



Washington State Building Code Council

Improving the built environment by promoting health, safety and welfare

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SUMMARY COUNCIL MEETING MINUTES

LOCATION: Spokane Fire Department Training Center
1618 N. Rebecca
Spokane, Washington

MEETING DATE: September 9, 2016

| Agenda Items | Committee Actions/Discussion |
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| 1. Welcome and Introductions | <p><u>Members in Attendance:</u> Steve Simpson, Council Chair; Dave DeWitte, Vice Chair; Rod Bault; Al French; Diane Glenn; Robert Graper; Leanne Guier; Traci Harvey; Duane Jonlin; Andrew Klein; Phil Lemley; Doug Orth; Sandra Romero; Jim Tinner; Eric Vander Mey</p> <p><u>Staff in Attendance:</u> Tim Nogler, Managing Director; Krista Braaksma; Joanne McCaughan; Dawn Cortez, AAG</p> <p><u>Visitors Present:</u> Dave Kokot, Linda Kent, Al Audette, Lee Kranz, Chris Edmark, David Hanson, Jennifer Gilliland, Greg Colvig, Randy Scott, Lisa Rosenow, Jed Scheuermann, Randy Vissia, Misty Moore, James Moore, Dean Giles</p> <p>The meeting was called to order at 10:00 a.m. by Council Chair Steve Simpson. Introductions were made.</p> |
| 2. Review and Approve Agenda | <p>The agenda was approved as written. Steve noted there would be a lunch break during the meeting. He noted there was no food allowed in the meeting room, but beverages were allowable. Tim Nogler said there would be pizza delivered for the Council members at 11:45 a.m. The lunch break may need to be adjusted to meet this timing.</p> |
| 3. Public Comment on Items Not on the Agenda | <p>None offered.</p> |
| 4. Review and Approve Minutes | <p>The minutes of June 10, 2016, were approved.</p> |
| 5. Public Hearing <i>Marijuana Extraction</i> | <p>Steve Simpson opened the public hearing on the three items currently in rulemaking. He stated he would start with testimony in the room, then move on to those on the phone or WebEx who wished to testify. He asked that people refrain from repeating testimony if possible.</p> <p>Dave Kokot: Representing Spokane Fire Department. Having been involved with the fire code from the original inception of the cannabis language in Chapter 38 for the emergency rule in the fire code, I was very encouraged and was actually able to participate with the TAG in several meetings. Unfortunately, my schedule did not allow me to finish up throughout the entire process. I was very encouraged with the language that was put together. It seemed to be there was a lot of public</p> |

comment, a lot of discussion; it was very good that we had what we wanted to get out of this. As the chair when we first were working on this, I wanted to get the public comment, I wanted to get the producers, I wanted to get the processors, I wanted to get the people who are actually doing this work involved in basically vetting the language so it made sense. I think the TAG did a great job with that. I actually chaired several TAGs and I really credit Steve with...I've herded cats before, but I've never herded thousands of cats before. That's what it seemed like. It was going every which way and every direction and was a very challenging effort. But from the standpoint of the fire department, in using this language and working with the language and trying to work with the revisions to the language, it makes sense and is very workable. The only issue that we have run across with some of this is in regards to the charging language. We've had some misinterpretation of that, and it's very possible that we could see some interpretations coming up with it. Because what we're having is some of the manufacturers are saying that their particular equipment would not fall under the requirements of the code language. Basically, how it's worded, if there is anything regulated under the fire code, then you have to follow this process. The intent of it was obviously if it was water based, if it was clipping or something like that, but if it was utilizing any of the solvents or anything like that, it was very clear in our mind that it provided some coordination with Joanne as well in providing some response to that manufacturer and saying that no, this is what the intent of it was. So it's very possible you could hear some comment on that.

Andrew Klein asked if Dave was involved at all working with FCAC or any other national group test groups to put together the public comment that will be heard at the IFC public comment hearing?

Dave said he was involved very distantly on that. He indicated Traci Harvey was intimately involved in the process. Through FCAC, we have forwarded our proposed language. It did not get through approval by committee for the 2018 fire code. It was brought to the floor, so it will go to the floor vote. The opposition that occurred during the committee discussion is already being worked on. The language is actually changing. It looks like the 2018 will see our Chapter 38.

