



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington State Building Code Council

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Amendment of WAC 51-50, 2012 International Building Code, Section 1203; and WAC 51-51, International Residential Code, Section R408: include requirements for black, 6 mil polyethylene ground cover in crawlspaces. This requirement was previously located in the 2009 Washington State Energy Code but not in the reformatted 2012 Energy Code.

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 51-50-1203; WAC 51-51-0408
 Suspended:

Statutory authority for adoption: RCW 19.27.031, 19.27.074

Other authority : RCW 19.27 and RCW 34.05

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding:

See Attached.

Date adopted:

CODE REVISER USE ONLY

NAME (TYPE OR PRINT)

C. Ray Allshouse

SIGNATURE

TITLE

Council Chair

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

**DECLARATION OF EMERGENCY AND
FINDINGS TO SUPPORT EMERGENCY RULEMAKING**

The State Building Code Council (Council), based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The Council further finds that immediate amendment of a certain Council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

Requirements for a Class 1 Vapor Retarder installed on the exposed earth in crawl spaces have been in every edition of the Washington State Energy Code since 1980. When transitioning from the 2009 Energy Code to the adoption and amendment of the 2012 International Energy Conservation Code, crawl space vapor retarder requirements were not incorporated because it was believed the requirement was contained within the 2012 International Building Code and International Residential Code. However, these codes allow the elimination of the ground cover with a minimum ventilation rate of one square foot for every 300 square feet of floor area.

The Council believes the elimination of the crawl space vapor retarder will have an adverse effect on housing durability, indoor air quality and mold problems in new houses in Washington. Without the ground cover, stack effect can draw moisture vapor from the crawl space through the house to condense on the cool underside of roof sheathing. This causes mold and potential rot problems.

The Council concluded that it is in the best interest of the general welfare of the state of Washington to reinstate the requirement for a 6 mil black polyethylene ground cover in crawl spaces to minimize stack effect and related moisture problems.

(NOTE: No subsections in the state amendments to IBC Section 1203 or IRC Section R408 other than those shown below are changed)

AMENDATORY SECTION (Amending WSR 13-04-067, filed 2/1/13, effective 7/1/13)

WAC 51-50-1203 Section 1203–Ventilation.

1203.3 Under-floor ventilation. The space between the bottom of the floor joists and the earth under any building except spaces occupied by basements or cellars shall be provided with ventilation openings through foundation walls or exterior walls. Such openings shall be placed so as to provide cross ventilation of the under-floor space. A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped six inches minimum at the joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of two inches.

AMENDATORY SECTION (Amending WSR 13-04-068, filed 2/1/13, effective 7/1/13)

WAC 51-51-0408 Section R408–Under-floor space.

R408.1 Ventilation. The under-floor space between the bottom of the floor joists and the earth under any building (except space occupied by a basement) shall have ventilation openings through foundation walls or exterior walls. A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped six inches minimum at the joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of two inches.