
Local Government Committee

HB 1153

Brief Description: Concerning lumber grading.

Sponsors: Representatives Blake and Wilcox.

Brief Summary of Bill

- Authorizes sawmill operators licensed by the Department of Labor and Industries (L&I) to inspect, grade, and certify native lumber.
- Establishes that native lumber certified by a licensed sawmill operator is equivalent to lumber graded by a nationally accredited agency, and that it satisfies all grading and stamping requirements of the State Building Code.
- Directs L&I and Washington State University to design and administer a Native Lumber Grading Program and to charge a reasonable fee, which must be deposited in a Native Lumber Grading Program Account created in the State Treasury.
- Authorizes qualified building code enforcement officials to waive lumber grading and stamping requirements of the SBC for specific construction projects.
- Requires the L&I to adopt rules by July 31, 2016, to implement the Native Lumber Act.

Hearing Date: 1/20/15

Staff: Michaela Murdock (786-7289).

Background:

The American Softwood Lumber Standard.

The National Institute of Standards and Technology (NIST) is a non-regulatory federal agency within the United States Department of Commerce (Commerce). The NIST publishes the American Softwood Lumber Standard, Voluntary Product Standard PS 20 (PS 20), which is developed and maintained by the American Lumber Standard Committee (ALSC). The current edition of the voluntary product standard is PS 20-10.

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

The ALSA develops PS 20 in accordance with procedures published by Commerce. The committee's membership includes producers, distributors, and consumers of softwood lumber. The ALSA and its Board of Review (Board) operate as independent bodies with defined functions. While ALSA maintains the PS 20 and establishes policies, the Board certifies grading rules, approves design values, accredits agencies to inspect and grade lumber, and monitors agencies' performance.

PS 20-10 pertains to softwood lumber. It establishes, for example:

- standard sizes and requirements for development and coordination of: (1) the lumber grades of the various species; (2) the assignment of design values; and (3) the preparation of grading rules applicable to each species; and
- principal trade classifications and lumber sizes for yard, structural, factory and shop use.

Board Accredited Agencies.

Under PS 20, a lumber grading agency is an organization accredited by the Board to grade lumber or to license and supervise facilities that employ graders. There are a number of lumber grading agencies throughout the United States that are accredited by the Board, including three in the Pacific Northwest: Pacific Lumber Inspection Bureau; West Coast Lumber Inspection Bureau; and Western Wood Products Association.

Lumber Grading.

Lumber grading rules are developed in accordance with PS 20-10. The National Grading Rule Committee (NGRC) is a separate consensus body that maintains the rules for dimension lumber (*i.e.*, lumber used to build or construct, and cut to standard or specified sizes).

Softwood lumber grades are classified into three general categories: yard, factory and shop, and structural. Structural lumber is graded based on its structural properties and is stress rated. Lumber may be graded visually, mechanically, or both. Visual grading is based on the number, size, location, and types of defects throughout the wood. Mechanical grading, or mechanical stress rating, tests the lumber's strength and stiffness.

The State Building Code - Lumber Grading Requirements.

The State Building Code (SBC) provides statewide minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire, and life safety. The SBC is comprised of model codes, including the International Building Code and the International Residential Code, which are adopted by reference in statute, as well as rules developed and adopted by the State Building Code Council (Council). The Council is responsible for adopting, amending, and maintaining as appropriate the model codes adopted by reference in statute. Local governments (counties, cities, and towns) are required to enforce the SBC within their jurisdictions.

Local governments may amend the SBC as it applies in their jurisdictions, provided that any amendments do not result in a code that is less than the minimum performance standards contained in the SBC.

In general, the building and residential codes of the SBC require that wood used in framing walls, floors, and roofs must be identified by a grade mark of a lumber grading or inspection

agency that has been approved by an accreditation body that complies with PS 20. In lieu of a grade mark, a certificate of inspection issued by an accredited lumber grading or inspection agency may be accepted.

The Department of Labor and Industries.

