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**SENATE BILL 5694**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senator King

AN ACT Relating to a statewide boiler operator certification; amending RCW 70.79.030, 70.79.040, 70.79.090, and 70.79.110; adding new sections to chapter 70.79 RCW; creating a new section; repealing RCW 70.79.050; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that there are only three jurisdictions that regulate the safe operation of boilers by certified boiler operators. The national board of boiler and pressure vessel inspectors has advised that trained boiler operators are essential to avoiding potential risks to personnel, the public, and property.

The national board stated that "The primary concern in the operation of boilers, regardless of pressure or type, is safety. Too often, automatic features lead owners and the general public to believe that the equipment will function without worker oversight, maintenance, operation, and repair. A boiler can fail regardless of its level of automation and a boiler failure can lead to catastrophic results. Even the automatic controls must be properly maintained and tested at specific intervals to keep them functioning properly."

The legislature further finds that ensuring boiler safety is critical and the best way to achieve this goal is through the unification of the existing certification and training expectations for the entire state to ensure portability of the certification and that the workers in this field possess the necessary skills, training, and abilities for the safe operation, maintenance, and repair of boilers. This act is intended not to create a drastically new system, but to utilize the currently recognized certification programs for certification of all workers. A worker who retains certification from any jurisdiction having the authority, and approved by the board, to administer an approved boiler operator certification program is intended to be considered appropriately certified and compliant with this act. The role of the department of labor and industries is intended to be to enforce that these certification requirements are complied with.

NEW SECTION. **Sec.**  A new section is added to chapter 70.79 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the board of boiler rules established pursuant to RCW 70.79.010.

(2) "Department" means the department of labor and industries.

**Sec.**  RCW 70.79.030 and 1999 c 183 s 2 are each amended to read as follows:

The board shall formulate definitions and rules for the safe and proper construction, installation, repair, use, and operation of boilers and certification of boiler operators for the safe and proper construction, installation, and repair of unfired pressure vessels in this state. The definitions and rules so formulated shall be based upon, and, at all times, follow the nationally or internationally accepted engineering standards, formulae, and practices established and pertaining to boiler and unfired pressure vessel construction and safety, and the board may by resolution adopt existing published codifications thereof, and when so adopted the same shall be deemed incorporated into, and to constitute a part or the whole of the definitions and rules of the board. Amendments and interpretations to the code shall be enforceable immediately upon being adopted, to the end that the definitions and rules shall at all times follow nationally or internationally accepted engineering standards. However, all rules adopted by the board shall be adopted in compliance with the ((~~Administrative Procedure Act~~)) administrative procedure act, chapter 34.05 RCW, as now or hereafter amended.

**Sec.**  RCW 70.79.040 and 1951 c 32 s 4 are each amended to read as follows:

(1) The board shall promulgate rules and regulations for the safe and proper installation, repair, use, and operation of boilers, and for the safe and proper installation and repair of unfired pressure vessels which were in use or installed ready for use in this state prior to the date upon which the first rules and regulations under this chapter pertaining to existing installations became effective, or during the ((~~twelve months~~)) 12-month period immediately thereafter.

(2) The board shall adopt rules necessary to implement a certification program for boiler operators who operate and maintain boilers. Initial rules adopted under this subsection must take effect on January 1, 2028.

**Sec.**  RCW 70.79.090 and 2021 c 65 s 67 are each amended to read as follows:

The following boilers and unfired pressure vessels shall be exempt from the requirements of RCW 70.79.220 ((~~and~~)), 70.79.240 through 70.79.330, and sections 7 through 12 of this act:

(1) Boilers or unfired pressure vessels located on farms and used solely for agricultural purposes;

(2) Unfired pressure vessels that are part of fertilizer applicator rigs designed and used exclusively for fertilization in the conduct of agricultural operations;

(3) Steam boilers used exclusively for heating purposes carrying a pressure of not more than ((~~fifteen~~)) 15 pounds per square inch gauge and which are located in private residences or in apartment houses of less than six families;

(4) Hot water heating boilers carrying a pressure of not more than ((~~thirty~~)) 30 pounds per square inch and which are located in private residences or in apartment houses of less than six families;

(5) Approved pressure vessels (hot water heaters, hot water storage tanks, hot water supply boilers, and hot water heating boilers listed by a nationally recognized testing agency), with approved safety devices including a pressure relief valve, with a nominal water containing capacity of ((~~one hundred twenty~~)) 120 gallons or less having a heat input of ((~~two hundred thousand b.t.u.'s per hour~~)) 200,000 Btu/h or less, at pressure of ((~~one hundred sixty~~)) 160 pounds per square inch or less, and at temperatures of ((~~two hundred ten~~)) 210 degrees Fahrenheit or less: PROVIDED, HOWEVER, That such pressure vessels are not installed in schools, child care centers, public and private hospitals, nursing homes, assisted living facilities, churches, public buildings owned or leased and maintained by the state or any political subdivision thereof, and assembly halls;

(6) Unfired pressure vessels containing only water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift pumping systems, when located in private residences or in apartment houses of less than six families, or in public water systems as defined in RCW 70A.120.020;

(7) Unfired pressure vessels containing liquefied petroleum gases.