Andrew asked if the public comment submitted to ICC was identical to this proposed language. Dave said there were some modifications, but it was based on this.

Emergency Voice Alarms

Dave Kokot: Washington State Association of Fire Marshals. I did provide some testimony in Olympia earlier this year regarding this. We've had an amount of time to take a look at this particular issue. If you're not aware of the effect that this has had, it is wide reaching. We're basically getting comments—I'm getting phone calls from national associations, national groups. They're questioning the action the legislature made regarding the removal of the emergency voice requirements from the fire code. Locally, it is an issue. To bring it back to Washington State, I testified previously that basically what this emergency rule does is it sets a minimum level at the state. The local jurisdictions are still allowed to be more restrictive than that. So, in general, the intent of the emergency rule was to make sure there was no duplication, no excessive requirements, over what they were working on as emergency response systems, which are slightly different than emergency voice. Locally, our local amendment process, allows us to override that. In general, the emergency rule does not serve the purpose they want it to. And it's become a bit of a challenge. We've tried to work with the groups that put this together. We've had some communication with a couple of legislators; we've also

had some communication with the Puget Sound School Coalition. We're working with them to see if we can come up with some language that makes more sense, that works for everybody. The challenge with the language right now, is we have removed the voice alarm out of the code in favor of the language before that time, which was a manual fire alarm system. What that leaves, what there is currently then for the emergency response systems, there is no specific standard that they're designed to, no specific standard that they're approved to, no specific standard by which they are tested, maintained or ensured they are operating properly. We understand fully and clearly the intent of what the RCW was—of getting new technology into our schools to protect the kids. But other people also are seeing concerns about what's been done. I don't think it's been posted yet, but I believe the National Electrical Manufacturers Association has submitted some written testimony on their concerns with the removal of the language from the code. They are working together with the Washington Association of Fire Marshals to come up with alternative language that meets the intent of the emergency rule. If you look at the proviso requirements as to what's required in that, it basically says we can take it to emergency rule, it does not say anything about going to a permanent rule. Looking at the legal aspects of this, and with the sunset of that budget proviso coming up in June of next year, we feel it's important that we come up with language that works for everybody rather than something that creates these major challenges with the school districts. We feel that the participation with the Puget Sound School Coalition is important. We've reached out to them to get comments back from them. We've also provided information to the legislators to be able to say here's what we're doing. We're receiving minimal comments back at this point. I think at least one of the legislators I've spoken to is very open to having the discussion about what that language would be. And that language will be provided to the Council before the October meeting.

Duane Jonlin said he thought the emergency rule included the voice alarm system and gave more flexibility for the system. He asked for clarification.

Dave Kokot said the language from the budget proviso and the emergency rule basically eliminates emergency voice out of the fire code, not only for E occupancies but for I-4 as well. At this point, it reverts us back to the 2009 fire code, which only requires manual fire alarms in those occupancies.

Duane felt that was not how the emergency rule was presented. Dave said the proviso language was pretty specific and the Council did what it needed to do to remove the emergency voice requirements from the code. The issues following up with this...there has been a lot of discussion with this. The Governor's office is very interested in it, as well as some legislators. This was a budget proviso that had no effect on the budget. Had they been aware of this, the question is whether or not this proviso would actually have been allowed, i.e., if someone had caught this when it was something thrown in at the last minute. There was also a comment about...the Coalition said they wanted to get this taken care of as soon as possible and they contacted the Council, apparently, though we haven't confirmed this; the point was to verify how soon it could be done and determined it would have to go through the next code cycle. So they asked what the fastest way to get it taken care of would be then.

