking will ensure that vessels and facility owners and operators have adequate financial resources to pay cleanup and damage costs arising from an oil spill. The new rule will:

- Define the entities subject to financial responsibility requirements.
- Establish required levels of financial responsibility for oil handling facilities and pipelines.
- Specify the procedures and timelines for obtaining or renewing a certificate of financial responsibility.
- Establish requirements for acceptable evidence of financial responsibility, including self-insurance.
- Outline the process for ensuring timely updates to changes in financial status.
- Define the processes governing the suspension, revocation, and re-issuance of certificates of financial responsibility considering potential liabilities incurred by a covered entity after an oil spill or other incident.

- Incorporate and update financial responsibility requirements currently included in Chapter WAC 317-50 – Financial Responsibility for Small Tank Barges and Oil Spill Response Barges, and repeal that chapter.
- Make other changes to clarify language and make any corrections needed.

Rule Number: 3

WAC Chapter and Title: Chapter 173-408 WAC Landfill Methane Emissions

Program: Air Quality

Adoption filing date: 5/13/24

Purpose of Rulemaking based on the “Rulemaking Order” form (CR-103): The rulemaking creates a new Chapter in the Washington Administrative Code, Chapter 173-408 WAC Landfill Methane Emissions. The purpose of this new chapter is to implement Reducing Methane Emissions from Landfills (Engrossed Second Substitute House Bill 1663, Chapter 179, Laws of 2022, codified as Chapter 70A.540 RCW). Chapter 70A.540 RCW establishes various requirements for municipal solid waste (MSW) landfills. Ecology is considering rulemaking for the following: Reporting Requirements:

- Establishing a method for landfills to claim exemption from the rule
- Waste in place reporting requirements
- Landfill gas heat input capacity calculation and reporting requirements
- Records maintenance and reporting requirements related to monitoring, testing, landfill operations, operation of the gas control device, gas collection system, and gas control system
- Reporting requirements for capping of landfill gas collection wells, removal or cessation of gas collection and control system equipment
- Landfill closure reporting requirements Monitoring Requirements:
- Instantaneous and integrated surface monitoring requirements
- Methane concentration limit requirements determined by instantaneous or integrated surface emissions monitoring
- Exemptions for methane concentration limit exceedances due to activities defined in RCW 70A.540.050(3)
- Gas control system monitoring requirements
- Methane leak rate limits for treatment systems that process routed gas
- Wellhead gauge pressure monitoring requirements Technology Requirements
- Gas collection and control system installation requirements
- Gas collection and control system efficiency requirements
- Gas collection and control system landfill gas leak limits
- Methane destruction efficiency requirements for flares and energy recovery control devices
- Requirements for gas collection and control systems that use an open flare
- Requirements for devices measuring gauge pressure
- Requirements for instruments used to measure methane

- Landfill gas control system equipment requirements
- Control device destruction efficiency calculation requirements
- Source testing requirements for any gas control device or devices Other:
 - Civil penalties for violation of the law and implementing rules
- Terms and definitions Page 2 of 3 Pursuant to RCW 70A.540.020(3), Ecology’s rulemaking must be informed by landfill methane regulations adopted by the California Air Resources Board, the Oregon Environmental Quality Commission, and the United States Environmental Protection Agency. This rulemaking applies to owners and operators of MSW landfills that received solid waste after January 1, 1992. This includes both active and closed MSW landfills (as defined in RCW 70A.540.010). Landfills that are exempt from these new requirements are:
 - Landfills that receive only hazardous waste, or are currently regulated under the comprehensive environmental response, compensation, and liability act (42 U.S.C. chapter 103)
 - Landfills that receive only inert waste or non-decomposable wastes

Rule Number: 4

WAC Chapter and Title: Chapter 173-201A WAC Water Quality Standards for the Surface Waters of the State of Washington

Program: Water Quality

Adoption filing date: 8/14/25

Purpose of Rulemaking based on the “Rulemaking Order” form (CR-103): The Washington State Department of Ecology is considering revising chapter 173- 201A WAC, Water Quality Standards for Surface Waters of the State of Washington. We are considering the following revisions in this rulemaking:

- Amending WAC 173-201A-240, Toxic substances, specifically aquatic life criteria, including, but not limited to, Table 240 and footnotes
- Minor, non-substantive edits to rule language in WAC 173-201A-240 to correct typographical, calculation, and formatting errors We may amend other sections of Chapter 173-201A WAC as necessary to support any revisions to the sections noted above. We are considering revisions to aquatic life toxics criteria to provide additional water quality protection for organisms that live in water. We will:
- Review all of Washington’s current aquatic life toxics criteria to ensure they are consistent with nationally recommended water quality criteria issued by the Environmental Protection Agency (EPA)
- Evaluate pollutant protection levels for endangered species in Washington waters • Evaluate new scientific data, methods, and modeling tools to update protection levels necessary for aquatic life in Washington’s surface waters
- Consider adding new toxic substances to the water quality standards that EPA has recommended or that the state of Washington designates as high priority for the protection of aquatic life

Rule Number: 5**WAC Chapter and Title:** Chapter 173-446B WAC Climate Commitment Act Funds Reporting**Program:** Climate Pollution Reduction**Adoption filing date:**10/8/24

Purpose of Rulemaking based on the “Rulemaking Order” form (CR-103): The rulemaking will adopt a new chapter in the Washington Administrative Code, Chapter 173-446B WAC, Climate Commitment Act Funds Reporting. The rule will establish reporting requirements for recipients of cap-and-invest auction revenue so that Ecology can complete annual reports to the state legislature, as required by the Climate Commitment Act (RCW 70A.65.300). It will define what, when, and how recipients must report their expenditures to Ecology. Additionally, the rule will outline the process to determine whether projects result in greenhouse gas (GHG) emissions reductions. For projects that do, it will outline the process to calculate the quantity of GHG emissions reduced.

Rule Number: 6**WAC Chapter and Title:** Chapter 173-201A WAC Water Quality Standards for the Surface Waters of the State of Washington**Program:** Water Quality**Adoption filing date:** 11/14/24

Purpose of Rulemaking based on the “Rulemaking Order” form (CR-103): The Washington State Department of Ecology is considering revising Chapter 173-201A WAC, Water Quality Standards for Surface Waters of the State of Washington. We are considering amendments to:

- WAC 173-201A-200(1)(c), Aquatic life temperature criteria, including, but not limited to, subsection (i).
- WAC 173-201A-200(1)(d), Aquatic life dissolved oxygen (D.O.) criteria including, but not limited to, subsection (i)
- WAC 173-201A-210(1)(c), Aquatic life temperature criteria including, but not limited to, subsection (i).
- WAC 173-201A-210(1)(d), Aquatic life dissolved oxygen (D.O.) including, but not limited to, criteria subsection (i).
- WAC 173-201A-260(1), Natural and irreversible human conditions.
- WAC 173-201A-310(3), Tier I – Protection and maintenance of existing and designed uses.

We may amend other sections of Chapter 173-201A WAC as necessary to be consistent with or provide support to any revisions to the sections noted above. We are considering revisions to several natural conditions provisions in our surface water quality standards. Natural conditions provisions recognize that conditions in some surface waters during some seasons and in some areas naturally do not meet water quality criteria. For example, a naturally low-flowing stream in a natural prairie without any human alteration may have seasonally higher temperatures than the limit set to protect fish. These

inconsistencies may be due to natural processes or seasonal conditions that prevent a waterbody from meeting the applicable aquatic life criteria. Our goal is to refine the natural conditions criteria to protect characteristics inherent and unique to a specific water. We will evaluate the latest scientific data, methods, modeling tools, and approaches to update natural conditions provisions necessary for refining aquatic life protection in Washington’s surface waters. As part of this process, we will consider the Environmental Protection Agency’s (EPA) recommended approaches for natural conditions in water quality standards. One example is a performance-based approach, which would adopt into rule a sufficiently detailed process that ensures predictable, repeatable outcomes that could be used to develop criteria that would protect the designated uses for a specific waterbody.

Rule Number: 7

WAC Chapter and Title: Chapter 173-441 WAC and Chapter 173-446 WAC Reporting of Emissions of Greenhouse Gases and Climate Commitment Act Program Rule (Electricity Markets)

Program: Climate Pollution Reduction

Adoption filing date: 12/3/24

Purpose of Rulemaking based on the “Rulemaking Order” form (CR-103): To align with the requirements of the Climate Commitment Act, this rulemaking adopts amendments to Chapter 173-441 WAC (Reporting of Emissions of Greenhouse Gases) and Chapter 173-446 WAC (Climate Commitment Act Program Rule).

These amendments help determine which entities will be responsible for emissions associated with electricity imported from centralized electricity markets. This rule does not modify the eligibility criteria for inclusion under the Cap-and-Invest Program. The rule establishes a framework that identifies the resources supplying the relevant electricity into centralized electricity markets based on the market mechanisms that operators of these markets put in place. The Climate Commitment Act Program Rule (Chapter 173-446 WAC) assigns a compliance obligation, while the processes and procedures for identifying resources were adopted in the Reporting of Emissions of Greenhouse Gases Rule (WAC 173-441). Amendments to Chapter 173-441 WAC ensure that appropriate data are reported to Ecology.

The adopted rule applies to existing and future centralized electricity markets including the Energy Imbalance Market, the Extended Day Ahead Market, and the Markets+ initiative underway by the Southwest Power Pool. The rule also addresses other issues related to the reporting of greenhouse gas emissions for entities importing electricity to Washington. Specifically, this rulemaking provides:

- A framework for addressing imports of electricity from specified resources through centralized electricity markets.
- A process for identifying the electricity importer for imported electricity from centralized electricity markets.
- Methods for assigning greenhouse gas emissions to imports of electricity from centralized electricity markets.
- Equitable treatment across and between bilateral and centralized electricity markets.
- Administrative and process-related changes for clarity and to harmonize the rule with recent statutory changes.

Rule Number: 8

WAC Chapter and Title: Chapter 173-400 WAC and Chapter 173-401 WAC General Regulations for Air Pollution Sources and Operating Permit Regulation

Program: Air Quality

Adoption filing date: 2/12/25

Purpose of Rulemaking based on the “Rulemaking Order” form (CR-103): Ecology is adopting amendments to two air quality rules:

1. Chapter 173-400 WAC, General Regulations for Air Pollution Sources
 - a. Update references to a new publication date for Ecology’s Source Test Manual – Procedures for Compliance Testing.
 - b. Update adoption by reference date in Section -025 for purposes of adopting federal rules by reference.
2. Chapter 173-401 WAC, Operating Permit Regulation
 - a. Repeal the emergency affirmative defense provisions in WAC 173-401-645 to align with EPA’s July 2023 removal of these provisions from federal operating permit regulations.

This adoption also makes minor administrative updates that include updating references to two chapters of the Revised Code of Washington that were recodified in 2020.

Rule Number: 9

WAC Chapter and Title: Chapter 173-224 WAC Water Quality Permit Fees

Program: Water Quality

Adoption filing date: 7/1/25

Purpose of Rulemaking based on the “Rulemaking Order” form (CR-103): Chapter 173-224 WAC Water Quality Permit Fees implements RCW 90.48.465 which requires Ecology to establish, by rule, annual fees to recover the cost of administering the wastewater and stormwater permit programs. This proposed rule amendment considers the economic impact on small dischargers and public entities and provides appropriate adjustments where applicable. Below is a brief explanation of the specific sections in Chapter 173-224 WAC that will be updated for this rulemaking:

- WAC 173-224-015 Purpose. Updated to reflect Fiscal Year 2026 and Fiscal Year 2027 fee periods.
- WAC 173-224-030 Definitions. Definitions are updated to align with current water quality permit terminology and to reflect changes in the permit fee schedule.
- WAC 173-224-040 Permit fee schedule. Adjusts fees to reflect an increase in fees for most fee categories and changes to certain fee subcategories. Increases minimum permit fees. Replaces existing inactive fee rate with new reduced permit fee rate. Technical corrections.

Rule Number: 10

WAC Chapter and Title: Chapter 173-446 WAC Climate Commitment Act Program Rule (Offsets – Ozone Depleting Substances Protocol)

Program: Climate Pollution Reduction

Adoption filing date: 7/21/25

Purpose of Rulemaking based on the “Rulemaking Order” form (CR-103): Ecology is adopting amendments to Chapter 173-446 WAC, Climate Commitment Act Program Rule. The purpose of the rule amendments is to update the offset protocol for Ozone Depleting Substances (ODS). This will increase the potential variety of offset projects that can be developed within the Cap-and-Invest Program, as directed by RCW 70A.65.170(1) and RCW 70A.65.170(4)(b). This statute directs Ecology to conduct rulemaking that ensures that any updates or additions to the offset program are both based in the best available science and support the needs of landowners and communities in Washington state. The proposed rulemaking amendments restrict project invalidation liability for ODS projects (in reference to WAC 173-446-580), adopt a new ODS protocol, and require all ODS offset projects commenced after the effective date of the rule to use the new protocol. The proposed new protocol is based on a protocol that the California Air Resources Board previously adopted (Compliance Offset Protocol Ozone Depleting Substances November 14th, 2014), and incorporates the following changes:

1. Update Global Warming Potential values from the Fourth IPCC Assessment Report (AR4) to the Fifth IPCC Assessment Report (AR5).
2. Allow ODS sourced from the federal government.
3. Allow credit generation from Hydrochlorofluorocarbon-22 (HCFC-22).
4. Allow credit generation from medical aerosols and unused solvents.

Anticipated effects include increased technical standards, decreased obstacles to project development, and incorporation of policy advances. These rule changes work in tandem with additional rules under the Climate Commitment Act to help achieve the state’s mandate of net-zero greenhouse gas emissions by 2050.