**Sec.**  RCW 70.79.110 and 1951 c 32 s 11 are each amended to read as follows:

The chief inspector, if authorized by the director of the department ((~~of labor and industries~~)) is hereby charged, directed and empowered:

(1) To cause the prosecution of all violators of the provisions of this chapter;

(2) To issue, or to suspend, or revoke for cause, inspection certificates as provided for in RCW 70.79.290;

(3) To take action necessary for the enforcement of the laws of the state governing the use of boilers and unfired pressure vessels and of the rules and regulations of the board;

(4) To keep a complete record of the type, dimensions, maximum allowable working pressure, age, condition, location, and date of the last recorded internal inspection of all boilers and unfired pressure vessels to which this chapter applies;

(5) To publish and distribute, among manufacturers and others requesting them, copies of the rules and regulations adopted by the board.

(6) To issue, suspend, or revoke for cause boiler operator certifications issued under this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 70.79 RCW to read as follows:

(1) The department, with the consent of the board, shall prepare examinations to be administered to applicants for boiler operator certification. The examination must be constructed to determine:

(a) Whether the applicant possesses varied knowledge of the technical information and practical procedures that are identified with the level boiler operation; and

(b) Whether the applicant is familiar with the applicable national and international codes, this chapter, and the administrative rules of the department pertaining to boiler operation and general maintenance.

(2) The department, with the consent of the board, may enter into a contract with a nationally recognized testing agency to develop, administer, and score any examinations required by this section. All applicants must, before taking an examination, pay the required examination fee. The department shall set the examination fee by contract with a nationally recognized testing agency, if applicable. The fee must cover, but not exceed, the costs of preparing and administering the examination and the materials necessary to conduct the practical elements of the examination. The department shall approve training courses for examinations provided by this section.

(3) The department shall certify the results of the examinations and must notify the applicant in writing whether the applicant has passed or failed. Any applicant who has failed the examination may retake the examination pursuant to the terms set by the board in rule. The board may not limit the number of times a person may take the examination.

(4) The board must establish by rule the acceptable experience levels and requirements necessary for an applicant to be eligible to take the boiler operator certification examinations subject to the following:

(a) For a grade I boiler operator certification, the applicant must furnish to the department evidence of qualification that the applicant has:

(i) An aggregate of five years' experience operating high or low pressure boiler plants, or equivalent experience;

(ii) Attended a recognized school of technology and has an aggregate of three years' experience operating high or low pressure boiler plants or equivalent experience; or

(iii) Attended a recognized training program and has an aggregate of four years' experience operating high or low pressure boiler plants or equivalent experience.

(b) For a grade II boiler operator certification, the applicant must furnish to the department evidence of qualification that the applicant has:

(i) An aggregate of four years' experience operating high or low pressure boiler plants, or equivalent experience;

(ii) Attended a recognized school of technology and has an aggregate of two years' experience operating high or low pressure boiler plants or equivalent experience; or

(iii) Attended a recognized training program and has an aggregate of three years' experience operating high or low pressure boiler plants or equivalent experience.

(c) For a grade III boiler operator certification, the applicant must furnish to the department evidence of qualification that the applicant has:

(i) An aggregate of three years' experience operating high or low pressure boiler plants or equivalent experience;

(ii) Attended a recognized school of technology and has an aggregate of one year experience operating high or low pressure boiler plants or equivalent experience; or

(iii) Attended a recognized training program and has an aggregate of two years' experience operating high or low pressure boiler plants or equivalent experience.

(d) For a grade IV boiler operator certification, the applicant must furnish to the department evidence of qualification that the applicant has:

(i) An aggregate of one year of experience operating high or low pressure boiler plants or equivalent experience;

(ii) Attended a recognized school of technology and has an aggregate of 80 hours observation experience operating high or low pressure boiler plants or equivalent experience; or

(iii) Attended a recognized training program and has an aggregate of 120 hours observation experience operating high or low pressure boiler plants or equivalent experience.

(e) For a grade V boiler operator certification, the applicant must furnish evidence of qualification of examination as required by the department.

(5) The board shall, by rule, establish the requisite level, not less than eight hours every four years, of continuing education units required for renewal of boiler operator certification.