WSEC-Commercial

Lisa Rosenow: Northwest Energy Efficiency Council. Thank you for your time. We just wanted to start out and thank the Council for the updates that are being made to the energy code. We appreciate the effort that goes into doing all those changes. We think that they're a big improvement in language clarity. This is just a

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| | <p>question to the Council. Going forward, as the public is having an opportunity to really dive into the energy code, additional editorial details are surfacing. How would the Council like the public to be presenting that information to you? Is it required to come through as an official interpretation, or is there another procedure that the Council recommends the public use?</p> <p>Tim Nogler noted any interpretation request must come from a local jurisdiction.</p> <p>Lisa asked if it would be the same for editorial questions. Would it be best to collect them into one document? We do have a couple of sponsors who are going to assist us with this process. We just want to make sure, what is the best procedure for presenting these editorial comments. We just want to make sure we're presenting this in the most useful way. Tim said the Council is getting comments on all the codes on errors. The question is whether it's actually editorial or whether it's a substantive issue.</p> <p>Eric Vander Mey felt a list was the best way. Rather than getting things piecemeal, if we get them about 10 at a time, it helps us to know we need to deal with something. Tim said staff is compiling them in a list as we get them, and will bring them to the Council at a later date, so we're not doing them continually. Lisa asked if there was a particular time we can let people know as kind of a target or timeline.</p> <p>There being no further testimony at this time, Steve recessed the public hearing until the October 14 Council meeting in Olympia.</p> |
| <p>6. Committee Reports</p> <p><i>Executive Committee Timeline</i></p> | <p>Steve Simpson reported the Executive Committee met earlier that morning. The process of reviewing and modifying the Council's policies and Bylaws is very important, and the Committee has received lots of feedback from stakeholders and Council members. The first item for discussion is WAC 51-04, Policies and Procedures. The Committee is moving forward the portion of the WAC dealing with the proposed new timeline for the code adoption process. Tim noted that one of the primary functions of the Council is to adopt new editions of the model codes when they're published. In the past, the Council has gone into rulemaking upon the publication of a new edition and looked at all of the codes in that adoption year and completing the process by December 1 of that year. That resulted in having six TAGs meeting at the same time, delivering a large volume of information for the Council and stakeholders to review. By dividing the codes into two groups, the intent is to provide greater opportunity for review and input on changes, with greater clarity in the review process over the three-year period. Group 1 is IBC, IFC and the Commercial Energy Code. There was testimony this morning that this group should also specifically include the IEBC, since that is now the document that addresses existing buildings rather than the IBC. Group 2 is IRC, IMC, UPC and the Residential Energy Code. The adoption period would begin when new editions are available to the public, and a timeline on adoption will be published within 60 days. The Group 1 review would happen in the first 18 months, and Group 2 during the next 18 months. The visual timeline chart is posted on the website. The first step would be review of significant changes in the model codes and the applicability of existing state amendments. After the TAGs report on these items, the submission period would commence for new amendments. It would still be a three year code cycle.</p> <p>Diane Glenn felt this would go a long way towards solving some of the issues experienced in the past. Spreading the cycle out will provide more opportunities to address issues. It will also allow people to attend a wider variety of TAG</p> |

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| | <p>meetings if desired. She asked if changes could be submitted for codes not addressed during that particular time period; if one change needs to be coordinated with another code not in that group, how would that happen. Additionally, how do you deal with corrections or emergency rules between the cycles. Steve replied the Committee did discuss those issues and felt there would be time available within the timeline to address them. Tim said there was nothing built in thus far, but there should be something within the Group 2 period to address specific issues with the Group 1 codes. Steve felt it may be better addressed after the Group 2 codes. Eric Vander Mey noted there would need to be time to bring them through the public hearing process, so it would need to occur earlier in the Group 2 process. Both Jim Tinner and Duane Jonlin felt these details should be ironed out later after the basic framework is determined.</p> <p>Eric Vander Mey suggested that, rather than having public hearings in September and October, both hearings should be held in September and then hold two Council meetings in October to review the testimony, make any necessary language changes, and then review those changes.</p> <p>Jim Tinner felt the proposal would be beneficial to jurisdictions as well. It would provide extra time for the necessary training.</p> |
| <i>Public Comment</i> | <p>Lisa Rosenow, Northwest Energy Efficiency Council, reiterated her comments from the Executive Committee meeting, suggested the Council put together a group of experts, outside of the TAGs, to review the codes, looking for any correlation, editorial or technical issues.</p> <p>Eric Vander Mey asked Ms. Rosenow if she felt it would be beneficial to split the Energy TAG into residential and commercial TAGs. Lisa felt there would be some overlap, but for the most part it would be beneficial. Andrew Klein suggested having the residential TAG review just Chapters 4 and 5 and have the commercial group review the more generic portions of the code.</p> |
| <i>Motion</i> | <p>Jim Tinner moved to approve the language related to the timeline in WAC 51-04 for code adoption for filing with the code reviser, with further details to be fleshed out in meetings over the next year. Diane Glenn seconded the motion. Diane asked for clarification if this timeline would apply to just the 2018 codes. Steve replied that it was intended to be a permanent change, or until modified by the Council again.</p> <p>The motion carried unanimously.</p> |
| <i>WAC 51-04 Reconsideration</i> | <p>Tim noted there still needed to be language developed for the reconsideration and local amendment portions of the WAC. It is recommended there be another Executive Committee meeting scheduled to do that work prior to the next Council meeting. The Council has received a number of comments, most of which address broadening the scope of reconsideration to allow anyone to request reconsideration, whether it was denied or approved. The Executive Committee also felt reconsideration would be important to address Group 1/Group 2 coordination issues.</p> <p>Al French felt the Council's granting of reconsideration should be a separate issue from the ultimate decision for approval/denial of the item being reconsidered.</p> <p>Duane Jonlin felt there would need to be clear ground rules for allowing reconsideration, or it could potentially create chaos.</p> <p>Diane Glenn also felt the process should be revised.</p> <p>There was no public testimony offered regarding the reconsideration issue.</p> |

