
Local Government Committee

HB 1402

Brief Description: Authorizing product certification agencies to certify building products and methods of construction, design, and systems as an alternate code compliance for modern technical methods, devices, and improvements.

Sponsors: Representatives Blake, Tharinger, Van Werven, Griffey and Senn.

Brief Summary of Bill

- Authorizes product certification agencies to certify building materials, products, construction methods, designs, and systems as an alternate compliance for modern technical methods, devices, products, and improvements.
- Provides that nothing prohibits a local code official from approving a material, product, method of construction, design, or system that: (1) has not been submitted to a product certification agency; (2) is for an individual permitted project; or (3) is for use on future or subsequent projects.
- Requires code officials, who do not approve a specific evaluation or listing, to state in writing as to why the evaluation report, listing report, other validation means, or data was not approved.

Hearing Date: 1/30/19

Staff: Yvonne Walker (786-7841).

Background:

The State Building Code Council advises the Legislature on building code issues and develops the building codes used in Washington. These codes help to ensure buildings and facilities constructed in the state are safe and healthy for building occupants, accessible to persons with disabilities and the elderly, and energy efficient.

The International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) form the specialized system for worldwide standardization.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The ISO is an independent, non-governmental organization which develops voluntary international standards and facilitates world trade by providing common standards between nations. The use of the standards aids in the creation of products and services that are safe, reliable, and of good quality.

The IEC is an international standards organization that prepares and publishes international standards for all electrical, electronic and related technologies. The adoption of the standards is voluntary, although they are often referenced in national laws and regulations around the world.

Summary of Bill:

Product certification agencies are authorized to certify building materials, products, construction methods, designs, and systems for modern technical methods, devices, products, and improvements. Each certification for a method or material must include a listing of the acceptance criteria referenced in the evaluation or listing report. A "product certification agency" is an entity that: (1) is accredited, by an accreditation body, with the requirements of ISO/IEC; and (2) conducts competent, consistent, and impartial attestations within its scope of accreditation that building products continuously comply with the requirements of the code, standard, or other criteria relevant to the product and regulatory programs.

Nothing prohibits a local code official from approving a material, product, method of construction, design, or system that: (1) has not been submitted to a product certification agency; (2) is for an individual permitted project; or (3) is for use on future or subsequent projects. A material, product, method of construction, design, or system may also be approved by a code official if the code official of the jurisdiction finds through other validation means that: (1) the proposed design is satisfactory and complies with the intent of the provisions of the code or standard; and (2) the material or method of construction offered is, for the purpose intended, not less than the equivalent of that prescribed in the adopted code or standard.

All evaluation and listing reports issued by a product certification agency, or other data submitted to validate and substantiate compliance, are subject to final approval by a code official. If a code official does not approve a specific evaluation or listing, then the code official must specify in writing as to why the evaluation report, listing report, other validation means, or data was not approved based on objective findings of fact.

Local jurisdictions may not amend local codes that can result in a code that is less than the minimum performance standards and objectives as adopted by a product certification agency.

An "accreditation body" is a body that conducts third-party attestation of product certification agencies that demonstrates competence to carry out specific requirements related to a product, process, system, person, or body. A "code official" is the officer or other designated authority charged with the administration and enforcement of the codes adopted under the State Building Code Act and the Energy-Related Building Standards Act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.