



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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STATE BUILDING CODE COUNCIL SUMMARY MEETING MINUTES

LOCATION: The meeting was held at
DES Building – Room 1213
1500 Jefferson St SE, Olympia, WA 98504
with Zoom and teleconference options

MEETING DATE: Friday, June 21, 2024

Members in Attendance: Council Chair Daimon Doyle, Kjell Anderson, Jay Arnold, Todd Beyreuther, Tom Handy, Angela Haupt, Roger Heeringa, Craig Holt, Benjamin Omura, Pete Rieke, Katy Sheehan, Dan Young, Senator John Lovick, Representative Alex Ramel, Senator Lynda Wilson

Members Absent: Justin Bourgault, Matthew Hepner, Tye Menser, Lorin Lathrop, Representative Suzanne Schmidt

Staff In Attendance: Managing Director, Dustin Curb; Assistant Attorney General Dierk Meierbachtol; Krista Braaksma; Josh Brown; Rozanna Ghanie; Annette Haworth

Visitors Present: Ken Brouillette, Brett Conway, David Hill, Gregory Johnson, Jonathan Jones, Eric Lacey, Kerry Maloney, Cory McVay, David Mow, Scott Peterson, Kevin Rose, Lisa Rosenow, Andrea Smith, Steve Tapio, Gavin Tenold, Eric Urban

Agenda Items	Council Actions/Discussion
1. Welcome and Introductions	The meeting was called to order at 10:00 a.m. by Council Chair Daimon Doyle. Roll call was taken, and a quorum was present. Dustin Curb introduced the newest councilmember, Dan Young. Everyone was welcomed and members of the public, who wished to, introduced themselves.
2. Review and Approve Agenda	Motion: Kjell Anderson moved to approve the agenda Craig Holt seconded, the motion passed.
3. Review and Approve Minutes <ul style="list-style-type: none">May 24, 2024	Motion: Kjell Anderson moved to approve the minutes, Tom Handy seconded, the motion passed.
4. Public Comment on Items Not on the Agenda	No public comments were heard.

This material in alternative formats including braille, large print, and audio recording is available on request by emailing the SBCC at sbcc@des.wa.gov.

<p>5. 2024 Code Adoption Schedule Changes</p> <ul style="list-style-type: none"> • Group 1 TAG Reports Update • Open Proposal Period for Group 1 Codes 	<p>Dustin Curb provided an update on the status of the TAGs review of the 2024 codes. He noted the IMC TAG had completed their review and so had the IFC TAG, but the IBC/IEBC is still working on their review. He said he would like to schedule “special” Committee meeting and Council meeting before the end of July.</p> <p>Dustin Curb proposed to have the proposal period open for 90 days instead of 60 days. The 90 days would start today, if agreed upon by the Council.</p> <p>There was discussion by Council, Staff, and the public about the process for code change proposals.</p> <p>Motion: Jay Arnold moved to approve the amended schedule as proposed, Kjell Anderson seconded, the motion passed.</p> <p>Motion: Kjell Anderson moved to approve the opening of the code change proposal period for Group 1 Codes for 90 days, Ben Omura seconded, motion passed</p>
<p>6. Changes to SBCC Bylaws</p> <ul style="list-style-type: none"> • Review Changes Needed For Technical Advisory Groups/Committees Update • Changes required by SB6291 	<p>Dustin Curb indicated a change to the SBCC Bylaws is needed due to the Council’s request to separate the IRC and WUIC into two different TAGs.</p> <p>Motion: Angela Haupt moved to approve the change to the Bylaws for the separation of the IRC and WUIC TAGs, Craig Holt seconded, the motion passed.</p> <p>Dustin Curb first noted the Bylaws posted on the SBCC website were not updated after the March Council meeting. He then indicated the changed required by SB 6291 are related to the “Terms of Office” items 2, 3 and 4.</p> <p>Discussion was held on the changes required by SB 6291. Suggested changes were made and further discussed by the Council. It was decided to keep 1) and change 2 to b), 3 to c) and 4 to d).</p> <p>Motion: Craig Holt moved to accept the changes as shown, Angela Haupt seconded, the motion passed.</p>
<p>7. TAG Seats for the 2024 Code Adoption Cycle:</p> <ul style="list-style-type: none"> • Appoint Chair to IFC TAG • Additional IBC TAG Appointments • Appoint Chair/Alt Chair to IRC TAG • IRC TAG Seats • Appoint Chair/Alt Chair to WUIC TAG • WUIC TAG Seats 	<p>Dustin Curb started with the appointment of the IFC TAG Chair.</p> <p>Motion: Roger Heeringa moved to appoint Dan Young as the IFC TAG Chair, Tom Handy seconded, Dan Young agreed to the appointment, motion passed.</p> <p>Dustin Curb then noted that Dan Young is no longer eligible to be a member of the IBC TAG since appointed to Council Member.</p> <p>Discussion was held on the IBC TAG seats. Two new applicants were approved for open TAG Seats.</p> <p>Motion: Craig Holt moved to approve the IBC TAG seats as recommended, Tom Handy seconded, motion passed with Kjell Anderson and Katy Sheehan in opposition.</p> <p>Dustin Curb moved on to the IRC TAG Chair position.</p>

