



**MEETING OF THE  
ICC INDUSTRY ADVISORY COMMITTEE  
DRAFT MINUTES**

**February 10, 2009  
Building Owners and Managers Association (BOMA)  
1101 15<sup>th</sup> Street, NW  
Suite 800  
Washington, D.C. 20005**

**February 10<sup>th</sup> : 12:00 pm – 4:00 pm**

- 1. Call to Order- Chair Bland**  
Chair Bland called the meeting to order at approximately 12:15 on February 10<sup>th</sup>.
- 2. Self Introductions**
  - 2.1 Identify new members**  
None
  - 2.2 Establish quorum (20 minimum)**  
A quorum was announced. See appendix A for a list of attendees.
- 3. Approve Agenda**  
Coordinate the discussion of agenda items 8.2 with 11.1b and 8.3 with 11.1c. Revisit the issue of IAC teleconference capability under old business.
- 4. Approval of August 8, 2008 IAC Meeting Minutes (posted)**  
Approved
- 5. Chair's Report**  
The chair thanked the members of the previous IAC executive committee for their service. The members are: Dick Kraus; Dave Frable; Dave Harris; Jim Messersmith; Jeff Shapiro; Ron Burton; and Julie Ruth. He further thanked BOMA and NMHC for hosting the meeting.
- 6. ICC Governmental Relation Activities**
  - 6.1 National**
  - 6.2 Federal**

ICC's Community Building Code Administration Grant Act. Comments:

  - The grant bill needed additional oversight in the administration of the grants
  - The bill should identify important regulatory issues such as stair safety
  - The grant bill should mandate that the jurisdiction adopt the code amended. Staff noted the ICC supports the adoption of our codes as written but respects the rights of local jurisdictions to make local modifications based on local conditions.

The Federal stimulus package. Comments:

  - Does the stimulus language require the adoption of the IECC? Staff noted that the reference was in both the House and Senate versions. Not known if it will be in the final versions.
  - Staff noted that there was language in the bills mandating compliance with the IECC for residential construction and ASHRAE 90.1 for commercial construction within 8 years of passage of the bill.
- 7. IAC Administration**
  - 7.1 2009 IAC Executive Committee**  
Members of the current Executive Committee are: Ken Bland; Ron Burton; Dick Kraus; Mike Gardner; Bruce Swiecicki; Dave Collins; Steve Ferguson; Henry Green; Jim Rossberg; and Mike Mahoney (non-voting)
- 8. IAC Activities**
  - 8.1 Task Group - Representation and Funding**  
The latest draft of the task group ("Canon of Ethics") was identified as Draft 4 dated 9/21/07. It was noted this has not received full support of the IAC. The genesis of this task group was illustrated by noting that there have been hearing attendees who are both code consultants representing a client as well as acting in the capacity of a code official, without full disclosure of representation. The Canon of Ethics is intended to be signed by all participants in the process.  
  
A motion was made and seconded that the ICC should issue a CBO Code of Ethics and have it linked from the ICC home page. The motion failed.

It was noted that the ICC Board recently issued two new Council Policies: CP #36 Sponsorships and Contributions and CP 37 Ethics. It was noted that the task group will look at these two new policies and possibly provide feedback to the IAC. See also agenda item 11.3.

#### **8.2 Task Group - IAC Membership – see also agenda 11.1b**

Staff reported that the ICC Board agreed with the proposed IAC change to Section 3.4 CP # 6 relative to IAC member representation and who can be a member of the IAC. The ICC Board did not agree with the proposed change to Section 3.3 where the IAC recommended that the IAC Executive Committee review all applications for IAC consideration. The task group has completed its charge and was dissolved.

#### **8.3 Task Group – Green Building Policy – see also agenda 11.1.c**

Jake Pauls noted that he abstained from voting on the ballot, noting that there was not much overlap in green buildings in terms of public health. Staff noted that the ballot comments received from members of the IAC were forwarded to the Task Group for their consideration and the task group finalized the report based on the comments and sent it to the ICC Board. See agenda item 11.1c.

#### **8.4 Order and testimony at ICC hearings**

This item was removed from the agenda and will not be on subsequent IAC agendas.

#### **8.5 IAC nominations to 2009/2010 IRC code committees**

The recommendations from the IAC Executive Committee were distributed. Chairman Bland noted that two key considerations were used as the basis to determine who to nominate:

- Years of service on the committee and the need to replace those with longer lengths of service with new individuals
- Evaluations of committee performance by members of the ICC Councils who attended the code development hearings

A motion was made and seconded to approve the nominations.