Rule Number: 11

WAC Chapter and Title: Chapter 173-339 WAC Cosmetic Products Restrictions

Program: Hazardous Waste and Toxics Reduction

Adoption filing date: 8/28/25

Purpose of Rulemaking based on the “Rulemaking Order” form (CR-103): The Washington State Department of Ecology adopted a new chapter in the Washington Administrative Code (WAC): Chapter 173-339 WAC: Cosmetic Products Restrictions. The new chapter or rule restricts the manufacture, sale, and distribution of cosmetic products in Washington State that contain intentionally added formaldehyde or chemicals that release formaldehyde. The adopted rule:

- Restricts the manufacture, sale, and distribution of cosmetic products in Washington State that contain intentionally added formaldehyde and chemicals that release formaldehyde.
- Identifies 25 formaldehyde-releasing chemicals that are restricted by rule when intentionally added to cosmetic products. This will help manufacturers investigate their supply chain and formulate products without chemicals that release formaldehyde.
- Defines “intentionally added” to clarify the applicability of the restrictions on toxic chemicals in the Toxic-Free Cosmetics Act (RCW 70A.560.0201). Applying the definition of “intentionally added” to the statutory restriction on formaldehyde restricts all chemicals that release formaldehyde.
- The restrictions in the rule and in the Toxic-Free Cosmetics Act:
- Affect cosmetics manufacturers, distributors, retailers, and cosmetology businesses operating in Washington State.
- Apply to cosmetic products used in services, sold online, and sold in physical stores.

Rule Number: 12

WAC Chapter and Title: Chapter 173-423 WAC Clean Vehicles Program

Program: Climate Pollution Reduction

Adoption filing date: 10/16/25

Purpose of Rulemaking based on the “Rulemaking Order” form (CR-103): Ecology is adopting amendments to our Clean Vehicles Program Rules (Chapter 173-423 WAC) to incorporate changes to the Advanced Clean Trucks and Heavy-Duty Low NOx Omnibus regulations adopted by the California Air Resources Board (CARB). These regulations are an essential policy tool for addressing climate change and improving air quality in Washington.

These amendments respond to industry concerns by easing compliance requirements for the heaviest vehicles. They also streamline implementation and maintain consistency with state and federal laws. The Advanced Clean Trucks program applies to medium- and heavy-duty engine and vehicle manufacturers. It requires manufacturers to gradually sell more new zero-emission models in Washington through model year 2035 and provides flexibility to manufacturers by allowing the purchase of credits from other manufacturers to meet this requirement, thereby offering manufacturers choice in which models to transition to zero-emissions technology. The Heavy-Duty Low NOx Omnibus regulation applies to heavy-duty internal combustion engine manufacturers and requires heavy-duty vehicles sold in Washington meet more protective air quality standards, particularly on oxides of nitrogen and particulate matter, starting in model year 2026.

Rule Number: 13

WAC Chapter and Title: Chapter 173-424 WAC Clean Fuels Program

Program: Climate Pollution Reduction

Adoption filing date: 10/20/25

Purpose of Rulemaking based on the “Rulemaking Order” form (CR-103): This rulemaking adopts amendments to Chapter 173-424 WAC, Clean Fuels Program Rule. The adopted rule amendments update the Clean Fuel Standard (CFS) to expand credit generating opportunities for fuels used in hard-to-decarbonize sectors, increase environmental benefits, streamline reporting and compliance procedures, and make other changes identified during rule development and through program implementation.

Adopted rule amendments include:

- Updated requirements regarding the production of low-carbon intensity alternative jet fuel, in alignment with Engrossed Substitute Senate Bill 5447 (Chapter 232, Laws of 2023).
- New requirements for electrolysis energy used in the production of alternative jet fuel and alternative marine fuel.
- Third-party verification requirements to improve the accuracy of information used to generate credits and deficits in the program.
- Amended requirements for the use of indirect (“book-and-claim”) accounting of low-carbon intensity biomethane or electricity. This accounting method allows fuel producers to use indirectly supplied renewable electricity or biomethane to lower the carbon intensities of fuels they report in the program, subject to certain conditions specified in rule. The amendments aim to encourage in-state and regional renewable energy production and maximize local environmental benefits.
- Updated requirements to “avoided methane crediting”, which grants fuel producers additional credits for voluntarily capturing methane from dairy and swine manure and organic waste diverted from landfills. To maximize short-term climate pollution reduction benefits, the highest incentives will be granted to new methane capture projects that begin initial construction on or before December 31, 2029. The adopted rule also adds safeguards intended to mitigate the risk of negative environmental and public health externalities occurring from these incentives.
- Amended requirements related to capacity credits for zero emission vehicle infrastructure, including expanding credit generation opportunities to electric charging and hydrogen refueling sites shared by multiple heavy-duty vehicle fleets.
- Updated requirements to harmonize the rule with policies in California and Oregon’s low-carbon fuels programs.
- Amendments to improve clarity and readability, correct errors, and streamline reporting and registration requirements.

The adopted amendments are expected to decrease compliance burdens on regulated parties, strengthen stability of the credit market, and ensure the credibility of environmental benefits claimed in the program.

Rule Number: 14

WAC Chapter and Title: Chapter 173-443 WAC Hydrofluorocarbons (HFCs) and other Fluorinated Greenhouse Gasses

Program: Air Quality

Adoption filing date: 10/29/25

Purpose of Rulemaking based on the “Rulemaking Order” form (CR-103): Ecology adopted updates to Chapter 173-443 WAC, the Hydrofluorocarbon (HFCs) and Other Fluorinated Greenhouse Gases rule. This rule supports the transition away from using some HFCs and similar gases in certain products such as aerosol propellants and foams, as well as in refrigeration and air conditioning equipment. These greenhouse gases can be thousands of times more powerful than carbon dioxide. By restricting the use of the most potent HFCs in new equipment and properly maintaining existing equipment that contains those HFCs, Washington will prevent roughly four million metric tons of greenhouse gas emissions each year by 2035. Ecology amended parts of the rule to improve clarity, facilitate more consistent implementation, and reduce unintended impacts on businesses. Specifically, Ecology adopted amendments to existing sell-through provisions in WAC 173-443-065 and -075, which allow equipment with prohibited refrigerants that were manufactured before a certain date to be sold for a limited period of time after the prohibition effective dates in WAC 173-443-040, Tables 2 and 3. Ecology also modified WAC 173-443-040 to align the list of prohibited substances and effective dates for Automatic Commercial Ice Machines with the U.S. Environmental Protection Agency’s Technology Transitions Rule adopted in October 2023. Lastly, Ecology made necessary technical and administrative changes such as adding or amending definitions, fixing typos and grammar issues and clarifying language where needed. These changes do not modify any substantive requirements in the rule.

Department of Fish and Wildlife

DFW had no SLR’s to report for January 2024 to December 2025.

Department of Health

1. Provide a significant legislative rule title.

This report covers the Department of Health (DOH) responses for all Significant Legislative Rules (SLR) adopted between January 1, 2024, and December 31, 2025. 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)].

SLRs require DOH to determine, after evaluating alternative versions of the rule and comparing the costs and benefits, that the adopted rule is the least burdensome alternative for those required to comply with it and that it will achieve the general goals and specific objectives of the statute that the rule implements. DOH collaborates with Tribal partners, as well as other partners, licensees, interested parties, communities, and the public to assess the impacts of alternative versions.

DOH considers the SLR information when adopting rules. This information helps make informed decisions when establishing rules and minimum standards. Discussing costs and benefits, and least burdensome alternatives supports productive conversation when facilitating discussions with partners, interested parties, and other constituents. The standards established in RCW 34.05.328 provide guiding principles when considering 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)].** Between 2024-2025 DOH, and the health profession boards and commissions, adopted 74 SLRs. This is a 42.6% increase from 2022-2023.

The higher costs of SLRs are largely due to staff time needed to collect data, developing and analyzing cost surveys, and preparing cost-benefit analyses. SLRs tend to attract more interested parties, cover more complex subjects, and may address full chapter reviews. These typically require an increased number of meetings and generally take more time to develop, which further increases costs.

In addition to the SLR requirements, some SLRs are also subject to a Small Business Economic Impact Statements (SBEIS) under chapter 19.85 RCW and an Environmental Justice Assessment under chapter 70A.02 RCW. DOH must invest additional time and concentrated staffing resources to write these analyses. DOH's full-time Health Economist spends approximately 20% of their time working with staff on cost surveys and economic analysis. DOH also allocates staff resources to website maintenance and GovDelivery notifications to share rulemaking drafts and other informative information with interested parties.

Between 2024-2025, DOH staff continue to work to complete rule projects that were slowed or placed on hold during the pandemic. The COVID-19 pandemic, which the World Health Organization declared over in May 2023, continues to impact DOH's rulemaking progress and that of the related health profession boards and commissions. The continued use of virtual tools for workshops, meetings, and hearings has improved communication and supports a more equitable community outreach.

SLRs often require an increased number of public meetings and require a formal hearing. The health profession boards and commissions must comply with the Open Public Meetings Act, which requires offering an in-person meeting space each time they meet. This adds to expenses for travel and meeting space.

The costs in table #11 below do not reflect the time and expenses incurred by our Tribal partners, the public or interested parties who participate in the rule development. Inviting interested parties to participate in rule development is a core value of DOH and the boards and commissions. Although this level of public involvement increases the overall cost of rulemaking, such efforts tend to increase public acceptance of rules.

Some of the more expensive rulemaking projects DOH encountered during 2024-2025 include:

Psychology Licensing Standards. In July 2025 the Examining Board of Psychology adopted amendments to chapter 246-924 WAC to update licensure standards and implement recent Washington State legislation. This rulemaking cost approximately \$153,256.

The adopted rules address the state’s ongoing shortage of behavioral health providers and modernized the psychologist licensing requirements by:

- Aligning with the American Psychological Association (APA) and other accreditation standards;
- Updating supervised experience requirements; and
- Recognizing remote technology and telepsychology in the profession.

Coinciding with the board’s rulemaking efforts, the legislature passed multiple bills to address behavioral workforce shortages, credentialing delays, and unnecessary barriers to licensure.

- Second Substitute House Bill (2SHB) 1724 (Chapter 425, Laws of 2023) requires reducing licensure barriers, improving credentialing, and allowing some out-of-state licensing waivers.
- Engrossed Second Substitute House Bill (E2SHB) 2247 (Chapter 371, Laws of 2024) creates a psychological associate license, expands reciprocity options, and allows provisional practice for up to 120 days after application.

The board initiated rulemaking in 2021 but later broadened the scope of the rulemaking in 2023 to incorporate the more recent legislation. The result was a more expensive rulemaking project, combining two projects into one.

The board held approximately 30 rules workshops and board meetings, from 2022 to 2025, to discuss the legislation, gather feedback from the public and from psychology professionals, and develop the proposed rules. During these workshops and through written comments interested parties expressed their concerns and support for various proposed changes. The adopted rule comes with additional costs to providers, but in the end the adopted rule represents the board’s decisions to maintain high licensure standards, promote public safety, and comply with recent legislation.

Certificate of need for Adult Elective Percutaneous Coronary Intervention. In October 2025, DOH adopted amendments to rules related to the Certificate of Need (CN) requirements for adult elective Percutaneous Coronary Intervention (PCI) programs (chapter 246-310 WAC). The adopted amendments updated, modernized, and developed progressive enforcement tools for Washington’s cardiac care system. The project cost approximately \$117,696.

The rulemaking combined two rulemaking petitions, one submitted in 2019 and later a second in 2023. Resources allocated to the COVID-19 pandemic response also added to the delayed rulemaking efforts and hence resulted in combining consideration of both rule petitions under one project.

DOH held 12 public workshops to gather feedback, develop rules and maintain an open dialogue with interested parties and the cardiology community. The cardiology community who participated in these public workshops consisted of cardiac industry experts, representatives of the hospital systems, as well as medical PCI providers. An external work group comprised of regular workshop attendees was also created to develop recommendations outside the regularly scheduled workshops. The external workgroup brought recommendations to the DOH’s workshops where extensive rule development discussions were held between DOH staff and the cardiology community.

The adopted rule supports calculations that are more accurate in measuring utilization of elective PCIs while simultaneously reducing the multiple data sets DOH needs to create the annual methodology; several redundant requirements were eliminated, and processes were consolidated. Overall, the changes reduce complexity for applicants, while still maintaining DOH's obligation to ensure providers are safe, financially stable, capable of meeting the needs of the community, and prevent unnecessary duplication of services which could lead to increased health care costs.

Pharmacy Prescription Label Accessibility. In January 2025, the Pharmacy Quality Assurance Commission (commission) adopted rules for accessible labeling in chapter 246-945 WAC, requiring all dispensing facilities (i.e., pharmacies) and dispensing practitioners (health professionals with prescriptive authority in the State of Washington) to provide accessible prescription labeling upon the request of the patient and to inform the patient of such services. The commission considered many alternative versions of the rule before adoption. This resulted in approximately \$94,505 in rulemaking expenses.

The commission spent just over two years meeting with partners, licensees, and other interested parties to consider variations of the proposed rules and developing the cost-benefit analysis. The commission considered versions of proposed legislation which considered developing lists of languages for translation as well as specific accessibility requirements for visually impaired individuals. The commission also considered requirements established in California, Oregon, Arkansas, Massachusetts, New Jersey, New York, Nevada, and Texas. The rules apply to both dispensing practitioners and dispensing facilities and therefore the range of implementation costs had to be presented separately for each group. Something not regularly found in DOH cost-benefit analyses. Costs pertaining to facilities were estimated by the commission and department using average wage information from traditional pharmacy staff, including but not limited to pharmacists, pharmacy technicians, and pharmacy assistants that is pulled from the U.S. Bureau of Labor Statistics as a primary source and other secondary sources, if needed.

The probable benefit of the rule is reducing instances of injury and death from medication error through the availability of accessible prescription labeling services, while the probable one-time costs of the rule are developing policies and procedures and purchasing accessible labeling hardware, and the probable ongoing costs include staff training, added job functions, hardware/software maintenance, monthly vendor fees, and per-label printing fees.

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 was no legal action against DOH 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 between 6-8 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.

DOH continues to see an increase in legislatively mandated rulemaking, most of which fall within the SLR requirements. In addition to legislative mandates, DOH receives requests from interested parties to pursue rulemaking. DOH also acts on other necessary rulemaking changes stemmed from such things as federal mandates, advancements in professional standards and technology, and progressions in standards of practice. All of this adds to the workload of existing staff.

