

The members of the Washington State Building Code Council had the opportunity at its March meeting to discuss Senate Bill 5495. Every member of the Building Code Council recognizes it is the prerogative of the Legislature to determine the make-up of the Code Council and it is the duty of the Governor to make appointments to the Council. We wish to offer the following concerns regarding SB 5495.

The Washington State Code Council is the local regulatory body for implementing the International Codes. Its primary purpose is public safety, making certain buildings are designed safely, built safely and are safe for occupants. These codes are highly technical in nature and include the Residential, Commercial, Fire, Plumbing, and Energy codes. In almost every instance, the new codes are applied prospectively; that is they apply to new construction, significant remodel, or the applications of new technologies to current structures.

The legislature has carefully chosen the Code Council's membership. It includes individuals from the professional disciplines of the construction industry (engineers, designers, architects, builders) with members of the regulatory agencies that must interpret and implement the codes (fire marshals, cities, counties, building inspectors) as members of the Council. In addition, two public members are appointed, one to represent persons with disabilities and one representing the public at large.

- Owners and managers of buildings have not been Code Council members. Building owners are impacted in specific technical areas just as many other groups assigned as subject matter experts to the Technical Advisory Groups (TAGs). The owners and operators of buildings have been a valuable resource for the Code Council by participating in the TAGs. . These groups work on code issues as assigned by the Council through the regulatory process. Membership on TAGs is more broadly based.

In rare instances, the codes are applied retroactively. Recently the Code Council was directed by the Washington State Legislature to consider the installation of Carbon Monoxide monitors in all buildings. RCW 19.27.530: "...the building code council shall adopt rules requiring that all buildings classified as residential occupancies...be equipped with carbon monoxide alarms." Spokane Fire Marshall Dave Kokot chairs the Council's TAG on Carbon Monoxide monitors. As he noted at the Code Council's March meeting, the TAG included representatives of several different building types. It also included members of the medical community and the mother of a daughter who died from carbon monoxide poisoning. In considering all the testimony and the intent of the Legislature, the Code Council moved forward to implement the installation of CO alarms in Washington State. The legislature has been considering a bill, SB 5494, that would delay the effective date to January, 2015.

The Code Council members expressed concern about the effect of mandating that the owners or managers of specific building types be members of the Code Council. The job of the Code Council is balancing the public safety of individuals with the economies of constructing buildings. It has not been charged with protecting the assets of buildings after they are constructed and it is a rare instance when its work directly affects already constructed buildings. This would be a fundamental shift in the mission of the Council. We believe such a change would be followed by requests from other building owner/manager groups for membership on the Council and would result in a Council that is far more expensive to operate.

We respectfully ask the Legislature to weigh these considerations as it considers SB 5495.