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Sent: Tuesday, October 31, 2023 4:25 PM
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Cc: Fox, Sarah (COM)
Subject: Challenges to Washington's Green Building Codes

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From Don Steinke

Hi all,

This new story from Axios seems important for our decarbonization work.

<https://www.axios.com/local/seattle/2023/10/31/heat-pump-rule-requirement-gas-electric>

I copied the story below. I've highlighted the sections that include links that I read and I think are important.

Washington Gov. Jay Inslee has pledged — along with other governors — to quadruple the number of electric [heat pumps](#) in U.S. homes by 2030, calling them "almost a [miraculous solution](#)" in the fight against climate change.

- But here in Washington, efforts to require heat pumps in new buildings have faced a bumpy road, in part due to legal concerns.

Why it matters: Government officials see electric heat pumps as a crucial tool for decarbonizing buildings, which produce an estimated [25%](#) to [28%](#) of energy-related greenhouse gas emissions globally.

- [Heat pumps](#) cool and heat buildings [more efficiently](#) than coal- or gas-burning furnaces, producing far fewer emissions that drive climate change.

Yes, but: New building codes that would have required most new buildings in Washington state — both commercial and residential — to use electric heat pumps were shelved a few months before they were set to take effect in July.

- Officials feared the mandates could be overturned in court after the 9th Circuit Court of Appeals [ruled](#) in April that a Berkeley, California, ordinance banning natural gas infrastructure in new buildings [conflicted](#) with federal energy rules.

The latest: Washington state officials are now pursuing a different strategy for residential and commercial buildings that doesn't strictly require heat pumps in new buildings.

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- Instead, the [new options](#) being [considered](#) would require a level of energy efficiency that would be "pretty hard to achieve without heat pumps," Deepa Sivarajan of Climate Solutions, a nonprofit focused on clean energy adoption, told Axios.
 - Climate Solutions thinks the new rules will still put Washington on track to substantially cut emissions from its building sector while complying with federal law, Sivarajan said.
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Of note: The building codes apply to new construction and wouldn't require homeowners or owners of existing commercial buildings to make retrofits.

The other side: [Some in the building industry still think](#) the proposed rules will limit access to natural gas for cooking and increase the prices of new homes. And they're not certain that they resolve the legal issues raised in the Berkeley case.

- The proposed codes "are still a de facto ban on natural gas," Greg Lane, executive vice president of the Building Industry Association of Washington, said in a [September news release](#).
 - The industry group dropped a federal lawsuit it filed earlier this year over the previous building codes, but it could choose to refile a federal case later, general counsel Ashli Tagoai told Axios.
 - The group has another state-level legal challenge pending in Thurston County.
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What's next: Public comment is being accepted through Nov. 22 on the new building code language.

- The state Building Code Council is expected to [vote Nov. 28](#) on whether to adopt the new policies.
 - Any changes aren't expected to take effect until March at the earliest.
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