As already noted, SLRs generally take more time to develop. They require staff time to collect data, complete cost surveys, and conduct cost-benefit analyses. Coupled with an increased number of meetings, an additional emphasis to increase equity in rulemaking, as well as the need to develop Small Business Economic Impact Statements (SBEIS) Environmental Justice Assessments, this is resulting in delays in implementation as well as delays between when interested parties last see a draft rule and when the public hearing is held.

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

DOH currently does not collect formal data on how acceptable state rules are, and there is no long-term data to compare acceptability before this law went into effect in 1995. Anecdotal evidence from public comments about proposed rules suggest that interested parties appreciate DOH’s efforts to communicate with and include them in rule development for both significant and non-significant rules.

Documenting the costs and benefits of proposed rules prompts talking points in rule development. Periodically interested parties 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.

Overall DOH’s emphasis and commitment to public involvement in rule development has the most substantial impact on rule acceptability.

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

The costs identified in an SLR analysis are often only qualitative, like time and effort, rather than actual dollar amounts that must be paid. Because of this, doing a cost-benefit analysis can be challenging, and the results may not always be very useful or relevant to the regulated community.

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

	WSR #	Subject of Rulemaking	# of WAC Sections Adopted	Date Adopted	Final Cost of Rulemaking
1	24-03-055	Nursing Temporary Practice Permit, Chapter 246-840 WAC	1	1/11/2024	\$8,495

	WSR #	Subject of Rulemaking	# of WAC Sections Adopted	Date Adopted	Final Cost of Rulemaking
2	24-03-095	Chiropractic X-Ray Technicians 246-808-201 and 246-808-215	7	1/18/2024	\$25,809
3	24-03-139	Substance Use Disorder Professionals Misc. Clean-Up, Ch 246-811 WAC (MBC, TD) (WSR 22-03-052, 23-20-120, 24-03-139)	3	1/23/2024	\$6,351
4	24-03-146	Drug Take-Back Safe Medication Return, Chapter 246-480 WAC	5	1/23/2024	\$17,046
5	24-03-147	Board of Nursing Home Administrators Chapter 246-843 WAC Update	6	1/23/2024	\$15,875
6	24-10-063	Nursing Initial Out-of-State Exam and Endorsement Licensing Rule, Chapter 246-840 WAC	2	4/26/2024	\$3,096
7	24-10-091	Midwives Limited Prescriptive License, Chapter 246-834 WAC	17	4/30/2024	\$6,626
8	24-11-103	Applied Behavior Analysis Chapter 246-805 WAC Rewrite	25	5/17/2024	\$27,632
9	24-11-160	Physical Therapy Dry Needling Endorsement, 2SHB 1039	2	5/22/2024	\$5,199
10	24-12-066	Nursing Substance Use Disorder Monitoring SHB 1255 - Stipend Program, WAC 246-840-750 through 246-840-780 and WAC 246-840-790	5	6/3/2024	\$15,424
11	24-13-019	Allopathic Physician Postgraduate Medical Training WAC 246-919-330	1	6/6/2024	\$3,410
12	24-13-079	Nursing Blood Glucose Management, Chapter 246-840 WAC	4	6/17/2024	\$7,447
13	24-13-115	Athletic Trainers Medication Definition Section, Chapter 246-916 WAC	1	6/20/2024	\$2,036
14	24-15-025	Home Care Aide - Reducing Barriers, Ch 246-980 WAC	8	7/9/2024	\$4,768
15	24-15-021	Dental Hygiene Health Equity CE, WAC 246-815-145	1	7/9/2024	\$2,565

	WSR #	Subject of Rulemaking	# of WAC Sections Adopted	Date Adopted	Final Cost of Rulemaking
16	24-15-104	EMS Medical Services, WAC 246-976-010 through -970	32	7/22/2024	\$38,542
17	24-15-130	WEMISIS, EMS Data System Changes, Chapter 246-976 WAC	5	7/23/2024	\$18,831
18	24-16-058	State Revolving Fund Federal BIL Update, WAC 246-296	4	7/31/2024	\$29,300
19	24-17-003	Crisis Relief Centers for Adults, Behavioral Health Agency, Chapter 246-341 WAC	8	8/8/2024	\$33,755
20	24-17-005	EMS Organ Transport Services, Chapter 246-976 WAC	1	8/8/2024	\$4,870
21	24-17-004	Crisis Relief Centers – Discharge or Transfer of Patients from Hospitals, Chapter 246-320 WAC	1	8/8/2024	\$2,604
22	24-17-081	Music Therapists Chapter 246-837 WAC	10	8/19/2024	\$8,041
23	24-18-006	Certificate of Need, Kidney Disease Center, Chapter 246-310 WAC	12	8/22/2024	\$4,942
24	24-17-111	Dietitian/Nutritionist Chapter Rewrite, Chapter 246-822 WAC	21	8/19/2024	\$28,166
25	24-20-031	Nursing Educational Opportunities Simulation E2SSB 5582. WAC 246-840-5341 and WAC 246-840-534	1	9/23/2024	\$9,365
26	24-21-083	Behavioral Health Support Specialist Profession Chapter 246-821 WAC	22	10/16/2024	\$64,205
27	24-23-044	Board of Optometry Scope of Practice SSB 5389, Chapter 246-851 WAC	7	11/14/2024	\$11,134
28	24-23-045	Board of Optometry CE, Chapter 246-851 WAC	2	11/14/2024	\$1,720
29	24-23-062	Respiratory Care Practitioners, Update Chapter 246-928 WAC	3	11/17/2024	\$1,358
30	24-24-012	Occupational Therapy Licensing and Endorsement 2SHB 1724 and Ethics Review WAC 246-847-051, 065, 068, 070, 080, 125, and 170	8	11/21/2024	\$1,021

	WSR #	Subject of Rulemaking	# of WAC Sections Adopted	Date Adopted	Final Cost of Rulemaking
31	24-24-024	Pharmacy Prescription Transfer Requirements, Chapter 246-945 WAC	2	11/22/2024	\$3,819
32	24-24-025	Pharmacy Military Spouse Temporary Practice Permit and Intern Renewals, Chapter 246-945 WAC	2	11/22/2024	\$2,706
33	24-24-021	Occupational Therapy Military Spouse Temp Permit, 2SHB 1009 WAC 246-847-117 and WAC 246-847-990	2	11/22/2024	\$1,410
34	24-24-029	Acupuncture Point Injection Therapy, Chapter 246-803 WAC	1	11/22/2024	\$1,787
35	24-24-084	Pharmacy Drugs Stored Outside the Pharmacy, Chapter 246-945 WAC	1	12/2/2024	\$3,724
36	25-01-051	Security Screening Systems, Chapter 246-230 WAC	13	12/11/2024	\$53,106
37	25-02-079	988 Contact Hubs, Chapter 246-350 WAC	4	12/26/2024	\$18,518
38	25-02-080	Advanced Registered Nurse Practitioner Education Requirements – JARRC, WAC 246-840-010, -340 and -342	3	12/26/2024	\$3,053
39	25-03-022	Osteopathic Medicine and Surgery Examination, WAC 246-853-020	1	1/7/2025	\$733
40	25-03-021	Facilities Rulemaking Behavioral Health Agencies Chapter 246-341 WAC	10	1/7/2025	\$27,003
41	25-04-003	Pharmacy Prescription Label Accessibility, Chapter 246-945 WAC	5	1/22/2025	\$94,505
42	25-04-091	Dental Opioid Prescribing Exclusions for Residential Habilitation Centers, WAC 246-817-905	1	2/3/2025	\$1,370
43	25-05-018	Large Onsite Sewage System - Civil Penalties, WAC 246-272B-08105	1	2/7/2025	\$2,706

	WSR #	Subject of Rulemaking	# of WAC Sections Adopted	Date Adopted	Final Cost of Rulemaking
44	25-05-059	Hospital Licensing Construction Standards, Chapter 246-320 WAC	3	2/14/2025	\$18,062
45	25-05-085	Medical Assistants, ESHB 1073 and SSB 5983, Chapter 246-827 WAC	4	2/18/2025	\$6,388
46	25-05-089	Certified Peer Specialist Profession, New Chapter 246-929 WAC	23	2/18/2025	\$72,396
47	25-05-091	General Provisions for Opioid Prescribing and Tapering - Allopathic Physicians Chapters 246-918 WAC and 246-919 WAC	6	2/18/2025	\$8,161
48	25-06-010	Agency Affiliated Counselor Credentials, Chapter 246-810 WAC	49	2/20/2025	\$36,660
49	25-06-036	Onsite Sewage System Technical Correction, Proprietary Product Testing, WAC 246-272A-0110	1	1/26/2025	\$7,970
50	25-07-024	Substance Use Disorder Professional 1724 Recommendations, Chapter 246-811 WAC	29	3/10/2025	\$29,642
51	25-07-093	Pharmacy Home Dialysis Programs, Chapter 246-945 WAC	4	3/18/2025	\$6,179
52	25-07-097	Pharmacy, Permanent Facility Closure Requirements, WAC 246-945-480	3	3/18/2025	\$4,090
53	25-08-072	Pharmacy Medication Assistance, Chapter 246-945 WAC	5	4/1/2025	\$19,411
54	25-09-026	E-Farmers' Market Nutrition Program, Chapter 246-780 WAC	10	4/7/2025	\$20,737
55	25-09-054	Board of Physical Therapy Initial License and Endorsement Requirements WAC 246-915-030, 039, 040, 085	4	4/11/2025	\$3,704

	WSR #	Subject of Rulemaking	# of WAC Sections Adopted	Date Adopted	Final Cost of Rulemaking
56	25-09-055	Hearing and Speech – Implementing legislation, reducing licensure barriers in chapter 246-828 WAC	4	4/11/2025	\$7,678
57	25-09-068	Naturopathy License Requirements WAC 246-836-020 and WAC 246-836-040	2	4/15/2025	\$512
58	25-09-110	Licensed Counselor Supervisor Directory and Stipend Program, Chapter 246-809 WAC	6	4/21/2025	\$6,878
59	25-11-019	Licensed Counselor Chapter 246-809 WAC Rewrite	14	5/12/2025	\$24,754
60	25-13-095	Medical Assistant-EMT, SSB 5940, Chapter 246-827 WAC	4	6/17/2025	\$4,783
61	25-14-065	Veterinarian and Veterinary Technician Exam and Licensure Requirements, Chapters 246-933 and 246-935 WAC	10	6/27/2025	\$11,719
62	25-14-053	Anesthesiologist Assistants, New Chapter 246-921 WAC	18	6/26/2025	\$24,931
63	25-15-019	WIC Vendor Rules, Chapter 246-790 WAC	17	7/7/2025	\$48,936
64	25-15-034	Veterinary-Client-Patient Relationship, WAC 246-933-010 and 246-933-200	2	7/8/2025	\$20,845
65	25-15-078	Childbirth Centers Update Chapter 246-329 WAC	21	7/15/2025	\$21,338
66	25-15-068	Psychology Licensure Standards, Chapter 246-924 WAC	33	7/14/2025	\$153,256
67	25-16-010	MRI Technologist, SHB 2355, Chapter 246-926 WAC	9	7/24/2025	\$13,290
68	25-16-046	Orthotics and Prosthetics, Licensure and CE Requirements, Chapter 246-850 WAC, 2SHB 1724	3	7/30/2025	\$11,026
69	25-17-089	Pharmacy, Uniform Facilities Enforcement Framework, Chapter 246-945 WAC	1	8/20/2025	\$4,621

	WSR #	Subject of Rulemaking	# of WAC Sections Adopted	Date Adopted	Final Cost of Rulemaking
70	25-17-091	Nurse Administrator Requirements for Baccalaureate Nursing Education Programs, E2SSB 5582, WAC 246-840-517	1	8/20/2025	\$7,782
71	25-20-107	Dental Therapy, New Chapter 246-819 WAC, ESHB 1678	23	10/1/2025	\$39,333
72	25-21-006	Certificate of Need, PCI Program WAC 246-310-700 through WAC 246-310-755	13	10/2/2025	\$117,696
73	25-21-014	Pharmacy Zero Reports and Suspicious Orders, WAC 246-945-585	2	10/3/2025	\$2,486
74	25-23-009	Board of Denturist Substantial Equivalency Jurisprudence Exam, WAC 246-812-159	1	11/6/2025	\$3,122

Department of Labor and Industries

1. Provide a significant legislative rule title.

Electrical Rule - Code Adoption

2. Provide WSR# and any other appropriate references.

WSR 24-05-085
Chapter 296-46B WAC, Electrical safety standards, administration, and installation

3. Provide the adoption date and any necessary details.

February 21, 2024
Amended 43 WAC sections; Created 3 WAC sections; Repealed 2 WAC sections.

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

This rulemaking amended Chapter 296-46B WAC to adopt the 2023 edition of the National Fire Protection Agency (NFPA) 70, the National Electrical Code (NEC), and other related codes for electrical. The 2023 NEC (NFPA 70-2023) replaces the 2020 NEC (NFPA 70-2020) adopted standards. The Department of Labor & Industries’ (L&I) Electrical Program reviewed Chapter 296-46B WAC, and adopting the 2023 NEC (NFPA 70-2023) updated the rule for consistency with the latest national safety standards and industry practice. The 2023 edition of the code presents the latest comprehensive regulations for electrical wiring, overcurrent protection, grounding and installation of equipment. The review process included an opportunity for electrical stakeholders and other interested parties to participate in the review of existing rules, submit proposals and provide recommendations for possible rule amendments. A Technical Advisory Committee (TAC) of industry experts and the Electrical Board reviewed the proposals and provided advice on adoption of the

rules. This rulemaking adopted the latest safety codes, and other amendments to the rules identified during the formal review process and recommended by stakeholders to improve public safety.

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 (L&I) 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 L&I 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. L&I 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 L&I 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. **Provide a significant legislative rule title.**
Independent Medical Examinations (IME) Recording Notification Process and Accompanying Person
2. **Provide WSR# and any other appropriate references.**
WSR 24-08-025
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.**
March 26, 2024
Amended 1 WAC section; Created 2 WAC sections.
4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
This rulemaking created new rules in Chapter 296-23 WAC and amended WAC 296-23-362. Substitute House Bill 1068, Chapter 166, Laws of 2023, allows a worker to audio and visually record an independent medical examination (IME) and includes that an observer may be present for all examinations with the worker. The updated statute, RCW 51.36.070, required the Department of Labor & Industries (L&I) to create rules defining the notification process the worker must follow when they want to record an IME. The new sections in rule define the recording notification process for when a worker wants to record IME's requested by L&I and self-insured employers.
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 (L&I) 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 L&I 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. L&I 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 L&I 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. Provide a significant legislative rule title.