Discussion:

- Concerns noted about the evaluations of some of the individuals recommended
- If a different member is to be offered by the IAC, identify the individual to be suggested and who the person is to replace. It is not appropriate to criticize performance in this venue.
- The process lacks a level of transparency which needs to be investigated by the ICC. The list of applicants should be circulated to the full IAC before the IAC Executive committee meets. Some members of the IAC would like to review the applications and/or resumes before proceeding.

A motion was made to divide the question. Failed.

The motion was called and the slate approved. The motion did not pass unanimously.

A motion was made to reduce the number of NAHB representatives on IRC B/E and M/P from 4 to 1 for each committee, noting that it was unethical for ICC to allow 4 for each committee. Discussion:

- NAHB has always had 1/3 representatives on the two committees
- Having NAHB representatives on the IRC is unethical, especially 1/3 of the committee
- The level of balance is consistent with ANSI procedures. It was noted, by example, that not every member of the IBC-Structural code committee is an engineer
- Results in an unfair NAHB advantage as it requires that only 2 additional committee members beyond the 4 NAHB representatives to determine an action
- A list of NAHB representatives should be offered and ICC determines who to appoint
- These appointments are ultimately made by the ICC Board. If the Board disagrees with a nomination, they have the authority to voice this concern to NAHB
- Comments were voiced about “set-asides” for not just NAHB but other organizations as well

The question was called and the motion failed.

### **9. ICC Codes & Standards Activities**

#### **9.1 2009/2010 Code Development Cycle – See Item 11.4**

##### **a. Schedule**

Staff presented the schedule:

- This also included the decision, due to budget considerations, that only Regulators on the code committees will be reimbursed for travel to the code development hearings in Baltimore.
- 2009 codes are available in pdf on eCodes as they are completed
- Board appointments to code committees to occur in May/2009

Discussion:

- Not reimbursing Users and Producers may impact the expertise of the committee due to individuals not being able to self fund. A disincentive to participate.

**b. CP #28 Code Development revisions**

Staff note that technical modifications will be permitted at the code development hearing and multiple changes to the same section by a single proponent will not be permitted unless the changes address different subject matter.

**9.2 Codes and Standards Committee Activities**

Due to time constraints, staff provided an abbreviated update:

- ICC A 117.1 is anticipated to be completed in early summer
- ICC National Green Building Standard was approved by ANSI
- The Board established the Sustainable Building Technology committee (CP 35) and a Call for Committee will be posted shortly

**9.3 CP #33 Guideline Development (posted)**

Not discussed due to time constraints.

**10. ICC-ES Activities**

**10.1 ES Advisory Committee (ESAC)**

No report

**11. ICC Board Activities**

**11.1 ICC Board action on:**

**a. Appeal disposition: RB 64/RB66 -07/08; RB 71-07/08**

Staff reported that the appeal of RB64/RB 66 submitted by NAHB and the appeal of RB71 submitted by AGA were both processed in accordance with CP 1 and both appeals were denied by the ICC Board and a press release was issued noting the Board decision on both appeals.

**b. IAC recommendation on IAC Membership criteria and process**

See agenda item 8.2.

**c. IAC recommendation on Green Building Policies**

Staff reported that the 7 IAC recommendations were reviewed by the Board at the December/2008 Board meeting. The Board voiced concerns with the following 3 recommendations:

- Programs supported by ICC shall be developed using a consensus process offering measurable performance criteria as provided by CP 28-05, section 3.6.3.2.
- ICC – ES Evaluation Services shall rely on standards developed by standards developing organizations when verifying technologies, products and systems and their “green” performance and claims. In the absence of standards ICC - ES shall be permitted to rely on industry-wide criteria or protocols.
- ICC – ES shall evaluate “green” products, components, methods and materials as it would perform an evaluation of other products for compliance against the I-Codes.

**11.2 ICC Membership Ad Hoc Committee**

No report

**11.3 Presidential Advisory Committee on Select Affairs**

Staff cited the ICC Advisory that was issued noting the ICC Board action on ethics and sponsorships. This advisory notes the adoption of two new policies on Ethics (CP 37) and Sponsorships (CP36) as well as amended CP 10 Chapter Responsibilities. The advisory further notes that the Board is in the process of reviewing proposed by-laws changes to address qualifications and voting procedures.

Discussion:

- The Board acted too quickly resulting in an “ad hoc” quality
- Is there a Board ethics review committee?

Staff note: Subsequent to the IAC meeting, staff sent the link to the advisory to the IAC and interested parties on February 12<sup>th</sup>.

**11.4 Plan to Streamline the ICC Code Development Process - posted:**  
[http://www.iccsafe.org/cs/codes/schedule\\_advisory.html](http://www.iccsafe.org/cs/codes/schedule_advisory.html)

Staff presented the changes to the process as established by the ICC Board.