	<p>Motion: Tom Handy moved to appoint Angela Haupt as the IRC TAG Chair, Craig Holt seconded, Angela Haupt agreed to the appointment, motion passed.</p> <p>Discussion was held on the alternate Chair for the IRC TAG. Jay Arnold volunteered to be the alternate, if needed.</p> <p>Motion: Katy Sheehan moved to appoint Jay Arnold as the alternate Chair for the IRC TAG, Tom Handy seconded, motion passed.</p> <p>Dustin Curb indicated the Council needs to solidify the IRC TAG seats before recruiting for applications. Discussion was then held on the IRC TAG seats.</p> <p>Motion: Angela Haupt moved to accept the seats as shown, Craig Holt seconded, motion passed.</p> <p>Dustin Curb then reviewed the WUIC TAG seats and clarified his proposed seats.</p> <p>Motion: Kjell Anderson moved to appoint Katy Sheehan as the WUIC TAG Chair, Tom Handy seconded, Katy Sheehan agreed to the appointment, motion passed.</p> <p>Discussion was held on the WUIC TAG seats.</p> <p>Motion: Katy Sheehan moved to accept the seats as shown, Roger Heeringa seconded, motion passed.</p>
<p>8. MVPE Committee Report</p> <ul style="list-style-type: none"> • Opinion Request June04: WSEC-R Heat Pump Supplemental Heating • Adoption of Standard UL 60335-2-40-2022 (4th Edition) • WSEC C403.1.4 Rulemaking Recommendation • AHRI Testing Standard for VRF Heat Pump Systems 	<p>Krista Braaksma reviewed the request for opinion and Jay Arnold provided background from the MVPE Committee discussion, and to invite Jonathan Jones to comment so further information could be gathered before a decision was made.</p> <p>Jonathan Jones provided more specific information after stating the question shown was more of a summary of the question. He clarified they are looking for capacity not efficiency in these products. Clarifying questions were asked and answered and further discussion was held on the topic and mentioned that perhaps the question should be reworded. Jonathan Jones then indicated the original question was 2 pages in length with much more detail.</p> <p>Motion: Jay Arnold moved to accept this recommendation and refer the remainder of the questions to the MVPE Committee, Kjell Anderson seconded.</p> <p>Pete Rieke suggested a friendly amendment of removing “supplemental heat, such as” in the question. Jay Arnold agreed to the amendment.</p> <p>Andrea Smith provided public comment by noting the importance of the issue and suggesting a response to Jonathon Jones sooner than later.</p> <p>Staff confirmed they could work with those involved and the original submitted document to provide further information. It was requested to have this topic on the “Special” Council Meeting in</p>

July. Jay Arnold indicated the MVPE Committee may be able to address the topic and approve the Opinion request prior to the Council meeting.

