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**HOUSE BILL 2392**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Representatives Scott, Berry, Reed, Obras, Parshley, Street, Duerr, Ormsby, and Pollet

Prefiled 01/09/26. Read first time 01/12/26. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to requiring building and construction  
2 contractors to use a skilled and trained workforce for performing  
3 work at certain hazardous facilities; adding a new chapter to Title  
4 49 RCW; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The definitions in this section apply  
7 throughout this chapter unless the context clearly requires  
8 otherwise.

9 (1) "Applicable occupation" means the specific trade or  
10 occupation for the work performed under this chapter as defined by  
11 the scope of work description under chapter 39.12 RCW and associated  
12 rules, or defined by the standard occupational classification  
13 description.

14 (2) "Apprenticeable occupation" means an occupation for which an  
15 apprenticeship program has been approved by the Washington state  
16 apprenticeship and training council pursuant to chapter 49.04 RCW.

17 (3) "Covered facility" means any of the following: Pulp mill,  
18 paper mill, hog fuel/biomass production and energy generation plant,  
19 fossil fuel power plant, or nuclear power plant, including any  
20 generation, testing, or demonstration facility.

21 (4) "Department" means the department of labor and industries.

1 (5) "On-site work" does not include: Ship and rail car support  
2 activities; environmental inspection and testing; security guard  
3 services; work which is performed by an original equipment  
4 manufacturer for warranty, repair, or maintenance on the vendor's  
5 equipment if required by the original equipment manufacturer's  
6 warranty agreement between the original equipment manufacturer and  
7 the owner; industrial cleaning not related to construction; safety  
8 services requiring professional safety certification; nonconstruction  
9 catalyst loading, regeneration, and removal; chemical purging and  
10 cleaning; inspection services not related to construction; and work  
11 performed that is not in an apprenticeable occupation.

12 (6) "Prevailing rate of wage" has the same meaning as provided in  
13 RCW 39.12.010.

14 (7) "Registered apprentice" means an apprentice who meets all the  
15 following criteria:

16 (a) Is registered in an apprenticeship program approved by the  
17 Washington state apprenticeship and training council according to  
18 chapter 49.04 RCW;

19 (b) Has received written notification from the employer  
20 identifying his or her applicable occupation and wage rates prior to  
21 performing work, a copy of which must be maintained in the employee's  
22 personnel file by the employer; and

23 (c) Is only performing work within the applicable occupation of  
24 the apprenticeship program in which he or she is registered.

25 (8) "Skilled and trained workforce" means a workforce that meets  
26 both of the following criteria:

27 (a) All the workers are either registered apprentices or skilled  
28 journeypersons; and

29 (b) The workforce meets the apprenticeship graduation and  
30 approved advanced safety training requirements established in section  
31 3 of this act.

32 (9) "Skilled journeyperson" means a worker who meets all of the  
33 following criteria:

34 (a) The worker either graduated from an apprenticeship program  
35 for the applicable occupation that was approved by the Washington  
36 state apprenticeship and training council according to chapter 49.04  
37 RCW, or has at least as many hours of on-the-job experience in the  
38 applicable occupation that would be required to graduate from an  
39 apprenticeship program approved by the Washington state

1 apprenticeship and training council according to chapter 49.04 RCW;  
2 and

3 (b) The worker's wage payment requirement is at least consistent  
4 with the prevailing rate of wage for a worker in the applicable  
5 occupation and geographic area.

6 NEW SECTION. **Sec. 2.** (1) In any contract involving  
7 construction, alteration, demolition, installation, repair, or  
8 maintenance work at a covered facility, the owner or operator of the  
9 covered facility shall require that its contractors and any  
10 subcontractors use a skilled and trained workforce to perform all on-  
11 site work within an apprenticeable occupation in the building and  
12 construction trades.

13 (2)(a) The department, in consultation with the Washington state  
14 apprenticeship and training council, shall approve a curriculum of  
15 in-person classroom and laboratory instruction for approved advanced  
16 safety training for workers at covered facilities.

