

Fire-Resistant Materials Applicator Certification Public Hearing

Chapter 296-156 WAC – Fire-Resistant Materials Applicator Certification



Washington State Department of
Labor & Industries
Division of Occupational Safety and Health

April 2025

Intro to the Zoom Platform

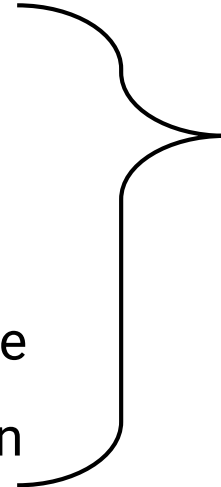
- Online
 - Controls at the bottom
 - Interpreter Channel or Globe Icon (EN or ES)
 - Q&A feature/tool: technical questions regarding presentation
 - Raise Hand Option: for live questions at the end of the presentation

- Phone
 - To raise/lower hand use *9
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NOTE: Speakers will be speaking slowly because of concurrent interpretation. Please be patient.

Agenda

- Rulemaking timeline
- Background
- Proposed rule overview
- Question & answer on language in proposed rule
- Submit written comments & contact information
- Public hearing starting at 1:30 p.m.



Pre-Hearing
Overview
1:00 p.m.

Fire-Resistant Materials Applicator Certification Rulemaking Timeline

- 2023 April 20: Substitute House Bill 1323 (SHB 1323) signed into law.
- 2024 February 6: Filed/CR-101
- 2024 Input & Feedback/Stakeholder Meetings
- 2025 February 18: Filed/CR-102
- 2025 April 1, 8, 9: Virtual/In-Person Public Hearings
- 2025 April 16: Comment period ends 5:00 p.m.
- 2025 May 20: CR-103 Rule adoption
- 2025 July 1: Rule effective

Fire-Resistant Materials Applicator Certification

- This proposed rulemaking will implement the requirements of SHB 1323, codified as chapter 49.105 RCW which requires a training and certification program be created for individuals applying fire-resistant materials to specified building construction types and building risk categories:
 - Spray Fire Resistant Material for buildings classified as construction types I, II, III, IV, and V, as defined by the International Building Code.
 - Fire-Stop Material applied to risk category III and IV buildings, as defined by the International Building Code.

Fire-Resistant Materials Applicator Certification

Purpose and Scope

- Creates requirements for contractors applying fire-resistant materials to use certified applicators in specified building construction types and building risk categories.
- Lists activities, building types, and materials that are exempt from this regulation
- Additionally, the law requires contractors to use certified applicators where fire-resistant materials will be applied or installed.

Fire-Resistant Materials Applicator Certification

Definitions

- Defines key terms related to fire-resistant materials application, including training providers, certified applicators, and contractors.
- Ensures clarity on roles, materials, and processes

Fire-Resistant Materials Applicator Certification

Certification verification and penalties.

- Requires contractors verify that individuals are certified to apply fire-resistant materials and retain written documentation of certification.
 - The first violation of this section will have a minimum penalty of \$2,500.
 - The second violation will have a minimum penalty of \$3,000 and debarment from bidding for public works projects for one year.
 - The third and subsequent violations will have a minimum penalty of \$5,000 and the contractor's permanent debarment from public works projects.

Fire-Resistant Materials Applicator Certification

Applicator Training and Certification Requirements

- Certification requires completion of an approved training course.
- Spray Fire Resistant Material full Course (32 hours)
- Spray Fire Resistant Material Refresher Course (8 hours)
- Fire-Stop full Course (24 hours)
- Fire-Stop Resistant Material Refresher (8 hours)

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Training course approval

- Training providers can be apprenticeship program registered with the Washington state apprenticeship and training council, a fire-resistant material manufacturers or other certified training providers.
- Provides additional guidance that training providers are not limited in number of courses they can seek approval for.
- Requires training courses to have in-person and hands-on instruction aspects.
- Sets a student-to-instructor ratio maximum as well as class recordkeeping requirements

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Training Course Content

- Establishes the content a fireproofing/spray-on fire resistant material course must address.
- Establishes the content a fire stop course must address.

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Denial, suspension, and revocation

- Allows the department to deny, suspend, or revoke course approval if the provider is found to be in violation of the rules.
- Sets the criteria by which the department may deny, suspend, or revoke a workers certificate.
- Sets the process by which a denial, suspension, or revocation may be appealed.

Question and Answers

- This is not formal testimony for the public hearing.
- Questions related to the proposed rulemaking from stakeholders may be answered, questions related to other topics may be answered outside the pre-hearing overview.

Submit formal, written comments to:

Arthur Wagner, Administrative Regulations Analyst

- **Mail:** Division of Occupational Safety and Health
PO Box 44620
Olympia, WA 98504-4620
- **Email:** Arthur.j.wagner@Lni.wa.gov
- **FAX:** 360-902-5619 Comments submitted by fax must be 10 pages or fewer.

Comments must be received by: 5:00 p.m. on April 16, 2025

DOSH Fire-Resistant Materials Applicator Technical Specialist

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DOSH Technical Specialist

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Fire-Resistant Materials Applicator rulemaking page

- *LINK: <https://www.lni.wa.gov/safety-health/safety-rules/rulemaking-stakeholder-information/fire-resistant-material-applicators>*

Break/Transition to Public Hearing

Start Time: 1:30 P.M.

Please submit your contact information [to ARA in the Chat]:

- **First and Last Name**
- **Organization (representing)**
- **Email**
- **Testify or Testimony, if you want to testify on the rule**

A chance to stretch your legs and take a deep breath