



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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Approved 3-7-14

SUMMARY COUNCIL MEETING MINUTES

LOCATION: Cherberg Building, Hearing Rm. 4
Capitol Campus
Olympia, Washington

MEETING DATE: January 10, 2014

Agenda Items	Committee Actions/Discussion
1. Welcome and Introductions	Meeting called to order at 10:00 a.m. <u>Members in Attendance:</u> Ray Allshouse, Council Chair; Dave Kokot, Vice Chair; Tom Balbo; Rod Bault; John Chelminiak; Dave DeWitte; Paul Duffau; Duane Jonlin; Mark Kulaas; Dave Peden; Jeff Peterson; Sandra Romero; Steve Simpson; Eric Vander Mey, Rep. Tim Ormsby; Rep. Vincent Buys; Rod Mutch <u>Staff In Attendance:</u> Tim Nogler, Managing Director; Krista Braaksma; Joanne McCaughan; Peggy Bryden <u>Visitors Present:</u> Jim King, Chuck Murray, Kraig Stevenson, Jan Rohila, Jeanette McKague, Suzanne Mayr, Ferrell Preston, Mark Frankel (ph)
2. Review and Approve Agenda	The agenda was approved with modifications to Other Business, with the Election of Officers we will have committee appointments, under MVE report there is an interpretation request from Pierce County. Also under TAG reports there is a request from Spokane Valley.
3. Public Comment on Items not on the Agenda	Kraig Stevenson, ICC. Today is the ICC deadline for code change proposals to IGCC. This is in code group C. The codes have been split into groups A, B, and C. The ICC has a new program to accept proposals and follow them at CDP.com. Public comments are accepted here. There is also remote access to the meetings including voting capability.
4. Review and Approval of November 8, 2013 Motion	Dave Peden moved to approve the minutes, seconded by Dave Kokot . The motion carried.
5. Election of Officers	Ray Allshouse explained the election process is by Roberts Rules. He opened the nomination for chair and vice-chair. There must be at least eight votes to be elected. Ray Allshouse was nominated by Dave Kokot . By unanimous vote, Ray Allshouse was elected as Chair. Dave Peden nominated Dave Kokot. By unanimous vote, Dave Kokot was elected as Vice-chair. Committee Memberships. Tim Nogler prefaced saying the Legislative Committee meets every Thursday at 1:00 in a conference call if there is business to attend to. Shown was a list of previous year's committee members and there are only three

	<p>positions to be filled. Sandra Romero and Rod Bault volunteered to serve on the Legislative Committee. Tom Balbo volunteered for the MVE Committee. Jeff Peterson volunteered as the vice-chair for the MVE Committee.</p> <p>Dave Peden asked if the TAG members stayed the same. Tim Nogler stated they were appointed for three year terms and we are in the second year of the three year cycle.</p>
<p>6. MVE Committee Report</p>	<p>Eric Vander Mey reported the MVE Committee met December 18 via a conference call to discuss how to move forward with the aspirational code. There was also a discussion about the Work Plan. Per the RCW, the Council has been tasked to develop an aspirational code that would be considered separate from the Energy Code. We are moving forward to develop this during 2014. The decision making would be part of the 2014 Work Plan. Public comment was taken and it was a good discussion. We want this to be a code that is used throughout the state. Some ideas for this code are through local jurisdictions adopting it as their baseline code, which would be allowable for commercial occupancies. Other ways would be tying it to utility incentives. Also discussed were outcome based codes. We think it would be a combination of performance and prescriptive measures. We would be doing this development through council staff and the MVE Committee then bring in the Energy Code TAG as appropriate for a couple of special meetings.</p> <p>Tim Nogler said the motion made by the Committee was to have the staff do a report of those aspirational codes that are available nationally. There was a question by the Committee asking what that would take in terms of work effort and what the product would be. Currently on the Work Plan we have aspirational code. We also have as a primary activity the development of the Energy Code. The first draft of the ICC of the WSEC for 2012 is expected next week. The 2015 Energy Code has already been through the ICC process so we will be looking at that as an overlay of the 2012 code. The aspirational code is above and beyond that. It is intended to be voluntary.</p> <p>Jeff Peterson stated this code is not to be created from scratch. We would use something already available as a baseline which would mean minimal involvement from staff to get something out there.</p> <p>John Chelminiak asks if the intent of the aspirational code is to exceed the efficiency of the State Energy Code or is it to have an alternative way of achieving the efficiency. Duane Jonlin answered saying it is to have a higher standard that people can choose. Eric said eventually it would be the base energy code. Rep. Buys asks if a builder wants to implement something from the LEED standard are they disallowed from doing that currently. What does this allow them to do that they can't currently do? Eric said this is another way to recommend to them what is done in our state. This needs to be simple and that is what the Energy Code is trying to do. Commerce recommends we go to outcome based codes. We will focus on how we build the building, but we will also look at how we operate the building long term. Rep. Buys asks if we are talking about utility incentives, and is that something we can authorize or does it have to come</p>

