



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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STATE BUILDING CODE COUNCIL SUMMARY MEETING MINUTES

Location: In response to the Governor's Emergency Proclamation, there was no physical location.

Meeting date: Friday, September 17, 2021

Members in Attendance: Andrew Klein, Kjell Anderson; Jay Arnold, Al French, James Millbauer, Robert Graper, Tony Doan, Phillip Lemley, Corey Wilker, Robert Hamlin, Caroline Traube, Todd Beyreuther, Micah Chappell, Rep. Alex Ramel, Rep. Larry Hoff, Sen. Lynda Wilson, Rod Mutch

Members Absent: Anthony Maschmedt

Staff in Attendance: Stoyan Bumbalov, Managing Director; Dierk Meierbachtol, Assistant Attorney General; Krista Braaksma; Ray Shipman; John McEntyre

Visitors Present: Rep. Mary Dye, Albert Rooks, Alejandra Mejia Cunningham, Aline Crinon, Alyn Spector, Amy Wheelless, Andi Burnham, Andrea Smith, Andrew Pugmire, Anne Anderson, Anne Anderson, Ardel Jala, Arvia Morris, Ben McGerty, Bill, Bob Wolfer, Brad Liljequist, Brandon Crane, Brian Smith, Bryan Ricker, Carolyn Logue, Charlie Brown, Chester Baldwin, Chris Covert, Chris Ricketts, Christopher Patano, Corey Condron, Cory Fong, Court Olson, Curtis Metz, D. Scott Peterson, Dan Kirschner, Dave Arbaugh, Dave Merchant, Dave Nakagawara, David Morton, David Streeter, David Swasey, Derek, Diana Carlen, DM Jay Arnold, Duane Jonlin, Dylan Plummer, Elizabeth Joyce, Eric Vander Mey, Gary Heikkinen, Gavin Tenold, Gilbert Archuleta, Gordon Hester, Gordon Hester, Greg Hanon, Greta Flinn, Virginia Hall, Helen Walter, Henry Odum, Holly Townes, Isaiah Paine, Jace Bylenga, James York, Jan Himebaugh, Janet Kelly, Jason Krum, Jason Pritchard, Jeanette, Jed Scheuermann, Jeff Yirak, Jeffery Losey, Jennifer Thomas, Jerry Vander Wood, Jerry White, Jessie Gamble, Joe Boros, Jon Lange, Jonny Kocher, Josie Cummings, Kerry Meade, Kraig Stevenson, Kurt Aldworth, Kyle Armitage, Kyle Bergeron, Leah Missik, Leanne Guier, Lisa Rosenow, Liz VanDenBerg, Lori Burke, Lorin Lathrop, Luke Howard, Marcus Lew, Marian Dacca, Mark Frankel, Mark Jung, Mark Murray, Mary Hull Drury, Matt Johnson, Matt Miller, Matt Romanow, Matt Solak, Matthew Veloz, Michael Frank, Michael Rosenberg, Mike Kennedy, Neil Hartman, Nick Harbeck, Nicolas Garcia, Nicole Sanders, NWECA, Observer, Peter Godlewski, Rafik Gindy, Ramsey Cox, Rick Thomas, Robert Knoll, Ryan Carroll, Ryan Hamilton, Sean Angeley, Sean Denniston, Steve Abercrombie, Steve Barnard, Steven Blake, Sue Coffman, Tena Risley, Todd Allred, Tom Banse, Treasa Sweek, Zac Smith

	Council Actions/Discussion
<p>1. Welcome and Introductions</p>	<p>Meeting was called to order and roll call was taken. There were no introductions from the public due to time management of the meeting.</p> <p>Al French stated he had a Point of Order to address after roll call and requested that the meeting be postponed until after the litigation process. Dierk Meierbachtol, the Council's counsel, stated the judge will issue a formal order later in the day that the Plaintiff's motion was denied and there is no pending court hearing at this time.</p> <p>Discussion/debate took place and roll call vote taken to determine if the meeting should be postponed in light of pending litigation. The motion to postpone the meeting failed.</p>
<p>2. Review and Approve the Agenda</p>	<p>The agenda was approved as modified: Item 12, review of the Pierce County local amendment, was removed; Item 2, executive session, was moved to after Item 3, approval of the agenda.</p>
<p>3. Executive Session</p> <p>(To discuss with legal counsel representing the agency litigation to which the agency is or may be a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.)</p>	<p>The Council recessed into executive session for an hour and 35 minutes.</p> <p>The meeting was called back to order at 11:36 a.m.</p>
<p>4. Review Public Comments Not on Agenda</p>	<p>Dan Kirschner, NWGA, requested the code adoption process explained. Stoyan presented a document and explained in detail each step of the process.</p> <p>There was some discussion on the process for providing public comment under Item 7; it will be discussed in more detail later in the meeting.</p>
<p>5. Review and Approve June 18, 2021 Summary Minutes</p>	<p>The minutes were approved, with one abstention, as written.</p>
<p>6. Council Leadership</p> <ul style="list-style-type: none"> • Committee Assignments • Appointment of IRC TAG Chair 	<p>Bob Hamlin and Micah Chappell were appointed to the BFP Committee. Jay Arnold was appointed to the MVE Committee. Micah Chappell was appointed as the IRC TAG Chair.</p>
<p>7. Committee Reports</p> <ul style="list-style-type: none"> • BFP <ul style="list-style-type: none"> ○ IBC ○ IFC ○ 	<p><u>BFP Committee Report</u></p> <p>The order of committee reports on the agenda was changed, with the Fire Code TAG reporting first.</p> <p>IFC TAG Report:</p> <p>Tony Doan highlighted issues in the fire code change proposals, starting with 21-GP1-55, which changes the layout of Chapter 33 to correlate with structure for the</p>

2024 International Fire Code. Micah Chappell voiced some concerns regarding the modification of Section 3303.5 and how it would apply to demolitions. There was no further public comment offered.

