



STATE OF WASHINGTON
DEPARTMENT OF ENTERPRISE SERVICES
1500 Jefferson, Olympia, WA 98504

WASHINGTON STATE BUILDING CODE COUNCIL
Improving the built environment by promoting health, safety and welfare

MEETING MINUTES
WASHINGTON STATE BUILDING CODE COUNCIL

DATE: March 9, 2012
MONITOR
LOCATION: Shoreline City Hall
Shoreline, Washington

Council Members Present: Ray Allshouse, Chair; Angie Homola, Vice-Chair; Jerry Mueller; Dave Kokot; Rod Bault; Dave DeWitte; Eric Vander Mey; Steve Simpson; Duane Jonlin; Jeff Peterson; Tom Balbo; Mark Kulaas; John Chelminiak; Dave Peden

Council Members Absent: Robert Koch

Visitors Present: Pete Crow, Jim King, Kraig Stevenson, Jan Rohila, Anjela St. John, Sefton Oxford, Gary Smith, Ron Hanson

Staff Present: Tim Nogler, Krista Braaksma, Joanne McCaughan, Peggy Bryden

CALL TO ORDER

Ray Allshouse called the meeting to order at 10:01 a.m. All were welcomed to the meeting and introductions were made.

REVIEW AND APPROVE AGENDA

The agenda was approved with the following modification: Under Other Business, there is a letter from the Department of Commerce on the Energy Code.

REVIEW OF MINUTES

The minutes of the February 10, 2012 meeting were approved as written. The minutes of February 17, 2012 meeting were approved as written.

COMMITTEE REPORTS

BFP Committee

Ray Allshouse reported the Committee met on March 8, 2012 and reviewed the amendments received by the deadline of March 1, 2012. A recommendation was made to the Council that these amendments be reviewed by their respective TAGs

Public Comment

Jim King, Washington HVAC Association. He stated his organization is adamantly opposed to the roof anchors. You can't trust an anchor that has been installed by another individual. This is the same proposal as last year and we don't need to be revisiting the same thing over again. Possibly Council procedures should be reviewed if they require you to review the same things again and again. This will require small businesses to use their resources and time to come and say the same things as last year. This is dangerous to construction workers and homeowners or others who think these things are something they can use. He urged the Council to reject these because they were already rejected last year.

Tim informed the Council the proposals Jim King is referring to are 12-005 and 12-006.

Sefton Oxford, Executive Director for Roofing Contractors Association of Washington. He stated he has been in construction for over 42 years and you don't use fall restraints that someone else has put up. The problem comes when ten years after installation you don't know the integrity of the anchor. If you use the anchor there and there is an accident, where is the liability? How are you going to have a statute of limitations? You can't warranty it for life. The anchors should be installed by the workers himself. Another concern is if the roof has a warranty and someone installs the anchors later the warranty on the roof is negated immediately. Also who maintains the anchors once they are installed? We seriously ask the Council to oppose this. Let's not address this again.

Gary Smith, Executive Director of Independent Business Association. We represent small businesses across the state in every sort of construction industry imaged. The Council did a report on permanent fall restraints a number of years and listed in the report was a number of items and not one of them listed a lifetime warranty. In fact if the anchor had been used to restrain a fall it must be replaced. This doesn't fit with the proposal in front of you at all. The issue of maintenance is critical. Your report indicated the individual using the anchors must be trained. Should the homeowner use this without training he will probably be killed. He agrees with the previous speakers. This was addressed last year and it doesn't need to be addressed year after year.

Tim informed the Council there are 21 proposals for the BFP. These TAGs are meeting in the near future and will report back to the Council at their May and June Council meetings. At that time the Council will make a determination on what to file for the public hearings in September and October. The final decision on code adoption is scheduled for November.

Dave Kokot asked if the Council had the authority to deny proposals at this time or if they have to go to the TAG for review. Tim said the Council has the ability to reject proposals or request more information. Angie felt the Council should follow the process in place if the proposal is complete. Duane disagreed and felt the proposal is the same as before and should not be considered again. Mark concurred with Duane. John asked why the Committee recommended they go forward again. Ray said the proposal may be identical, but the proponents are different than before. John said he is very sensitive to spending time on a proposal that has already been dealt with.

Motion #1:

Dave DeWitte moved that proposals 12-005 and 12-006 not be moved forward to TAGs for their consideration. Mark Kulaas seconded the motion. The motion carried.

Ray noted the agenda included reports on IRC Fire Sprinklers and the update of the Accessibility 2010 ADA guidelines. There was testimony on the fire sprinklers from members of the fire service at the Committee. The current code pulls the sprinkler requirement out of the body of the code and put it in the appendices and gives the option to local jurisdictions to adopt. The proposal at this time is to bring this requirement back into the code. The Committee is recommending that it be forwarded to the TAG for review. John noted this issue was also dealt with previously and asked if there was a reason to consider it again at this time. Ray noted the Legislature passed legislation addressing most of the items the Council identified as barriers to installation of residential sprinklers. A major concern was water purveyors could be held liable if they turned the water off to a residence with a sprinkler system. It would be appear that the circumstances have changed and it seemed appropriate to evaluate this at this time.

