

# SENATE BILL REPORT

## HB 2701

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As of February 25, 2020

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

**Committee Activity:** Local Government: 2/20/20.

### Brief Summary of Bill

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

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## SENATE COMMITTEE ON LOCAL GOVERNMENT

**Staff:** Greg Vogel (786-7413)

**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.

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.

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*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.*

**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 6 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 be available in person or by phone to 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 authority having jurisdiction may extend the 120 day compliance period.

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 a citation. The authority having jurisdiction may require the building owner to 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 penalty of \$0.05 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 \$0.10 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. The citations must also carry a penalty of \$0.10 per foot of occupied space. Revenue from these penalties is deposited into the Fire Service Training Account. Monetary penalties for noncompliance only apply when other penalties are not required by the local authority having jurisdiction.

**EFFECT OF CHANGES MADE BY LOCAL GOVERNMENT COMMITTEE  
(Proposed Striking Amendment):**

- Amends reference to "fire control systems" to "smoke control systems" as applied to minimum testing and inspection requirements.
- Requires that a building engineer or other person knowledgeable with the building system be available in person or by phone to the inspector during the inspection and testing in order to provide building and systems access and information.

- Authorizes the authority having jurisdiction to extend the one hundred twenty day compliance period for smoke damper, fire damper, combination fire and smoke damper, or smoke control system deficiencies revealed through inspections.
- Specifies that the monetary penalties for noncompliance apply when other penalties are not required by the local authority having jurisdiction.
- Provides that the authority having jurisdiction may require the building owner to conspicuously post the citation at all pedestrian entrances and exits until a certificate of compliance has been issued or the citation has been dismissed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: We see between 30 and 50 percent of these dampers fail. This is not a small problem. Dampers are critical to safety and provide needed ventilation day to day. Enforcement has been spotty and uneven because each fire marshal had a different idea of how it should be done.

Death from fires occur at a ratio of two to one from smoke inhalation. This is not an additional cost if the buildings have already been meeting these standards and guidelines. We are wanting to have this enforcement take place before a tragedy occurs.

The fire and smoke damper systems have become much more sophisticated over time. Their purpose is to create a safe environment for you to exit the building. Shoddy repairs have occurred with some of these dampers. It is really important that you have certified people working on these.

OTHER: There are a few issues with the bill in its current form. In Seattle, owners can already be fined \$1,000 a day. To add these fines on top of those fines, does not make any sense to us. It should up to a maximum fine. There are a lot of older buildings that do not have components you can get 120 days, so there should be a way to extend the time. Requiring a building engineer to be present is not the way it currently works. Placing a violation on the door for a fire damper that is out does not make sense. A local fire official already has the authority to post this.

**Persons Testifying:** PRO: Brad Sharp, Hermanson; Soph Davenberry, NEMIC; Tom Montgomery, ACCO Engineered Systems; Kathleen Collins, Sheet Metal and Air Conditioning Contractors' National Association Western Washington.

OTHER: Rod Kauffman, Building Owners and Managers Association.

**Persons Signed In To Testify But Not Testifying:** No one.