
HOUSE BILL 1323

State of Washington

68th Legislature

2023 Regular Session

By Representatives Bronoske, Berry, Leavitt, Morgan, Taylor, Senn, Bateman, Reed, Lekanoff, and Doglio

Read first time 01/16/23. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to requiring a training and certification program
2 for individuals who apply fire-resistant materials; adding new
3 sections to chapter 49.17 RCW; creating a new section; and
4 prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature recognizes that fire
7 protection measures are critical design elements meant to control the
8 spread of a fire until active fire protection measures, such as
9 sprinklers, fire extinguishers, or the fire department can take over
10 and control a fire. Among the types of passive fire protection
11 measures are the use of fire-resistant materials that help to protect
12 structural steel, contain the fire, and limit damage to critical
13 infrastructure. It is important that individuals installing these
14 materials be properly trained to perform this work. Therefore, the
15 legislature hereby establishes a training and certification program
16 for fire-resistant material applicators.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.17
18 RCW to read as follows:

19 As used in this section, the following terms shall have the
20 meaning ascribed as follows:

1 (1) "Fire-resistant material" means wet or dry mix cementitious
2 material, fibrous materials, putty, and/or caulking that are applied
3 to a surface to provide passive fire suppression for fire protection
4 of the substrate.

5 (2) "Fire-resistant material applicator" means an individual who
6 applies fire-resistant material.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.17
8 RCW to read as follows:

9 (1) Every fire-resistant material applicator shall undergo
10 initial training to apply fire-resistant material and must conduct
11 refresher training every five years. Minimum standards for initial
12 training and refresher training must be established by the department
13 through rule making.

14 (2) All training provided under this section must be provided by
15 an apprenticeship program registered with the Washington state
16 apprenticeship and training council or by manufacturers that have
17 been approved by the department to provide training in the
18 application of fire-resistant materials. If training is provided by
19 manufacturers, then fire-resistant material applicators must be
20 trained in the application of at least four different products.

21 NEW SECTION. **Sec. 4.** A new section is added to chapter 49.17
22 RCW to read as follows:

23 (1) Contractors employing fire-resistant material applicators
24 must verify that any fire-resistant material applicator is in
25 compliance with the training requirements outlined in section 3 of
26 this act prior to the application of any fire-resistant material.
27 Verification requires that contractors obtain written verification
28 from the training provider documenting that the fire-resistant
29 material applicator has completed the required training.

30 (2) Contractors must retain these records for a period of 10
31 years. Any contractor out of compliance with this section shall be
32 fined up to \$3,000 for every instance that the individual installed
33 fire-resistant materials without the required training.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter 49.17
35 RCW to read as follows:

1 (1) Contractors employing fire-resistant material applicators
2 must ensure fire-resistant material applicators are certified as
3 described in sections 3 and 4 of this act.

4 (2) The first violation of this section is a penalty of \$2,500.
5 The violation must be publicly viewable on the department's website.
6 The procedure for posting violations on its website shall be
7 determined by the department.

8 (3) The second violation is a penalty of \$3,000 and an automatic
9 debarment from bidding for public works projects for one year.

10 (4) The third violation is a penalty of \$5,000 and the
11 contractor's permanent disbarment from public works projects.

12 (5) The penalties established in this section are a minimum which
13 the department may exceed. After 2032, the department may adjust
14 these penalties for inflation. Repeat, willful, and serious
15 violations can result in increased penalties as determined by the
16 department.

17 (6) The provisions of this section shall be implemented by the
18 department, including a procedure for the appeal of penalties, and
19 enforced pursuant to chapter 34.05 RCW.

--- END ---