



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

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## STATE BUILDING CODE COUNCIL SUMMARY MEETING MINUTES

**LOCATION:** The meeting was held online only

**MEETING DATE:** Thursday, February 6, 2025

**Members in Attendance:** Council Chair Todd Beyreuther, Kjell Anderson, Jay Arnold, Justin Bourgault, Daimon Doyle, Tom Handy, Angela Haupt, Roger Heeringa, Ty Menser, Ben Omura, Pete Rieke, Katy Sheehan, Dan Young

**Members Absent:** Matthew Hepner, Craig Holt, Lorin Lathrop, John Lovick, Alex Ramel, Suzanne Schmidt, Shelly Short

**Staff In Attendance:** Managing Director Dustin Curb, Assistant Attorney General Dierk Meierbachtol, Krista Braaksma, Josh, Brown, Rozanna Ghanie, Brandin Groat

**Visitors Present:** TVW, Larry Andrews, Tim Attebery, Scott Austin, Rick Blumenthal, Jim Breidenbach, Ariel Brenner, Joseph Briscar, Ken Brouillette, Christine Bunch, David Camp, Micah Chappell, Jerry Cornfield, Lauren DiPalma, Mike Fowler, Mike Froemming, Fabian Gerhard, Jenifer Gilliland, Anne Gire, Marek Gruszecki, Brenden Guffin, Patrick Hanks, Mikhail Haramati, Jan Hasselman, Darin Homchick, Ardel Jala, Gregory Johnson, Jonathan Jones, Jonny Kocher, Jeremy Larson, Jim Lazar, Amie Lewis, Brent Ludeman, Carol Manus, Nate Miller, Mike Moore, Gia Mugford, Dave Nehren, Jenny Nickerson, Shane Nilles, Brad O'Brien, Henry Odum, Jordan Palmeri, Anne Pernick, Teague Peters, D. Scott Peterson, Kathleen Petrie, David Reddy, Erik Reed, Kevin Rose, Chris Russell, Cory Shaw, Jon Siu, Deepa Sivarajan, Brian Smith, Michael Snook, David Spencer, Kerry Sutton, Steve Tapio, Dominique Taudin, Kelly Thomas, Elizabeth Torske, John Wabel, chard Williams

Agenda Items	Council Actions/Discussion
1. Welcome and Introductions	The meeting was called to order at 9:00 a.m. by Council Chair Todd Beyreuther. Roll call was taken, and a quorum was present.
2. Review and Approve Agenda	<b>Motion:</b> Roger Heeringa moved to bring Item #8 before Item #6 and #7. Kjell Anderson, seconded, and the motion passed. <b>Motion:</b> Daimon Doyle moved to approve the agenda as amended, Jay Arnold seconded, and the motion passed.
3. Public Comment on Items not on the Agenda	Mikhail Haramati spoke to HB1458 and advocated for SBCC's support. Ann Pernick spoke to I-2066 and asked SBCC to wait for legal hearings to complete before making any further decisions.

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](mailto:sbcc@des.wa.gov).