through Legislature. **Tim** replied we would have to get the utilities onboard to do it. There could also be tax incentives. **Rep. Buys** asks if we have been working with utilities. Eric said to date we have only discussed a work plan. We need to determine what the hurdles are. **Rep. Buys** asks what the minimum is. **Tim** states the State Energy Code is the minimum. Jurisdictions could approve a higher code such as the aspirational code. We need to determine how it works.

Mark Frankel from NBI states his company has been working with reach codes all over the country, currently working with six states. We have a utility incentive program. NEEA is in the process of adopting it now. This program is about 20% beyond code now. This is totally optional but it gives the building industry an opportunity to tinker with the new code with the incentives. This was submitted to ICC in 2012 as a proposal and the entire code (IECC) was based on our program. We released a new version that exceeds that code and it is more closely tied to the efficiency that is coming in 2015. There is a lot of opportunity to pick up what is already been done.

Jim King, HVAC Association states his members have three areas of concern. We are talking about this as voluntary, but if a local jurisdiction adopts it then it becomes mandatory to those working within that jurisdiction. In doing that you are not subject to rulemaking and doing a small business economic impact statement. We hope that somewhere in this process there is an economic analysis. In your process you need to look at that. Also how does this end up working with the next round of the Energy Code. It could be confusing to people especially to smaller contractors. The aspirational code will somehow get melted into the next Energy Code as an assumption. **Duane** feels it would be better to have a single higher standard rather than a multitude of standards.

Rep. Buys asks can a builder piece meal the aspirational code or is he expected to follow it all. **Duane** said anyone can do anything they want above the standard code. WSEC establishes the base.

Kraig Stevenson, ICC gave his background and responsibilities to new council members. When we are dealing with statute in Washington we need to be precise in that policy. When Oregon created Reach Code legislation it required them to adopt this into the next energy code. Our statute doesn't say that. It doesn't say to the Council you shall, it says for you to consider and it says for it to be separate from the Energy Code. It also says it is for those builders who would elect to do in addition to the WSEC or in lieu of the WSEC. Kraig feels the assumption was the aspirational code would achieve higher levels of efficiency. The aspirational code is a prime opportunity to bring stakeholders together and create a forum which would allow for a huge amount of collaboration.

In regard to the work plan there wasn't an item regarding the comments made by stakeholders about process. As this is not mandatory, you may consider it an opportunity for stakeholder involvement without a legal mandate. He also wishes the Council to add the National Green Building Standard to the list of programs we have been reviewing.

