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SENT VIA EMAIL

August 8, 2018

Mr. Richard Brown, Director, Washington State Building Code Council
Mr. Duane Jonlin, Energy TAG Chairman, Washington State Building Code Council
Mr. Doug Orth, Chair, Washington State Building Code Council
P.O. Box 41449
Olympia, WA. 98504

Re: SBCC – Uniform Code Adoption Process

Dear Mr. Brown,

We are writing on behalf of the Washington State Conference of Mason Contractors, the Masonry Institute of Washington and the International Masonry Institute.

We are protesting the process that is currently being used by the State Building Code Council, Energy Technical Advisory Group (TAG) to continue its discussion of Code change proposal Env020-2018.

WAC 51-04-025(2) which specifically states in part, *“Incomplete submittals will be held for thirty days and the proponent will be notified with a request for more information. If after thirty days, the applicant has not provided the requested information for a complete application, the proponent’s proposal will be deemed incomplete and shall not move forward.”*

The facts surrounding the submittal of Env020-2018, as supported by the minutes of the Energy TAG meeting as well as the audio recording of the 2018 meetings, are:

1. Code changes submittals were due on May 25, 2018. The Code change submittal forms specifically state “[i]ncomplete proposals will not be accepted.”
2. At the June 29th Energy TAG Meeting: The TAG voted to table Env020-2018, pending receipt of the economic analysis from the proponent – the proponent participated in the meeting via phone, and therefore was fully aware and recognized the

need for the additional submission of the required life-cycle economic impact statement, as well as other information, which was missing from the submittal.

3. On Friday, June 29th, Tonia Sorrell-Neal, International Masonry Institute, Regional Director, telephoned Director Richard Brown and inquired about the specific process required for the submission of additional information. Mr. Brown confirmed via email (See attached) that the legal requirements per WAC 51-04-025(2), the proponents had 30 days after the June 29th meeting to present the missing information to the Energy TAG due to the onslaught of submittals receive in the final day, the 30 days would begin to run as of the June 29th hearing date. In sum, the proponent (and others) were made aware of the missing information.

4. On July 13th, without public notice, Env020-2018, was added to the Energy TAG meeting agenda. It was not listed on the published meeting agenda and we were not in attendance for the meeting. A modified version of the amended language was provided to the Energy TAG by Chuck Murray, WA State Dept of Commerce. No economic impact statement was presented according to the record. Only additional edits to the code language. After discussion Env020-2018 was tabled a second time.

5. On Thursday, August 2, 2018, Tonia Sorrell-Neal telephoned Director Richard Brown and left a voicemail message, followed up by an email request. Director Brown responded via email that Krista is staffing the Energy TAG and that she would follow up on the voicemail message. (see attached)

6. On Thursday, August 2, 2018, Krista called Tonia Sorrell-Neal. Ms. Sorell-Neal specifically asked whether any additional information had been received from the proponent regarding Env020-2018. Krista stated that "no", the Department (SBCC staff) had not received any additional written information regarding Env020-2018 from the proponent.

7. On Friday, August 3, 2018, Env020-2018 was again placed on the Energy TAG agenda. This time, there was yet more edits to the language of the amendment. No Economic Impact Analysis or additional submittal information had been received by the Department. More than 60 days following the May 25th proposal submittal deadline and more than 30 days after the June 29th Energy Tag tabling of Env020-2018, the proponent had still has not provided the required life-cycle economic impact statement or any additional information to the submittal.

8. On August 3rd, Tonia Sorrell-Neal asked that Env020-2018 not move forward because the required submittal information had failed to be completed and submitted as per WAC 51-04-025(2). After general discussion, some confusion and mention of another modified version of the proposed amendment, this item was again tabled - to be placed on the August 10th meeting agenda.

As you know, public policy decision making relies on a consistent and transparent process; with rules and deadlines that the public and industry, who participates in the process, can rely upon. Private conversations and discussion of edited language of any type does not meet the requirements WAC 51-04-025(2); nor does it serve the public and industry who are trying to participate in the process.

A January 18, 2017 letter from SBCC regarding reforms to Code adoption policy specifically states, the Council requires that “[p]roposals for statewide amendments are required to include complete information on the costs and benefits of the proposals.”

In sum, no matter which date (May 25th (as noted on the SBCC website and submission form or the June 29th Energy TAG hearing date) is used to commence the 30 day “additional information” submission time clock, the proponents have not complied with WAC 51-04-025(2). Therefore, we are formally asking the Energy TAG, with an acknowledgment to the full Council, dismiss Env020-2018 from the 2018 Code cycle amendment process and that the SBCC staff advise the proponents that their current proposal/request, in any form, cannot move forward for failure to meet the SBCC’s legal process requirements as stated in WAC; and that the proponents or any interested party to the request will have future opportunities to have the proposal considered in future code cycles as long as they meet the requirements of proposal submittals as required by Washington State statutes and WAC process.

Moreover, we would ask that no further debate on the merits of Env020-2018 be held by the Energy TAG due to the proponents’ failure to supplement the submission in a timely manner.

Thank you for your consideration of this matter.

Respectfully Submitted,



Michael Transue
General Counsel
Washington State Conference of Mason Contractors



Tonia Sorrell-Neal
Regional Director
International Masonry Institute/MIW

c: Krista Braaksma, Dept. of Enterprise Services, SBCC Staff