NEW SECTION. **Sec.**  A new section is added to chapter 70.79 RCW to read as follows:

(1) A city performing certification of boiler operators within its jurisdiction may continue the administration of its boiler operator certification program if it:

(a) Has adopted ordinances with requirements equal to, or higher than, the requirements for the operation of boilers and the certification of boiler operators established in this chapter; and

(b) Actively enforces the ordinances adopted under (a) of this subsection.

(2) After the adoption of rules by the board relating to boiler operator certification, as required in section 4 of this act, and until January 1, 2029, a boiler operator certification obtained from any city covered under subsection (1) of this section has the same force and effect as the state boiler operator certification and allows the holder of the certification to perform boiler operator work in this state. However, this subsection does not prohibit a city covered under subsection (1) of this section from requiring its own boiler operator certificate within its jurisdiction.

(3) The board shall adopt rules for the removal of city certification programs that do not adhere to the requirements of this chapter and the rules adopted by the board.

(4) This chapter does not limit any city's authority to charge fees necessary to implement a program under subsection (1) of this section.

NEW SECTION. **Sec.**  A new section is added to chapter 70.79 RCW to read as follows:

No examination may be required of any applicant for a certificate of competency who, on December 31, 2027, was engaged in a bona fide business or trade of boiler operation and maintenance, held a valid certificate or license issued by a political subdivision of the state, and whose certification was valid at the time of making the application for the certificate. To qualify for state certification without passing the state examination, applicants qualifying under this section must apply by October 1, 2028. Applicants qualifying under this section shall be issued a certification by the department upon making an application as provided in the rules adopted by the board.

NEW SECTION. **Sec.**  A new section is added to chapter 70.79 RCW to read as follows:

(1) The department may grant temporary boiler operator permits in lieu of certificates of competency whenever a boiler operator coming into the state of Washington from another state requests from the department a temporary permit to engage in the trade of boiler operation as a certified boiler operator during the period of time between filing an application for a boiler operator certificate and taking the examination provided for in section 7 of this act.

(2) The temporary permit may include a photograph of the boiler operator.

(3) No temporary permit may be issued to:

(a) Any person who has failed to pass the examination for a certificate of competency; or

(b) Any applicant under this section who has not furnished the department with the required evidence of experience or education required under section 7 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 70.79 RCW to read as follows:

(1) The department may revoke or suspend a boiler operator certification for any of the following reasons:

(a) The certification was obtained through error or fraud;

(b) The certificate holder is judged to be incompetent to carry on the trade of boiler operation and maintenance at the level of boiler operation identified on the holder's certification;

(c) The certificate holder has violated any provision of this chapter or any rule adopted under this chapter.

(2) Before a boiler operator certification is revoked or suspended, the department shall send written notice using a method by which the mailing can be tracked or the delivery confirmed to the certificate holder's last known address. The notice must list the allegations against the certificate holder and give the certificate holder the opportunity to request a hearing before the board. At the hearing, the department and the certificate holder may produce witnesses and give testimony. The hearing must be conducted in accordance with chapter 34.05 RCW. The board shall render its decision based upon the testimony and evidence presented and shall notify the parties immediately upon reaching its decision. A majority of the board is necessary to render a decision.

(3) The department may deny renewal of a boiler operator certification issued under this chapter if the applicant for renewal owes outstanding penalties for a final judgment under this chapter. The department shall notify the applicant of the denial using a method by which the mailing can be tracked or the delivery confirmed to the address on the application. Applicants may appeal the denied renewal of a boiler operator certification to the board. The appeal must be filed within 20 days after service of the notice of the denied renewal to the applicant by filing a written notice of appeal with the chief boiler inspector. The hearing and review procedures shall be conducted by the board in accordance with chapter 34.05 RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 70.79 RCW to read as follows:

(1) It is unlawful for any person, firm, partnership, or corporation to operate a boiler covered under this chapter without a valid boiler operator certification.

(2) The department may assess a penalty against a person, firm, partnership, or corporation violating a provision of this chapter. The penalty shall be not more than $500. Each day that the violation continues is a separate violation and is subject to a separate penalty.

(3) The department may not assess a penalty under this section until the board adopts rules related to the method it uses to calculate penalties for violations of boiler operator requirements.

(4) The department must notify the violator of its action, and the reasons for its action, in writing. The department must send the notice to the violator using a method by which the mailing can be tracked or the delivery confirmed. A hearing may be requested under RCW 70.79.361. The hearing shall not stay the effect of the penalty.

NEW SECTION. **Sec.**  RCW 70.79.050 (Rules and regulations—Effect) and 1951 c 32 s 5 are each repealed.

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