



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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FILED

DATE: June 24, 2022

TIME: 11:02 AM

WSR 22-14-023

Agency: Department of Commerce

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

- Preproposal Statement of Inquiry was filed as WSR 22-06-069 ; 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) Establish a later effective date for the water heater standard under WAC 194-24-180.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
August 30, 2022	10:00 AM	Virtual	Remote and written testimony will be accepted

Date of intended adoption: September 20, 2022 (Note: This is NOT the effective date)

Submit written comments to:

Name: Liz Reichart
 Address: 1011 Plum Street SE, Olympia, WA, 98504
 Email: appliances@commerce.wa.gov
 Fax:
 Other:
 By (date) August 30, 2022

Assistance for persons with disabilities:

Contact Steven Hershkowitz
 Phone: (360) 688-4006
 Fax:
 TTY:
 Email: steven.hershkowitz@commerce.wa.gov
 Other:
 By (date) August 16, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposal updates WAC 194-24-180 to have an effective date of January 1, 2023. In effect, CTA-2045 modules will be required components of electric storage water heaters manufactured on or after January 1, 2023.

Reasons supporting proposal: Commerce previously adopted multiple emergency rules suspending the effective date of WAC 194-24-180 (electric storage water heaters) due to an inability of manufacturers to obtain necessary parts for the required modular communications port (CTA-2045). Based on the currently adopted emergency rule, the suspension is effective until June 29, 2022. In light of continuing economic and supply chain disruptions caused by the COVID-19 pandemic, Commerce has determined that a further delay to the effective date is warranted. Commerce intends to amend

WAC 194-24-180 to establish a reasonable effective date for WAC 194-24-180 on a permanent basis. The inability of manufacturers to obtain necessary parts is caused by supply chain disruptions resulting from the COVID-19 pandemic.

Statutory authority for adoption: RCW 19.260.070(7), RCW 19.260.080(2)

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:

	Name	Office Location	Phone
Drafting:	Liz Reichart	1011 Plum Street SE, Olympia, WA, 98504	360-515-8194
Implementation:	Washington Department of Commerce	1011 Plum Street SE, Olympia, WA, 98504	360-407-6000
Enforcement:	Washington Department of Commerce	1011 Plum Street SE, Olympia, WA, 98504	360-407-6000

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.

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 would delay the standard, exempting manufacturers from the communications module requirement for an extended period of time, rather than imposing an additional cost.

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: 06/24/2022
Name: Dave Pringle
Title: Rules Coordinator

Signature:

