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**SENATE BILL 5253**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Van De Wege, Nobles, and Valdez

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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