Self-Insured Good Faith and Fair Dealing (SHB 1521 Implementation)

2. Provide WSR# and any other appropriate references.

WSR 24-11-121

Chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations

3. Provide the adoption date and any necessary details.

May 21, 2024

Amended 4 WAC sections; Created 4 WAC sections.

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

This rulemaking amended Chapter 296-15 WAC to implement Substitute House Bill 1521 (SHB 1521), Chapter 293, Laws of 2023. SHB 1521 resulted in updates to RCW 51.48.080, 51.48.017, and 51.14.080, and added two new sections: RCW 51.14.180 and 51.14.181. This rulemaking ensures alignment with the new law as well as existing corrective action and decertification under RCW 51.14.090 and 51.14.095. Specifically, RCW 51.14.180 requires the Department of Labor & Industries (L&I) to adopt rules to identify applications of the duty of good faith and fair dealing and to determine criteria for setting appropriate penalties for violations. Rule changes were also needed to support processes necessary in the event a self-insurer must be decertified, such as by accruing three violations of the duty of good faith and fair dealing in three years. Additional amendments were made to clarify or streamline agency processes related to the topics of rule adoption.

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 (L&I) 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 L&I 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. L&I 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 L&I 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. Provide a significant legislative rule title.

Labor Standards for Quotas at Warehouse Distribution Centers (2SHB 1762 Implementation)

2. Provide WSR# and any other appropriate references.

WSR 24-12-045

Chapter 296-136 WAC, Labor standards for quotas at warehouse distribution centers

3. Provide the adoption date and any necessary details.

May 31, 2024

Created 18 WAC sections.

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

This rulemaking created Chapter 296-136 WAC to implement Second Substitute House Bill 1762 (2SHB 1762), Chapter 306, Laws of 2023, which created Chapter 49.84 RCW and established new protections for workers of warehouse distribution centers who are subject to performance quotas. 2SHB 1762 grants enforcement authority to the Department of Labor & Industries' (L&I) Division of Labor Standards (DLS, formerly Fraud Prevention and Labor Standards) and the Division of Occupational Safety and Health (DOSH). The provisions enforced by DLS require employers to:

- Provide quota descriptions to employees.
- Ensure quotas account for rest breaks, time to travel to break locations, and time to perform an activity required by the employer to complete the work subject to a quota.
- Refrain from retaliating or taking other adverse action related to protections under the chapter and rules.

Chapter 296-136 WAC clarifies and provides employers additional guidance on the quota protections established by 2SHB 1762. The rule also describes the enforcement mechanisms DLS will use to enforce the requirements, including the complaint, investigation, citation, and appeal processes. The rule provides remedies and penalties for violations of the rule.

Other requirements related to quotas for workers at certain warehouse distribution centers under Chapter 49.84 RCW are enforced by the Division of Occupational Safety and Health. DOSH conducted simultaneous rulemaking and adopted rules for the provisions of Chapter 49.84 RCW enforced by the division in Chapter 296-35 WAC.

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 (L&I) 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 L&I 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. L&I 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 L&I 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. Provide a significant legislative rule title.

Safety Standards for Quotas for Warehouse Distribution Centers (2SHB 1762 Implementation)

2. Provide WSR# and any other appropriate references.

WSR 24-12-048

Chapter 296-35 WAC, Safety standards for quotas for warehouse distribution centers; Chapter 296-360 WAC, Discrimination, pursuant to RCW 49.17.160.

3. Provide the adoption date and any necessary details.

May 31, 2024

Created 10 WAC sections.

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

This rulemaking created Chapter 296-35 WAC and WAC 296-360-200 to implement Second Substitute House Bill 1762 (2SHB 1762), Chapter 306, Laws of 2023, which created Chapter 49.84 RCW and established new protections for workers of warehouse distribution centers who are subject to performance quotas. 2SHB 1762 grants enforcement authority to the Department of Labor & Industries' (L&I) Division of Occupational Safety and Health (DOSH) and Division of Labor Standards (DLS, formerly Fraud Prevention and Labor Standards). The adopted rule established the following safety standards under Chapter 49.84 RCW:

- Require quotas to take into account reasonable travel time and time to use the restroom.

- Establish how DOSH will determine employer size for purposes of determining penalties under the rule.
- Outline when a quota will be considered a violation of the Washington Industrial Safety and Health Act (WISHA) as established in RCW 49.84.032. The rule includes examples of activities or equipment to help employers understand what may contribute to a quota being found unlawful.
- Establish recordkeeping requirements.
- Establish and reiterate protections from adverse actions when an employee does not meet an unlawful quota, and general retaliation protections. The retaliation provisions include reiterating the rebuttable presumption established in RCW 49.84.040.

Other requirements related to quotas for workers at certain warehouse distribution centers under Chapter 49.84 RCW are enforced by DLS. DLS conducted simultaneous rulemaking and has adopted rules for the provisions of Chapter 49.84 RCW enforced by that division in Chapter 296-136 WAC.

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 (L&I) 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 L&I 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. L&I 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 L&I 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.
No response entered.

1. Provide a significant legislative rule title.
Boiler Rule and Fee Increases (FY25)

2. Provide WSR# and any other appropriate references.
WSR 24-12-068
Chapter 296-104 WAC, Board of boiler rules—Substantive

3. Provide the adoption date and any necessary details.
June 4, 2024
Amended 6 WAC sections.

4. Provide a rule description. If possible include process stage, rule status, or any other informative details.
This rulemaking amended the boiler rules under Chapter 296-104 WAC. The changes updated safety codes and affected installers and clearance requirements. The amendments were needed to ensure the rules were consistent with national boiler and unfired pressure vessel safety standards from the current editions of the National Board Inspection Code (NBIC) and American Society of Mechanical Engineers (ASME), and industry practice. This rulemaking also increased fees for boilers and pressure vessels by the fiscal growth factor rate of 6.40% to support operating expenses for the Department of Labor & Industries' (L&I) Boiler Program.

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 (L&I) 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 L&I 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. L&I 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 L&I 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. Provide a significant legislative rule title.

Factory Assembled Structures (FAS) (HB 1514 & SB 5089 Implementation)

2. Provide WSR# and any other appropriate references.

WSR 24-13-089

Chapter 296-49A WAC, The factory assembled structures advisory board; Chapter 296-150P WAC, Recreational park trailers; and Chapter 296-150R WAC, Recreational vehicles.

3. Provide the adoption date and any necessary details.

June 18, 2024

Amended 16 WAC sections; Repealed 1 WAC section.

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

This rulemaking amended factory assembled structures (FAS) rules to implement House Bill 1514 (HB 1514), Chapter 78, Laws of 2023; and Senate Bill 5089 (SB 5089), Chapter 36, Laws of 2023. The adopted amendments affected the Department of Labor & Industries' (L&I) FAS Advisory Board and distributing inspection insignia to manufacturers of recreational vehicles. HB 1514 allows

recreational vehicles (RV's) and recreational park trailer manufacturers with an agency approved Quality Control Program to request and purchase insignia while their plans are under review by the FAS Program.

SB 5089 was an L&I agency request bill that amends membership for the FAS Advisory Board. Amendments included: increasing the number of board members; adding a representative for allied trades such as electricians, plumbers and contractors; adding diversity considerations for Board appointments; and requiring members to apply for reappointment if serving consecutive terms.

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 (L&I) 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 L&I 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. L&I 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 L&I 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.
No response entered.

1. Provide a significant legislative rule title.

Voluntary Use of Personal Protective Equipment (PPE)

2. Provide WSR# and any other appropriate references.

WSR 24-17-125

Chapter 296-155 WAC, Safety standards for construction work; Chapter 296-307 WAC, Safety standards for agriculture; Chapter 296-800 WAC, Safety and health core rules.

3. Provide the adoption date and any necessary details.

August 20, 2024

Created 3 WAC sections.

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

This rulemaking created new sections in rule to allow the voluntary use of personal protective equipment (PPE) when workers feel the need to protect themselves from noise, dust, or possible infectious or contagious diseases: WAC 296-155-249, 296-307-10030, and 296-800-16080. The voluntary use of PPE must not introduce hazards to the work environment and any PPE, including facial coverings, must not interfere with an employer's security requirements. The adopted sections model RCW 49.17.485, Personal protective devices and equipment – Public health emergency, but is not limited to declared public health emergencies. In the event a public health emergency is declared, the new sections would already be in effect and no material change would be needed to comply with RCW 49.17.485.

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 (L&I) 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 L&I 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. L&I 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 L&I 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**

No response entered.

- 1. Provide a significant legislative rule title.**

Adult Entertainer Safety (ESSB 6105 Implementation)

- 2. Provide WSR# and any other appropriate references.**

WSR 24-24-074

Chapter 296-831 WAC, Adult entertainer safety

- 3. Provide the adoption date and any necessary details.**

December 2, 2024

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 amended Chapter 296-831 WAC to implement the requirements of Engrossed Substitute Senate Bill 6105 (ESSB 6105), Chapter 250, Laws of 2024. ESSB 6105 amended RCW 49.17.470 and the Department of Labor & Industries' (L&I) Division of Occupational Safety and Health is required to implement and enforce ESSB 6105 which addresses safety and health standards for entertainers at adult entertainment establishments (establishments), such as:

- Added adult entertainment establishment training requirements, inclusive of the training topics outlined in ESSB 6105, to its employees other than entertainers.
- Updated requirements to clarify that panic buttons in establishments must be accessible, added a requirement to submit annual proof of compliance and panic button maintenance to L&I, and provided details about submitting proof of compliance.
- Added requirements for establishments to provide appropriate cleaning supplies, equip dressing or locker rooms with a keypad requiring a code, display signage about appropriate customer etiquette, and establish written processes and procedures for responding to customer violence and ejecting customers who violate club policies.
- Added requirements that establishments have written policies and procedures for implementation of the blocklist and panic buttons requirements, and must make such policies, procedures, and any other related records available for inspection by L&I upon request.
- Added requirements that establishments provide dedicated security personnel and specify when security personnel may not engage in duties other than security, and provided guidance to assist establishments in determining peak operating hours, and how to assess when additional security is necessary.
- Clarified language to assist establishments in differentiating between a customer complaint log and blocklist.

L&I's Division of Labor Standards (formerly Fraud Prevention and Labor Standards) conducted simultaneous rulemaking to clarify and implement the requirements of ESSB 6105 under Chapter 49.46 RCW enforced by the division in Chapter 296-128 WAC.

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 (L&I) 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 L&I 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. L&I 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 L&I 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. Provide a significant legislative rule title.

Labor Standards for Adult Entertainment Establishments (ESSB 6105 Implementation)

2. Provide WSR# and any other appropriate references.

WSR 24-24-075

Chapter 296-128 WAC, Minimum wages

3. Provide the adoption date and any necessary details.

December 2, 2024

Created 13 WAC sections.

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

This rulemaking created new sections in rule under Chapter 296-128 WAC to clarify and implement the requirements of Engrossed Substitute Senate Bill 6105 (ESSB 6105), Chapter 250, Laws of 2024. This rulemaking was conducted by Department of Labor & Industries' (L&I) Division of Labor Standards (DLS, formerly Fraud Prevention and Labor Standards). ESSB 6105 established the following protections for entertainers at adult entertainment establishments, codified under RCW 49.46.360:

- Leasing or other fees must apply equally to all entertainers in an establishment, be stated in a written contract, and continue for at least three months.

- Establishments may not charge an entertainer any fees or interest for late or non-payments, for failure to appear at a scheduled time, or that result in the entertainer carrying forward an unpaid balance from any previously incurred leasing fee.
- Establishments may not charge a leasing fee in an amount greater than the entertainer receives during the period of access or usage; or within an eight-hour period, any leasing fee that exceeds the lesser of \$150 or 30% of amounts collected by the entertainer for non-private performance areas and 30% of amounts collected by the entertainer for private performance areas.
- If establishments charge a leasing fee, the contract must include a method for estimating the total amounts collected by the entertainer in any eight-hour period.
- Establishments must display signage in designated areas on forbiddance of entertainers surrendering any tips or gratuities.
- Establishments may not take adverse action against an entertainer in response to the entertainer's use or collection of tips or gratuities.
- Establishments must provide an entertainer with written notice of the reason or reasons for any termination or refusal to rehire the entertainer within 10 business days.

The adopted sections in rule also describe DLS's enforcement of ESSB 6105 including the complaint, investigation, citation, and appeals processes.

L&I's Division of Occupational Safety and Health conducted simultaneous rulemaking to clarify and implement the requirements of ESSB 6105 under Chapter 49.17 RCW enforced by the division in Chapter 296-831 WAC.

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 (L&I) 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 L&I 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. L&I 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.

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Stakeholder participation in the rule development process is a key component to the L&I 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. Provide a significant legislative rule title.

Physician Assistant Billing Procedure

2. Provide WSR# and any other appropriate references.

WSR 25-03-114

Chapter 296-20 WAC, Medical aid rules

3. Provide the adoption date and any necessary details.

January 21, 2025

Repealed 1 WAC section.

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

This rulemaking repealed WAC 296-20-12501 which required physician assistants to be paid at 90% of the value listed in the fee schedule for services they perform. Repealing the rule allowed the Department of Labor & Industries (L&I) to pay physician assistants at parity with other providers. The passage of Engrossed Substitute House Bill 2041, Chapter 62, Laws of 2024, allowed physician assistants to practice autonomously in collaborative agreements. Therefore, it no longer made sense to pay them less than other providers who practice independently.

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 (L&I) 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 L&I 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. L&I 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 L&I 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.