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| <i>Motion</i> | Phil Lemley moved to schedule an additional Executive Committee meeting. Andrew Klein seconded the motion. The motion carried. |
| <i>WAC 51-04 Local Government Amendments</i> | <p>The Council discussed the central issues, the requirement for the amendments to address a “unique” element and the requirement that they be approved locally before coming before the Council.</p> <p>Eric Vander Mey asked if there could be some interpretation as to when jurisdictions may amend the energy code pertaining to residential structures. Tim noted that this was a separate issue from the requirement to review local amendments to 1 to 4 unit residential buildings and is governed by different statutes. The statute prohibits amendment of residential energy code provisions.</p> <p>Al French was concerned that the Council had the authority to overturn something voted in by elected officials. It could impact public confidence.</p> <p>Jim Tinner felt this was adopted to provide consistent code requirements between jurisdictions.</p> <p>Leanne Guier suggested having the Council’s ruling as part of the ordinance hearing process.</p> |
| <i>Public Comment</i> | Dave Kokot, Spokane Fire Department, suggested striking the “unique” references in the criteria. As it stands, this is not effective, there is no enforcement and it needs to be fixed. |
| <i>Motion(s)</i> | <p>Jim Tinner moved to amend the Local Amendment process in WAC 51-04-030, to state that local jurisdictions must bring amendments to the Council prior to passing the ordinance at the jurisdiction. Al French seconded the motion.</p> <p>Tim suggested adding language to clarify there could be no changes to the technical requirements of the amendment submitted to the Council. This was accepted as a friendly amendment.</p> <p>The motion carried.</p> <p>Duane Jonlin moved to include language specifying the local amendment be submitted by the code official or elected representative. Andrew Klein seconded the motion. Jim felt it was also important to clarify which occupancies required approval by the Council. This was accepted as a friendly amendment.</p> <p>The motion carried.</p> <p>Tim stated staff will have draft language for the Executive Committee to review.</p> |
| <i>Bylaws</i> | <p>Tim Nogler stated the Council will be taking comments on the Bylaws until September 30. The Bylaws were last updated in 2012, with those changes mostly focused on the energy code process. Tim anticipates reviewing changes to the Bylaws at the October meeting, with final adoption in November. He reminded the Council they are not an administrative rule and therefore do not need to go through the rulemaking process and can be changed at any time but must be approved by a 2/3 majority vote. The Bylaws themselves govern the Council’s day to day operations and set the basis for the TAG and Committee processes.</p> <p>Thus far the Council has received comments from Dave Kokot and BIAW.</p> <p>Steve asked Dawn Cortez if she had any suggestions for the revisions. She said the section on meeting minutes and transcription seemed onerous and far beyond what is usually seen and should be revised.</p> <p>No public comment was offered.</p> |
| <i>BFP Committee</i> | Steve Simpson turned the meeting over to Jim Tinner, Chair of the Building, Fire |

