

WSR 22-04-089

PROPOSED RULES

BUILDING CODE COUNCIL

[Filed January 31, 2022, 4:16 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-20-057.

Title of Rule and Other Identifying Information: WAC 51-11R-40310 Prohibition on gas fireplaces with continuously burning pilot lights within the 2018 Washington State Energy Code, Residential provisions.

Hearing Location(s): On March 11, 2022, at 10 a.m., virtual hearing via Zoom. In response to the governor's emergency proclamation there will not be a physical location. Please access the meeting via Zoom or conference phone provided in the agenda posted for that date on sbcc.wa.gov.

Date of Intended Adoption: April 15, 2022.

Submit Written Comments to: Washington State Building Code Council, P.O. Box 41449, Olympia, WA 98504-1449, email sbcc@des.wa.gov, by March 11, 2022.

Assistance for Persons with Disabilities: Contact Annette Hawthorn, phone 360-407-9255, email sbcc@des.wa.gov, by March 1, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The council is considering changing the date that gas fireplaces will need to comply with the prohibition of standing pilot lights. The rule requiring the removal of standing pilots went into effect February 1, 2021. Due to the current shortage of microchips, the council has adopted an emergency rule exempting this industry from compliance with this adopted code requirement. The industry has requested that the exemption be extended.

Statutory Authority for Adoption: RCW 19.27A.045.

Statute Being Implemented: RCW 19.27Z.020 [19.27A.020], 19.27A.045.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: State building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, 1500 Jefferson Street S.E., P.O. Box 41449, Olympia, WA 98504-1449, 360-407-9278; Enforcement: Local jurisdictions.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This proposed rule does not impose a cost, but rather delays implementation of a previously adopted rule.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The purpose of this rule is to delay implementation of a rule that was already adopted prior to the pandemic. Rather than impose a cost, it imposes a temporary delay in implementation of the rule.

February 2, 2022  
Andrew S. Klein  
Council Chair

OTS-3597.1

AMENDATORY SECTION (Amending WSR 20-01-047, filed 12/9/19, effective 7/1/20)

**WAC 51-11R-40310 Section R403.1—Controls.**

**R403.1 Controls.** At least one thermostat shall be provided for each separate heating and cooling system.

**R403.1.1 Programmable or connected thermostat.** Where the primary heating system is a forced-air furnace, at least one thermostat per dwelling unit shall be Energy Star certified and capable of controlling the heating and cooling system on a daily schedule to maintain different temperature set points at different times of the day. The thermostat shall allow for, at a minimum, a 5-2 programmable schedule (weekdays/weekends) and be capable of providing at least two programmable set-back/setup periods per day. This thermostat shall include the capability to set back, set up or temporarily operate the system to maintain zone temperatures down to 55°F (13°C) or up to 85°F (29°C). The thermostat shall initially be programmed by the manufacturer with a heating temperature set point no higher than 70°F (21°C) and a cooling temperature set point no lower than 78°F (26°C). The thermostat and/or control system shall have an adjustable deadband of not less than 10°F.

EXCEPTIONS:

1. Systems controlled by an occupant sensor that is capable of shutting the system off when no occupant is sensed for a period of up to 30 minutes.
2. Systems controlled solely by a manually operated timer capable of operating the system for no more than two hours.
3. Ductless mini-split heat pump systems that have an integral proprietary thermostat.

**R403.1.2 Heat pump supplementary heat.** Unitary air cooled heat pumps shall include controls that minimize supplemental heat usage during start-up, set-up, and defrost conditions. These controls shall anticipate need for heat and use compression heating as the first stage of heat. Controls shall indicate when supplemental heating is being used through visual means (e.g., LED indicators). Heat pumps equipped with supplementary heaters shall be installed with controls that prevent supplemental heater operation above 40°F. At final inspection the auxiliary heat lock out control shall be set to 35°F or less.

**R403.1.3 Continuously burning pilot lights.** The natural gas systems and equipment listed below are not permitted to be equipped with continuously burning pilot lights.

1. Fan-type central furnaces.
2. Household cooking appliances.

EXCEPTION: Household cooking appliances without electrical supply voltage connections and in which each pilot light consumes less than 150 Btu/hr.

3. Pool heaters.
4. Spa heaters.
5. Beginning September 1, 2022, fireplaces.

EXCEPTION: Any fireplace with on-demand, intermittent or interrupted ignition (as defined in ANSI Z21.20) is not considered continuous.

[Statutory Authority: RCW 19.27A.020, 19.27A.045, 19.27A.160 and chapter 19.27 RCW. WSR 20-01-047, § 51-11R-40310, filed 12/9/19, effective 7/1/20. Statutory Authority: RCW 19.27A.020, 19.27A.045, 19.27A.160, and 19.27.074. WSR 16-02-127, § 51-11R-40310, filed 1/6/16, effective 7/1/16. Statutory Authority: RCW 19.27A.020, 19.27A.045 and chapters

19.27 and 34.05 RCW. WSR 13-04-055, § 51-11R-40310, filed 2/1/13, effective 7/1/13.]