PROPOSED RULE MAKING

CR-102 (December 2017)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

<table>
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<th>Code Revisor Use Only</th>
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<tr>
<td>OFFICE OF THE CODE REVISER</td>
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<tr>
<td>STATE OF WASHINGTON</td>
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<tr>
<td>FILED</td>
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<tr>
<td>DATE: December 22, 2021</td>
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<tr>
<td>TIME: 10:24 AM</td>
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<td>WSR 22-01-221</td>
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Agency: Department of Commerce

- Original Notice
- Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 21-19-143; or
- Expedited Rule Making--Proposed notice was filed as WSR; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
- Proposal is exempt under RCW.

Title of rule and other identifying information: (describe subject) Update to the definition of “California Rule” in WAC 194-24-030 to reflect the more recent version of the appliance standards adopted by the California Energy Commission.

Hearing location(s):

- Date: January 26, 2022
- Time: 9:00 AM
- Location: Virtual
- Comment: Remote testimony will be accepted

Date of intended adoption: January 27, 2022 (Note: This is NOT the effective date)

Submit written comments to:

Name: Liz Reichart
Address: Washington Department of Commerce, 1011 Plum Street SE, PO Box 42525, Olympia, WA 98504
Email: appliances@commerce.wa.gov
Fax:
Other:
By (date) January 26, 2022

Assistance for persons with disabilities:

Contact Steven Hershkowitz
Phone:
Fax:
TTY:
Email: Steven.Hershkowitz@commerce.wa.gov
Other:
By (date) January 20, 2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposal updates WAC 194-24-30 to include a December 2021 update to Title 20, Article 4 of the California Code of Regulations in the definition of “California Rule”. In effect, this update captures the most recent amendment to the existing energy efficiency standard for computers and computer monitors.

Reasons supporting proposal: By maintaining consistency with the California rule, Washington ensures that consumers have access to the latest and most energy efficient models of computers and computer monitors and facilitates compliance by manufacturers. With this proposed update, manufacturers are able to sell the same products in California and Washington.

Statute being implemented: Chapter 19.260 RCW

Is rule necessary because of a:

☐ Federal Law? ☒ Yes ☐ No
☐ Federal Court Decision? ☐ Yes ☒ No
☐ State Court Decision? ☐ Yes ☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Washington Department of Commerce ☐ Private ☒ Public ☐ Governmental

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
</tr>
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<tbody>
<tr>
<td>Drafting: Liz Reichart</td>
<td>1011 Plum Street SE PO Box 42525 Olympia, WA 98504</td>
<td>360 515-8194</td>
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<tr>
<td>Implementation: Washington Department of Commerce</td>
<td>1011 Plum Street SE PO Box 42525 Olympia, WA 98504</td>
<td>360 407-6000</td>
</tr>
<tr>
<td>Enforcement: Washington Department of Commerce</td>
<td>1011 Plum Street SE PO Box 42525 Olympia, WA 98504</td>
<td>360 407-6000</td>
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Is a school district fiscal impact statement required under RCW 28A.305.135? ☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

☒ No: Please explain: The Department of Commerce is not a listed agency in RCW 34.05.328(5)(a).

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):
☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:
☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.
☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.
☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:
  ☐ RCW 34.05.310 (4)(b) (Internal government operations)
  ☐ RCW 34.05.310 (4)(c) (Incorporation by reference)
  ☐ RCW 34.05.310 (4)(d) (Correct or clarify language)
  ☐ RCW 34.05.310 (4)(e) (Dictated by statute)
  ☐ RCW 34.05.310 (4)(f) (Set or adjust fees)
  ☐ RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW ______.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is not exempt, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☒ No Briefly summarize the agency’s analysis showing how costs were calculated. The amendment maintains consistency of Washington’s product standard with the reference standard of the California Energy Commission. This avoids costs that manufacturers might otherwise incur if Washington required compliance with an outdated standard.

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: Dec. 22, 2021
Name: Dave Pringle
Title: policy advisor and rules coordinator

Signature:
AMENDATORY SECTION  (Amending WSR 20-21-083, filed 10/19/20, effective 11/19/20)

WAC 194-24-030 Definitions. The definitions in chapter 19.260 RCW apply throughout this chapter.

(1) The following terms have the same meaning as used in the California Rule:
   (a) Showerheads;
   (b) Tub spout diverters;
   (c) Showerhead tub spout diverter combinations;
   (d) Lavatory faucets and replacement aerators;
   (e) Kitchen faucets and replacement aerators;
   (f) Public lavatory faucets and replacement aerators;
   (g) Urinals;
   (h) Water closets; and
   (i) Computers and computer monitors.

(2) "California Rule" means Title 20, Article 4, California Code of Regulations, in effect on December 9, 2021.

(3) "MAEDbS" means the modernized appliance efficiency database system established pursuant to section 1606(c) of the California Rule and maintained by the California energy commission.

(4) "Distribute" means to import, consign, buy or sell for resale, offer for sale, sell, barter, exchange, install for compensation or otherwise supply a product subject to the standards in this chapter or chapter 19.260 RCW.

(5) "Distributor" means a person who distributes.

(6) "Manufacturer" has the same meaning as used in the California Rule.