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| | <p>and Plumbing Codes Committee. Jim reported the Committee reviewed a local amendment request from the City of Olympia to adopt Appendix K of the IRC. The Committee declined to make a recommendation on the issue and brought it forward to the Council. Tim stated that the city has had this ordinance on the books for a while. The question the Committee wrestled with was how this is unique to the jurisdiction.</p> <p>Diane expressed concern that the ASTM standard referenced would require testing of every wall or floor/ceiling assembly installed. She also felt the main issue was how this was unique to the jurisdiction.</p> <p>Duane felt this amendment should not be approved by the Council due to the lack of a “unique” quality. He felt it should be addressed as a state amendment as a part of the next code cycle.</p> <p>No public comment was offered.</p> <p><i>Motion</i> Duane Jonlin moved to deny the local amendment request by Olympia. Diane Glenn seconded the motion. The motion carried.</p> <p>Steve noted the Committee also addressed several interpretation requests. Tim noted there was another request regarding electric vehicle infrastructure that would be addressed in October.</p> <p><i>MVE Committee</i> Steve turned the meeting over to Eric Vander Mey, chair of the Mechanical, Ventilation and Energy Codes Committee. Eric noted the Committee had not met, but had an interpretation request to address.</p> <p>Tim said the City of North Bend had a question regarding a change to the base model code and the requirements for insulation installed in a roof/ceiling assembly. The change states there is no contact required between the insulation and the space being insulated as long as there is some encapsulation with the sheathing and the perimeter insulation. The draft answer also provides some illustrations to clarify the allowance.</p> <p>Duane Jonlin suggested the answer be revised to state (in the second to last sentence) that although it allows for services to be enclosed in the space, it is not required that they be enclosed.</p> <p>No public comment was offered.</p> <p><i>Motion</i> Steve Simpson moved to approve the interpretation with the modification suggested by Duane Jonlin. Dave DeWitte seconded the motion. The motion carried.</p> |
| 7. Staff Report | <p>Tim Nogler asked that any issues regarding errors or editorial problems with the codes be forwarded on to staff by the end of the year. Staff will compile them to be adopted as an expedited rule, most likely at the January Council meeting.</p> <p>In regards to the budget, Tim noted the revenue has been good over the last quarter. The State Auditor’s office has been working on the issue and has found some jurisdictions where submittal was still outstanding. That money is beginning to come in. The auditor will continue to follow up with a notice in their next newsletter.</p> <p>While the revenue for July has increased, it is still about 15% below the level of expenditures. The fund balance continues to remain above the level of two months’ operating expenses. There is ongoing negotiation with OFM to get the Council through this fiscal year. With no additional funding, the current projection is we have sufficient funding until March at the current staffing and</p> |

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| <p><i>Motion</i></p> | <p>expenditure level. Tim said there were other alternatives that could be explored, including expanding the definition of “building permit” to include plumbing, mechanical and fire permits.</p> <p>Eric Vander Mey moved to direct staff to draft language to expand the definition of “building permit” to include plumbing, mechanical and fire permits. Phil Lemley seconded the motion. The motion carried.</p> <p>Tim asked that Council members sign the card for Peggy Bryden before leaving today.</p> <p>The next meeting is scheduled for October 14 in Olympia. Krista will be handling travel arrangements in Peggy’s absence.</p> |
| <p>8. Other Business</p> | <p>Sandra Romero asked if Senator Schoesler’s concerns had been addressed. Steve replied that Tim had sent a reply back to him. Both Senator Schoesler’s letter and Tim’s reply are posted under “Meeting Documents” on the website.</p> <p>Diane Glenn asked if the Council was going to address the emergency rule on deck loads. Tim noted the current emergency rule would expire at the end of October. There is no request to extend it at this time. We are still awaiting additional information. If no action is taken, it will revert back to the adopted language. Jim Tinner noted that an engineer his jurisdiction consulted on the matter said it would just be a matter of requiring 50% more lag bolts to the ledger connection.</p> |
| <p>9. Adjourn</p> | <p>The meeting was adjourned at 1:15 p.m.</p> |