Motion restated: Accept the interpretation, as modified. Motion passed.

After the Council recessed for a 15-minute break, roll was taken, and a quorum was established.

Krista Braaksma provided background on the adoption of Standard UL 60335-2-40-2022 (the 4th Edition) and asked the Council if they wanted to move forward with the adoption as an expedited rule or go through the full rulemaking process. Ben Omura provided additional information and suggested off-cycle rulemaking to allow for public comment.

Kjell Anderson moved to enter into off-cycle rulemaking using reference shown, by filing the CR-101, Roger Heeringa seconded.

Discussion was held by Council members on the process and public comment was heard. Further discussion was held on the rulemaking terms of off-cycle, expedited and interim. Discussion was also held on ESSB 6291 in relation to the term “interim rulemaking” and it was suggested to be consistent with this ESSB 6291. After much discussion on the intent of subsections 4 and 6 of ESSB 6291, the motion was restated.

Motion: Kjell Anderson moved to update the reference per discussion and enter into off-cycle rulemaking in alignment with item 4 of ESSB 6291 with some alignment with item 6 of ESSB 6291. Roger Heeringa seconded, motion passed.

Krista Braaksma noted the Council voted to enter into rulemaking by filing the CR-101 for the petition received from the Gas Association on the changes in WSEC-C403.1.4 and she is now asking the Council what language should be filed in the CR-102. She noted the MVPE Committee recommended using options using both the existing and proposed language. Jay Arnold indicated the reason for the options is to allow for public comment.

Motion: Jay Arnold moved to direct Staff to prepare the CR-102 with both the petitioner’s language and the originally adopted code language, Craig Holt seconded.

Discussion was held by Council members on the language, EPCA compliance, changes of the original CR-102 and CR-103 language, APA requirements, language to be included in the CR-102, public comment heard prior to adopting.

After discussion on the language to be included in the motion, Craig Holt withdrew his second of the motion. Representative Alex Ramel seconded the motion.

Assistant Attorney General Dierk Meierbachtol provided information on the process of rulemaking associated with the APA, substantial variance from the CR-102 to the CR-103, and allowance for public comment. The Council then discussed further

	<p>the EPCA compliance, rulemaking process, public comment, November, and December Council meetings. Public comment was also heard on these topics.</p> <p>Motion: Jay Arnold moved to direct Staff to prepare the CR-102 with both the petitioner’s language and the originally adopted code language, Representative Alex Ramel seconded, the motion passed.</p> <p>Krista Braaksma noted that Ben Omura brought to the MVPE Committee’s attention a letter addressing the AHRI Testing Standard for VRF Heat Pump Systems and suggested bringing it to the attention of the full Council. Ben Omura reviewed the letter he brought to the MVPE Committee’s attention and explained the issue and suggested any jurisdictions having issues with compliance in the 2018 or 2021 Codes to submit an opinion request to the Council until the issue is resolved in the 2024 Code. It was suggested posting an interpretation response to the issue and post it on the SBCC website for reference. There was discussion on whether the Council wants to get involved in volunteering an opinion and posting something without an opinion request being received. Council held further discussion on the topic with questions asked and answered by Ben Omura. Lisa Rosenow provided public comment to reach out to a jurisdiction to submit an opinion request that can be answered and used for reference for other jurisdictions.</p>
<p>9. Legislative Tasks Update</p>	<p>Dustin Curb provided an update on the legislative tasks concerning the SBCC and noted he will work with the Legislative Committee to discuss a plan of action and prioritization of the tasks.</p> <p>Dustin Curb indicated he is working with the Legislative Chair, Tom Handy, to convene a meeting and they are working on an agenda to address the legislative tasks.</p>
<p>10. Other Business</p>	<p>No other business was discussed.</p>
<p>11. Staff Report</p>	<p>Dustin Curb indicated the SBCC Staff is recruiting for a Code Specialist and asked if anyone had recommendations to let him know.</p>
<p>12. Adjourn</p>	<p>Meeting was adjourned at 1:41 p.m.</p>