- 1. Provide a significant legislative rule title.**

Psychologists and Physician Assistants as Attending Providers (HB 1197 Implementation)

- 2. Provide WSR# and any other appropriate references.**

WSR 25-11-071

Chapter 296-14 WAC, Industrial insurance; Chapter 296-19A WAC, Vocational rehabilitation; Chapter 296-20 WAC, Medical aid rules; Chapter 296-21 WAC, Reimbursement policies: Psychiatric services, biofeedback, physical medicine; 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.

May 20, 2025

Amended 36 WAC sections.

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

This rulemaking amended five chapters to implement and to be consistent with House Bill 1197 (Chapter 171, Laws of 2023). The amended rules added psychologists in the case of claims solely for mental health conditions, and physician assistants, as attending providers; clarified language related to attending provider functions when providing a diagnosis of mental health conditions; clarified return-to-work issues for accepted mental health conditions; and amended the language to consistently use the term “attending provider” throughout.

Labor & Industries also amended the rules to align with Engrossed Substitute House Bill 2041 (Chapter 62, Laws of 2024), which authorizes physician assistants to engage in a collaborative practice where a written agreement describes the manner in which the physician assistant is supervised by or collaborates with at least one physician.

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 (L&I) 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 L&I 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. L&I 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 L&I 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. Provide a significant legislative rule title.

Equal Pay & Opportunities Act (EPOA) (SHB 1905 Implementation)

2. Provide WSR# and any other appropriate references.

WSR 25-11-081

Chapter 296-123 WAC, Equal pay and opportunities

3. Provide the adoption date and any necessary details.

May 21, 2025

Created 12 WAC sections.

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

This rulemaking created Chapter 296-123 WAC, Equal pay and opportunities, to implement Substitute House Bill 1905 (SHB 1905), Chapter 353, Laws of 2024. SHB 1905 expands existing protections against pay and promotion discrimination based on gender found in Chapter 49.58 RCW, the Equal Pay and Opportunities Act. SHB 1905 extends the protections to additional protected classes including but not limited to age, race, and sexual orientation. The Department of Labor & Industries (L&I) adopted Chapter 296-123 WAC to clarify and implement the provisions of SHB 1905.

L&I also adopted rules to clarify other requirements created by Chapter 49.58 RCW, including:

- The free discussion of wages and salary.
- Protection against retaliation.
- Wage and salary history privacy.
- Disclosure of wage scale, salary range, and benefits on a job posting.

The adopted rule explains L&I's enforcement of Chapter 49.58 RCW and describes L&I's complaint investigation and resolution processes.

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 (L&I) 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 L&I 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. L&I 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 L&I 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. Provide a significant legislative rule title.

Fire-Resistant Material Applicators (SHB 1323 Implementation)

2. Provide WSR# and any other appropriate references.

WSR 25-12-051

Chapter 296-156 WAC, Fire-resistant materials applicator certification

3. Provide the adoption date and any necessary details.

May 29, 2025

Created 7 WAC sections.

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

This rulemaking created Chapter 296-156 WAC, Fire-resistant materials applicator certification, to implement the requirements of Substitute House Bill 1323 (SHB 1323), Chapter 145, Laws of 2023, codified as chapter 49.105 RCW. SHB 1323 requires a training and certification program be created for individuals who spray-on apply fire-resistant materials to buildings classified as construction types I, II, III, IV, and V, as defined by the International Building Code, and install fire-stop systems in risk category III and IV, as defined by the International Fire Code. Fire protection measures are critical design elements to control the spread of fire and help protect structural steel, contain fire, and limit damage. Fire-resistant materials help protect the lives of employees that work in these buildings by providing more time for them to evacuate in case of a fire. The sufficient training of applicators and proper installation of fire-resistant materials will aid in reducing the number and severity of fires in the workplace. The adopted rule includes requirements for safety training certification for workers, curriculum for in-person classroom and hands on instruction, and approval of training providers.

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 (L&I) 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 L&I 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. L&I 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 L&I 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. Provide a significant legislative rule title.

Cranes, Rigging, and Personnel Lifting

2. Provide WSR# and any other appropriate references.

WSR 25-16-089

Chapter 296-155 WAC, Safety standards for construction work, Part L

3. Provide the adoption date and any necessary details.

August 5, 2025

Amended 83 WAC sections; Created 4 WAC sections; Repealed 4 WAC sections.

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

This rulemaking amended Chapter 296-155 WAC, Safety standards for construction work, Part L, to:

- 1) More closely align the Department of Labor & Industries' (L&I) safety standards for cranes and derricks in construction with the Occupational Safety and Health Administration (OSHA) standards as they were updated in 2015 and 2018, which included clarifying each employer's duty to ensure the competency of crane operators through training, certification or licensing, and evaluation.
- 2) Implement some of the changes resulting from Second Substitute House Bill 2022 (Chapter 311, Laws of 2024), codified under RCW 49.17.400 through 49.17.445, which created new requirements for tower cranes. The changes in the law are in response to an incident in 2019 in which members of the public and workers died following the collapse of a tower crane in Seattle, Washington. The incident was preventable, and 2SHB 2022 aims to address causes of that incident.
- 3) Provide clarity on L&I's interpretation of requirements related to crane decertification and reinstatement. The changes clarify what activities are covered, and specifies that damage to critical parts of the crane will require notification to L&I. The adopted rule adds a

requirement for crane tip overs to be reported to L&I and specifies that the crane can only go back into operation once it has been inspected by a certified crane inspector.

- 4) Address other areas in rule relating to cranes that either need to be updated based on current industry practice, or to clarify some of the language to maintain safety and health protections for workers.

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 (L&I) 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 L&I 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. L&I 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 L&I 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.
No response entered.

1. Provide a significant legislative rule title.

Electrical Rule Updates

2. Provide WSR# and any other appropriate references.

WSR 25-23-069

Chapter 296-46B WAC, Electrical safety standards, administration, and installation

3. Provide the adoption date and any necessary details.

November 18, 2025

Amended 3 WAC sections.

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

This rulemaking amended Chapter 296-46B WAC to adopt the 2026 edition of the National Fire Protection Agency (NFPA) 70, also known as the National Electrical Code (NEC), to ensure the rules align with the latest national safety standards. The NEC sets the standard for safe electrical installations in homes, businesses, and institutions to protect people and property from hazards arising from the use of electricity. L&I is adopting the 2026 NEC in its entirety by reference under this rulemaking with a delayed effective of December 31, 2026, to give stakeholders advance notice of its adoption.

This rulemaking also adopted amendments to update an outdated temperature restriction for certain cable types and to provide better clarity for reporting trainee hours of experience.

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 (L&I) 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 L&I 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. L&I 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 L&I 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**

No response entered.

- 1. Provide a significant legislative rule title.**

Labor Standards for Isolated Employees (2SHB 1524 Implementation)

- 2. Provide WSR# and any other appropriate references.**

WSR 26-01-099

Chapter 296-137 WAC, Labor Standards for Isolated Employees

- 3. Provide the adoption date and any necessary details.**

December 16, 2025

Created 13 WAC sections.

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

This rulemaking created Chapter 296-137 WAC, Labor Standards for Isolated Employees, to implement Second Substitute House Bill 1524 (2SHB 1524), Chapter 47, Laws of 2025, related to isolated employee protections. Isolated employees are those working as a janitor, security guard, hotel or motel housekeeper or room service attendant and spends a majority of their working hours alone without another coworker present. Chapter 49.60 RCW requires employers in the janitorial, hospitality, retail, and security industries take certain precautions to prevent sexual harassment and sexual assault of isolated employees. 2SHB 1524 (Chapter 47, Laws of 2025) amends chapter 49.60

RCW to add additional protections for isolated employees and provides for L&I enforcement of the requirements. 2SHB 1524 becomes effective January 1, 2026.

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 (L&I) 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 L&I 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. L&I 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 L&I 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 rule making 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 332-130-050 Survey Map Requirements, Auditors' Checklist
- 2. Provide WSR# and any other appropriate references.**
WSR 24-17-037; WSR 24-23-001; WSR 25-04-014
- 3. Provide the adoption date and any necessary details.**
March 1, 2025.
- 4. Provide a rule description. If possible include process stage, rule status, or any other informative details.**
The current Auditor Checklist has some outdated items used for reviewing survey maps prior to being accepted for recording. With the potential of electronic recording being used by more county recording offices the review of maps being submitted needs increased scrutiny.
- 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 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)].**
Minor cost within the normal 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)].**
No such actions have been taken.
- 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 affect.
- 9. Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].**
No perceptible improvement.
- 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
- 1. Provide a significant legislative rule title.**
WAC 332-22-200 - 332-22-230, Geothermal lease rates on DNR-managed properties.

2. **Provide WSR# and any other appropriate references.**
WSR 24-19-083; WSR 24-24-055; WSR 25-05-093
3. **Provide the adoption date and any necessary details.**
February 18, 2025.
4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
DNR is required to commence rule making to update its geothermal resources lease rates for DNR-managed properties so that the lease rates are competitive with geothermal resource lease rates adopted by the federal government and other western states. The updated lease rates must optimize DNR's competitiveness at attracting geothermal exploration and development while balancing the obligations to trusts and not adversely impacting federally reserved tribal rights. The process may also address other language in WAC 332-22-200 through WAC 332-22-230 to improve clarity.
5. **Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].**
No affect from compliance with RCW 34.05.328.
6. **Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].**
Minimal, normal costs 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)].**
No such actions have been taken.
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)].**
Not applicable.
9. **Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].**
No perceptible improvement.
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
WAC 332-20, regarding use of state-owned aquatic lands for commercial finfish net pen aquaculture

2. Provide WSR# and any other appropriate references.

WSR 23-09-046; 24-20-146; 25-04-045

3. Provide the adoption date and any necessary details.

January 22, 2025.

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

Potential rules on the subject are intended to reflect DNR's management responsibilities and objectives by clarifying what and how commercial finfish net pen aquaculture activities may be authorized on state-owned aquatic lands. Rules will address, among other things, the department's environmental concerns such as degradation of the benthic environment, biofouling, and additional ecological impacts to aquatic habitat in relation to commercial finfish net pen aquaculture operations on state-owned aquatic land. DNR is exploring options to modify 332-30 WAC to better achieve the department's management guidelines with respect to commercial finfish net pen aquaculture and invites public comment as to how this may be best accomplished.

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

No affect from compliance with RCW 34.05.328.

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

Minor, considered normal 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)].

Unknown.

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 effect.

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

No effect.

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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. Provide a significant legislative rule title.

WAC 332-120-060, 332-120-070, Land Survey Monuments

2. **Provide WSR# and any other appropriate references.**
WSR 23-11-070; 23-15-106; WSR 24-02-002; WSR 24-06-068
 3. **Provide the adoption date and any necessary details.**
February 22, 2024.
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
The current WAC 332-120-060 project completion process needs clarification of how a permanent public record of a land survey monument is created. The availability and access to the public record of land survey monument perpetuations will be spelled out in the revised WAC.
 5. **Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].**
No effect.
 6. **Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].**
Normal costs 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)].**
No such actions taken.
 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 effect.
 9. **Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].**
No effect.
 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
WAC 332-130-080, Relative Accuracy on land survey maps
 2. **Provide WSR# and any other appropriate references.**
WSR 23-11-161; WSR 24-02-005; WSR 24-06-045
 3. **Provide the adoption date and any necessary details.**
February 22, 2024.

4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
The wording in the current version of WAC 332-130-080(3) is permissive about having a statement about relative accuracy on the survey map. This revision will make a relative accuracy statement mandatory.
5. **Extent to which compliance with RCW 34.05.328 affects the substance of the rule [from RCW 34.05.328 (6) (a)].**
No effect.
6. **Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].**
Normal 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)].**
No such actions taken.
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 effect.
9. **Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].**
No effect.
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 rule making 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.**
Timber excise tax – stumpage value tables.
2. **Provide WSR# and any other appropriate references.**
Group 1: WSR 24-14-009
Group 2: WSR 25-01-052
Group 3: WSR 25-14-008
3. **Provide the adoption date and any necessary details.**
Group 1: 7/1/24
Group 2: 1/1/25

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

The stumpage value rule in WAC 458-40-660 implements RCW 84.33.091. This statute states, in pertinent part, the following:

"The department of revenue shall designate areas containing timber having similar growing, harvesting, and marketing conditions to be used as units for the preparation and application of stumpage values. Each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, the department shall prepare tables of stumpage values of each species or subclassification of timber within these units. The stumpage value shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. These stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions, and all other relevant factors from:

- a. Gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities;
- b. Gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest; or
- c. A combination of (a) and (b) of this subsection."

The general goal of this statute is to set out criteria to be used by the Department in establishing the stumpage value of timber harvested in Washington. The stumpage value is multiplied by five percent to determine the amount of timber excise tax owed by harvesters (RCW 84.33.041 and 84.33.046). Eighty percent of the tax (four percent tax rate) is paid to the counties that have opted to impose the tax (RCW 84.33.051(1)). Twenty percent of the tax (one percent tax rate) is deposited into the timber tax distribution account and distributed to the counties on the basis of a statutory formula (RCW 84.33.081).

The specific objectives of this statute are to require the department to comply with certain requirements in determining stumpage values and to use either one of two basic methods or a combination of the two methods for determining stumpage values. Both methods determine stumpage values using either of the following data sources:

- 1) Sales of standing timber; or
- 2) Sales of logs, adjusted by deducting harvesting and marketing costs from gross proceeds.

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

For purposes of RCW 34.05.328(5), this rule is a "significant legislative rule." As such, the Department is required to place in the rule-making file, "documentation of sufficient quantity and quality so as to persuade a reasonable person" that the following determinations are justified (RCW 34.05.328(2)).

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 majority of the rules the Department adopts are interpretive in nature.
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. Timber harvesters use this rule to calculate their timber excise tax liability. The data and calculations used have been negotiated between the timber industry and the Department. There are alternative methods for calculating stumpage values, which is why the Department initially designated this rule as a significant legislative rule in 1996. The Department updates 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
The Department has determined that WAC 458-40-660 is needed in order for the Department and timber harvesters to calculate the amount of timber excise tax due upon harvesting timber. By publishing the stumpage values in a rule, all interested parties have an opportunity to comment on the criteria and method(s) used by the Department in determining the final stumpage values. Adoption by rule ensures all proper "reasonable and adequate allowances" are made, and other relevant factors are considered.