The Director of the Department of Labor and Industries (L&I) has duties enumerated in statute, including the duty to exercise all powers and perform all duties prescribed by law in relation to the inspection of factories, mills, workshops, storehouses, warerooms, stores and buildings, and the machinery and apparatus contained therein. The L&I inspects electrical work, boilers, elevators, and manufactured homes, tests and licenses electricians, certifies plumbers, and registers construction contractors.

In addition, the L&I is the agency with responsibility and accountability for apprenticeship within the state for federal purposes. The Director of the L&I appoints a regulatory apprenticeship council, which approves programs and establishes apprenticeship program standards as rules, including requirements for instruction and instructor qualifications.

Washington State University.

Washington State University (WSU) is a public baccalaureate institution in Washington.

Summary of Bill:

The Native Lumber Act (Act) is established. Broadly, sawmill operators licensed by the L&I are authorized to inspect, grade, and certify native lumber which may be used in building and construction in accordance with the State Building Code.

Definitions.

Frequently used terms in the Act are defined, including:

- "native lumber": lumber that has been inspected, graded, and certified to meet or exceed standards established by the L&I and the WSU and for which a Certificate of Native Lumber has been issued.
- "sawmill": a stationary or portable machine used to convert logs into lumber or other wood products.
- "sawmill operator": a person who operates a sawmill for commercial or personal purposes.

The State Building Code.

Native lumber satisfies all lumber grading and stamping requirements of the SBC. Under the Act, it is equivalent to lumber that has been grade marked or inspected by an agency approved by an accredited body that complies with PS 20-10.

Licensed Sawmill Operators.

A sawmill operator may obtain a Native Lumber Grading License (license) from the L&I. The L&I must issue licenses to applicants who: (1) submit a complete application; (2) have completed the Native Lumber Grading Program; and (3) pay a license fee in an amount not to exceed \$140 for an initial application, or \$75 for a renewal application. Licenses expire after five years and may be renewed for additional five-year periods. Licensed sawmill operators

must annually update information provided to the L&I in accordance with the Act. The L&I may suspend or revoke licenses for violations of the Act or rules adopted by the L&I.

Licensed sawmill operators may process, inspect, grade, and certify lumber by issuing a Certificate of Native Lumber. The L&I is responsible for prescribing the certificate form used by sawmill operators. In issuing the certificate, the sawmill operator must attest, among other things, that:

- the quality and safe working stresses of the lumber are equal to or better than number 2 grade for structural lumber in accordance with PS 20-10; and
- the quality and safe working stresses of the lumber, if it is to be used in load bearing walls, are equal to or better than stud grade in accordance with PS 20-10.

The Native Lumber Grading Program.

The L&I and the WSU must create and administer the Native Lumber Grading Program (program) to provide training for inspecting, grading, certifying, and stamping native lumber.

The L&I and the WSU must:

- establish and amend as necessary standards for inspecting, grading, certifying, and stamping native lumber, which at a minimum must ensure that the quality and safe working stresses of lumber to be used in building construction and load bearing walls are equal to or better than those required by PS 20-10;
- design and administer a Native Lumber Grading Course that provides training to participants and tests their competency and skill in the course; and
- charge a fee in an amount reasonably necessary to recover the cost of the program.

The Native Lumber Grading Program Account.

The Native Lumber Grading Program Account (account) is created in the State Treasury. All receipts from appropriations and fees charge to program participants must be deposited into the account. Moneys in the account may only be spent after appropriation and only for purposes of the program.

Waiver by Building Code Enforcement Official.

A building code enforcement official who has completed the Native Lumber Grading Program may waive lumber grading and stamping requirements of the SBC for specific building projects.

In order to waive SBC requirements:

- an application for waiver must be submitted with the application for a building permit; and
- a qualified building code enforcement official must inspect the lumber for which waiver is sought and must find that: (1) standards adopted by the L&I and the WSU are satisfied; and (2) the quality and safe working stresses of the lumber are equal to or better than those required by PS 20-10.

Rulemaking.

The L&I is directed to adopt rules by July 31, 2016, to implement the Act's provisions.

Appropriation: None.

Fiscal Note: Requested on January 15, 2015.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.