



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: State Building Code Council

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

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

- Yes
 - No
- If Yes, explain:

Purpose: These emergency rules are being re-filed to provide regulatory guidance to marijuana growing, processing or extraction facilities per WAC 51-54A. The purpose of the emergency rulemaking is to ensure that all operations of the industry are conducted in a safe manner, to minimize risk to life-safety. Early in 2016 the State Building Code Council formed a special technical advisory group (TAG) to consider changes to the Fire Code. Marijuana industry representatives, local building and fire officials, and state agency partners collaboratively developed proposed permanent rules, anticipated to be adopted in November, with an effective date in April 2017.

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 51-54A-105; WAC 51-54A-3800 (new section); WAC 51-54A-5307 (new section)
 Suspended:

Statutory authority for adoption: RCW 19.27.031; RCW 19.27.074

Other authority :

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: Marijuana growing, processing and extraction can involve explosive materials and dangerous processes that pose serious risks to public health, safety and welfare. These emergency rules provide: operational and construction permit requirements for marijuana extraction; administrative direction; definitions; requirements for engineering reports and inspections; construction requirements; regulation for carbon dioxide system functions and electrical systems; and other administrative oversight to protect public safety. The State Liquor and Cannabis Board's WAC 314-55-104 looks to state fire safety and building codes implemented by local building and fire officials to provide these protections. Given the potentially serious risks posed by activities regulated by this rule, observing permanent rule timing requirements would be contrary to the public interest. Permanent rulemaking is underway, with public hearings scheduled in September and October 2016.

Date adopted: October 7, 2016

NAME (TYPE OR PRINT)

Steve Simpson

SIGNATURE

TITLE

Chair, State Building Code Council

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 07, 2016

TIME: 3:16 PM

WSR 16-21-015

(COMPLETE REVERSE SIDE)

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

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

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>2</u>	Amended	<u>1</u>	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

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