A rule is necessary to provide adequate public participation and fulfill the statutory legislative intent. If stumpage values were prepared and adopted by the Department outside of the rulemaking process, a timber harvester's only means for objection would be an appeal to the state Board of Tax Appeals (RCW 84.33.091(3)); timber harvesters affected by the stumpage values would have no public opportunity to comment or participate in the stumpage valuation process. Therefore, rulemaking is necessary to provide an adequate means for public participation and input in determining stumpage values. Moreover, RCW 84.33.200(2) refers to "legislative review of the rules to be adopted by the department establishing the stumpage values." (Emphasis added.) This language demonstrates that the legislature intended for stumpage values to be determined by rule

1. Provide a significant legislative rule title.

WAC 458-20-241: Radio and Television Broadcasting

2. Provide WSR# and any other appropriate references.

WSR 25-18-095

3. Provide the adoption date and any necessary details.

September 2, 2025

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

This rule provides tax reporting instructions for persons in the radio and television broadcasting industry. It is being amended to update the standard deduction for gross receipts from national, network, and regional advertising. RCW 82.04.281 requires the Department of Revenue to publish a standard deduction by rule by September 30, 2020, and by September 30 of every fifth year thereafter, based on the national average as reported by the United States Census Bureau's Economic Census.

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

For purposes of RCW 34.05.328(5), this rule is a "significant legislative rule." As such, the Department is required to place in the rule-making file, "documentation of sufficient quantity and quality so as to persuade a reasonable person" that the following determinations are justified (RCW 34.05.328(2)).

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

There are no significant qualitative or quantitative costs associated with the rule. The revised calculation of the standard deduction is expressly required by the Legislature to be set out by rule, and the calculation involves readily available US Census data.

Benefit: This method of calculating the deduction allows consistent application across the industry and provides a simple alternative to a broadcasting station itemizing revenue from national, network, and regional advertising.

The probable benefits of the rule to broadcasting stations are likely greater than the probable costs, which the Department bears.

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 majority of the rules the Department adopts are interpretive in nature.

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

Generally, compliance with this section promotes and assists voluntary compliance with the rule by reaching out to external shareholders to identify and address any issues of concern during the rule-making process, as well as through the issuance of letter rulings upon taxpayer request.

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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

N/A

1. Provide a significant legislative rule title.

WAC 458-20-23801 Watercraft excise tax – Watercraft depreciation schedule

2. Provide WSR# and any other appropriate references.

WSR 25-21-125

3. Provide the adoption date and any necessary details.

October 10, 2025

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

The purpose of WAC 458-20-23801 is to update the watercraft depreciation tables as required by RCW 82.49.040, which requires the Department to prepare a depreciation schedule (at a minimum, annually) for use in determining the fair market value of watercrafts, which serves as the basis for measuring the watercraft excise tax.

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

For purposes of RCW 34.05.328(5), this rule is a "significant legislative rule." As such, the Department is required to place in the rule-making file, "documentation of sufficient quantity and quality so as to persuade a reasonable person" that the following determinations are justified (RCW 34.05.328(2)).

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

There are no significant qualitative or quantitative costs associated with the rule. The Research and Fiscal Analysis division uses DOL and national data to establish the WET depreciation schedule for Washington.

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 majority of the rules the Department adopts are interpretive in nature.
9. **Extent to which RCW 34.05.328 has improved the acceptability of state rules [from RCW 34.05.328 (6) (e)].**
Generally, compliance with this section promotes and assists voluntary compliance with the rule by reaching out to external interested parties to identify and address any issues of concern during the rule-making process, as well as through the issuance of letter rulings upon taxpayer request.
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
N/A

Department of Social and Health Services

1. **Provide a significant legislative rule title.**
Chapters 388-76, 388-78A, 388-97, and 388-107 - implement SHB 1218
2. **Provide WSR# and any other appropriate references.**
WSR 25-16-099
3. **Provide the adoption date and any necessary details.**
May 2, 2025, filed May 5, 2025, effective 31 days after the date of filing
4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Add new sections to chapter 388-76 WAC and amend other sections, amend sections in chapter 388-78A WAC, amend sections in chapter 388-97 WAC, and chapter 388-107 WAC to bring long-term care facility setting WACs into compliance with SHB 1218, chapter 159 laws of 2021.
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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
NA
1. **Provide a significant legislative rule title.**
Chapter 388-76 - Adult family home, resident transfer or discharge - medications
 2. **Provide WSR# and any other appropriate references.**
25-05-021
 3. **Provide the adoption date and any necessary details.**
Adopted & filed February 7, 2025, effective 31 days after the date of filing
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
This rulemaking supports and protects residents by adding timeframes to existing WAC requirement and adding clarifying language.
 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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
NA
1. **Provide a significant legislative rule title.**
Chapter 388-833 WAC - Intensive Habilitation services for children
 2. **Provide WSR# and any other appropriate references.**
24-19-101
 3. **Provide the adoption date and any necessary details.**
Adopted and filed September 18, 2024, effective 31 days after the date of filing
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
New, amended, and repealed sections in chapter 388-833 WAC
 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)].**
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)].**
No response entered.

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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.
No response entered.

1. Provide a significant legislative rule title.

WAC 388-106-0336 - Community Stability Supports, Residential Support Waiver

2. Provide WSR# and any other appropriate references.

24-09-037

3. Provide the adoption date and any necessary details.

Adopted and filed April 11, 2024, effective 31 days after the date of filing

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

WAC 388-106-0336 - What services may I receive under residential support waiver. Adding amendments under Community Stability supports, under the residential support waiver.

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)].

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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. **Provide a significant legislative rule title.**
Chapter 388-101 WAC - Developing clear language around infection control
 2. **Provide WSR# and any other appropriate references.**
WSR 25-08-021
 3. **Provide the adoption date and any necessary details.**
Adopted and filed March 25, 2025, effective 31 days after filing.
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Amend WAC 388-101-3020 - compliance, and new WAC section 388-101-20201, infection control regarding certified community residential services and supports and infection control practices.
 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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
NA
-
1. **Provide a significant legislative rule title.**
WACs 388-825-335, 615 & 620 - Implement SB 5252 and comply with federal background check requirements
 2. **Provide WSR# and any other appropriate references.**
WSR 24-15-041

3. Provide the adoption date and any necessary details.

Adopted and filed July 11, 2024, effective 31 days after filing

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

Amendments align rules with recent amendments to state law under SB 5252, and clarify when an employee at a residential habilitation center is required to complete a background check.

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)].

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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. Provide a significant legislative rule title.

Chapters 388-71, 388-112A, and 388-115 WAC - In response to and compliance with chapter 424 laws of 2023

2. Provide WSR# and any other appropriate references.

WSR 24-05-003

3. Provide the adoption date and any necessary details.

Adopted and filed February 8, 2025, effective 31 days after filing

4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
 Repeal WAC 388-112A-0130, amend sections in chapters 388-71, 388-112A, and 388-115 WAC. The changes bring the rules into compliance with the referenced law.
 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)].**
 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
 No response entered.
1. **Provide a significant legislative rule title.**
 WAC 388-112A-0800 - Adult family home administrator training certificates
 2. **Provide WSR# and any other appropriate references.**
 WSR 24-06-073
 3. **Provide the adoption date and any necessary details.**
 Adopted and filed March 5, 2024, effective 31 days after filing
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
 The amended rule assures that training be reasonably current and is in the best interest of residents.

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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
WAC 388-76-10780, toilets and bathing facilities - Adult Family Home - maintaining resident safety and well-being
 2. **Provide WSR# and any other appropriate references.**
WSR 25-04-069
 3. **Provide the adoption date and any necessary details.**
Adopted and filed January 31, 2025, effective March 4, 2025
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Restores flexibility and add clarity that will help adult family homes with compliance while maintaining resident safety and well-being.
 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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
New chapter 388-841 WAC - enhanced respite services
 2. **Provide WSR# and any other appropriate references.**
WSR 25-12-002
 3. **Provide the adoption date and any necessary details.**
Adopted and filed May 21, 2025, effective July 1, 2025
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Adopted new chapter 388-841 WAC to recodify enhanced respite services in their own chapter and to establish connection with the new certification rules under development.
 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)].**
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)].**
No response entered.

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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
Chapter 388-850 WAC - DDA services - County administrative expenses
 2. **Provide WSR# and any other appropriate references.**
WSR 24-16-010
 3. **Provide the adoption date and any necessary details.**
Adopted July 24, 2024, filed July 25, 2024, and effective 31 days after filing
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Developmental Disabilities Administration of DSHS amended the rules to increase the percentage of a county's allocated funds for county administrative expenses, remove text that duplicates requirements dictated by statute. Update the distribution formula and other outdated service names and processes.
 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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
Adopt new chapter 388-825A WAC to establish and streamline requirements for HCLA certified providers
2. **Provide WSR# and any other appropriate references.**
WSR 25-11-087
3. **Provide the adoption date and any necessary details.**
Adopted and filed May 21, 2025, effective July 1, 2025
4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Adopt new chapter 388-825A WAC to establish and streamline requirements for the certification process for providers certified by the Home and Community Living Administration (HCLA), including certification evaluations, corrective action plans, informal dispute resolution, and more.
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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.
No response entered.

1. Provide a significant legislative rule title.

Chapter 388-106 WAC - Implements provisions of ESSSB 5440, civil transitions program

2. Provide WSR# and any other appropriate references.

WSR 24-16-002

3. Provide the adoption date and any necessary details.

Adopted and filed July 24, 2024, effective 31 days after filing

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

Adding new sections to chapter 388-106 WAC to support the new civil transitions program. Describe eligibility for the civil transition program and the package of services provided to individuals referred.

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)].

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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. **Provide a significant legislative rule title.**
Chapter 388-826 - Developmental Disabilities, standardize provider requirements to create consistency across provider types
2. **Provide WSR# and any other appropriate references.**
WSR 25-11-094
3. **Provide the adoption date and any necessary details.**
Adopted and filed May 21, 2025, effective July 1, 2025
4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
These amendments establish a connection with the new certification rules under development at the Home and Community Living Administration, to be codified as chapter 388-825A WAC. Many sections were decodified and recodified, crosswalk available.
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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
Chapter 388-106 WAC - State funded guardianship and conservatorship assistance program

2. Provide WSR# and any other appropriate references.

WSR 24-16-044

3. Provide the adoption date and any necessary details.

Adopted and filed July 30, 2025, effective 31 days after filing.

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

New rules to implement establishment of state funded guardianship and conservatorship assistance program in alignment with 2022 adoption of chapter 11.130 RCW by adding in chapter 388-106 WAC. The rules describe edibility for the package of services provided for individuals referred by acute care hospitals who have been found to be unable to consent to services due to a qualifying neuro-cognitive disorder.

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)].

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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. Provide a significant legislative rule title.

WACs 388-829-0040, 388-829-0050, 388-829-0065, and 388-101D-0105 - skills demonstration portion of CPR

2. Provide WSR# and any other appropriate references.

WSR 24-20-038

3. Provide the adoption date and any necessary details.

Adopted and filed September 24, 2024, effective 31 days after filing

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

Rules were amended to ensure providers complete the skills-demonstration portion of CPR in accordance with OSHA guidelines. Other clarifying changes, removed unused definitions.

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)].

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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. Provide a significant legislative rule title.

WACs 388-101D-0295 and 388-101D-0330 - Labeling requirements for client medication

2. Provide WSR# and any other appropriate references.

WSR 24-13-066

3. Provide the adoption date and any necessary details.

Adopted and filed June 14, 2024, effective 31 days after filing

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

Amend rules to change the labeling requirements for prescribed and over the counter medications for clients who receive services from providers under chapter 388-101D WAC - group homes, group

training homes, supported living, and state operated living alternatives for adults.

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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
Chapter 388-848 WAC - DDA wraparound services related to ESSSB 5440
 2. **Provide WSR# and any other appropriate references.**
WSR 25-23-045
 3. **Provide the adoption date and any necessary details.**
Adopted and filed November 13, 2025, effective 31 days after filing
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Developmental Disabilities Community Services (DDCS) is adopting new rules to implement ESSSB 5440 which directs DSHS to develop a process for connecting individuals who have been found not competent to stand trial due to an intellectual or developmental disability to available wraparound services and supports in community-based settings.

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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
Chapter 388-823 WAC - SSHB 2008 related to removing intelligence quotient (IQ) criteria
 2. **Provide WSR# and any other appropriate references.**
WSR 24-18-040
 3. **Provide the adoption date and any necessary details.**
Adopted and filed August 27, 2025, effective October 7, 2024
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Developmental disabilities administration (DDA) amended rules to implement SSHB 2008, which directed DDA to remove intelligence quotient (IQ) criteria from DDA enrollment processes. Additional changes were made to combine and repeal redundant sections in the chapter, clarify language, and update intake eligibility process.
 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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
WAC 388-76-10031, 388-76-10225, and 388-76-10530 - Automated sprinkler systems in seven and eight bed adult family homes
 2. **Provide WSR# and any other appropriate references.**
WSR 25-04-035
 3. **Provide the adoption date and any necessary details.**
Adopted and filed January 28, 2025, effective March 4, 2025
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Modifies language that conflicts with the department's interpretation of RCW 70.128.066 related to automatic sprinkler systems in seven and eight bed adult family homes (AFH) that serve only residents who are independent with evacuation. Also implements chapter 147, laws of 2024, that gives DHSS the ability to temporarily prioritize licensing inspections of AFHs requesting to increase licensed capacity to seven or eight when the home has met all other 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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
DDCS - create connection in chapter 388-829R WAC to new certification rules under chapter 388-825A WAC
 2. **Provide WSR# and any other appropriate references.**
WSR 25-12-001
 3. **Provide the adoption date and any necessary details.**
Adopted and filed May 21, 2025, effective July 1, 2025
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Developmental Disabilities Community Services (DDCS) is adopting these amendments to create a connection to the new certification rules under development under chapter 388-825A WAC. New, amended, and repealed sections in chapter 388-829R WAC.
 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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
 1. **Provide a significant legislative rule title.**
Add agencies as provider type for alternative living, chapter 388-829A WAC
 2. **Provide WSR# and any other appropriate references.**
WSR 25-11-082
 3. **Provide the adoption date and any necessary details.**
Adopted and filed May 21, 2025, effective July 1, 2025
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
New, repeal, and amend sections in chapter 388-829A WAC to add agencies as provider type for alternative living and to create a connection to the new certification under development under new chapter 388-825A WAC.
 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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
Chapter 388-829C WAC - companion home rules
2. **Provide WSR# and any other appropriate references.**
WSR 25-11-093
3. **Provide the adoption date and any necessary details.**
Adopted and filed May 21, 2025, effective July 1, 2025
4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Developmental Disabilities Community Services (DDCS) amended these companion home rules to establish a connection to the new certification rule under development under new chapter 388-825A WAC and update methodology for adjusting a companion home provider's daily rate when approved for more than the allowed amount of waiver-funded respite.
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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
 1. **Provide a significant legislative rule title.**
Chapter 388-71 WAC, compliance SB 5811
 2. **Provide WSR# and any other appropriate references.**
WSR 25-07-033
 3. **Provide the adoption date and any necessary details.**
Adopted and filed March 11, 2025, effective 31 days after filing
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Amendments to comply with SB 5811, clarification of continuing education requirements related to date of hire; acknowledgement of the Interstate Nurse Licensure Compact; and combining two WACs into a single section.
 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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.
No response entered.

