
Local Government Committee

HB 1971

Brief Description: Concerning installation, inspection, testing, and maintenance of smoke control systems and fire dampers, smoke dampers, and combination fire and smoke dampers.

Sponsors: Representatives Robertson, Senn, Eslick and Leavitt.

Brief Summary of Bill

- Requires the State Building Code Council to adopt rules related to the installation, maintenance, inspection, and testing of smoke control systems and fire and smoke dampers.
- Replaces current law related to inspection and testing timelines, personnel qualifications, and potential penalties for violations with new provisions.

Hearing Date: 1/19/22

Staff: Kellen Wright (786-7134).

Background:

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. Smoke dampers are designed to resist the passage of smoke in ducts and air transfer openings. Fire and smoke dampers can be combined in combination dampers. Smoke control systems are mechanical systems that control the movement of smoke during a fire, including systems that can create air pressure differences to inhibit smoke movement.

The owners of buildings equipped with fire, smoke, or combination dampers must have all newly

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installed dampers inspected within 12 months of installation, and all dampers must be inspected every four years, or, in the case of hospitals, every six years. 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. For example, to inspect a smoke control system, an inspector must have a current certification as a fire life safety two or smoke control system technician through a program accredited by the American national standards institute under the ISO/IEC 17024 standard. Tests and inspections must be done in accordance with the relevant National Fire Protection Association standards. During the inspection, a building engineer or other individual knowledgeable about the building must be available to the inspector by phone or in person.

If the building passes the inspection, the inspector must issue a certificate of compliance which lists all the dampers and smoke control systems inspected and tested. If the building does not pass the inspection, 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 unless the local authority extends the 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 with a citation. The local authority 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 monetary penalty of five 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. These monetary penalties may only be imposed when other penalties are not required by the local authority.

Summary of Bill:

Current provisions related to the timeline for the inspection and testing of fire and smoke dampers, combination dampers, and smoke control systems, and related to penalties for violations of the testing schedule or for failing to remedy a deficiency, are repealed.

The State Building Code Council, after soliciting recommendations from the Washington State Association of Fire Marshals and other interested parties, is directed to provide rules by December 31, 2022, requiring a periodic testing plan for smoke control systems in existing buildings where such a plan does not exist. These rules must allow for an appropriate transition period. Similarly, the State Building Code Council must adopt rules by December 31, 2023, for the installation, inspection, testing, and maintenance of smoke control systems, fire dampers, smoke dampers, and combination dampers.

At the time of installation of a new smoke control system, a special inspections plan and a periodic testing plan must be included as part of the required construction documents by the engineer of record. The inspections plan must meet the requirements of the International Building Code as well as requirements imposed by the local fire code official. The building owner or a designee must name the special inspector in the special inspection plan. This special inspector must coordinate testing and assemble testing reports, which must be provided to the local fire code official upon request.

The required periodic testing plan must specify the methods and procedures to be used, the items subject to inspection and testing, and the frequency of inspections or test. A special inspector must be identified to perform the testing, and may also serve as the testing agent for interconnected systems when integrated system testing is performed at the time of installation. The special inspector must coordinate testing and assemble testing reports, which must be provided to the local fire code official upon request. Except when modified by the periodic testing plan, both dedicated and non-dedicated smoke control systems must be operated for each control sequence annually, and components bypassing weekly tests must be tested annually.

The special inspector under both the special inspections plan and the periodic testing plan must possess skills that demonstrate knowledge or experience in the design, installation, operation, and maintenance of the smoke control system and must have an appropriate certification, license, or other qualification acceptable to the local fire code official as provided for in National Fire Protection Association standards or provisions of the International Building Code. Others involved in the testing of subcomponents of the smoke control system or integrated systems must have qualifications that satisfy Washington requirements or, if there are no state requirements, National Fire Protection Association standards acceptable to the local fire code official.

Building owners or designee must maintain records of the locations and functions of dampers, and inspect all dampers, except those excluded by the Fire Code due to their concealed location, annually. Testing and maintenance of dampers must be conducted in accordance with National Fire Protection Association standards. This includes a requirement for the testing of all dampers in the first year after installation, and, except for concealed dampers, every fourth year thereafter. All dampers in a hospital must be tested every six years.

The personnel performing the installation, inspection, testing, and maintenance of dampers must have an appropriate certification, license, or other qualification established by National Fire Protection Association Standards that is acceptable to the local fire code official. Dampers that are not part of a smoke control system do not require a special inspector to be involved in their installation, inspection, testing, and maintenance.

If an inspection or test reveals deficiencies in dampers or smoke control systems, these deficiencies must be remedied within 120 days, or upon the timeline specified by the local fire code official. If a building owner fails to do so, a local fire code official can pursue enforcement consistent with the International Fire Code.

Owners of buildings that fail to follow installation, inspection, testing, maintenance, and record keeping requirements in the International Building Code and International Fire Code may face civil or criminal penalties as provided for in the International Building Code or International Fire Code. Statutory provisions related to smoke control systems installation, inspection, and testing; dampers installation, inspection, and testing; the qualifications of those involved with such installation, inspection, and testing; and to compliance and deficiencies revealed during inspection and testing expire as of the time that the State Building Code Council passes to supersede the statutory provisions.

Appropriation: None.

Fiscal Note: Available.

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