Motion #2:

John Chelminiak moved that the remaining proposed amendments be forwarded to their respective TAGs. Steve Simpson seconded the motion. The motion passed unanimously.

MVE Committee

Eric Vander Mey reported the MVE Committee met on March 8, 2012 regarding the proposals to the Mechanical Code and the International Fuel Gas Code. There were 10 Mechanical Code proposals and one International Fuel Gas Code proposal. All proposals were recommended to be forwarded to the appropriate TAGs. The Committee also had comments they wanted to provide to the TAG on specific items.

Motion #3:

Eric Vander Mey moved that the 10 Mechanical Code proposals and one International Fuel Gas proposal to be forwarded to the TAG for review. Jerry Mueller seconded the motion. The motion passed unanimously.

Eric indicated the Committee also discussed the code change proposal form itself. It was felt there was some work needed to clarify the form. There was confusion in the types of services required, the multiple sources of equipment, the small business equipment and how to answer the cost and benefits section. Tim reported the form was revised to address the issue of receiving sufficient data and ensuring clear information is received from proponents. He acknowledged there could be some revisions made to this form, but it is a big improvement over the previous version. He stated staff can post instructions on the website to help people complete the form. Ray noted the TAGs need to be cautious as they look at the information and should not hesitate to ask proponents to supply further information.

Legislative Committee

Angie Homola reported the Legislative Committee met on March 1, 2012 and discussed a letter intended to be sent to Senator Murray in response to a proposed budget proviso regarding cold storage buildings and the energy used by the equipment in these buildings. In the meantime, the budget proviso was not put forward.

Tim reported the regular legislative session ended March 8 at midnight. The Governor has already called for a special session to address the budget, which was not passed. There were several versions of the budget. The noted proviso was a proposed amendment to the House budget, but was never adopted. Tim noted he has been contacted by both the proponents of the exemption for utility storage in substations, a group of public utility associations and Puget Sound Energy. They are interested in this exemption and will be proposing this as part of the Energy Code proposals. He also noted the Council already has a proposal regarding this issue, which was received in association with the petition to repeal the cold storage provisions of the Energy Code.

Duane asked if the buildings the utilities are concerned about are heated or cooled? Tim said they are mechanically heated and cooled in order to protect the equipment.

Angie said she is concerned about the trend to affect building code changes through the budget process. This circumvents the work of the Council and also steps outside the public review process. She asked if there was still interest in submitting the letter to express those concerns.

INTERPRETATIONS

WSU – CO Alarms

Tim said this is interpretation No. 12-Mar01. The Committee agreed with this interpretation, but there was an item identified needing clarification. The question is whether or not the exemption

applies in dorm buildings without a built in source of CO. All Group R occupancies are required have CO alarms, there is an exception for sleeping or dwelling units in Group R-1, hotels/ motels, and Group R-2, college dormitories located in a building with a source of CO as long as it is not adjacent to the sleeping room. The question is what if there is not a CO source in the building. The intent is a CO alarm would not be required in an R-2 dorm building that did not have any fuel burning appliance. He noted there should also be additional information indicating in order to use this exception the building needs to have a common area CO alarm. There needs to be an additional sentence added to indicate that for buildings without a built in source of CO, items 1 through 4 of the exception do not apply.

Motion #4:

Eric Vander Mey made a motion to approve the interpretation as modified. Dave Kokot seconded the motion. The motion carried unanimously.

Dave Kokot felt the issue should be forwarded to the Fire Code TAG.

City of Chelan – Code Precedence

Tim reported the Committee approved the draft response to this question. Ron Hanson, the building official, is here today if there are any questions for him. Ron’s questions were regarding worker safety rules as it relates to industrial workers. L&I has authority over the worker safety and the Building Code also needs to be met. There is a conflict between the two specifically with guardrails. The response is the most restrictive requirement applies. The Building Code would have to be followed. Specific rules for L&I would also have to be met.

Ron Hanson indicated this came about from a request to use L&I as the primary code and found there were differences between the Building Code and L&I rules. He understood that the L&I rules were specifically for worker safety instead of construction and wanted confirmation on the correct standard to use. Ray asked if the direction given answers the question.

Kraig Stevenson, representing ICC, stated he has written letters to state agencies notifying them where the IBC and IFC fulfill some of their rules. He encouraged the Council to ensure the rules are consistent and more uniform in construction.

Anjela St. John, with State Fire Marshal’s Office, reported on the conflict between the I-codes and the life safety codes. One of the things that would be beneficial is to try to eliminate some of the duplications that exist.