1. Provide a significant legislative rule title.

Chapter 388-843 WAC - transitional youth care facility

2. Provide WSR# and any other appropriate references.

WSR 25-09-007

3. Provide the adoption date and any necessary details.

Adopted and filed April 3, 2025, effective 31 days after filing

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

New chapter of rules to operationalize services at a youth transitional care facility in Lake Burien, WA as directed by the Washington state legislature in ESSB 5950.

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)].

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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered

1. **Provide a significant legislative rule title.**
Chapters 388-842, 388-825, 388-828, 388-845 WAC Waiver eligibility for children and youth age 20 and younger
2. **Provide WSR# and any other appropriate references.**
WSR 25-15-103
3. **Provide the adoption date and any necessary details.**
Adopted and filed July 17, 2025, effective 31 days after filing
4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
New, repealed, and amended sections in several WAC chapters in title 388 WAC to add waiver eligibility for children and youth age 20 and younger who are subject to a court dependency or similar proceeding in a tribal court or are receiving extended foster care services from DCYF or from a tribe in Washington.
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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
Chapter 388-112A WAC minimum qualifications for community instructors, nurse delegation, etc

2. Provide WSR# and any other appropriate references.

WSR 25-11-021

3. Provide the adoption date and any necessary details.

Adopted May 12, 2025, filed May 13, 2025, effective 31 days after filing

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

WAC 388-112A-1240 - what are the minimum qualifications for community instructors for adult education training using DSHS curriculum? 388-112A-1250 what is the minimum qualifications for community instructors for adult education using DSHS curriculum and related to the minimum qualifications for instructor for adult education, nurse delegation core, and specialized diabetes training.

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)].

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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. Provide a significant legislative rule title.

Chapter 388-71m 388-112A - continuing education long term care providers

2. Provide WSR# and any other appropriate references.

WSR 25-16-084

3. Provide the adoption date and any necessary details.

Adopted and filed August 5, 2025, effective October 1, 2025

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

Requirements on continuing education (CE) and what topics may be covered in CE such as changes in definition of compliance year, expanded specialty training, and professional development.

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)].

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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. Provide a significant legislative rule title.

Chapters 388-71 and 388-112A - training, population specific

2. Provide WSR# and any other appropriate references.

WSR 25-14-021

3. Provide the adoption date and any necessary details.

Adopted and filed June 24, 2025, effective 31 days after filing

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

Rules related to curriculum approval - WACs 388-71-1031 and 388-112A-1010

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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
Chapter 388-106 WAC - supportive housing
 2. **Provide WSR# and any other appropriate references.**
WSR 25-20-014
 3. **Provide the adoption date and any necessary details.**
Adopted and filed September 19, 2025, effective 31 days after filing
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Amend rules related to supportive housing programs needed to align with policies that have been updated through an administrative process and to define the department's supportive housing program rules. Corrections to grammar, numerical representation, consistency, and inclusive language.
 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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
WAC 388-106-0274 - wider range of eligible assistive devices/services
 2. **Provide WSR# and any other appropriate references.**
WSR 25-21-065
 3. **Provide the adoption date and any necessary details.**
Adopted and filed October 13, 2025, effective 31 days after filing
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Removal of limitation and its anticipated effect is that it will allow increased access to a wider range of eligible assistive devices/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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
 1. **Provide a significant legislative rule title.**
Chapter 388-833 WAC, cross reference with rules under chapter 388-825A WAC
 2. **Provide WSR# and any other appropriate references.**
WSR 25-16-094
 3. **Provide the adoption date and any necessary details.**
Adopted and filed August 5, 2025, effective 31 days after filing
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
WAC 388-833-0017 - who may become an intensive habilitation services provider, and WAC 388-833-0019 - is a site visit required and what does DDA review during a site visit?
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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
New chapter 388-116 WAC determining eligibility to receive approved services
2. **Provide WSR# and any other appropriate references.**
WSR 25-18-020
3. **Provide the adoption date and any necessary details.**
Adopted and filed August 21, 2025, effective 31 days after filing
4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
New chapter implements requirements under chapter 50B.04 RCW related to defining approved services, requirements for determining eligibility to receive approved services, and requirements to provide approved services. Rules govern beneficiaries of the long-term services and supports trust.
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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
 1. **Provide a significant legislative rule title.**
WAC 388-116-1020 - implement section 16 of ESSB 5291
 2. **Provide WSR# and any other appropriate references.**
WSR 25-23-012
 3. **Provide the adoption date and any necessary details.**
Adopted and filed November 7, 2025, effective 31 days after filing
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Pilot project from January 1, 2026 - June 30, 2026, establishes parameters for the pilot project.
 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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.

1. **Provide a significant legislative rule title.**
Chapter 388-116 WAC WA Cares payment and reimbursement
 2. **Provide WSR# and any other appropriate references.**
WSR 25-20-048
 3. **Provide the adoption date and any necessary details.**
Adopted September 24, 2025, filed September 25, 2025, effective 31 days after filing
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Adds requirements to chapter for payment and reimbursement for approved services, notice requirements for department determinations, and requirements for administrative hearing requests.
 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)].**
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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
No response entered.
1. **Provide a significant legislative rule title.**
Chapter 388-60B WAC - domestic violence intervention treatment
 2. **Provide WSR# and any other appropriate references.**
WSR 25-03-090

3. Provide the adoption date and any necessary details.

Adopted and filed January 16, 2025, effective 31 days after filing

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

Amendments allow domestic violence intervention treatment (DVIT) programs to provide services via HIPAA compliant video sessions, when certain standards are met. This filing is in response to a petition received from a consortium of DVIT providers seeking to preserve the ability to provide treatment through virtual platforms, which began during the pandemic related shutdowns.

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)].

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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.

No response entered.

1. Provide a significant legislative rule title.

Chapter 388-14A WAC - to implement SB 5842

2. Provide WSR# and any other appropriate references.

WSR 24-16-134

3. Provide the adoption date and any necessary details.

Adopted and filed August 6, 2024, effective 31 days after filing

4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Under legislation the division of Child Support (DCS) is to minimize the use of social security numbers reported directly to DCS by insurance companies complying with RCW 26.23.037. Amendments make clear that DCS does not expect the insurers reporting directly to DCS to submit a claimant's SS number unless the combination of full name, date of birth, and current address is not sufficient for DCS to identify the individual. This does not prevent insurance companies from providing SS numbers, it only impacts what DCS does with 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)].**
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 rule making 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.**
Concerning the impacts on claimants and employers of wildfires and other types of disasters
2. **Provide WSR# and any other appropriate references.**
WSR 24-05-057, WAC 192-220-070
3. **Provide the adoption date and any necessary details.**
February 20, 2024

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

The purpose of this rulemaking was to permanently adopt the Department’s emergency rules providing flexibility and relief to claimants and employers who are impacted by wildfires and other disasters. The rules address availability for work and training progress certification for claimants impacted by disasters. The rules also address the circumstances when employers can receive relief of benefit charges for individuals who become unemployed due to a catastrophic occurrence.

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)].
Approximately \$30,000

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 agency has not faced legal action for failure to comply with this provision.

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 impact the capacity of the Department 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 help the agency to complete an in-depth review of its rules, which allows the public access to additional information.

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 rule making 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 are not. All documents associated with this rulemaking, including all stakeholder comments, if any, and all documents required by RCW 34.05.328 can be found at <https://esd.wa.gov>.

1. Provide a significant legislative rule title.

Implementing House Bill 1106 (2023), Expanding good cause for voluntarily quitting employment

2. Provide WSR# and any other appropriate references.

WSR 24-17-054, WAC 192-150-065, WAC 192-150-145

3. Provide the adoption date and any necessary details.

August 15, 2024

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

This rulemaking incorporated into the Department's rules changes made by House Bill 1006 (2023), which amended RCW 50.20.050. RCW 50.20.050 sets forth the exclusive good cause reasons for which an individual can quit their job and receive unemployment benefits. Under the amendments to RCW 50.20.050, an individual can quit their job due to inaccessible care of a child or vulnerable adult in the claimant's care and due to an employer changing the claimant's regularly scheduled shift or split shift. The rulemaking clarified the requirements for establishing good cause to quit due to inaccessible care of a child or vulnerable adult in the claimant's care. The rulemaking also added a definition for "split shift" to the Department's rules.

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)].

Approximately \$30,000

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 agency has not faced legal action for failure to comply with this provision.

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 impact the capacity of the Department 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 help the agency to complete an in-depth review of its rules, which allows the public access to additional information.

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 rule making 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 are not. All documents associated with this rulemaking, including all stakeholder comments, if any, and all documents required by RCW 34.05.328 can be found at <https://esd.wa.gov>.

1. **Provide a significant legislative rule title.**
Implementing House Bill 1570 (2023)
2. **Provide WSR# and any other appropriate references.**
WSR 25-17-090, WAC 192-320-071, WAC 192-150-115, WAC 192-150-120
3. **Provide the adoption date and any necessary details.**
To be determined.
4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
The second phase of this rulemaking is updating the Department's rules to include good cause for voluntarily quitting work with a transportation network company due to a reduction of 25% or more in hours or compensation and to explain how an employer furnishing part-time work may receive relief of benefit charges.
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)].**
Approximately \$30,000
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 agency has not faced legal action for failure to comply with this provision.
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 impact the capacity of the Department 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 help the agency to complete an in-depth review of its rules, which allows the public access to additional information.
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 rule making 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 are not. All documents associated with this rulemaking, including all stakeholder comments, if any, and all documents required by RCW 34.05.328 can be found at <https://esd.wa.gov>.

1. Provide a significant legislative rule title.

Addressing disqualification and ineligibility for failure to respond to a request for information from the Department

2. Provide WSR# and any other appropriate references.

WSR 24-21-026, WAC 192-140-035

3. Provide the adoption date and any necessary details.

October 7, 2024

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

This rulemaking will amend WAC 192-140-035 (“What happens if I do not respond to a request for information?”). The rulemaking will correct inconsistent terminology within WAC 192-140-035. WAC 192-140-035 currently states that the Department will presume an individual is disqualified from receiving unemployment benefits if they provide potentially disqualifying information, or fail to provide necessary information, and then they do not respond to a request for specific information. The rule then states that the Department will deny benefits under RCW 50.20.010. However, RCW 50.20.010 is not a disqualification statute; rather, it sets out a claimant’s eligibility for unemployment benefits. The rule will be amended to clarify that a failure to respond to a request for information will lead to either disqualification from or ineligibility for benefits.

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)].

Approximately \$30,000

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 agency has not faced legal action for failure to comply with this provision.

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 impact the capacity of the Department 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 help the agency to complete an in-depth review of its rules, which allows the public access to additional information.

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 rule making 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 are not. All documents associated with this rulemaking, including all stakeholder comments, if any, and all documents required by RCW 34.05.328 can be found at <https://esd.wa.gov>.

1. Provide a significant legislative rule title.

Clarifying employers’ responsibility to update their address information

2. Provide WSR# and any other appropriate references.

WSR 25-13-016, WAC 192-300-020

3. Provide the adoption date and any necessary details.

June 6, 2025

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

Employers are required to keep their information up to date with the Department under RCW 50.12.070. However, the Department’s current rules do not explicitly require employers to keep their addresses up to date with the Department. This rulemaking adopts a new rule clarifying that employers must notify the Department of a change in address within 30 days of the address change.

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)].

Approximately \$30,000

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 agency has not faced legal action for failure to comply with this provision.

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 impact the capacity of the Department 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 help the agency to complete an in-depth review of its rules, which allows the public access to additional

information.

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 rule making 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 are not. All documents associated with this rulemaking, including all stakeholder comments, if any, and all documents required by RCW 34.05.328 can be found at <https://esd.wa.gov>.

Forest Practices Board

1. **Provide a significant legislative rule title.**
Type Np Water Buffers
2. **Provide WSR# and any other appropriate references.**
WSR 25-24-022
3. **Provide the adoption date and any necessary details.**
November 12, 2025 with a delayed effectiveness date of August 31, 2026.
4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Rules amended the buffer requirements for non-fish streams in western Washington. The rule change creates additional protections for riparian areas associated with Np stream segments to ensure the buffers protect water quality and other aquatic resources from potential temperature increases.
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 adopted.
6. **Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].**
Costs were associated with staff time in planning and implementing the requirements under RCW 34.05.328.
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)].**
A legal action has been received.

