

Meeting Minutes: Construction Codes Advisory Council

Date: June 21, 2018
Time: 9:00 a.m.
Location: Minnesota Room, Department of Labor and Industry
443 Lafayette Road North, St. Paul, MN 55155

Members:

Bob Bastianelli
Mark Brunner
Grant Edwards
Tom Erdman
Todd Gray
Gerhard Guth
Patrick Higgins
Laura McCarthy
Scott McLellan (Chair)
Scott Novotny
Mike Paradise
Forrest Williams (Smith alternate)

Members Absent:

Jennifer DeJournett
Tom Downs
Bill Freitag
Dan McConnell
Larry Stevens, Jr.

Staff & Visitors

Jeff Lebowski – DLI
Suzanne Todnem – DLI
Lyndy Logan – DLI
Eileen McNiff – DLI
Bill Reinke – DLI
Todd Green – DLI
Tim Warren – DLI
Rich Lockrem – DLI
Chris Meier – DLI
Dan Kelsey – DLI
Mike Bunnell – DLI
Don Sivigny – DLI
Amanda Spuckler – DLI
Scott Erickson – DL
Greg Metz – DLI
Michelle Dreier – Electrical Association
Greg Johnson – Coalition for Fair Energy Codes
Richard Hauffe – ICC
Mark Mikkelson – Andersen Corp.
Ben Rabe – Fresh Energy
Tom Johnson
Tom Brack – NFSA
Angie Wiese – FMAM
Remi Stone – BAM
Sophie Thaden – MMCA/MEA
Russ Landry – CEE/ASHRAE MN Chapter
John Haluska – Norbord, Inc.
Nick Erickson – Housing First MN

Via teleconference:

Nicole Westfall – MEEA
David Mann – Foam Sheathing Committee
Eric Lacey – Responsible Energy Codes Alliance
Jim Smith – American Wood Council

1. **Call to Order**
 - a) **Roll call of members**
 - b) **Audience introductions**
 - c) **Housekeeping announcements**

Members and guests introduced themselves and a quorum was declared with 10 of 17 members present in person; the meeting began at 9:00 a.m. [Tom Erdman joined the meeting at 9:26 a.m. and Patrick Higgins joined the meeting at 9:35 a.m. resulting in 12 of 17 voting members present in person.]

2. **Approval of meeting agenda**

A motion was made by Bastianelli, seconded by Gray, to approve the agenda as presented. The vote was unanimous with 12 votes in favor; the motion carried.

3. **Approval of previous minutes**

A motion was made by Guth, seconded by Brunner, to approve the November 30, 2018, meeting minutes as presented. The vote was unanimous with 12 votes in favor; the motion carried.

4. **Department reports**

Nothing to report.

5. **New business**

- a) **Review TAG report (2018 International Model Codes Review and Report to CCAC)**

McLellan provided introductory, context, background, and next steps. He explained that the purpose of the meeting was to meet with TAG leaders regarding recommendations, ask questions, discuss any concerns, and take additional public comment.

Recommendations will be presented to the Commissioner for review and approval so the department can begin drafting Rules adopting these recommendations. Concerns expressed by the Council, including any new public comments, will be included in the version that is submitted to the commissioner.

This is not the final opportunity for review and comment. Once the department has drafted the amendments into Rules and completed other legal requirements, the Rules will be officially published for public comment.

TAG's have recommended other amendments not contained in this report that are added for clarification & consistency and are considered non-controversial. However, these and ALL proposed amendments, will be officially published for public review and comment later in the process. The current report contains only those amendments that have any significant impact on construction regulation.

Regarding the Energy Code: Based upon the information provided by the Energy Code TAG, the residential energy code will not be considered at this meeting. The Commissioner has agreed to wait until the US Department of Energy (DOE) issues their determination on any documented efficiencies. The DOE expects to publish their determination before the end of October after which CCAC will schedule a meeting to discuss.

McLellan explained how the meeting would proceed then recognized and thanked TAG members, their employers, and associations for supporting the process.

The *2018 International Model Codes Review and Report to CCAC* was summarized by speakers shown below, and unless noted, there were no significant comments and/or concerns. For the report, please visit: <http://www.dli.mn.gov/ccac-tag.asp>

- **Building Code Administration (Chapter 1300)**, Rich Lockrem (DLI)
- **Commercial Building Code (Chapter 1305)**, Greg Metz (DLI) and Dan Kelsey (DLI).

