



STATE OF WASHINGTON
**BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS**
P.O. Box 9025, Olympia, WA 98507-9025
360.664.1575
brpels.wa.gov

**Washington Administrative Code
Notice of Permanent Rules for WAC 196-09, 196-23,
196-33-400, 196-34-115**

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Code Reviser's Office. This statement must be provided to anyone who gave comments about the proposed rulemaking.

The Board received a petition for expedited rulemaking to update pronouns in various WACs. A CR105 (Expedited Rulemaking form) was filed, and parties notified. Objections to the use of expedited rulemaking and amending the language were received. A CR102 (Proposed Rulemaking form) was filed, and a public hearing was held on November 20, 2024.

Adoption of: WAC 196-09 Board practices and procedures.
WAC 196-23 Stamping and seals.
WAC 196-33-400 Seals and stamps.
WAC 196-34-115 Qualifying activities.

Effective date: These rule changes will become effective 31 days after filing (approximately January 18, 2025).

Summary of public comments received on this proposal and the agency's response to those comments:

I disagree that this change is grammatically correct and believe it will create much confusion regarding who is professionally responsible for engineering work. As an example WAC 196-23-010 is clearly intended to address an individual's use of engineering seals and requires a specific individual to maintain control of his or her seal. To change this language to "they, them, themselves" implies there is more than just one individual who is responsible for maintaining control of seals, which is clearly not the intent of the board.

This amendment diminishes individual responsibility. "They" is easily confused with a group responsibility rather than an individual's responsibility. The law needs to be clear, and individuals have a right to be identified in the law.

The proposed language is confusing and entirely unnecessary. The language can certainly be revised to avoid confusing the singular with the plural if the board so chooses.

I recognize that BRPELS is attempting to mainstream the pronouns from he/she and her/him, but there are better ways to do so. The easiest of which is simply rewriting the sentences such that the pronouns are replaced with "the individual or entity" or "requestor" as appropriate.

Response:

Thank you for your participation in the rulemaking process. The Board has considered the comments received and has revised some of the proposed language. (See below).

Comment:

I am strongly in favor of updating the relevant WAC sections to eliminate binary language and provide professional inclusivity.

Response:

Thank you for your time and support of the proposal.

Changes made to the proposed WAC because of public comment:

WAC 196-23-010 & WAC 196-33-400. Sentence now reads "It is the responsibility of each licensee to maintain control over the use of their stamp/seal."

WAC 196-23-040 - Removed proposed "their." Now reads "when representing licensing credentials"

If you have any questions, please contact Shanana Gillespie, Board Rules Coordinator, at (360) 664-1570 or e-mail at Shanana.Gillespie@brpels.wa.gov.