

PATRICK C. HAYES
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Joint Administrative Rules Review Committee

PO Box 40600

Olympia, WA 98504-0600

November 18th, 2009

Attn. **Bob Hasegawa Chair, Joel Kretz Vice Chair.**

Subject: Joint Administrative Rules Review Committee Letter to the State Building Code Council, Dated October 14th 2009 and November 10th 2009.

Dear Chair Hasegawa and Vice Chair Kretz,

I am a voting Member of the Energy Code Technical Advisory Group. I participated in over 90% of the Energy Code TAG meetings, and have attended all the SBCC meetings since the Proposed Energy Code Changes have been filed.

In your letter dated October 14th 2009, you have specific requests made of the SBCC regarding the Small Business Economic Impact Statements.

The SBCC has not satisfied your requests. The new Documents that are being brought forward are just the old documents re-worked, by the same individuals. The Documents produced by the Dept. of Commerce were funded by the Northwest Energy Efficiency Alliance. The new Document regarding the Non-Residential Energy Code Changes was also produced by a Northwest Energy Efficiency Alliance Employee.

Neither of these documents meet the JARRC requirement in section 1 of your letter dated October 14th, **“the Council should solicit industry and supplier sources for cost estimates”**. These two documents were produced by NEEA, which is an association of the Northwest Power Companies; NEEA is not in the building industry producing Single Family Housing, Multi-Family Housing, or Non-Residential Commercial Buildings. Nor is NEEA in the Design Business of these projects where you have to acquire the building permit for any of these types of projects.

The SBEIS is also not satisfied regarding Multi-Family Housing Projects. In the Energy Code Proposals that are moved forward for Rule Making, there is a **Major Proposal that moves Multi-Family Housing from the Chapter 5 & 6 of the Residential portion of the code to chapter 13 of the Non-Residential Code**. This is a Major Change to the Code, and the methodology of Compliance. No Economic Impact Statement or Small Business Economic Impact Statement has been produced by the SBCC regarding this proposal. This Proposal will affect many small business that are in the supply business and sub-contracting business on multi-family housing projects.

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Many Multi-Family Housing Projects are also **Low Income Housing Projects**, this Major Energy Code Proposal will also greatly affect the Low Income Housing Projects, and there is no Economic Impact Statement to the effect it will have on them.

It appears that the only cost benefit analysis that you have requested regarding the Energy Code Proposed Changes are all being produced by one source, the Dept. of Commerce who has accepted funding from NEEA, a NEEA Hired Consultant, and a NEEA Employee. I would not consider these reports an objective non biased analysis, as it all comes from one source.

Please hold the SBCC to the specific requirements of both of your letters before they go into Rule Making on the 2006 Washington State Energy Code Proposals.

Sincerely,



Patrick C. Hayes
Voting Member, Energy Code
Technical Advisory Group

Cc; State Building Code Council.

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