



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: August 11, 2020

TIME: 8:50 AM

WSR 20-17-049

Agency: Washington State Building Code Council

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 20-13-080 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 51-56, Adoption and amendment of the 2018 Uniform Plumbing Code.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
October 9, 2020	10:00 am	Department of Enterprise Services Presentation Room (1213) 1500 Jefferson Street Olympia, WA 98504	

Date of intended adoption: November 6, 2020 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Diane Glenn

Address: 1500 Jefferson St SE, Olympia, WA 98504

Email: SBCC@des.wa.gov

Fax:

Other:

By (date) October 16, 2020

Assistance for persons with disabilities:

Contact Shannon Pitts

Phone: 360-407-9255

Fax:

TTY:

Email: Shannon.pitts@des.wa.gov

Other:

By (date) October 2, 2020

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed rules adopt the 2018 edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, with state amendments to incorporate proposed changes as adopted by the Washington State Building Code Council. The rules will provide increased clarity and life safety measures for building construction in Washington State.

SUMMARY OF PROPOSED CHANGES

**2018 UPC
Amendments to WAC 51-56***

	WAC	Section	Changes in 2018	Discussion
1	51-56-400	407.2	Water consumption (Faucets)	Legislative Modification
2	51-56-400	407.2.1	Maximum Water Flow	Legislative Modification
3	51-56-400	407.2.1.1	Residential Lavatory Faucets	Legislative Modification
4	51-56-400	407.2.1.2	Lavatory Faucets in Common and Public Use Areas	Legislative Modification
5	51-56-400	407.2.2	Metering Faucets	Legislative Modification
6	51-56-400	408.2	Water Consumption (Shower heads)	Legislative Modification
7	51-56-400	408.2.1	Multiple Showerheads Serving One Shower	Legislative Modification
8	51-56-400	408.2.5	Tub Spout Diverters and Showerhead Tub Spout Diverter Combinations	Legislative Modification
9	51-56-400	411.2	Water Consumption (Water Closets)	Legislative Modification
10	51-56-400	411.2.1	Dual Flush Water Closets	Legislative Modification
11	51-56-400	411.2.2	Performance	Legislative Modification
12	51-56-400	411.2.3	Flushometer Valve Activated Water Closets	Legislative Modification
13	51-56-400	412.1	Application	Legislative Modification
14	51-56-400	420.2.1	Kitchen faucets	Legislative Modification
15	51-56-400	420.3	Pre-rinse spray valve	Legislative Modification
16	51-56-400	423.0	Landscape Irrigation	Legislative Modification
17	51-56-400	423.1	Sprinkler body	Legislative Modification
18	51-56-500	501.1.2	Consumer electric storage water heater requirements	Legislative Modification
19	51-56-500	501.1.3	Mini-tank electric water heaters	Legislative Modification

*Note: those not listed on the table above remain as adopted in 2015.

Reasons supporting proposal:

RCW 19.27.031 and RCW 19.27-074

Statutory authority for adoption: 19.27.031, 19.27.074

Statute being implemented: 19.27.031, 19.27.074

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) State Building Code Council Private Public Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Richard Brown	1500 Jefferson St. SE, Olympia, WA 98504	360-407-9277
Implementation:	Richard Brown	1500 Jefferson St. SE, Olympia, WA 98504	360-407-9277
Enforcement:	Local Jurisdictions Having Authority		

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name: Richard Brown
Address: 1500 Jefferson St. SE, Olympia, WA 98504
Phone: 360-407-9277
Fax:
TTY:
Email: Richard.brown@des.wa.gov
Other:

No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:
- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- This rule proposal, or portions of the proposal, is exempt under RCW _____.
Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:
There are costs imposed by the proposed rules but the costs do not fall disproportionately on small businesses. These rules will not affect the distribution of impacted work, whether by small businesses or not, doing the work. The rules do not affect employment, reporting or record keeping.

Small Business Economic Impact Statement (RCW 19.85.040)

Description

The Washington State Building Code Council (SBCC) is filing a proposed rule to adopt the updated 2018 edition of Uniform Plumbing Code (UPC) (WAC 51-56). Since 1985 the state building code council has been responsible to update to new editions of the building code per RCW 19.27.074. The UPC is updated every three years by the International Association of Plumbing and Mechanical Officials (IAPMO). The code development process conducted by the model code organization is open to all interest groups within the design and construction industry and from governmental organizations. See the IAPMO web site for more information about the model code development process.

The administrative compliance requirements are under the authority of the local government. RCW19.27.050. Compliance activities including permit issuance, plan review and approval, and inspections occur at the local level. Requirements for construction document submittal and other reporting requirements are determined by the local jurisdiction and are consistent with previously established policies. The proposed amendments to WAC 51-56 include specific technical requirements for building construction to be consistent with national standards.

