

## ADVISORY COMMITTEE COMMENT FORM FOR PROPOSED CODE CHANGES

(This form must be submitted electronically)

### IRC-140, R312.2 (REV 2-8-2012)

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### Proposed Code Change - Language

Please provide your proposed code change in strikeout/underline format. Provide the *specific* language you would like to see changed, with new words underlined and words to be deleted should be ~~stricken~~. Also, state whether the language contained in your proposal is from a code book or from an amendment currently found in Minnesota Rule. (You may provide the language (electronically) on a separate, attached sheet).

The language that should be amended was submitted in the MN Department of Labor and Industry's draft Minnesota Rules, Chapter 1309 for the Adoption of the 2012 International Residential Code, dated 12/6/2012.

#### **1309.0312 SECTION R312, GUARDS AND WINDOW FALL PROTECTION**

**R312.2 Window fall protection.** Window fall protection shall be provided in accordance with Section R312.2.1 and R312.2.2

**R312.2.1 Window sills.** In dwelling units, where the opening of an operable window is located more than 72 inches (1829 mm) above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 24 inches (610 mm) above the finished floor of the room in which the window is located. Operable sections of windows shall not permit openings that allow passage of a 4-inch (102 mm) sphere where such openings are located within 24 inches (610 mm) of the finished floor.

#### **Exceptions:**

1. Windows whose openings will not allow a 4-inch-diameter (102 mm) sphere to pass through the opening when the window is in its largest opened position.
2. Openings that are provided with window fall prevention devices that comply with ASTM F 2090.
3. Windows that are provided with window opening control devices that comply with Section R312.2.2
4. Replacement windows.

**R312.2.2 Window opening control devices.** Window opening control devices shall comply with ASTM F 2090. The window opening control device, after operation to release the control device allowing the window to fully open, shall not reduce the minimum net clear opening area of the window unit to less than the area required by Section R310.1.1.

~~**R312.2.3 Building additions; addition or replacement of windows.** When building additions occur or when windows are added or replaced requiring a permit, windows must comply R312.2.1 and R312.2.2.~~

### **Proposed Code Change – Need and Reason**

Please provide a thorough explanation of the need for this change and why this proposed code change is a reasonable change. During the rulemaking process, the Agency must defend the need and reasonableness of all its proposed changes. The Agency must submit evidence that it has considered all aspects of the proposal. (You may provide the need and reason (electronically) on a separate attached sheet).

Section R312.2.3 of the draft 1309 Rule proposes to expand the scope of window fall protection (R312.2) from new construction to existing homes. Deleting section R312.2.3 is needed for the following reasons:

- 1) Window manufacturers do not have replacement window product lines that include window fall protection devices that meet ASTM F 2090. There are no window screens on the market that can meet the escape and rescue and fall protection requirements of ASTM F 2090. An extremely costly way to avoid R312.2.3 would be to raise the sill height of the replacement window so it no longer triggered fall protection. The only other option available to remodelers and homeowners in existing housing would be to use window bars that meet ASTM F 2090. This option is already available to any homeowner that wants additional fall protection in their homes ~ whether or not they are going to replace their existing windows. Making each and every homeowner install window bars is not reasonable. Homeowners can limit the danger of child falls by using common sense safety precautions for upper level windows, such as not leaving the lower pane of a double hung window open more than 4 inches, only opening the top sash, not pushing beds, couches or other furniture under windows where children will be. Just as parents of small children protect child falls down stairways with safety devices and safe practices; parents should be expected to exercise the same care with window fall safety practices. Making all homeowners use stair fall devices or window fall devices is not reasonable.
- 2) Requiring window fall protection devices in replacement windows goes above and beyond the requirements of the national model code. The Department's SONAR does not justify this additional level of protection.
- 3) Homeowners are logical and will avoid illogical building code requirements, especially expensive requirements that they perceive will not increase their level of safety. If homeowners in existing housing are required to add safety bars meeting ASTM F 2090 they likely won't replace the windows that would trigger this requirement. Replacement windows work better than existing windows when it comes to escaping a fire. It does not make sense to require a safety device in the building code (bars for fall protection) that will give homeowners a reason to not replace old windows that may impede emergency escape because they are broken or painted shut.

### **Proposed Code Change – Cost/Benefit Analysis**

Please consider whether this proposed code change will increase/decrease costs or indicate that it will not have any cost implications and explain how it will not. If there is an increased cost, will this cost be offset somehow by a life safety or other benefit? If so, please explain. Are there any cost increases/decreases to enforce or comply with this proposed code change? If so, please explain. (You may provide the cost/benefit analysis (electronically) on a separate, attached sheet).

This code proposal will decrease the cost of construction/remodeling in existing homes that will trigger window fall protection.

**Other Factors to Consider Related to Proposed Code Change**

1. Is this proposed code change meant to:

change language contained in a published code book? If so, list section(s).

change language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).

delete language contained in a published code book? If so, list section(s).

delete language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).

X neither; this language will be new language, not found in the code book or in Minnesota Rule. This language would modify the draft language proposed by DOLI for section R312.2 as found in the MN Rules 1309 draft dated 12/6/2012.

2. Is this proposed code change required by a Minnesota Statute or new legislation? If so, please provide the citation to the Statute or legislation. NO

3. Will this proposed code change impact other sections of a published code book or of an amendment in Minnesota Rule NO

4. Will this proposed code change impact other parts of the Minnesota State Building Code? If so, please list the affected parts of the Minnesota State Building Code. NO

5. Who are the parties affected or segments of industry affected by this proposed code change? Homeowners, remodelers, code officials, window manufacturers, window fall protection device manufacturers

6. Can you think of other means or methods to achieve the purpose of the proposed code change? NO If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

7. Are you aware of any federal requirement or regulation related to this proposed code change? NO If so, please list the regulation or requirement.