

HOUSE BILL REPORT

HB 2701

As Amended by the Senate

Title: An act relating to inspection and testing of fire and smoke control systems and dampers.

Brief Description: Concerning inspection and testing of fire and smoke control systems and dampers.

Sponsors: Representatives Ormsby, Eslick and Riccelli.

Brief History:

Committee Activity:

Local Government: 1/31/20, 2/7/20 [DP].

Floor Activity:

Passed House: 2/12/20, 97-0.

Senate Amended.

Passed Senate: 3/5/20, 45-0.

Brief Summary of Bill

- Requires inspections of smoke control systems and fire, smoke, and combination dampers, and imposes penalties for noncompliance.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Appleton, Goehner and Senn.

Staff: Kellen Wright (786-7134).

Background:

Local jurisdictions are responsible for enforcing the State Building Code, which includes the International Fire Code. Enforcement can be the responsibility of the local building department, code enforcement, or fire department, depending on the circumstances and the organization of the jurisdiction. Local jurisdictions can also impose additional building requirements.

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.

Fire dampers are designed to resist the passage of flame in the event of a fire. Installed in ducts and air transfer openings, a fire damper is designed to close automatically when flames are detected. This may be done by means of a fusible link that, when melted, causes a screen or partition to close and obstruct the duct or air transfer opening. Smoke dampers are designed to resist the passage of smoke. Smoke dampers typically operate as part of a larger smoke detection system. Fire and smoke dampers can be combined together in combination dampers. Smoke control systems are mechanical systems that control the movement of smoke during a fire.

Certain buildings may be required to have fire dampers, smoke dampers, or a smoke control system installed.

Summary of Bill:

The owners of buildings equipped with fire, smoke, or combination dampers must have all newly installed dampers inspected within 12 months of installation, and all dampers must be inspected every four years (or every six years for dampers in a hospital). Owners of buildings with smoke control systems must have newly installed systems tested within 12 months of installation, and all smoke control systems must be inspected every six to 12 months, depending on the National Fire Association Standard applicable to the smoke control system. Dampers and smoke control systems must be installed, inspected, and maintained in accordance with the manufacturer's guidelines and industry standards. The required inspections and testing of dampers and smoke control systems must be done by a contractor or engineer with the requisite certifications, and a building engineer or other individual knowledgeable about the building must accompany the inspector during the inspection.

If the building passes the inspection, then the inspector must issue a certificate of compliance which lists all of the dampers and smoke control systems inspected and tested. If the building does not pass the inspection, then the inspector must provide the building owner with a deficiency report identifying the deficiency and the basis for the finding of noncompliance. The building owner must remedy the deficiency within 120 days.

The State Building Code Council and the Director of Fire Protection are required to work together to implement the inspection requirements for dampers and smoke control systems.

If the building owner does not remedy the issues identified in the inspection within 120 days, or has not complied with the required testing schedule, then a local code official can issue the building owner with a citation. The building owner must conspicuously post the citation at all entrances to the building until a certificate of compliance has been issued for the building, or the citation has been dismissed. If the violations are not remedied within 120 days of the initial citation, then an additional citation with a monetary penalty of 5 cents per square foot of occupied space may be issued. If the violations are not corrected within a further 120 days, then a citation may be issued with a penalty of 10 cents per foot of occupied space, and the building's facilities manager must attend a four-hour life-safety course. Additional citations may be issued every 60 days until the violations are corrected and any previously issued penalties have been paid; such citations must also carry a monetary penalty of 10 cents

per foot of occupied space. Revenue from these penalties is deposited into the fire service training account.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment

- allows a building engineer or other person knowledgeable with the building system being inspected the option of being available by phone (rather than in person) during the inspection;
- allows the authority having jurisdiction to extend the deadline for achieving compliance beyond 120 days after an inspection reveals deficiencies with smoke damper, fire damper, combination fire and smoke damper, or smoke control systems;
- allows the monetary penalties provided for in the bill to be imposed for noncompliance only if other penalties are not required by the local authority having jurisdiction; and
- allows the authority having jurisdiction the option of requiring that a citation be posted at all pedestrian entrances and exits to the building until a certificate of compliance has been issued or the citation has been dismissed, rather than requiring such posting in all cases.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2021.

Staff Summary of Public Testimony:

(In support) Fire-life safety systems like dampers and smoke control systems can help prevent the spread of smoke and fire and save lives. These systems can help building occupants escape and can provide critical help to firefighters entering the building. Everything needs to happen in sequence for the system to work properly. These systems, however, can be overlooked, ignored, or ill-maintained. Sometimes needed repairs are not made, and sometimes systems are jury-rigged. System failure could have severe consequences in an emergency. Maintenance rates are low and failure rates high. Outside inspections are needed to hold the building owner responsible, otherwise repairs and maintenance could be ignored. This bill would require inspections, and would help to ensure that the systems are working properly. The repairs needed could be easily taken care of and rolled into existing maintenance agreements and inspections. Accountability is the key. This could potentially save lives.

(Opposed) None.

Persons Testifying: Tim Iverson, Pro Mechanical Services; Dan Martin, Harris Pacific Northwest; Soph Davenberry and Steve Musser, Sheet Metal Workers Local 66; Bud Sizemore, Washington State Council of Firefighters; Tom Montgomery, Sheet Metal and Air Conditioning Contractors' National Association Western Washington and ACCO Engineering Systems; and Brad Sharp, Hermanson Company.

Persons Signed In To Testify But Not Testifying: None.