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 directives under RCW 34.05.328 did not have an adverse impact on the Board's capacity to meet 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)].**
No measurable changes for the adopted rules have been noted.
 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
None.
1. **Provide a significant legislative rule title.**
Permanent Water Typing System
 2. **Provide WSR# and any other appropriate references.**
WSR 25-19-057
 3. **Provide the adoption date and any necessary details.**
September 10, 2025 with a delayed effectiveness date of March 1, 2026.
 4. **Provide a rule description. If possible include process stage, rule status, or any other informative details.**
Purpose of rule making was to codify the permanent water typing system rule to accurately determine the extent of fish habitat and to inform the appropriate application of riparian protections needed while undertaking forest practice activities. The rule replaces the interim water typing system and includes a fish habitat assessment methodology for establishing the break between fish and nonfish bearing waters; a description of off-channel habitat for fish use; and direction on when to use default physical criteria for fish use. The interim rule was repealed.
 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 adopted.
 6. **Costs incurred by state agencies in complying with RCW 34.05.328 [from RCW 34.05.328 (6) (b)].**
Costs were associated with staff time in planning and implementing the requirements under RCW 34.05.328.
 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 initiated.

- 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)].**
Costs were associated with staff time in planning and implementing the requirements under 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 directives under RCW 34.05.328 did not have an adverse impact on the Board's capacity to meet its legislatively prescribed mission.
- 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 rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.**
None.

Office of the Insurance Commissioner

- 1. Provide a significant legislative rule title.**
See the table in #11 below.
- 2. Provide WSR# and any other appropriate references.**
See the table in #11 below.
- 3. Provide the adoption date and any necessary details.**
See the table in #11 below.
- 4. Provide a rule description. If possible include process stage, rule status, or any other informative details.**
See the table in #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 based on the Administrative Procedure Act requirements in RCW 34.05.328. OIC's Policy and Legislative Affairs Division:
 - drafts the proposed rules;
 - performs the analysis of whether the proposed rule meets the significant legislative rule criteria; and
 - drafts the cost-benefit analysis.Depending on the complexity of the rule, the public may be given opportunity to comment on one or more prepublication drafts prior to the CR-102 proposed rule language. Due to timing concerns, changes to the proposed cost-benefit analysis may need to be made.

OIC does not perform cost benefit analyses for 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 has built 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. OIC is seldom asked for copies of either the draft or final cost benefit analysis.

The Commissioner incurs additional costs to comply with RCW 34.05.328 as compared to rulemakings that are exempt from significant legislative analysis. Our estimate of the costs attributed to statutory compliance follows.

Analyst effort: 1.6 FTE, approximately \$200,000 annually.

GovDelivery and website maintenance: 0.5 FTE, approximately \$50,000 annually.

Because the components of RCW 34.05.328 must be fulfilled on each adopted rule, staff time for rulemaking increased once the law was enacted. The Commissioner has a full-time economic policy analyst to perform the required cost-benefit analysis. Staff policy analyst participation is required to ensure accuracy within cost benefit analyses. In addition, administrative support staff and website maintenance staff are deployed to assist with online rule posts and public dissemination of rule drafts.

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 agency 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)].

- 1) Increased Time to Complete Rule Development and Adoption. To comply with RCW 34.05.328, our analysts spend approximately 25 percent 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 do not collect data on the hours our agency attorneys have spent on rule-related legal analysis, but we often 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 to ensure RCW 34.05.328 compliance, 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 interested parties 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 10-12 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 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 interested party 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)].

No response entered.

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

WSR#	Rule Title/WAC	# of WAC Sections Proposed	# of WAC Sections Adopted	Adoption Date
25-23-079 Insurance Commissioner Matter No. R 2025-03	<u>Implementation of SSB 5419, Fire loss reporting</u> New: Repealed: Amended: <u>WAC 284-20-010</u> Suspended:	1	1	November 18, 2025

<p>25-02-084</p> <p>Insurance Commissioner Matter No. R 2024-03</p>	<p><u>Prior authorization modernization (R 2024-03)</u></p> <p>New: Repealed: Amended: <u>WAC 284-43-2020</u>, <u>WAC 284-43-2050</u> Suspended:</p>	<p>2</p>	<p>2</p>	<p>December 27, 2024</p>
<p>25-02-024</p> <p>Insurance Commissioner Matter No. R 2024-02</p>	<p><u>Relating to health care benefit managers (R 2024-02)</u></p> <p>New: <u>WAC 284-180-465</u>, <u>WAC 284-180-501</u>, <u>WAC 284-180-507</u>, <u>WAC 284-180-517</u>, <u>WAC 284-180-522</u> Repealed: Amended: <u>WAC 284-180-120</u>, <u>WAC 284-180-130</u>, <u>WAC 284-180-210</u>, <u>WAC 284-180-220</u>, <u>WAC 284-180-230</u>, <u>WAC 284-180-240</u>, <u>WAC 284-180-325</u>, <u>WAC 284-180-405</u>, <u>WAC 284-180-411</u>, <u>WAC 284-180-455</u>, <u>WAC 284-180-460</u>, <u>WAC 284-180-500</u>, <u>WAC 284-180-505</u>, <u>WAC 284-180-515</u>, <u>WAC 284-180-520</u> Suspended:</p>	<p>20</p>	<p>20</p>	<p>December 18, 2024</p>
<p>24-24-067</p> <p>Insurance Commissioner Matter No. R 2024-05</p>	<p><u>Consolidated health care (R 2024-05)</u></p> <p>New: Repealed: Amended: <u>WAC 284-170-130</u>, <u>284-43-0120</u>, <u>284-43-0160</u>, <u>284-43-5080</u>, <u>284-43-5110</u>, <u>284-43-5642</u>, <u>284-43-5800</u>, and <u>284-43-5980</u>. Suspended:</p>	<p>8</p>	<p>8</p>	<p>November 27, 2024</p>
<p>24-24-065</p> <p>Insurance Commissioner Matter No. R 2024-01</p>	<p><u>Implementation of SSB 5986 and updates to the Balance Billing Protection Act (BBPA) (R 2024-01)</u></p> <p>New: <u>WAC 284-43B-025</u>, <u>284-43B-027</u>, <u>284-43B-029</u>, <u>284-43B-105</u>, <u>284-170-205</u> Repealed: <u>WAC 284-43B-085</u>, <u>284-43B-090</u>, <u>284-43B-095</u>, <u>284-43B-100</u> Amended: <u>WAC 284-43B-010</u>, <u>284-43B-035</u>, <u>284-43B-037</u>, <u>284-43B-040</u>, <u>284-43B-050</u>, <u>284-43B-060</u>, <u>284-43B-070</u> Suspended:</p>	<p>12</p>	<p>12</p>	<p>November 27, 2024</p>

<p>24-20-136</p> <p>Insurance Commissioner Matter No. R 2024-06</p>	<p><u>Producer and adjuster licensing requirements (R 2024-06)</u></p> <p>New: Repealed: <u>WAC 284-17-735</u> Amended: <u>Amended WAC 284-17-009, 284-17-011, 284-17-055, 284-17-443, 284-17-490, 284-17-720 - Licensing requirements and procedures</u> Suspended:</p>	<p>6</p>	<p>6</p>	<p>October 1, 2024</p>
<p>24-19-094</p> <p>Insurance Commissioner Matter No. R 2024-04</p>	<p><u>Insurer Holding Company Act (R 2024-04)</u></p> <p>New: <u>WAC 284-18-447</u> Repealed: Amended: Suspended:</p>	<p>1</p>	<p>1</p>	<p>September 17, 2024</p>
<p>24-02-080</p> <p>Insurance Commissioner Matter No. R 2023-08</p>	<p><u>Life Insurance Riders and Disclosure Requirements (R 2023-08)</u></p> <p>New: Repealed: Amended: <u>WAC 284-23-650</u> Suspended:</p>	<p>1</p>	<p>1</p>	<p>January 02, 2024</p>

State Board of Health

1. Provide a significant legislative rule title.

This report covers the State Board of Health (Board) responses for all Significant Legislative Rules (SLR) adopted between January 1, 2024, and December 31, 2025. 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)].

SLRs require the Board to determine, after evaluating alternative versions of the rule and comparing the costs and benefits, that the adopted rule is the least burdensome alternative for those required to comply with it while achieving the general goals and specific objectives of the statute that the rule

implements. The Board collaborates with Tribal partners, as well as state and local government agencies, regulated parties, interested parties, communities, and the public to assess the impact of alternative versions.

The Board reviews and considers the SLR information when adopting rules. This information helps Board members make informed decisions when establishing rules and minimum standards. Identification of costs and benefits, and least burdensome alternatives supports productive conversation with partners, interested parties, and other constituents. The standards established in RCW 34.05.328 provide guiding principles for Board member discussion and decisions regarding 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)].** SLRs, which typically address increased scope and substantial policy issues, are more costly to develop than non-significant rules. Between 2024-2025 the Board adopted 3 SLRs, one more than the number adopted between 2022-2023.

The higher costs of SLRs are largely due to staff time needed to collect data required for developing and analyzing cost surveys and preparing cost-benefit analyses. SLRs often require greater community outreach and engagement, cover more complex subjects and may incorporate full chapter reviews. These rulemakings typically require an increased number of public meetings and generally take more time to develop, which further increases costs.

In addition to the SLR requirements, some SLRs are also subject to a Small Business Economic Impact Statements (SBEIS) under chapter 19.85 RCW and an Environmental Justice Assessment under chapter 70A.02 RCW. These requirements require the Board to invest additional time and dedicated staff resources to conduct rulemaking and write these analyses. The Department of Health's (Department's) full-time Health Economist spends approximately 20% of their time working with both Department and Board staff on cost surveys and economic analysis. The Board relies on three Policy Advisors to conduct rulemaking activities. The Board's communications, community engagement and administrative staff support virtual and in-person public meetings and listening sessions, as well as community outreach efforts. The Board's policy advisors rely on these team members to assure website information is up to date, language access services are available to those who need them, and rule materials are shared among interested parties. The Board also relies on its Tribal Liaison to connect with Washington's federally recognized Tribes and urban Indian health centers when developing SLR and other rules.

SLRs often require an increased number of public meetings (including technical advisory committee meetings, workshops, listening sessions, and rule drafting meetings) in addition to the formal rules hearing. The continued use of virtual tools for workshops, listening sessions, and hearings has improved and expanded communication and supports broader, and more equitable community outreach. The Board must comply with the Open Public Meetings Act, which requires offering an in-person meeting space each time they meet. This adds to expenses for travel and meeting space. In addition, as resources allow, the Board may offer community compensation to people with lived experience to help formulate draft rules and required analyses.

The costs in table #11 below do not reflect the time and expenses incurred by our Tribal partners, the public or interested parties who participate in rule development activities. Inviting interested parties to participate in rule development is a Board core value. Although this level of public

involvement increases the overall cost of rulemaking, such efforts tend to increase public acceptance of rules.

The Board works closely with the Department to develop rules. The cost of rulemaking in #11, reflects both Board and Department costs.

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 was no legal action 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 between 6-8 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.

The Board continues to see an increase in legislatively mandated rulemaking, most of which fall within the SLR requirements. In addition to new legislative mandates, the Board receives interested party requests or petitions for rulemaking. The Board may also engage in rulemaking as a result of federal mandates, advancements in standards and technology, and to address outdated public health rules. All of this adds to the workload of existing staff.

SLRs generally take more time to develop. They require staff time to collect data, complete cost surveys, and conduct cost-benefit analyses. These efforts require extensive public and community engagement and communication, as well as increased meetings intended to improve consensus and mitigate adverse outcomes. The Board is committed to improving equity in rulemaking while balancing requirements for Small Business Economic Impact Statements (SBEIS) and Environmental Justice Assessments. Doing this work well takes time and extends the timeline between drafting and final public hearing and may delay final implementation. Over the last several biennia, the Board has received Foundational Public Health Services funding that has helped support the Board’s rulemaking activities. Foundational public health services dollars fund a policy advisor position, communications and community outreach staff and our Tribal liaison. These resources are critical in enabling the Board to meaningfully communicate and engage regulated parties, community, and tribes in the development of SLR.

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

The Board currently does not collect formal data on how acceptable state rules are, and there is no long-term data to compare acceptability before this law went into effect in 1995. Anecdotal evidence from public comments about proposed rules suggest that interested parties appreciate The Board’s efforts to communicate with and include them in rule development for both significant and non-significant rules.

Documenting the costs and benefits of proposed rules is helpful in communicating with interested parties about rule assumptions and final decisions. During rule development, the Board may receive questions from interested parties 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.

Overall, the Board’s emphasis and commitment to public involvement throughout the rule development process has the most substantial impact on rule acceptability.

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

SLRs generally take more time to adopt than rules that are “non-significant.” SLRs 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. The Board recognizes the importance of engaging community and regulated parties early and often during the rule development process and works to build consensus among these diverse groups before adopting SLR.

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

	WSR #	Subject of Rulemaking	# of WAC Sections Adopted	Date Adopted	Final Cost of Rulemaking
1	24-06-046	On-Site Sewage Systems, Chapter 246-272A WAC	46	3/1/2024	\$128,699
2	25-15-072	Auditory Screening Standards in Schools, Chapter 246-760 WAC	9	7/15/2025	\$40,059
3	25-24-060	Newborn Screening (GAMT Deficiency, ARG-1-D and OTC Deficiency), Chapter 246-650 WAC	2	12/1/2025	\$9,042.38

Rules Intended to be Adopted by 12/31/2025

- Per- and Polyfluoroalkyl Substances (PFAS) Reporting, WAC 246-290-315 and WAC 246-290-71006
- Shellfish Sanitary Control Chapter 246-282 WAC

State Building Code Council

1. Provide a significant legislative rule title.

EPCA update to the 2021 Washington State Energy Code Residential Provisions

2. Provide WSR# and any other appropriate references.

24-03-084

3. Provide the adoption date and any necessary details.

11/28/23

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

To modify sections in the commercial and residential energy codes to address legal uncertainty stemming from the decision in California Restaurant Association v. City of Berkeley recently issued by the Ninth Circuit Court of Appeals. While the requirements in the 2021 Washington State Energy Code are not exactly analogous to the Berkeley prohibition on gas infrastructure, the council moved forward to address the ruling expanding the scope of the Energy Policy and Conservation Act of 1975 (EPCA) preemption provisions.

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)].

SBCC is not a large program. It is difficult for the limited SBCC Staff to draft defensible Cost Benefit Analysis with the current means available.

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. For example, if you wish to provide any RCW 34.05.328 / significant legislative rule making summary information or tables; or stakeholder may provide general comments rather than addressing the individual topical questions.