17 (b) The safety training must be provided by a training provider,  
18 which may include a registered apprenticeship program, approved by  
19 the department. The department must periodically review and revise  
20 the curriculum to reflect current best practices.

21 (c) Upon receipt of certification from the approved training  
22 provider, the department must issue a certificate to a worker who  
23 completes the approved curriculum.

24 (d)(i) The department may accept a certificate received for  
25 training under chapter 49.80 RCW.

26 (ii) The department may accept other documentation issued by  
27 another state if the department finds that the curriculum and  
28 documentation of the other state meets the requirements of this  
29 subsection.

30 (3) This section applies to work performed under contracts  
31 awarded, contract extensions, and contract renewals occurring on or  
32 after January 1, 2027. This section also applies to work performed  
33 under a contract awarded before January 1, 2027, if the work is  
34 performed on or after January 1, 2028.

35 (4) This section does not apply to:

36 (a) The employees of the owner or operator of the covered  
37 facility, nor does it prevent the owner or operator of the covered  
38 facility from using its own employees to perform any work that has

1 not been assigned to contractors while the employees of the  
2 contractor are present and working;

3 (b) A contractor who has requested qualified workers from the  
4 local hiring halls or apprenticeship programs that dispatch workers  
5 in the apprenticeable occupation and who, due to workforce shortages,  
6 is unable to obtain sufficient qualified workers within 48 hours of  
7 the request, Saturdays, Sundays, and holidays excepted; and

8 (c) Emergencies that make compliance impracticable because they  
9 require immediate action to prevent harm to public health or safety  
10 or to the environment. This section applies as soon as the emergency  
11 is over or it becomes practicable for contractors to obtain a  
12 qualified workforce.

13 (5) The requirements under subsection (1) of this section apply  
14 to each individual contractor's and subcontractor's on-site  
15 workforce.

16 (6) The requirements of this section do not make the work  
17 described in subsection (1) of this section a public work within the  
18 meaning of RCW 39.04.010.

19 NEW SECTION. **Sec. 3.** In order to meet the requirements under  
20 section 2 of this act to use a skilled and trained workforce to  
21 perform all on-site work within an apprenticeable occupation in the  
22 building and construction trades:

23 (1)(a) By January 1, 2027, no less than 30 percent of a  
24 contractor's or subcontractor's skilled journeypersons must be  
25 graduates of an apprenticeship program for the applicable occupation  
26 approved by the Washington state apprenticeship and training council  
27 according to chapter 49.04 RCW;

28 (b) By January 1, 2028, no less than 60 percent of a contractor's  
29 or subcontractor's skilled journeypersons must be graduates of an  
30 apprenticeship program for the applicable occupation approved by the  
31 Washington state apprenticeship and training council according to  
32 chapter 49.04 RCW; and

33 (2) By January 1, 2028, all of the contractor's or  
34 subcontractor's skilled journeypersons and registered apprentices  
35 must have completed at least 20 hours of approved advanced safety  
36 training for workers at covered facilities within the prior three  
37 calendar years.

1        NEW SECTION.    **Sec. 4.**    (1) Failure to comply with the skilled and  
2 trained workforce requirements of this chapter, except the  
3 requirement that a worker be paid at a rate commensurate with wages  
4 typically paid for the occupation, constitutes a violation of chapter  
5 49.17 RCW.

6        (2) The wage rate requirement of section 1(9)(b) of this act  
7 constitutes a wage payment requirement as defined in RCW 49.48.082.

8        (3) A worker in an apprenticeable occupation performing work  
9 under this chapter who does not meet the definition of a registered  
10 apprentice in section 1 of this act or the definition of a skilled  
11 journeyman in section 1 of this act constitutes a skilled  
12 journeyman solely for the purposes of the wage requirement owed to  
13 the worker.

14        NEW SECTION.    **Sec. 5.**    The department may adopt rules necessary  
15 to implement this chapter.

16        NEW SECTION.    **Sec. 6.**    Sections 1 through 5 of this act  
17 constitute a new chapter in Title 49 RCW.

18        NEW SECTION.    **Sec. 7.**    This act takes effect January 1, 2027.

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