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February 14, 2025

Dear Senator:

My name is Thomas D. Previs, president of NorthWest Engineering Service, Inc., an employee-owned company of 65 people based in Beaverton, OR, with offices in Hillsboro and Coburg. We have been in business since 1958. I am writing today to ask you to alter some of the language of SB 760 before moving it forward for further consideration.

NWESI, as well as many other technical service companies, both non-union and union, are dedicated to ensuring fire and smoke dampers are inspected by competent professionals. NWESI supports the intent of this bill to require regular inspections and to ensure the engineers and technicians that are involved in this work receive training to ensure the work is done in full compliance with the appropriate national standards listed in the text of the bill, as introduced.

However, I am concerned, based on NWESI's experience doing this work over the past 8 years, that language in the bills that calls out requirements established by the "International Certification Board" will inadvertently limit the companies that can provide fire and smoke damper inspections, repair, and replacements, causing delays in scheduling this work, and reducing the competition such that clients may experience higher costs. Similar language in Washington State legislation in 2022 resulted in a movement by regional fire marshals to revise the code, in order to ensure both union and non-union companies were able to perform these services.

Specifically, I request that you consider making the following changes:

1. In Section 2.(3)(b), lines 23 and 24 on p. 2 of the bill, comprising the clause "and only if the State Fire Marshal by rule approves the entity that issues the certification and the standards under which the entity issues the certification" should be eliminated. This adds an unnecessary burden on the State Fire Marshal and to companies that are certified by ANSI accreditation to the ISO/IEC 17024 standard, who will need to petition to the State Fire Marshal separately and await a response (potentially for a long period while a client delays having the work performed to ensure the safety of its residents and patients). Provision for the certification to this standard is already specified in the bill,

just above it, in lines 20-22. This is sufficient for ensuring technical competence for the work without requiring additional approval by the State Fire Marshal.

2. Section 2.(7), should be eliminated entirely. This is a section with similar requirements to Governor Kotek's Dec. 18, 2024 executive order requiring state-funded projects to negotiate agreements with labor unions. As such, if Governor Kotek's order survives court challenges, the provisions of this section of SB 760 will essentially stand, but if it is overturned by the courts, the provisions of this section may result in a law containing this language being overturned. This would be detrimental to the citizens SB 760 is meant to protect.
3. The language in Section 2.(8)(c), which explicitly mentions the International Certification Board, should be revised to refer more generally to ISO/IEC 17024 only. This would be consistent with Section 2.(8)(b) immediately preceding it, which refers to the general NFPA standard, not calling out one specific program. I would even recommend that both paragraphs (b) and (c) in subsection 2.(8) are unnecessary since the standards are explicitly called out earlier in the bill. These two paragraphs add superfluous verbiage and can therefore be eliminated entirely.

Thank you for your diligence in studying this issue. If I can provide further information, please contact me. Thank you for your consideration.

Sincerely,



Thomas D. Previs, Ph.D., P.E., C.E.M.
President