	<p>Larry Andrews spoke to the WSEC and carbon footprint of steel products.</p> <p>Jim Lazar discussed if all legal documents related to I-2066 could be made available on the SBCC website for easy access to review.</p>
<p>4. BIAW Petition for Rulemaking</p> <ul style="list-style-type: none"> <li>• Emergency Finding</li> <li>• Response to Petition</li> </ul>	<p>Managing Director, Dustin Curb, provided overview to BIAW I-2066 Petition and the rule making process. The Council will need to determine if an emergency exists per RCW 19.27.032. This will require 2/3rds vote of voting members.</p> <p><a href="#">BIAW's letter</a> requested that four points be addressed.</p> <p>During the Council's general discussion, Kjell Anderson stated that the petition does not offer clarity. The current WSEC as written is based on energy performance.</p> <p>Patrick Hanks, BIAW, spoke to the petition. He noted that this is not a permanent solution but complimentary to the current rule making process. The proposed emergency rule will bring temporary relief and assist local jurisdictions with guidance to I-2066. He also stated that when permanent rule making is complete, this temporary emergency rule will go away.</p> <p><b>Motion:</b> Daimon Doyle moved for the Council to determine whether an Emergency exists under RCW 19.27.032. Tom Handy second. The motion was open to the Council for discussion.</p> <p>Roger Heeringa spoke to RCWs 19.27.032, Section 1C and 19.27.032 Section 1D. Roger noted that this is not an emergency, and it is not controlled under Section C but is controlled under Section D.</p> <p>Assistant Attorney General Dierk Meierbachtol noted the 2/3 voting metric is Council Members present. The Council is here to review the petition to determine if an emergency exists, and to react to petition of rulemaking. Katy Sheehan asked how the Council is intended to respond to the petitioner's letter. Dierk noted that the Council is to respond to all questions and comments from the letter as well as from the meeting.</p> <p>There was discussion surrounding the difference in requirements of I-2066 versus the WUI Code. Roger Heeringa noted the Legislature ruled to remove the WUI Code and create a pathway to reintroduce it in the future but I-2066 did not have a Legislative rule.</p> <p>During Public Comment, majority of the public were in opposition to the motion.</p> <p>Daimon Doyle asked if the motion fail, would the failed motion be sufficient as a response to the proponent. Assistant Attorney General Dierk Meierbachtol, indicated it would and the response should articulate what was stated in the meetings.</p> <p>Kjell Anderson addressed to the four points noted in BIAW's letter:</p> <ol style="list-style-type: none"> <li>1. The RCW does apply.</li> </ol>

	<ol style="list-style-type: none"> <li>2. SBCC has not established that a conflict exists. TAGs are discussing.</li> <li>3. Can adopt emergency rule.</li> <li>4. Maybe pending appropriate language development.</li> </ol> <p><b>Motion on the table:</b> Daimon Doyle moved for the Council to determine whether an Emergency exists under RCW 19.27.032. Tom Handy second. Roll call was taken, and motion failed 10-2.</p>
<p>5. Energy Code Planning</p> <ul style="list-style-type: none"> <li>• 2024 WSEC-C</li> <li>• 2024 WSEC-R</li> <li>• 2021 WSEC-C</li> <li>• 2021 WSEC-R</li> </ul>	<p><b>Motion:</b> Roger Heeringa moved to create a committee to address impacts of I-2066. Tom Handy second. The motion was open to the Council for discussion.</p> <p>Todd Beyreuther explained options for creating a committee to review the impacts of I-2066 which included an AdHoc Committee or Special Council Committee.</p> <p>Kjell Anderson and Daimon Doyle both noted that they did not believe this initiative would not impact other building codes and if a committee is needed to review further, it should be the MVPE Committee.</p> <p>Kjell Anderson explained opening the 2021 petitions that met certain requirements to address I-2066. The Commercial Energy TAG would flag petitions as I-2066 relevant, and at the end of the WSEC-C petition package include I-2066 for 2021 code for committees to review.</p> <p>Jay Arnold noted during the November 22<sup>nd</sup> Council Meeting, direction was established for the 2021/2024 petitions.</p> <p><b>Roger Heeringa withdrew his motion, and Tom Handy, seconder, accepted.</b></p> <p>Kjell Anderson noted there is enough direction to address the WSEC-Commercial but the WSEC-Residential does not currently have an integrated draft. He suggested the Council could open the WSEC-Residential 2021 window soon for I-2066 petitions. The TAG can review those petitions as well as review the integrated draft and move forward with the 2024 code.</p> <p>11:12--Daimon Doyle asked Assistant Attorney General, Dierk Meierbachtol, if there any chance of violation of the APA without an emergency rule/action in place. Dierk Meierbachtol noted SBCC's response was not to support an emergency determination for the BIAW petition specifically but does not mean that SBCC could act on another emergency rule, if petition was filed and deemed necessary.</p> <p>Multiple members of the public voiced their concerns during public comment.</p> <p>Council Members held discussion on when the 2021 WSEC-C petition window was open to which Todd Beyreuther noted it was determined at the November 2024 Council Meeting. Some Council Members voiced concerns that information surrounding the 2021 petition window was not conveyed to the public.</p>