Jeanette McKague, WA Realtors wants to thank the Committee for the work you

	<p>have done on this issue and the position you have gotten to. The aspirational code is one of those things where you ask yourself do we really need it. Given the changes we have made since 2010, you have made a lot of steps forward and you have a great path. She would add that one of the best ideas would be to get stakeholders like builders, but we also need to consider the end consumer. This would be the tenant.</p> <p>Duane Jonlin asks if we have a pathway that is used a lot, would it not be useful as a testing ground instead of code development that is not used.</p> <p>Jeanette's response was you need a format in which you gather the information for how things are working; what is the human behavior in that building. What are the needs of the commercial user? We would caution before making this mandatory do a long time of voluntary because human behavior is going to come into effect. Flexibility is really important.</p> <p>Tim Nogler states the MVE Committee needs to schedule a meeting possibly this month. We received a request from Pierce County for 17 issues they brought up. They are all on the commercial side. However we are not prepared to present them today. They will be discussed at the next MVE Committee meeting.</p>
<p>7. TAG Reports IRC – Townhouse Fire Separation</p>	<p>Ray Allshouse, chair of the IRC TAG stated they had a meeting on January 7. The Council referred an interpretation related to the Townhouse Fire Separation of Unsprinklered Buildings. The reason this was forwarded to the TAG is because there were some technical issues that needed to be addressed. The IRC can argue this to be interpreted two ways. Tim Nogler gave some background on this issue. The adoption of the 2012 IRC eliminated the state amendment and now we are under the model code. The model code has two tables for sprinklered and nonsprinklered wall fire protection. But townhouses have an exception for common walls allowing one hour separation whether or not there are sprinklers. ICC realized this in the formulation of the 2015 code. The IRC requires fire sprinklers in all one and two family dwellings and townhouses. There was an amendment in the 2015 code that allows for the two options: 1) a one hour wall if it is sprinklered and 2) a two hour wall if it is not sprinklered. The TAG looked at this and proposed language that is in the 2015 IRC. There are some editorial changes for clarification. This is an issue that is multi-faceted. The amendment addresses these issues. The TAG recommended this was needed for safety as an immediate adoption.</p> <p>Jan Rohila, BIAW is concerned about the timing of this. Things are already in the pre-permit and permit phase and we need to allow as much time as possible for the word to get out. One of the things we did was a lot of training on was the new code and that training is completed. Now we are making a change. She is adding things to the website concerning interpretations. People need to be aware of what the changes are. Rep. Ormsby asked Jan what the percentage of BIAW people were trained. Jan replied they had face to face about 1,500 trained. There were also a lot of things added to our Building Insight newsletter. We also do a mid-month email to our 8,000 member companies and those have links directing them back to our website where we have loaded a lot of information on a specific</p>

	<p>page about building codes. We can do that again, but that process takes time. It is hard to judge how many people were trained when we are doing things electronically.</p> <p>Duane Jonlin asked Tim what the timeline would be if we were to do this as an emergency rulemaking. Tim replied it would depend on the effective date the Council put on the rule as adopted. Ray said that is one of our discretionary calls. Up until this code change it was clear that a two hour wall was required. Jeff Peterson stated that most townhomes are individually structured units. There are other methods of construction that are more common. This would only affect a small number of townhomes.</p> <p>Motion Jeff Peterson made a motion to adopt the emergency rule as written but delay adoption for 90 days. Duane Jonlin seconded the motion.</p> <p>Tim Nogler pointed out we have a March meeting and we could then publish the proposed rule and post it. Then you would take the formal action. We would also allow for public input.</p> <p>Rep. Buys asked if there could be room for couple of options to alleviate the concern and then when we do the update to the code and make the change. That gives a bit of time. Ray Allshouse explained the way the model code is adopted. The building official could take the position that the two hour wall is required, it could be appealed. This confusion could continue through this entire cycle. Also this is a life safety issue and we should be addressing it sooner than later. Eric Vander Mey clarified the TAG met and is recommending this rule. Jeff stated that this language is significantly different. Dave Kokot suggested Council defer the final vote on this motion until the next meeting to allow for public comment. Jeff asked for his motion to be removed. Sandra Romero asked if we defer for a month would that give the 90 days.</p> <p>Ray mentioned there are those out there who are against us issuing this emergency rule. He agrees with the recommendation from the TAG. We should not issue an interpretation, but have an emergency rule.</p> <p>Motion Steve Simpson moved to put this emergency rule on the March 7 agenda. Eric Vander Mey seconded the motion. The motion carried.</p>
<p>Fire Sub-TAG – Schools</p>	<p>Dave Kokot summarized this item. At the last meeting there was quite a bit of public testimony in regard to an interpretation we were looking at. The interpretation was accepted by the Council but there was a sub-TAG created to review the wording and for potential legislative action due to a 1991 ruling on school portables and sprinkler requirements. We reviewed the roster of those who provided comment and these have been asked to join the TAG. There is a meeting for January 24th where the legislative history will be discussed.</p> <p>Dave Kokot also summarized a request received from Spokane Valley. The intent was for it to be an emergency rule. It refers to fire alarm occupancies. The 2012 code has a higher restriction for when fire alarms are required in buildings. It went from an occupant load of 50 to 30. The 2015 code switches it back to 50. So the intent is to have this emergency rule published to receive public input and</p>

