

SENATE BILL REPORT

SB 5694

As Reported by Senate Committee On:
Labor & Commerce, February 21, 2025

Title: An act relating to a statewide boiler operator certification.

Brief Description: Establishing a statewide boiler operator certification.

Sponsors: Senator King.

Brief History:

Committee Activity: Labor & Commerce: 2/17/25, 2/21/25 [DPS-WM].

Brief Summary of First Substitute Bill

- Establishes a state boiler operator certification.
- Allows cities that have established Boiler Operator Certification Programs to continue certifying boiler operators, subject to certain conditions, and grants the Board of Boiler Rules authority to de-authorize City Boiler Operator Certification Programs.
- Allows individuals possessing city-issued Boiler Operator Certificates to perform work outside of the issuing city's jurisdiction without a state-issued certificate until January 1, 2029.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 5694 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Saldaña, Chair; Conway, Vice Chair; King, Ranking Member; Alvarado, MacEwen, Ramos, Schoesler and Stanford.

Staff: Jarrett Sacks (786-7448)

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

Background: Certain boilers and unfired pressure vessels are subject to regulation by the Board of Boiler Rules (Board) and inspection by the Department of Labor and Industries (L&I). The director of L&I appoints the chief boiler and pressure vessel inspector, who issues inspection certificates for boilers and unfired pressure vessels. State law requires a permit before installing, reinstalling, or moving any boiler or unfired pressure vessel.

A boiler operator's license is not required to operate boilers in the state. However, certain cities, including Seattle, Tacoma, and Spokane, require boiler operator licenses and have their own certification programs.

Summary of Bill (First Substitute): Boiler Operator Certification. A State Boiler Operator Certification Program is created. The Board must adopt rules necessary to implement a certification program for boiler operators who operate and maintain boilers. Initial rules must take effect January 1, 2028. The chief boiler and pressure vessel inspector is authorized to issue, suspend, or revoke for cause Boiler Operator Certifications. It is unlawful to operate a boiler covered by state law without a valid Boiler Operator Certification. The boiler operator certification requirements do not apply to individuals employed by an owner or operator of a refinery engaged in petroleum refining, petrochemical manufacturing, or other basic organic chemical manufacturing.

L&I may revoke or suspend a Boiler Operator Certification if:

- the certification was obtained through error or fraud;
- the certificate holder is judged to be incompetent to carry on the trade of boiler operation and maintenance at the level of boiler operation identified on the holder's certification; or
- the certificate holder has violated any provision of the laws related to boilers or any related rule.

L&I may assess a penalty of up to \$500 for each violation of the laws related to boilers and pressure vessels. Procedures for notice to violators, the suspension and revocation of certifications, and appeals procedures are specified.

Examinations and Qualifications. L&I, with the consent of the Board, must prepare examinations for Boiler Operator Certification. The examination must determine whether the applicant:

- possesses varied knowledge of the technical information and practical procedures that are identified with the level boiler operation; and
- is familiar with the applicable national and international codes, state law, and the administrative rules of L&I pertaining to boiler operation and general maintenance.

L&I may enter a contract with a nationally recognized testing agency to develop, administer, and score any examinations. All applicants must, before taking an examination, pay the required examination fee. The fee must cover, but not exceed, the costs of preparing and administering the examination and the materials necessary to conduct the practical

elements of the examination. L&I must approve training courses for examinations.

The Board must establish the acceptable experience levels and requirements necessary for an applicant to be eligible to take the boiler operator certification examinations, subject to requirements specified in the bill. For a grade I certification, an applicant must have:

- an aggregate of five years' experience operating high or low pressure boiler plants, or equivalent experience;
- attended a recognized school of technology and have an aggregate of three years' experience operating high or low pressure boiler plants or equivalent experience; or
- attended a recognized training program and have an aggregate of four years' experience operating high or low pressure boiler plants or equivalent experience.

For a grade II certification, the applicant must have:

- an aggregate of four years' experience operating high or low pressure boiler plants, or equivalent experience;
- attended a recognized school of technology and have an aggregate of two years' experience operating high or low pressure boiler plants or equivalent experience; or
- attended a recognized training program and have an aggregate of three years' experience operating high or low pressure boiler plants or equivalent experience.

