



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 07, 2024

TIME: 11:42 AM

WSR 24-16-146

Agency: State Building Code Council

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

- Preproposal Statement of Inquiry was filed as WSR 24-11-063 ; 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 51-11C-40314, 2021 Washington State Energy Code, Commercial Provisions, Use of electric resistance and fossil fuel-fired HVAC heating equipment

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 20, 2024	10 a.m.	Spokane Centerplace Regional Event Center 2426 N Discovery Place Spokane Valley, WA 99216	Zoom option available through link at sbcc.wa.gov/events/2024-09/council-meeting-09202024

Date of intended adoption: October 18, 2024 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Daimon Doyle
 Address:
 Email: sbcc@des.wa.gov
 Fax:
 Other:
 By (date) 9/20/24

Assistance for persons with disabilities:

Contact Annette Haworth
 Phone:
 Fax:
 TTY:
 Email: sbcc@des.wa.gov
 Other:
 By (date) 9/06/24

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Council was petitioned to amend items 5 and 7 of Section C403.1.4 in the 2021 Washington State Energy Code, Commercial provisions, to include options other than electric resistance heaters as supplemental heating for air-to-air heat pumps and ground-source heat pumps. The proposed rule shows two options: keeping the rule as currently adopted (Option 1) or making the petitioned change (Option 2).

Reasons supporting proposal: RCW 19.27A.020, RCW019.27A.025

Statutory authority for adoption: RCW 19.27A.020, RCW 19.27A.025

Statute being implemented: RCW 19.27A

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:

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Northwest Gas Association

Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting:	Krista Braaksma	1500 Jefferson St SE, Olympia WA 98504	360-480-5699
Implementation:	Krista Braaksma	1500 Jefferson St SE, Olympia WA 98504	360-480-5699
Enforcement:	Local Jurisdictions		

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: Dustin Curb
Address: 1500 Jefferson St SE, Olympia WA 98504-1449
Phone:
Fax:
TTY:
Email: sbcc@des.wa.gov
Other:

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement
 Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:
 This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

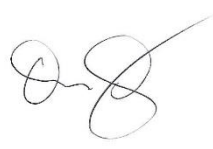
(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. The proposed rule adds additional options to the current requirement and does not mandate additional requirements or increase costs.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

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

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

Date: August 7, 2024	Signature: 
Name: Daimon Doyle	
Title: Council Chair	