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STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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August 11, 1997

**TO:** Cindy Davis, Executive Policy Director  
Office of the Governor

**FROM:** Tim Nogler, Managing Director  
Washington State Building Code Council

**SUBJECT:** Executive Order 97-02, Plan for Review of Rules

I will serve as the State Building Code Council's (Council) contact for regulatory review with the Governor's office and the Office of Financial Management. In order to show compliance with Executive Order 97-02, Regulatory Improvement, I have summarized the status of the Council's rulemaking process. I have included a schedule for review of rules currently open for public input and a schedule for review of Council opinions, bylaws and procedures.

The Council consists of 15 Governor-appointed members. Council members are from recognized organizations representing entities or interests impacted by building codes. In developing the plan for review of rules, bylaws and procedures, and in the on-going review of the state building code, Council members will represent their constituent organizations. In addition, interest groups will be notified through targeted mailing. All Council meetings are open and public meetings.

For the current state building code cycle, the Council will publish notice of public hearing in WSR 97-16. Included in the notice is the list of criteria from Executive Order 97-02, as given below. The adoption of the amended rules is the culmination of three years of review.

CODE REVISER'S OFFICE STATE OF WASHINGTON FRED	
OCT 8 1997	
TIME	8:32
WSR	97-21-026

**SCHEDULE FOR REVIEW OF RULES: State Building Code**

WAC Chapters	Section Numbers	Chapter Title	Document Type	Statutory Authority	Estimated Completion Date	Business Report Required
51-11	0100-99904	Washington State Energy Code	Rule	19.27A.025, 045 RCW	Dec. 1997	Yes
51-13	100-503	Ventilation and Indoor Air Quality	Rule	19.27.190 RCW	Dec. 1997	Yes
51-04	010, 070	Policies and Procedure	Rule	19.27.035 RCW	Dec. 1997	No
51-06	020,120	Public Records	Rule	19.27 RCW	Dec. 1997	No
51-26	001-2301	Uniform Plumbing Code	Rule	19.27.074 RCW	Dec. 1997	Yes
51-27	001-008	Uniform Plumbing Code Standards	Rule	19.27.074 RCW	Dec. 1997	Yes
51-30	001-3404	Uniform Building Code	Rule	19.27.074 RCW 70.92.140 RCW	Dec. 1997	Yes
51-32	001-1313	Uniform Mechanical Code	Rule	19.27.074 RCW	Dec. 1997	Yes
51-34	001-9108	Uniform Fire Code	Rule	19.27.074 RCW	Dec. 1997	Yes
51-35	001-52600	Uniform Fire Code Standards	Rule	19.27.074 RCW	Dec. 1997	Yes

## REGULATORY REVIEW

In compliance with Executive Order 97-02, Regulatory Improvement, the following criteria for regulatory review will be considered at the time of final adoption of the rule.

- 1. Need.** The rule is necessary to comply with the requirements of RCW 19.27.074. The Council must regularly review updated versions of the codes cited in RCW 19.27.031, and amend and adopt those codes as deemed appropriate by the Council. Updated 1997 versions of the Uniform Codes have been published. The purpose and objective of this review, as given in RCW 19.27.020, is to promote the health, safety and welfare of the occupants or users of buildings; to require minimum construction standards for the state of Washington; to permit the use of modern technical methods; to eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regulations; and to provide standards to make buildings accessible to and usable by persons with physical disabilities. The Council has identified rules that are obsolete, duplicative, or ambiguous, and has proposed amendments and revisions.
- 2. Effectiveness and Efficiency.** The mission of the Council is to adopt building codes for uniform application throughout the state. In the course of the regular rule review, the Council examined regulatory alternatives and new technologies. The Council has identified where alternatives can be used effectively and efficiently. The Council efficiently achieves uniform state building codes by serving as the central administrative agency for statewide adoption of building codes.
- 3. Clarity.** The Council is revising their filing procedure for state amendments to the national uniform codes. To enhance clarity, only those subsections with a state amendment will be filed under the main section number. The balance of the main section will remain as written in the national uniform code, as adopted by reference, unless otherwise noted. This reformatting change reorganizes and shortens the WACs, making statewide amendments more accessible and easier to understand, and necessitates new WAC number assignments.
- 4. Intent and Statutory Authority.** The proposed rules are consistent with the legislative intent of RCW 19.27. This statute gives the Council sufficient authority to maintain the state building code and amend and adopt new editions of the Uniform Codes and Uniform Code Standards. The Uniform Codes are published every three years.

5. **Coordination.** The Council rulemaking process has included participation by national, state, and local building, fire, mechanical and plumbing officials, as well as state agency representatives for the departments of social and health services, health, labor and industries, and the state fire marshal. The Council actively seeks participation from other state agencies to assure that duplication and inconsistency is eliminated.
6. **Cost.** The Council appointed technical advisory groups and an Economic and Regulatory Assessment Committee to examine the costs and benefits associated with the revisions to the building code.
7. **Fairness.** The state amendments to the Uniform Codes proposed by the Council are intended to mitigate disproportionate impact on the regulated community. The Council consists of representatives from the regulated community, as well as public and regulatory officials. In addition, the Council enlisted the assistance of technical advisory groups made up of the individuals, organizations and businesses impacted by the building codes, to review code changes and proposals.

## **ONGOING PROCESS**

The rules given in the table above will be reviewed pursuant to RCW 19.27.074, beginning in January 1998. Because of changes in the national model building code organizations, the legislature should amend the referenced national model building codes under RCW 19.27.031. The Council will consult with major stakeholders and conduct a review of the bylaws, mission and purpose of the technical advisory groups. The Council will appoint technical advisory groups to begin detailed review of the national model building codes and proposed statewide amendments. The technical advisory groups will report findings to the appropriate Council committee for review. The next scheduled adoption of state building codes is December 2000.

## **SCHEDULE FOR REVIEW OF PROCEDURAL RULES AND OPINIONS**

The following page is a proposed schedule for review of Council procedural rules and opinions. This schedule will be presented to the full Council for review and approval. The review process will be publicized through the state register and targeted mailings. All Council meetings are open to the public and held in convenient locations.

**Schedule for Review of Procedural Rules and Opinions**

WAC Chapters or Documents	Section Numbers	Chapter Title	Document Type	Statutory Authority	Estimated Completion Date	Business Report Required
365-110 WAC	010, 020 035	Building Permit Fees	Rule	19.27.085 RCW	Dec. 1998	No
51-04 WAC	010-070	Policies and Procedures	Rule	19.27.035 RCW	Dec. 1998	No
51-16 WAC	010-080	Building Code Guidelines	Rule	19.27.042, .060(7a) RCW	Dec. 1998	No
51-19 WAC	100-901	Historic Building Code	Rule	19.27.120 RCW	Dec. 2000	Yes
Council Bylaws	1995 version	Technical Advisory Groups	Other	19.27.074 (2a) RCW	January 1998	No
State Building Code Opinions	91-01 through 96-13	Regulation Specific	Opinion	51-04-060 WAC	July 1999	No