- A change from 2 – 18 month cycles to a single cycle
- The codes being grouped in two groups and each group being on a single 12 month cycle, resulting in shorter hearings which was the main concern voiced by the membership and one of the key reasons for the Board's decision
- The ability to submit technical modifications at the code development hearing has been reinstated
- Code editions will be published approximately 1 year earlier than in the past (2012 in the Spring of 2011)

Discussion:

- The Board should have sent this out for comment before taking action. Such an action may disenfranchise the membership
- Code groupings may adversely impact participation (and cross communication of interests) due to the code and its participants only being active once every 3 years
- Education sessions prior to the hearings is not a key consideration
- Modifications being accepted at this stage impacts how the code changes should be developed
- The net number of code changes approved for the subsequent edition may be reduced because often a change requires two cycles to get it refined for inclusion. A reduction in number of changes approved may adversely impact adoption – jurisdictions may retain older version of the code due to the lack of significant changes
- This change should not take effect immediately. At the earliest, it should take effect after the publication of the 2012 codes and thus allow time for comment and further refinement
- Only provides for 2 months to develop changes that will now impact the 2012 editions.
- Has a significant impact on standards developers who have scheduled their updates based on the conventional cycle which provides an extra cycle/year to update their standards
- May result in a proponent submitting multiple changes to the same section due to only one opportunity to change the code – will add time to the hearings instead of shortening the hearings
- Two cycles of submittals are necessary to provide the opportunity to make corrections to previously approved code changes in the first cycle
- A single cycle may result in an unprecedented volume of code changes for the upcoming cycle
- Once a grouping is determined, do not change it every 3 years as this impacts the standards developers schedules

A motion was made, seconded and approved:

Recommend to the ICC Board that the current process be maintained through the 2012 edition.

A motion was made, seconded and approve:

Request that the ICC Board reconsider this change and treat it as a proposal for comment for a defined period of time.

**12. Old Business**

Revisit the issue of IAC telecom capability. Not discussed due to time constraints.

**13. New Business**

**13.1 DOE Collaborator meetings**

Not discussed due to time constraints.

**14. Next IAC Meeting**

**14.1 Next meeting: TBD**

Not discussed due to time constraints.

**15. Adjourn**

The meeting was adjourned at 4:00 pm.

Websites:

**IAC:** <http://www.iccsafe.org/cs/cc/iac/>

**Codes & Standards:** <http://www.iccsafe.org/cs/>

**Code Development/Council Policies:** <http://www.iccsafe.org/cs/codes/>

**Government Relations:** <http://www.iccsafe.org/government/>

## Appendix A

### IAC Meeting Attendees

<b>IAC Member</b>	<b>Name</b>
American Concrete Institute	Dan Falconer
American Petroleum Institute	Dick Kraus
American Forest and Paper Assn.	Ken Bland(VICE-CHAIR)
American Architectural Manufacturers Association	Julie Ruth
American Institute of Architects	John Loyer
American Institute of Building Design	Steve Mickley
American Iron and Steel Institute	Robert Wills
American Public Health Association	Jake Pauls
American Society of Heating, Refrigerating and Air-Conditioning Engineers	Steven Ferguson
Asphalt Roofing Manufactures Association	John Ferraro
Associated Builders and Contractors	John Rave
Automatic Fire Alarm Association, Inc.	Tom Hammerberg
Brick Industry Association (BIA)	Charles Clark
Building Owners and Managers Assoc. Intl	Larry Perry, Dave Johnston
Cast Iron Soil Pipe Institute	Bill LeVan
Cellulose Insulation Manufacturers Association	Daniel Lea
Door and Access Systems Manufacturers Association International	Joe Hetzel
Extruded Polystyrene Foam Association (XPSA)	Susan Strong
Federal Emergency Management Association	Mike Mahoney
Gypsum Association	Mike Gardner
International Firestop Council	James Stahl
National Association of Home Builders	Ed Sutton
National Burglar and Fire Alarm Association	Rick Simpson
Natl. Council of Structural Engineers Association	Kirk Harmon
National Electrical Manufacturers Association	Marty Brett
National Institute of Building Sciences	Henry Green
National Multi Housing Council	Ron Nickson
National Ornamental and Misc Metals Assoc.	Tom Zuzik
Plastic Pipe and Fittings Association	Dick Church
Plumbing, Heating & Cooling Contractors National Association	Ike Casey
Portland Cement Association	Steve Szoke
Responsible Energy Codes Alliance	Eric Lacey
Semiconductor Industry Association	Pat McLaughlin
Single Ply Roofing Industry	Mike Ennis
Steel Joist Institute	Bob Hackworth
U.S. Department of Agriculture	Bill Downs
<b>Other</b>	
ARMA	John Ferraro
ICC Staff	Tom Frost, Mike Pfeiffer
ICC Board Liaison	Jimmy Brothers
ICC Board Members	Bill Dupler