



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

January 18, 2021

Washington State Building Code Council
1500 Jefferson Avenue SE
PO Box 41449
Olympia, Washington 98504-1449

Dear Chairperson Glenn:

On January 12, 2021, the Governor's Office received a petition seeking the immediate repeal of the Washington State Building Code Council's (Council) January 8, 2021, adoption of emergency rules relating to the delayed implementation of its 2018 codes to July 1, 2021 (WSR 21-03-047). These emergency rules delay implementation of the International Fire Code (WAC 51-54A-008), International Residential Code (WAC 51-51-008), International Mechanical Code (WAC 51-52-008), International Building Code (WAC 51-50-008), and the Uniform Plumbing Code (WAC 51-56-008) (collectively, "codes").

Under RCW 34.05.350(3), I may consider petitions requesting the immediate repeal of rules adopted on an emergency basis. In this review, I may only consider whether the emergency rules were necessary for the preservation of the public health, safety, or general welfare, and whether observing the time requirements of notice and opportunity to comment upon adoption of permanent rules would be contrary to the public interest. Here, I find that the Council erred in adopting these emergency rules because the public health, safety, or general welfare did not necessitate their emergency adoption.

The implementation of the 2018 codes has already been delayed, due to the COVID-19 pandemic so as to allow builders, building officials, and other key stakeholders the opportunity to adjust and prepare to safely implement the codes. These delays, granted at the request of industry, allowed more time for individuals and local jurisdictions to receive safe training on the new codes as well as to shore up the necessary supply chains that had been compromised by the pandemic. But now, almost a year after the pandemic's arrival in Washington and almost eighteen months since the 2018 codes were originally adopted, there is no need for further delay.

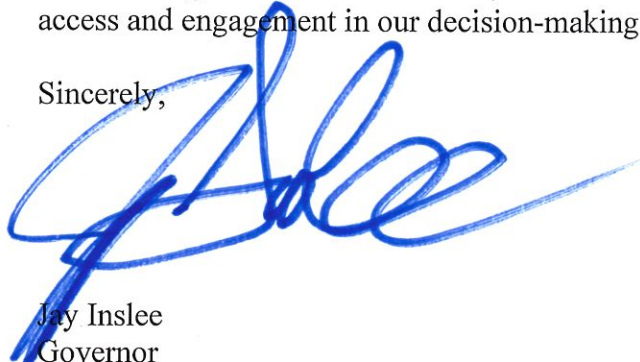
Importantly, the Washington State Association of Fire Marshals and the Washington Association of Building Officials support a February 1, 2021, implementation date for the codes. These officials, who are responsible for implementing and enforcing the codes at the local level, have notified the Council that they oppose further extension.

Diane Glenn, Chair, Washington State Building Code Council
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Delaying implementation of the codes to July 1, 2021, a full two years after they were adopted by a 10-1 vote, is not necessary to preserve the public health, safety, or general welfare. In fact, further delay only compromises public health and safety by deferring cost-effective measures that will improve safety, comfort, and efficiency for building occupants. For these reasons, pursuant to RCW 34.05.350, I am ordering the Council to immediately repeal its emergency rules delaying implementation of the 2018 codes to July 1, 2021.

Finally, I am concerned by the flawed public process that the Council followed to reach this decision. In addition to significant technological issues that hampered participation by Councilmembers and the public at the Council's January 8, 2021, meeting, it is clear that the Council insufficiently coordinated and cooperated with local officials before considering the industry's request to delay the effective date of the codes. To best bolster the public's confidence in our state government institutions, we must always strive to better allow for broader public access and engagement in our decision-making processes.

Sincerely,



Jay Inslee
Governor