For a grade III certification, the applicant must have:

- an aggregate of three years' experience operating high or low pressure boiler plants, or equivalent experience;
- attended a recognized school of technology and have an aggregate of one years' experience operating high or low pressure boiler plants or equivalent experience; or
- attended a recognized training program and have an aggregate of two years' experience operating high or low pressure boiler plants or equivalent experience.

For a grade IV certification, the applicant must have:

- an aggregate of one year of experience operating high or low pressure boiler plants, or equivalent experience;
- attended a recognized school of technology and has an aggregate of 80 hours of observation experience operating high or low pressure boiler plants or equivalent experience; or
- attended a recognized training program and have an aggregate of 120 hours of observation experience operating high or low pressure boiler plants or equivalent experience.

For a grade V certification, the applicant must provide evidence of qualification as required by L&I. The Board must require not less than eight hours of continuing education for the renewal of Boiler Operator Certifications.

No examination may be required of any applicant for a certificate of competency who, on December 31, 2027, is engaged in a bona fide business or trade of boiler operation and

maintenance and hold a valid certificate or license issued by a political subdivision of the state. To qualify for state certification without passing the state examination, applicants must apply by October 1, 2028.

City Boiler Operator Certification. A city performing certification of boiler operators within its jurisdiction may continue the administration of its Boiler Operator Certification Program if it:

- has adopted ordinances with requirements equal to, or higher than, the requirements for the operation of boilers and the certification of boiler operators established by state law; and
- actively enforces the ordinances related to its Boiler Operator Certification Program.

The Board must adopt rules for the removal of city Boiler Operator Certification Programs that do not adhere to the requirements of the bill and rules adopted by the Board.

After the adoption of rules by the Board relating to Boiler Operator Certification, and until January 1, 2029, a Boiler Operator Certification obtained from a city with its own Boiler Operator Certification Program has the same force and effect as the state Boiler Operator Certification and allows the holder of the Boiler Operator Certification to perform boiler operator work in the state. However, this does not prohibit a city from requiring its own Boiler Operator Certificate within its jurisdiction.

Out-of-State Experience. L&I may grant temporary Boiler Operator Permits when a boiler operator coming from another state requests a temporary permit to engage in the trade of boiler operation as a certified boiler operator during the period of time between filing an application for a Boiler Operator Certificate and taking the examination. No temporary permit may be issued to:

- any person who has failed to pass the examination for a certificate of competency; or
- any applicant under who has not furnished L&I with the required evidence of experience or education.

Miscellaneous Provisions. A provision that the Board's rules have the force and effect of law and only become mandatory after 12 months is repealed. Changes are made to the underlying boiler statutes to conform with the creation of the Boiler Operator Certification. Definitions for the Board and L&I are added.

EFFECT OF CHANGES MADE BY LABOR & COMMERCE COMMITTEE (First Substitute):

- Excludes certain refineries from the boiler operator certification requirements of the bill.
- Removes the requirement that L&I must have the consent of the Board to enter into a contract with a testing agency to develop, administer, and score examinations.
- Requires a certificate holder who has received a suspension or revocation notice from

- L&I to request a hearing before the Board within 20 days of receiving the notice, rather than no timeframe being specified.
- Requires L&I to suspend the certificate of a person certified by Department of Social and Health Services as not being in compliance with a support order and adds provisions related to the reissuance of the certification after compliance.
 - Provides that, in addition to persons, firms, partnerships, and corporations, it is unlawful for any other entity to operate a boiler without a valid certification.
 - Makes grammatical changes.

Appropriation: None.

Fiscal Note: Requested on February 6, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: The bill creates a statewide program in addition to the cities that currently have their own. The bill is important for the safety of workers and the public because boilers are everywhere, including homes, schools, and hospitals. Outside of three cities, certification is not required. A boiler failure can lead to catastrophic consequences. The bill is limited to testing, registration, and exams and has a prolonged implementation schedule to provide time to comply.

CON: The bill should exclude refineries, who already have rigorous safety standards on multiple levels.

Persons Testifying: PRO: Senator Curtis King, Prime Sponsor; Larry Kratz, IUOE Local 302; Terry Chapin.

CON: Sophia Steele, WSPA.

Persons Signed In To Testify But Not Testifying: No one.