

Chapter 49.105 RCW
FIRE-RESISTANT MATERIAL APPLICATORS

Sections

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RCW 49.105.005 Recognition. 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. [2023 c 145 § 1.]

RCW 49.105.010 Definitions. The definitions in this section apply throughout RCW 49.105.020 through 49.105.040 unless the context clearly requires otherwise.

(1) "Fire-resistant material" means:

(a) Wet or dry mix materials, cementitious materials, and fibrous materials, applied to achieve an hourly fire-resistant rating for buildings classified as construction types I, II, III, IV, and V, as defined by the international building code; and

(b) Sealants, putty, and caulking used for firestop systems, applied to risk category III and IV buildings, as defined by the international building code.

(2) "Certified fire-resistant material applicator" means an individual certified by the department to apply fire-resistant material. Certified fire-resistant material applicator does not include an individual applying fire-resistant material in or to the individual's own residence.

(3) "Contractor" means an employer performing work that includes the application of fire-resistant material, or any person, partnership, or business entity that does not have employees but that performs work that includes the application of fire-resistant material.

(4) "Department" means the department of labor and industries.
[2023 c 145 § 2.]

RCW 49.105.020 Certification. (1) 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 must complete refresher training every five years for recertification.

(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 fire-resistant material manufacturers or other certified training providers, that have been approved by the department to provide training in the application of fire-resistant materials. Training provided by manufacturers must include training in the application of at least four different types of fire-resistant material products.

(3) An individual who has completed the training required under this section must submit an application to the department to receive certification as a certified fire-resistant material applicator.

(4) The department shall, by rule, develop and administer a certification process for fire-resistant material applicators, including the minimum standards for initial training and refresher training, and the approval process for fire-resistance material manufacturers or other certified training providers. The department's rules and certification process must be in place at least one year prior to January 1, 2026. [2023 c 145 § 3.]

RCW 49.105.030 Certification verification. (Effective January 1, 2026.) (1) Beginning January 1, 2026, contractors must ensure all fire-resistant material is applied by a certified fire-resistant material applicator prior to the individual applying any fire-resistant material. A contractor must verify that the individual is certified by the department by obtaining written documentation of the individual's certification.

(2) Contractors must retain the written documentation for a period of 10 years. [2023 c 145 § 4.]

Effective date—2023 c 145 § 4: "Section 4 of this act takes effect January 1, 2026." [2023 c 145 § 8.]

RCW 49.105.040 Enforcement—Rules. (1) Unless specifically provided otherwise by statute, this chapter shall be implemented and enforced, including penalties, violations, citations, and other administrative procedures, pursuant to chapter 49.17 RCW.

(2) The first violation of this section is a penalty of \$2,500.

(3) The second violation is a penalty of \$3,000 and 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 debarment from public works projects.

(5) (a) Violations must be published on the department's website, as determined under the department's rules.

(b) 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 may result in increased penalties as determined by the department.

(6) The department must adopt rules to implement this chapter. [2023 c 145 § 5.]