

VETO MESSAGE ON HB 2936-S

March 30, 1996

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 2936 entitled:

"AN ACT Relating to fruit and vegetable storage;"

Substitute House Bill No. 2936 attempts to resolve a highly complex and technical issue regarding regulation of ammonia refrigerants. It would exempt refrigeration systems using ammonia in cold storage and controlled atmosphere warehouses used to store fruit and vegetables from certain portions of the Uniform Mechanical Code and the Uniform Fire Code, as adopted by the Building Code Council.

In general, I believe the interests of the public and of the legislature are best served if these issues are handled through the Building Code Council. The council has a grasp of the technical issues associated with code policies that neither the legislature nor the governor possess. The Building Code Council was, in fact, created to minimize the need to address highly technical building code issues in the legislative arena. The existing process should be used.

Process notwithstanding, I am not convinced that the health and safety of the public will be adequately protected if Substitute House Bill No. 2936 becomes law. If these types of refrigeration systems are exempt from code requirements, densely populated areas could be exposed to an unacceptable risk of ammonia gas releases in case of fire or other mishap.

However, I do not believe the specific mitigation that has been required in some instances under the 1994 Building Code is necessary to protect the health and safety of the public. In rural, sparsely populated areas of the state, sparsely populated by definition, a release of ammonia into the atmosphere would not seem to pose a hazard in many instances.

I believe that an opportunity exists to address the concerns which resulted in this bill and to ensure that public safety issues receive adequate attention in the state building code. Therefore, I am directing the Building Code Council to examine the issues raised in this legislation and to take appropriate action immediately to include drafting amendments to the current state mechanical and fire codes.

I am impressed by the fruit and vegetable storage industry's 95 year record of safe use of ammonia as a refrigerant. This record should be considered as the Building Code Council and other interested parties proceed to examine this issue.

For these reasons, I have vetoed Substitute House Bill No. 2936 in its entirety.

Respectfully submitted,  
Mike Lowry  
Governor