Professional Services

Washington has had a statewide building code in effect since 1974. The local enforcement authority having jurisdiction administers the codes through the building and/or fire departments. Administrative procedures for state building code compliance are established and will not be changed by the adoption of the update to the current building codes. Small businesses will employ the same types of professional services for the design and construction of buildings and systems to comply with the state building code.

The proposed rule updates the state building code and does not require additional equipment, supplies, labor or other services. Services needed to comply with the building code are existing within the construction industry as required by the local authority having jurisdiction.

Costs of Compliance for Businesses

The cost of compliance incurred by Washington businesses includes training and educational materials. The UPC 2018 model codes costs \$125 + tax shipping and handling. This publication is also available on the IAPMO web site. The IAPMO offers training for continuing education credits to architects, engineers and building inspectors.

The Plumbing Code technical advisory group (TAG) determined there is a cost for compliance on businesses for the following proposed state amendments.

1. Table 504.1 note 2: This revision will assure that the water heater will be able to provide the system with hot water when needed - the non-storage water heater cannot act as a restriction to flow during peak load operation per UPC section 610.2. There is a minor economic impact - Tankless water heater will have to be rated for higher flow to meet this requirement.

2. Sections 407.2, 408.2, 411.2, 412, 420, 423, 501.1.3, 501.1.3. These changes are in response to SSHB 1444 legislation from the 2019 legislative session. The changes update appliance standards. The change will increase construction costs but reduce energy consumption. Because these requirements are established by statute, a cost analysis not required here.

Loss of Sales or Revenue

The proposed rules make the state code for building construction consistent with national standards. Businesses with new products or updated test or design standards are recognized in the updated building code.

The update will result in some cost outlay for some small businesses for specific building projects, for a transition period. Other small businesses would see an increase in revenue. The amendments to the plumbing code affect over 25,000 (in 2012) small businesses in the state, where construction activity occurs. The primary intent of the amendments is to improve the safety features in buildings and provide consistency and fairness across the state, for a predictable business environment. The amendments should result in enhanced safety and value in buildings.

Cost of Compliance for Small Businesses (Determine whether the proposed rule will have a disproportionate cost impact on small businesses, compare the cost of compliance for small business with the cost of compliance for the ten percent of businesses that are the largest businesses.)

The majority of businesses affected by the updates to the plumbing code are small businesses; over 95 percent of those listed in the construction and related industries have under 50 employees. The costs per employee are comparable between the largest businesses and the majority of small businesses. The cost to comply with the updated codes is not a disproportionate impact on small business.

Reducing the Costs of the Rule on Small Businesses

The SBCC conducted a detailed review process, including participation at the national code development hearings, to document significant economic impacts of the proposed code amendments.

Small Businesses Involved in the Development of the Rule

For the UPC, the SBCC conducted five open public meetings of the building code technical advisory group, available via telephone conference bridge and over the internet, and allowed comment on every item on every agenda. For the UPC, the SBCC appointed 10 representatives of all segments of the business and construction community to serve on the technical advisory groups.

List of Industries

Below is a list of industries required to comply with the building code:

North American Industry Classification System (NAICS) Code	NAICS Code Definition	Number of Establishments in Washington State	TOTAL Annual Payroll	TOTAL Annual Revenue	AVG Annual Payroll	AVG Annual Revenue	1% of Avg Annual Payroll	0.3% of Avg Annual Revenue
236115	New single-family housing construction (except for-sale builders)	1261	\$186,272,000	---	\$147,718	---	\$1,477	---
236116	New multifamily housing construction (except for-sale builders)	45	\$54,622,000	---	\$1,213,822	---	\$12,138	---
236118	Residential remodelers	2777	\$318,180,000	\$1,536,217,000	\$114,577	\$553,193	\$1,146	\$1,660
236210	Industrial building construction	53 (s)	\$99,790,000	---	---	---	---	---
236220	Commercial and institutional building construction	862	\$772,473,000	\$6,925,925,000	\$896,140	\$8,034,716	\$8,961	\$24,104