<p>Motion</p>	<p>put it on the March 7 agenda.</p> <p>Dave Kokot moved to put this emergency rule on the March 7 agenda for approval. Steve Simpson seconded the motion.</p> <p>Duane Jonlin asked why the number was reduced. Dave said the 30 number was used for other requirements. There was a cost impact to day cares due to this low number.</p> <p>The motion carried.</p>
<p>Green Building</p>	<p>Steve Simpson reported as the chair of this TAG. He stated they still didn't have good direction from the Council other than the meeting schedule for 2014. We had the first meeting of the year and there was good input and good discussion. The TAG doesn't want to do work that doesn't need to be done. Tim Nogler pointed out the report produced by the TAG which has been posted should be looked at. The report shares the information gathered from last year's meetings. The TAG felt that continued work needed to be done. Some of the items needed were to identify measures and do a cost benefit analysis to evaluate if they were effective measures. The TAG agreed that we would continue. This dovetails with the aspirational code, particularly the energy part of the green code. There are other processes taking place. These are happening and we needed to have a position as to what the State Building Code is in relation to the green building programs. He would like to recommend that we combine efforts between the Green Code and the Aspirational Code. Steve agrees with Tim stating the TAG is very energetic. Duane stated that some members of the TAG have expressed a level of frustration in working with the Council. The problem is there is not as much energy with the Council as the TAG. Does the Council want to take on a new code? Ray Allshouse suggested taking public input on this.</p> <p>Jan Rohila with BIAW reports some of her people have been involved. They just don't know where it fits with the State Building Code Council. Green Building deals with landscaping and water conservation and the recycle content and they are a little concerned where the Council might feel they need to make a footprint that this group has been doing for a long time. It also may be beyond the Council's jurisdiction. Jeff Peterson voiced his frustration that Built Green doesn't align with SBCC. There is some kind of regulatory issue between the jurisdictions stating they will adopt a Built Green standard, but those two might not line up.</p> <p>Jan said the Built Green program over the last couple of years has gone through a lot of changes. They have taken the 12 different programs and created regional checklists. They have had to go back when the Energy Code changes because they are a four star program.</p> <p>Kraig Stevenson, ICC states we have one statute that covers how codes are adopted, etc. The Council used to be an advisory council to legislature, but that is not the case anymore. Under the RCW the Council does have the ability to have "regulatory harmony." It takes a lot of work to understand where a code takes off and where a standard or program element comes in.</p>

	<p>Rep Buys has concerns about life safety. This is diluted when the Council starts talking about landscaping. It is not something we need to be working on. When you have contractors vying for work how do they separate themselves from the competition? They market as green to get the jobs. When we have a mandatory aspirational code we eliminate that competitive advantage.</p> <p>Sandra Romero stated in the health arena there are implications that Green Building is healthier.</p> <p>Dave Kokot stated this green code is an alternative method. It gives builders an alternative path. Takes into account all of the codes. We need to get these buildings to a point where they can be safe, energy efficient and better quality. We need to go forward with this as much as possible.</p> <p>Eric Vander Mey, stated the Council is currently exploring options without any legislative direction.. Do we have enough information to move forward? We could recommend legislation to complete this by 2014 or we could drop this process all together.</p> <p>Steve Simpson said the Council has decided to run the TAG last year and then we decided to have more meetings this year. The aspirational code and the green code work together. Eric said the TAG needs very specific direction on what we are trying to accomplish this year. What is the objective? Do we need to pick a standard? Tom Balbo asked to we need a green code or an aspirational code. We need to answer these basic questions. Dave Kokot said we could put them on as appendices to one of the model codes.</p>
<p>Motion</p>	<p>Dave Kokot made a motion to direct the TAG to review the green building code to be considered as appendices to the existing model codes. Steve Simpson seconded the motion.</p> <p>Dave Peden asked if there is a specific green code in the motion. The motion refers to the 2012 IGCC. Eric said the TAG should evaluate how it would be as an appendix.</p> <p>Steve said the IAPMO green supplement gets adopted into the plumbing code every year. He believes if we go this direction we need to be sure these things are adopted on a regular basis. Duane feels that if we do this and put pieces into the various codes, the update process would be agonizing. Dave DeWitte asks what the workload would be on staff for this. Tim thinks that taking another code long term would be an impact on the staff. We would need an additional TAG to support that.</p> <p>The motion carried with two opposing votes.</p>
<p>8. Rules: Plumbing – Emergency Rule for Lead</p>	<p>Krista Braaksma summarized this issue. In November the vote was for the permanent rule. The additional request from DOH was for the rule to go into effect at the same time the federal law went into effect. This law was already in effect. The Council has two options to move forward with an emergency rule so state law is consistent with federal law or continue forward as is until the permanent rule goes into effect on April 1 to allow jurisdictions to develop</p>

