

**Fire-Resistant Material Applicators:  
Implementation of SHB 1323**  
Public Stakeholder Meeting  
September 11, 2024  
10:00 A.M.





## Agenda

- Introductions
- Background
- Draft Rule Discussion – Open Forum
- Questions – Open Forum
- Next Steps



## Chapter 296-156 WAC

- Substitute House Bill (SHB) 1323 passed into law in 2023
  - Requires the training and certification of individuals who apply fire-resistant materials.
- All fire-resistant materials must be applied by a certified applicator with the correct specialty.
- Activities requiring certification:
  - Determining placement of materials
  - Installing materials
  - Hand application
- Employers must verify certification and retain documentation for 10 years.
- Enforcement includes fines and debarment from public works projects for repeat violations.



## ***WAC 296-156-003 Definitions.***

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) Authorized training provider.** An approved entity that may be sponsored by any person, or other entity having department approval.
- (2) Certified fire-resistant material applicator.** An individual certified as administered by the department to apply fire-resistant material.
- (3) Certification.** A document issued by the department that validates an individual's completion of an approved fire-resistant material applicators training course.
- (4) Competent instructor.** An instructor who has demonstrated satisfactory performance in the occupation for a minimum of three years beyond the customary learning period for that occupation and who:
  - (a) Meets the requirements of the state board for community and technical colleges for a vocational-technical instructor; or
  - (b) Is recognized within an industry as having expertise in a specific occupation and is a subject matter expert; and
  - (c) Has training in teaching techniques and adult learning styles. The training may be acquired before, or within one year after, the competent instructor begins to provide related supplemental instruction.



## Definitions (Continued)

- (5) **Contractor.** 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.
- (6) **Department.** The department of labor and industries.
- (7) **Fire-resistant material.**
- (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.
- (8) **Fireproofing.** Is the use of fire-resistant materials in a building to prevent structural collapse and allow safe egress of occupants in case of a fire.
- (9) **Fire stop.** Materials used to form a passive fire protection that is used to seal around openings, between joints in a fire-resistance-rated wall, floor, ceiling, or shaft system.
- (10) **Person.** One or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.
- (11) **Registered apprentice.** An apprentice registered in an apprenticeship program approved by the Washington state apprenticeship and training council according to chapter 49.04 RCW.



## Certification for Fire-Resistant Materials Applicators

- Complete an approved training course (spray fireproofing or fire stop)
- Submit an application to the department
- Certification is valid for five years
- Renewal requires a refresher course
- Applicators can renew up to two years after expiration, then must retake initial training
- The department can deny, suspend, or revoke certifications



## Authorized Training Providers and Courses

- Must include in-person and hands-on instruction, and meet minimum requirements
- Application requires detailed information about course, instructors, and evaluation methods
- Applications must be submitted on time, approval is at the department's discretion
- Changes to courses require prior approval
- Class size and instructor-to-student ratios are specified
- Providers must maintain records for 10 years and provide access upon request
- Department can deny, suspend, or revoke course approval



# Recognition of Prior Training

- **Recognition of Prior Training**
  - Department **may** recognize training completed before January 1, 2025, or under another state's program if it meets requirements
- Refresher course may be required
- Department maintains list of approved courses
- Deficiencies in another state's training require completion of a full course





## Training Outline

- SFRM
  - Initial Training (hours)
  - Renewal Training (hours)
  
- Fire Stop (FRMA)
  - Initial Training (hours)
  - Renewal Training (hours)



## Denial, Suspension, and Revocation

- Department can deny, suspend, or revoke course approval or certificates for non-compliance or fraudulent activity
- Written notice provided before action
- Right to appeal the decision



# Questions?



## Next Steps

- Perform Cost Benefit Analysis and Small Business Economic Impact Statement
- File CR-102
- Hold Public Hearings
- Formal Comment Period Ends
- File CR-103
- Rule Effective 30 days after CR-103