



Washington State Legislature

September 24, 2021

Stoyan Bumbalov
Managing Director
State Building Code Council
Washington State Department of Enterprise Services
1500 Jefferson St SE
Olympia, WA 98501

Dear Managing Director Bumbalov,

We have strong concerns about issues raised by stakeholders regarding energy code amendments that are pending before the Council, including proposals 103, 136, and 179. We are requesting a formal response from you on the following items before the next meeting.

(1) The Council is obligated under RCW 34.05.328 to adopt rules in accordance with the provisions of the Administrative Procedure Act that govern significant legislative rulemaking. The process for adopting a significant legislative rule requires a deeper analysis, such as development of a cost-benefit analysis, consideration of alternatives to the proposed rule, and a determination that the proposal is the least burdensome alternative. Has the Council complied with these requirements? If so, will you please provide the required documents or explain why they cannot be provided? This information will be critical for considering the proposed amendments.

(2) Article III of the Council bylaws requires the Technical Advisory Groups (TAG) to conduct an analysis of the economic impact on small businesses, housing affordability, construction costs, life-cycle costs, and the cost of code enforcement. The findings are to be reported to the Workgroup on Economic Impact (WEI). Has this analysis been conducted? If so, will you please provide the required documents or explain why they cannot be provided?

(3) The Council's bylaws also state that the WEI is required to review or prepare appropriate economic analyses for the Council, a requesting TAG, or a requesting standing codes committee. In this case, it appears that the TAG was required to submit information to the WEI and a review or analysis of the work was to be provided. Has that work been conducted? If so, will you please provide the results of that work or explain why they cannot be provided?

Thank you for your prompt attention to this matter.

Sincerely,

Senator Lynda Wilson
17th Legislative District

Representative Larry Hoff
18th Legislative District

cc: Andrew Klein, State Building Code Council Vice Chair