	<p><b>Motion:</b> Roger Heeringa moved to open the 2021 WSEC-C/R for code change petition I-2066 from February 10 through March 10, 2025, direct TAGs to provide list of impacts for the 2021 and 2024 WSEC-C/R to the committee in May. Angela Haupt second. The motion was open for discussion.</p> <p>Kjell Anderson supports the re-opening of the petition window but felt the date range was fairly aggressive and could lead to difficulties obtaining Cost Benefit Analysis.</p> <p><b>Modification to the motion:</b> Roger Heeringa moved to modify the submission window to February 10 through April 14, 2025.</p> <p>Daimon Doyle asked Assistant Attorney General, Dierk Meierbachtol, if the Council will need to file CR-101. Dierk Meierbachtol said yes, for permanent rule making the Council will need to direct staff to file Cr-101.</p> <p><b>Modification to the Motion:</b> Roger Heeringa moved to modify motion for the Council to direct staff to file CR-101. Council members held discussion regarding policy and procedure. SBCC Staff, Krista Braaksma, noted that petitions will need to be viewed by the Council and the Council will need to direct the TAG to conduct their work.</p> <p><b>Modification to the Motion:</b> Roger Heeringa moved to modify that motion to include bringing the 2021 petitions to the May Committee and Council meetings for review.</p> <p><b>Review of Motion on the Table:</b> Direct staff to open CR-101 for the 2021 Residential Energy Code and 2021 Commercial Energy Code with changes to I-2066, direct staff to file CR-101 as soon as possible, open the petition window on February 10<sup>th</sup> and close April 7<sup>th</sup>, and summary of code change petitions going to the MVPE and Council regular standing May meetings. Angela approved the motion as the seconder. Roll call was taken, and the motion passed.</p>
<p>8. Group 1 Petitions Review</p> <ul style="list-style-type: none"> <li>• 2024 IBC/IEBC</li> <li>• 2024 IMC</li> <li>• 2024 IFC</li> </ul>	<p>This item was moved to be reviewed prior to item #6.</p> <p>Managing Director, Dustin Curb, presented the Group 1 Petitions, starting with the IBC/IEBC. Council members held discussion on specific petitions highlighted.</p> <p>Discussion was held around the timeline and process of how Group 1 will be conducted, including the CR-102 filing, public hearing, and SBEIS. The proposed motion was presented onscreen which language was adjusted by council members.</p> <p>Discussion was open to the public on IBC/IEBC package and the proposed timeline and process for Group 1 petitions.</p> <p><b>Motion:</b> Kjell Anderson moved to direct staff to prepare the IBC/IEBC petition package per the motion presented on screen. Tom Handy second. Roll call was taken, and the motion passed.</p>

	<p>Ben Omura, IMC TAG Chair, provided overview to the IMC/IFGC petitions. Dan Young, IFC TAG Char, provided overview to the IFC petitions.</p> <p><b>Motion:</b> Ben Omura moved to direct staff to prepare the IMC and IFC petition package per the motion presented on screen. Dan Young second. Roll call was taken, and the motion passed.</p>
6. Website Statement	<p><b>Motion:</b> Justin Bourgault moved to table items # 6, 7, 9, and 10 and be reviewed at the next Council Meeting. Dan Young second. Voice vote was taken, and motion passed.</p>
7. Committee Reports <ul style="list-style-type: none"> <li>• MVPE Committee</li> <li>• Legislative Committee</li> </ul>	See item #6
9. Work group on Economic Impact	See item #6
10. Other Business	See item #6
11. Adjourn	The meeting was adjourned at 1:15p.m.