MOTION: Micah Chappell moved to forward proposals as recommended by the Fire Code TAG and BFP into rulemaking. Corey Wilker seconded the motion. By roll call vote, the motion was approved with no dissention or abstentions.

IBC TAG Report:

Stoyan Bumbalov reported on the IBC TAG report as delivered to the BFP Committee. The top issue there is the electric vehicle proposals and how to move forward in line with the legislation on this topic. The Council discussed sending the issue back to the TAG for further discussion and what that would do to the rulemaking schedule.

There was no public comment offered.

MOTION: Micah Chappell moved to forward proposal 196 back to the TAG for further discussion and move the remaining proposals as recommended by the Building Code TAG and BFP Committee into rulemaking. Corey Wilker seconded the motion. The motion carried, with no dissenting votes.

MOTION: Micah Chappell moved to establish an Ad Hoc Committee to review the EV proposal developed by staff. Tony Doan seconded the motion. The motion failed, two to ten.

MOTION: Micah Chappell moved to send both electric vehicle proposals to the IBC TAG and invite the Energy Code TAG to participate. The motion carried, with no dissenting votes.

MVE Committee Report

In the interest of expediency, the Council determined to deal with the expiring emergency rule before taking public comment on the energy code. The rule delaying the prohibition of standing pilots on gas fireplaces is due to expire on October 20. Staff found no information on the current availability of microchips for the necessary controls.

Carolyn Logue and Ryan Carroll from the Hearth, Patio and Barbecue Association requested the emergency rule be extended for one year. Jim Cox also spoke in support

Dierk Meierbachtol stated that emergency rules are only effective for 120 days and the Council must initiate permanent rulemaking in order to extend the emergency rule.

- **MVE**
 - [WSEC](#)
 - Emergency Rule Expiration for WSEC R403.1.1 on Fireplace Ignition

MOTION: Micah Chappell moved to extend the emergency rule for WSEC R403.1.1 and to file the CR101 to begin permanent rulemaking. Tony Doan seconded the motion. The motion carried with no dissenting votes.

Energy TAG Report

Kjell Anderson reported on the actions of the Commercial Energy Code TAG and the MVE Committee. One item is still remaining with no recommendations from the TAG or Committee. Both groups asked the proponent of 21-GP1-121C to come back with changes to better correlate the proposal with prior actions of the TAG. The proponents have brought the requested modifications.

MOTION: Caroline Traube moved to have the revision to proposal 121C accepted as revised and moved into the package going forward into rulemaking. Kjell Anderson seconded the motion. The motion carried with one dissention.

MOTION: Kjell Anderson moved to extend the meeting until adjourned, with Todd Beyreuther as chair pro tem. Micah seconded the motion. The motion carried. It was noted that the quorum may be lost at 2:30 p.m.

The following people offered public comment on the recommendations for the energy code proposals:

Marcus Lew thanked the Council for the action taken on proposal 121C today.

Dan Kirschner spoke in opposition of proposals 103 and 136, and criticized the process.

Holly Townes spoke in support of proposals 103 and 136.

David Streeter asked that 136 be revised to add a healthcare exemption similar to that found in 103.

Andrea Smith spoke against proposals 103, 136 and 179.

Amy Wheeless spoke in support of the full package as recommended by the TAG.

Peter Godlewski spoke in opposition to proposals 103 and 136.

Justin Wood spoke in opposition to proposals 103, 136 and 179.

Bob Wolfer spoke in opposition to proposals 103 and 136 and suggested they violate federal preemption law.

Bill Will spoke in support of the full package as recommended by the TAG.

Lisa Rosenow spoke in support of the full package as recommended by the TAG.

	<p>John Frankel spoke in spoke in opposition to proposals 103, 136 and 179.</p> <p>Nicole Sanders spoke in favor of the full package as recommended by the TAG.</p> <p>John Lange spoke in favor of the full package as recommended by the TAG.</p> <p>David Morton spoke in support of proposals 103 and 136.</p> <p>Michael Frank spoke in support of proposals 103 and 136.</p> <p>Elizabeth Joyce spoke in support of proposals 103 and 136.</p> <p>MOTION: Al French moved to schedule a special meeting for September 30 at 10 am to hear the remainder of public comments and complete the items remaining on the agenda. Kjell Anderson seconded the motion. The motion carried, 9 to 2.</p>
	<p>Due to time limitations, the meeting was recessed at 2:31 p.m. until a Special Council Meeting on September 30, 2021, to complete the remaining items on the agenda and to continue public comment.</p>
8. WUIC Implementation Guidance	Deferred until September 30
9. Request for Emergency Rule <ul style="list-style-type: none"> • Dave Kokot - Elevator pit sprinkler protection emergency rule 	Deferred until September 30
10. Updates on Cost Benefit Analysis <ul style="list-style-type: none"> • Energy Code Contracts • Workgroup on Economic Impact 	Deferred until September 30
11. Budget Review and Approval	Deferred until September 30
12. Pierce County Residential Amendment Approval Request	Deferred until September 30
13. Staff Report	Deferred until September 30
14. Other Business	Deferred until September 30
15. Adjourn	Deferred until September 30

Attachment links:

[Meeting Recording](#)

[Agenda](#)

[Minutes of June 18, 2021 Meeting](#)

[2021 Code Review Schedule](#)

[IBC TAG Report](#)

[IBC Existing Amendment Report](#)

[IFC TAG Report](#)
[WSEC-C TAG Report](#)
[WSEC-R Fireplace Emergency Rule](#)
[Revised Proposal 121C](#)