Tom Erdman joined the meeting at 9:26 a.m. resulting in 11 voting members present in person.

- **Commercial Building Code (Chapter 1305)**, Bill Reinke (DLI), clarified section IBC 3001.2 Emergency Elevator Communications systems for the deaf, hard of hearing, and speech impaired.

Patrick Higgins joined at meeting at 9:35 a.m. resulting in 12 voting members present in person.

- **Commercial Building Code and Fire Code Compatibility (Chapters 1305 and 7511)**, Greg Metz (DLI) and Forrest Williams (DPS).
Recommended Code Changes #5 and 6:
 1. Guth said he doesn't have concerns with Section 2603.5.5 Vertical and lateral flame propagation due to the wide use of flame retardant materials and sprinkling systems.
 2. Guth asked if there is a quantifiable number involved in the Fire Apparatus Road and Forrest said this is defined in the Fire Code at 20 foot wide.
 3. Guth said the energy, building, fire and aesthetics all need to work together and can be challenging. However, if provisions are needed to ensure safety then he is all for it.
 4. Higgins said the aluminum coating on foam plastic insulation is not scientifically tested to mitigate ignition and does nothing to alleviate the problem of wider air spaces adjacent to foam.
 5. Higgins said that nothing in the language prevents air spaces on both sides of the foam plastic insulation, essentially doubling a fire's access to oxygen.
 6. Higgins said nothing in the provision requires fire blocking or makes clear that fire blocking is required.

7. Higgins asked if the weather barrier would be exempt and Guth said most, if not all manufacturers, currently comply.
- **Elevators and Related Devices Code (Chapter 1307),** Bill Reinke (DLI).
 - **Residential Code (Chapter 1309),** Rich Lockrem (DLI) and Dan Kelsey (DLI).
Recommended Code Change #4:
 1. McCarthy, representing the State Code Chief's Committee, said she has concerns that the recommended code changes seem to be going backward. Smoke detectors are incredibly important. The battery operated smoke detectors work as long as they have working batteries in them. Hard-wired is the best and is encouraged. The number of smoke detectors that don't have batteries is significant. There is more protection relying on hard-wired instead of battery operated. She understands the cost factor but there is a certain point and time where life safety needs to be considered over cost.
 2. Williams asked if the ten year sealed battery alarms were considered and said a 10-year sealed battery would prevent someone from removing the battery. All smoke alarms should be replaced after 10 years, usually as required by the manufacturer.***Recommended Code Change #6:***
 1. Kelsey described the recommended change to cantilevered foundation wall tables. This is proposed because the current tables do not meet industry safety standards.
 2. Paradise expressed concerns over this change and the resulting work and added cost. The Residential TAG did not have an opportunity to evaluate this.
 3. McLellan asked that structural and residential TAG representatives meet to discuss and produce a mutually agreed to recommendation.

Todd Gray departed the meeting at 10:30 a.m. resulting in 11 voting members present in person.

- **Existing Building Code (Chapter 1311), Mike Bunnell (DLI) and Greg Metz (DLI).**
Other code changes TAG members did not agree to recommend #1:
 1. Erdman said water service is a concern in rural areas where many of these buildings being repurposed are located.
 2. Higgins asked if the state has considered defining water supply.
 3. Erdman said the \$25,000 rule was also discussed. There were too many gray areas with the adoption of this amendment.
- **Energy Code (Chapters 1322 and 1323), Don Sivigny (DLI) and Chris Meier (DLI).**
- **Accessibility Code (Chapter 1341), Greg Metz (DLI) and Gerhard Guth (CCAC member).**

- **Mechanical and Fuel Gas Code (Chapter 1346), Chris Meier (DLI) and Don Sivigny (DLI).**

Recommended Code Changes #6:

- Some concern was expressed by Williams over coordinating this requirement and related provisions in the Fire Code. McLellan asked that Meier work with Williams to coordinate this as necessary.

6. Open forum

None

7. Adjournment

A motion was made by Paradise, seconded by Edwards, to adjourn the meeting at 11:55 a.m. The vote was unanimous with 12 votes in favor; the motion carried.

Respectfully Submitted,

Lyndy Logan

Executive Secretary, Construction Codes and Licensing Division
Department of Labor and Industry