Motion #5:

Dave Kokot moved the Council concur with the Committee recommendation to approve the letter. Tom Balbo seconded the motion. The motion carried unanimously.

LOCAL AMENDMENT REQUEST

Tim said the BFP Committee recommended that this does not require Council action. In the Council's WAC it specifies a process for local amendments, and there is a provision that allows local administrative operational procedures to be adopted without Council approval. Those would include issuing permits, which this amendment addresses. Although they are exempt from a building permit, they still have to meet the code. This is a departmental operational procedure and doesn't require Council action.

The Council expressed some concerns over individual items on the list of permit exemptions. Specifically, John Chelminiak was concerned by some of the statements in the background information provided by the county regarding carport size and snowloads, stating the noted size would not pose a life safety threat to residents. Ray noted that even if items were exempt from permits, individuals would still be required to meet code requirements. Tim stated it is the individual's responsibility to ensure the structure complies with the desired conditions and all applicable codes. He noted the response to Chelan County could express some of these concerns, however.

Motion #6:

Mark Kulaas moved that the local jurisdiction has the latitude to administratively implement the rule they are proposing. Dave DeWitte seconded the motion. The motion passed unanimously.

BYLAWS REVISION

Tim said there have been some suggested revisions to the Bylaws. This is based on some of the experiences from the current cycle, along with some suggestions from the Assistant Attorney General. The TAG meetings are subject to the Open Public Meetings Act, but not as a regular meeting, but as a special meeting. As a special meeting, only 24 hours notice is required. However, the Council recognizes more notice is better for the members and the public; every effort is made to provide as much notice as possible and post it on the website. If a member is unable to attend the meeting, the member is required to notify the chair and his alternate. One suggestion is when a TAG member or alternate is absent for more than two consecutive meetings this would result in some action. Remand of voting privilege or replacement on the TAG is suggested. One of the issues is people will apply for a TAG based on their interests and will attend only when these issues are discussed. This gets into the issue of maintaining a quorum, which is necessary for a vote within the TAGs. All opinions should be forwarded to the Council by the TAGs. Tim noted the quorum issue is not part of the Open Public Meetings Act. Historically the TAGs have followed Robert's Rules of Order to maintain order and the manner in which they vote; however it is not a requirement. One of the suggestions when lacking a quorum is allowing, through the Bylaws, e-mail balloting. Another option is defining a quorum.

Angie felt the Open Public Meetings Act doesn't allow for e-mail voting and the TAG, as an extension of the Council, should not operate in such a manner. She recommended some language changes regarding a TAG quorum of appointed TAG members.

John asked what issue this was trying to solve. Is it strictly a lack of a quorum? Duane, as the Energy Code TAG chair, agreed that is the issue. Dave Peden said the Council needs to know there are members not participating. The Council should consider replacement of members rather than being concerned about the quorum. Tim recommended the Executive Committee meet to work out the language and bring this back to the full Council on March 23, 2012.

Motion #7:

Angie moved that the language change of the Bylaws be discussed by Executive Committee and make a recommendation to full Council on March 23. Dave DeWitte seconded the motion. Motion passed unanimously.

STAFF REPORT

Tim reported all the TAGs are operating and all of the members of the staff are attending several TAG meetings each week. As this is a significant work load he expressed appreciation of the staff, Council and TAG chairs' work in these meetings. Ray also expressed appreciation to the staff for the work being done with a smile.

Angie suggested as a result of increased workload the Council go to summary minutes. With time stamped minutes the workload would be decreased rather than the verbatim minutes now being done. Mark said he was used to action minutes in other meetings.

OTHER BUSINESS

Tim reported on the letter received from Chuck Murray of the Department of Commerce who gave a verbal report at a recent Council Conference Call meeting. The letter reports Commerce's position with regard to the Energy Code for this year. Tim reviewed the numbered items in the letter. 1) Maintain the efficiency of the code; 2) Help develop the model for life cycle cost analysis; 3) Any code changes made this year by Commerce will be based on simplification; 4) Commerce recommends the Council pursue the development of an aspirational energy code; and 5) Support evaluation of progress toward energy efficiency targets. Tim indicated the Council is required to report to the Legislature by the end of the year on the issue of Energy Code goal of achieving 70 percent reduction in energy use by 2031.

Tim said the deadline is March 21 for the Energy Code proposals, and on March 23 there will be an MVE meeting and a Council meeting on the same day.

Dave DeWitte questioned who would model the life cycle costs for proposals, the Energy Code TAG or staff? Duane said he has been working with Chuck to establish a methodology. Once the methodology is determined, a formula will be available to input values to give consistent results. Duane hoped to have this available within a week or two.

Anjela St. John with the State Fire Marshal's Office requested an opportunity to report on the fire fatalities in 2011. She typically does this every year.

ADJOURNMENT

The meeting was adjourned at 12:22 p.m