

# FINAL BILL REPORT

## SHB 1323

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Synopsis as Enacted

**Brief Description:** Requiring a training and certification program for individuals who apply fire-resistant materials.

**Sponsors:** House Committee on Labor & Workplace Standards (originally sponsored by Representatives Bronoske, Berry, Leavitt, Morgan, Taylor, Senn, Bateman, Reed, Lekanoff and Doglio).

**House Committee on Labor & Workplace Standards**  
**Senate Committee on Labor & Commerce**

### **Background:**

#### The Washington Industrial Safety and Health Act.

The Washington Industrial Safety and Health Act (WISHA) requires employers to provide a safe and healthy work environment to its employees. The Department of Labor and Industries (Department) administers WISHA. The Department has adopted general health and safety standards under WISHA that apply to most industries and has adopted more specific safety standards that apply only to specific industries.

If the Director of the Department believes that an employer has committed a WISHA violation, the Director issues a citation and, depending on the violation, may impose civil penalties. Civil penalties may be adjusted based on the employer's inspection history, the size of the workforce, and other factors. The Director must impose penalties for violations that are serious or willful. The minimum civil penalty for a serious violation is \$100. Maximum penalties are \$7,000, or \$70,000 for willful or repeated violations. The maximum penalties will be adjusted annually in accordance with federal penalty levels.

#### Contractor Debarment.

There are various reasons a contractor may be debarred from bidding on public works contracts. A contractor will be debarred for one year if the contractor has two violations within a five-year period, of any of the following: misreporting hours worked or

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misreporting premiums paid for workers' compensation; failing to obtain workers' compensation coverage; failing to comply with contractor registration requirements; or failing to comply with certain apprenticeship standards. A contractor will be debarred for two years if the contractor has two violations within a five-year period for failing to pay prevailing wages.

**Summary:**

The Legislature recognizes that fire protection measures are critical design elements to control the spread of fire and that fire-resistant materials help protect structural steel, contain fire, and limit damage. The Legislature declares that it is important that individuals installing these materials are properly trained.

Every individual applying fire-resistant material for or as a contractor must be certified by the Department. To qualify for certification, the individual must complete initial training and submit an application to the Department. The individual must complete refresher training every five years for recertification. Training must be through a state-registered apprenticeship program or manufacturer or other certified training provider approved by the Department. If a manufacturer provides training, the applicator must be trained in the application of at least four different types of products.

Beginning January 1, 2026, contractors must ensure all fire-resistant material is applied by certified fire-resistant material applicators. A contractor must obtain written documentation of the individual's certification and must keep records of the documentation for 10 years. A contractor that violates these requirements is subject to the following penalties:

- for a first violation, a minimum of \$2,500;
- for a second violation, a minimum of \$3,000 and automatic debarment from bidding on public works for one year; and
- for a third violation, a minimum of \$5,000 and a permanent debarment from bidding on public works projects.

Unless otherwise specified, the Department must enforce the provisions under WISHA. After 2032, the Department may adjust the penalties for inflation. The Department may increase penalties for repeat, willful, and serious violations. The Department must implement the provisions and must include procedures for appeal of penalties and enforcement.

"Fire-resistant material" means: (a) wet or dry mix materials, cementitious material, and fibrous materials applied to achieve an hourly fire-resistant rating for buildings classified as construction types I through V, as defined by the International Building Code (IBC); and (b) sealants, putty, and caulking used for firestop systems applied to risk category III and IV buildings, as defined by the IBC.

"Certified fire-resistant material applicator" means an individual certified by the

Department to apply fire-resistant material, and does not include an individual applying such material in or to the individual's own residence.

The Department must adopt rules to develop and administer a certification process and a process for approving trainers.

**Votes on Final Passage:**

House 97 0

Senate 48 0

**Effective:** July 23, 2023

January 1, 2026 (Section 4)