	238110	Poured concrete foundation and structure contractors	511	\$144,643,000	\$479,256,000	\$283,059	\$937,879	\$2,831	\$2,814
	238120	Structural steel and precast concrete contractors	68	\$93,454,000	\$336,100,000	\$1,374,324	\$4,942,647	\$13,743	\$14,828
	238130	Framing contractors	417	\$79,196,000	\$279,226,000	\$189,918	\$669,607	\$1,899	\$2,009
	238140	Masonry contractors	293	\$74,067,000	\$215,274,000	\$252,788	\$734,724	\$2,528	\$2,204
	238150	Glass and glazing contractors	141	\$67,626,000	\$237,985,000	\$479,617	\$1,687,837	\$4,796	\$5,064
	238160	Roofing contractors	537	\$179,942,000	\$660,911,000	\$335,088	\$1,230,747	\$3,351	\$3,692
	238170	Siding contractors	327	\$58,557,000	\$286,471,000	\$179,073	\$876,058	\$1,791	\$2,628
	238190	Other foundation, structure, and building exterior contractors	113	\$37,585,000	\$123,771,000	\$332,611	\$1,095,319	\$3,326	\$3,286
	238210	Electrical contractors and other wiring installation contractors	1847	\$940,854,000	\$3,026,762,000	\$509,396	\$1,638,745	\$5,094	\$4,916
	238220	Plumbing, heating, and air-conditioning contractors	1664	\$959,976,000	\$3,169,548,000	\$576,909	\$1,904,776	\$5,769	\$5,714
	238290	Other building equipment contractors	81	\$117,696,000	---	\$1,453,037	---	\$14,530	---
	238310	Drywall and insulation contractors	653	\$282,929,000	\$723,945,000	\$433,276	\$1,108,644	\$4,333	\$3,325
	238990	All other specialty trade contractors	547	\$182,710,000	\$573,308,000	\$334,022	\$1,048,095	\$3,340	\$3,144
	321213	Engineered wood member (except truss) manufacturing	11	\$14,216,000	\$79,051,000	\$1,292,364	\$7,186,455	\$12,924	\$21,559
	321214	Truss manufacturing	22	---	---	---	---	---	---
	321219	Reconstituted wood product manufacturing	3	---	---	---	---	---	---
	321911	Wood window and door manufacturing	39	\$37,814,000	\$145,137,000	\$969,590	\$3,721,462	\$9,696	\$11,164

321992	Prefabricated wood building manufacturing	18	\$6,891,000	---	\$382,833	---	\$382,833	---
327310	Cement manufacturing	7	---	---	---	---	---	---
327320	Ready-mix concrete manufacturing	93	\$74,457,000	---	\$800,613	---	\$8,006	---
327331	Concrete block and brick manufacturing	18	\$11,218,000	---	\$623,222	---	\$6,232	---
332311	Prefabricated metal building and component manufacturing	9	\$3,564,000	---	\$396,000	---	\$3,960	---
332312	Fabricated structural metal manufacturing	94	\$125,755,000	---	\$1,337,819	---	\$13,378	---
332321	Metal window and door manufacturing	16	\$23,776,000	---	\$1,486,000	---	\$14,860	---
332322	Sheet metal work manufacturing	122	\$122,956,000	\$573,443,000	\$1,007,836	\$4,700,352	\$10,078	\$14,101
335121	Residential electric lighting fixture manufacturing	9	---	---	---	---	---	---
335122	Commercial, industrial, and institutional electric lighting fixture manufacturing	8	\$2,625,000	---	\$328,125	---	\$3,281	---
335129	Other lighting equipment manufacturing	4	---	---	---	---	---	---
423720	Plumbing and heating equipment and supplies (hydronics) merchant wholesalers	168	\$82,225,000	\$897,748,000	\$489,435	\$5,343,738	\$4,894	\$16,031
541310	Architectural services	635	\$326,798,000	\$921,033,000	\$514,643	\$1,450,446	\$5,146	\$4,351
541330	Engineering services	1599	\$1,758,825,000	\$3,946,553,000	\$1,099,953	\$2,468,138	\$11,000	\$7,404
541350	Building inspection services	154	\$9,724,000	\$28,297,000	\$63,143	\$183,747	\$631	\$551

	Security systems services (except locksmiths)								
561621		109	\$86,072,000	\$233,388,000	\$789,651	\$2,141,174	\$7,897	\$6,424	


Note: Data is blank in some fields to protect data source.
 Data Source: Economic Census of the United States

Estimate of the Number of Jobs That Will Be Created or Lost

The adoption of the latest code edition is not expected to significantly impact the number of jobs in the construction industry. These rules are likely to be job neutral overall, i.e., they will not result in any job gains or losses. The scheduled effective date of the new edition is July 1, 2020. Building permits issued prior to that date will be vested under the 2015 building code. Permits issued for projects under the 2018 code edition will generally start with the 2021 construction season.

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name: Richard Brown
 Address: 1500 Jefferson St. SE, Olympia, WA 98504
 Phone: 360-407-9277
 Fax:
 TTY:
 Email: Richard.brown@des.wa.gov
 Other:

Date: August 10, 2020	Signature: 
Name: Diane Glenn	
Title: Council Chair	