<p>Motion</p> <p>Fee Definition</p> <p>Motion</p>	<p>training of the new requirements.</p> <p>Steve Simpson moved the Council get within the federal standard and move this into a permanent rule as an emergency action. Dave Kokot seconded the motion. Steve commented this federal rule has been on the books since 2010. The manufacturers have already made the changes. Eric asked do we need an emergency rule. The motion failed. The vote was 6 for and 8 against.</p> <p>Tim Nogler summarized this item stating the Council is funded by building permit fees that are charged at the local level which is in the statute. This is the Administrative Code defining building permit for the purpose of this fee. It has been in the WAC for a number of years. It is currently obsolete as it is in CTED WAC which doesn't exist anymore. This is what the Code Reviser called a decodify recodify procedure to place the definition under the Building Code Council WAC 51. It also updates the reference to the Building Code which is no longer the Uniform Building Code it is now the International Building Code and the IRC which is also subject to the fee. It does not apply to the Fire Code, to Plumbing or Mechanical Code permits. The intention is to recodify and keep the definition the same and update it to the new reference in the IBC.</p> <p>Dave Kokot moved the changes be made to the WAC to accommodate the modifications. John Chelminiak seconded the motion. The motion carried.</p>
<p>9. 2014 Work Plan</p>	<p>Tim Nogler stated the 2014 Work Plan has been posted and has been discussed and approved it in the November Council meeting. The changes discussed in today's meeting will be added to it. We will discuss this further in our March meeting. We will also give direction to the committees and TAGs. Dave Kokot asked that the School Portable TAG be added to the Fire TAG rather than the Special TAGs. Tim indicated the additional staff workload would be added to the Work Plan. Dave Peden suggested that the TAGs review the model codes for 2015 this year rather than waiting. Tim stated that this was on the Work Plan to be completed by the end of this year.</p>
<p>10. Staff Report</p>	<p>Tim Nogler talked with the Governor's office regarding Council appointments; unfortunately they have not been able to take care of this to date. Also, Senator Holmquist-Newbery has removed herself from the Council which leaves us with vacancies in both positions from the Senate. Tim stated our expenditures with regard to the budget exceed the revenue by a little over ten percent. We do have funds in the balance and it is a better picture than last year. We are not anticipating being in a deficit by the end of the biennium. At this level, we will need to request an increase by the end of the biennium to stay at the level we are now.</p>
<p>11. Other Business</p>	<p>Tim Nogler reported the Council did testify at a Local Committee hearing. This was at the request of Rep. Takko. We appreciate the opportunity to present information about the Council to this Committee. Ray Allshouse and Dave Kokot presented information and other Council members were also in attendance. Tim</p>

	<p>expressed thanks for that attendance.</p> <p>Tim continued by saying we are closely monitoring the bills affecting us. We have some that are on the Tracking Log for the Legislative Committee which meets every Thursday. Some of the bills pertaining to us are the tiny house bill and inspections for daycares.</p> <p>Dave Kokot requested a status of what we have done on Updating our Process so we can report to the public where we are. Tim said staff is working with stakeholders to have forums in regard to our Updating Process during April and May.</p> <p>Rep Buys stated that DSHS is holding the schools where the daycares are, at the highest standard. This means when the school becomes an after school program the school must update its regulations.</p> <p>Rep. Buys and Kraig Stevenson have been working with the Fire Marshals with regard to the fire sprinklers to make it easier for residential sprinklers to be voluntary.</p>
12. Adjourn	The meeting was adjourned at 12:35 p.m.