



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 2331
1500 Jefferson St SE, Olympia, WA 98504
with Zoom and teleconference options

MEETING DATE: Friday, November 22, 2024

Members in Attendance: Council Chair Daimon Doyle, Todd Beyreuther, Kjell Anderson, Jay Arnold, Tom Handy, Angela Haupt, Roger Heeringa, Tye Menser, Ben Omura, Pete Rieke, Katy Sheehan, Representative Alex Ramel, Representative Suzanne Schmidt, Senator Lynda Wilson

Members Absent: Justin Bourgault, Matthew Hepner, Craig Holt, Dan Young, Lorin Lathrop, Senator John Lovick

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

Visitors Present: Larry Andrews, Jason Armstrong, Kim Barker, Laura Bloyd, Abbie Bullen, Ian Casey, Rand Conger, Brett Conway, Jerry Cornfield, Mallorie Davies, Zach Fader, Mike Fowler, Miller Freeman, Patrick Hanks, Tim Hanlon, Luke Howard, Bryan Imai, Gregory Johnson, Mike Kennedy, Eric Lacey, Jim Lazar, Anthony Marini, Suzanne Mayr, Dave Nehren, Jenny Nickerson, Anthony Norton, Scott Peterson, Kevin Rose, Lisa Rosenow, Andrea Smiley, Brian Smith, Jeremy Smithson, Elizabeth Torske, Eric Urban, Eric Vander Mey, Tiffany Villarreal, Bill Will

Agenda Items	Council Actions/Discussion
1. Welcome and Introductions	The meeting was called to order at 9:03 a.m. by Council Vice-Chair Todd Beyreuther. At 9:05 Council Chair Daimon Doyle joined the meeting and welcomed everyone. Roll call was taken, and a quorum was present. Anyone from the public, who wished to, introduced themselves.
2. Review and Approve Agenda	Motion: Kjell Anderson moved to approve the agenda Tye Menser seconded, the motion passed.
3. Executive Session	The Council was in executive session from 9:08 a.m. to 10:47 a.m. Roll was taken and a quorum was present.

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.

4. Council Action on Legal matters	Daimon Doyle noted the Council held a robust discussion on the passing of I-2066 and asked the Council if they had any comments to bring forward. Motion: Representative Ramel SBCC is endeavoring to comply with I 2066, the existing state statute, and federal EPCA law. SBCC has existing responsibilities that were not changed by 2066 to continue to update the 2024 Energy Code with limited staff, TAG and Council resources and time to meet them. In that context, we intend to make a good faith effort, through our established process, to achieve the complex and entangled goals with which we have been asked to comply, while minimizing uncertainty in regulation and disruption for the construction industry. To that end, we direct the Energy Code TAG to continue to advance the 2024 Energy code and bring forward recommendations to update the 2021 Energy Code (Res and commercial), so as to: 1) Comply with federal EPCA standards 2) Meet the existing statutory requirements to incrementally increase energy efficiency with each update towards a 70% improvement in energy efficiency. 3) Recommend rules that may be required to meet the 2066 provision that gas not be prohibited or discouraged relative to other energy sources 4) Does not provide any artificial subsidy to gas energy sources or appliances. And directs SBCC staff to proactively communicate this process, including keeping existing 2021 energy code in place until by this process or directed otherwise by a court; as well as any incremental steps in pending adjudication to local governments required to implement the standards. Jay Arnold seconded. Discussion was held on the motion. Clarifying questions were asked and answered. Modifications were suggested to the motion as friendly amendments which were agreed to by Representative Ramel. Amended Motion: Tom Handy moved to strike 4), which at the time read <i>“Doesn’t provide any artificial subsidy to gas energy</i>
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sources or appliances” from the motion, Senator Lynda Wilson seconded.

Public comments were heard about the passing of I-2066 and its effects on the Energy Code. Discussion was held on rulemaking in relation to cost benefit analysis (CBA) and small business economic impact statements (SBEIS). Representative Ramel spoke against the amended motion as suggested but would consider it a friendly amendment if there was clarification or saying to provide any artificial advantage. There needs to be some language providing direction to the TAG. Katy Sheehan also opposed the amendment and agreed there needs to be some guidance. Jay Arnold also spoke against the amendment as written but is open to discussion on different language to change artificial subsidy and perhaps matching the preference language of the initiative.

Amendment to Amended Motion: Roger Heeringa moved to; in addition to striking 4), which at the time read “Doesn’t provide any artificial subsidy to gas energy sources or appliances” adding language to 2) requirements “including but not limited to” incrementally. Tom Handy accepted this as a friendly amendment.

Representative Ramel said he would take “including but not limited to” as a friendly amendment but not the removal of 4), he, again, indicated there needs to be something to provide guidance.

Kjell Anderson spoke against the striking of 4) and agreed that advantage or promote would be better language and indicated the TAG also needs guidance.

Public comment was heard on the amended motion, the initiative, and the Council’s holding of an executive session on this topic.

Assistant Attorney General Dierk Meierbachtol responded to the public comment about the Council holding an executive session by noting the Council met the requirements of RCW 42.30.110.

Roger Heeringa called the question to end discussion and vote on the amended motion. Roll call vote was taken, and the vote was unanimous to end discussion.

Amended Motion vote: Roll call vote was taken and failed 2 to 8.

Discussion on the main motion continued. Representative Ramel made minor modifications to his motion from comments he heard during Council’s discussion. Jay Arnold, as the seconder, agreed to the modifications.

Discussion was held on the process of friendly amendments. Public comments were heard on the motion.

Motion: Kjell Anderson moved to extend the meeting 30 minutes including a 10-minute break, Tom Handy seconded, the motion passed.

More public comment was heard on the topic of I-2066. Council made further comments on the motion.

	Motion, as modified, SBCC is endeavoring to comply with I 2066, the existing state statute, and federal EPCA law. SBCC has existing responsibilities that were not changed by 2066 to continue to update the 2024 Energy Code with limited staff, TAG and Council resources and time to meet them. In that context, we intend to make a good faith effort, through our established process, to achieve the complex and entangled goals with which we have been asked to comply, while minimizing uncertainty in regulation and disruption for the construction industry. To that end, we direct the Energy Code TAG to continue to advance the 2024 Energy codes and bring forward off cycle recommendations to update the 2021 Energy Codes if needed(Res and commercial), so as to: 1) Comply with federal EPCA standards. 2) Meet the existing statutory requirements, including but not limited to, incrementally increase energy efficiency with each update towards a 70% improvement in energy efficiency. 3) Recommend rules that may be required to meet the 2066 provision that gas not be penalized, prohibited or discouraged relative to other energy sources. 4) Does not provide any artificial advantage in meeting energy efficiency standards to gas energy sources or appliances. And directs SBCC staff to proactively communicate this process, including keeping existing 2021 energy code in effect until by this process or directed otherwise by a court; as well as any incremental steps in pending adjudication to local governments required to implement the standards. vote: Voice vote was taken with all in favor. Public comment was heard in concern of the 70% reduction, and it was responded to that all public hearings are open for public comment. The topic of site vs source was brought up and it was noted that an in-depth conversation should be held to cover the topic.
5. Adjourn	Meeting was adjourned at 12:30 p.m.