



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

*Monday, September 29, 2003 — 1:00 p.m. to 4:00 p.m.
American Gas Association Headquarters
400 N. Capitol Street
Washington, D.C. 20001*

1. **Call to Order:** Chairman David Frable (U.S. General Services Administration) called the meeting to order at 1:00 p.m. and it was determined that a quorum was present. Jim Ranfone (American Gas Association) welcomed the IAC members to AGA Headquarters and introduced Senator Jeff Bingaman (D-NM), ranking Democrat on the Senate Committee on Energy and Natural resources who was attending another meeting in the AGA offices. Senator Bingaman addressed the IAC and briefly discussed the energy efficiency provisions of the Energy Bill, HR 6 and commended the ICC for the important work they do in developing the International Energy Conservation Code. The Energy Bill is currently in conference committee.

2. **Approve Agenda:** Jake Pauls (American Public Health Association) requested an additional agenda item 9.7 Scope of Staff Analysis. A **motion** was made and seconded to approve the agenda as revised to include item 9.7 Scope of Staff Analysis. The motion carried.

3. **Self Introductions:** The Chairman asked for self-introductions of those present at the meeting. A list of those in attendance is included as Attachment A to the minutes.

4. **Report of the Nominations Committee**
 - 4.1 **Election of 2004 Chair/Vice Chair:** Nominations Committee Chair, Ron Nickson (National Multi-Housing Council) reported that the Nominations Committee is nominating the following individuals: IAC Chairman: David Frable and IAC Vice-Chairman: Julie Ruth (American Architectural Manufacturers Association).

** A **motion** was made and seconded to elect David Frable Chairman of the IAC and Julie Ruth Vice-Chairman of the IAC. The motion carried.

 - 4.2 **Officers Term of Service:** Nominations Committee Chair, Ron Nickson reported that the Nominations Committee recommends the IAC Rules of Procedure be revised to change the term of service for the Chairman, Vice Chairman of the IAC to two years.

** A **motion** was made and seconded to revise the IAC Rules of Procedure to change the term of service for the Chairman and Vice Chairman of the IAC to two years. The motion carried.

5. Chairman's Appointments

5.1 Nominations Committee: Chairman Frable appointed the following as members of the 2004 IAC Nominations Committee: Ron Nickson, Chair; Robert Elliott (American Plastic Council); Marshall Klein (Automotive Oil Change Association); Dave Collins (American Institute of Architects); Richard Kraus (American Petroleum Institute).

** A **motion** was made and seconded to confirm Chairman Frable's appointments to the Nominations Committee. The motion carried.

5.2 Executive Committee: Chairman Frable appointed the following as members of the 2004 IAC Executive Committee: Chairman Frable, Vice-Chair Julie Ruth, Ken Bland (American Forest and Paper Association), David Harris (National Institute of Building Sciences), Jim Messersmith (Portland Cement Association), Larry Perry (Building Owners and Managers Association), Jeff Shapiro (The Chlorine Institute, Inc.) and David Viola (Plumbing Manufacturers Institute).

** A **motion** was made and seconded to confirm Chairman Frable's appointments to the Executive Committee. The motion carried.

6. Approval of June 4, 2003 IAC Meeting Minutes: A **motion** was made and seconded to approve the minutes of the June 4, 2003 IAC meeting held in Arlington, VA. The motion carried.

7. Staff Report on ICC Activities: Staff reported on the following:

7.1 Board Action on IAC Recommendations: The ICC Board tabled the IAC recommendation stating that there should not be more than 50 % code officials on any committee because a majority of IAC members believe that there should be no more than 50 % of any interest group on a committee. The reason for tabling the recommendation is the Board is requesting additional information as to why this recommendation was made. The IAC discussed this issue and several members commented that there should be more balance and more industry representation on the code development committees. Staff informed the IAC that, beginning with the next code development cycle, the ICC Code Councils will be responsible for making committee appointments and would take the IAC comments into consideration. They also noted that the committee size would be limited to no more than 12 persons, beginning next code development cycle.

** A **motion** was made and seconded recommending that the ICC Board delete this item from their agenda and see how the Code Council process works. The motion carried.

7.2 ICC Codes Forum 2003: This item was addressed in agenda item 9.

7.3 Standards Development Activities: Larry Brown reported on the status following ICC Standards Development activities:

- ICC Amusement Standard: Committee to be appointed soon and will start development.
- ICC Standard on Bleachers: Standard development completed. Standard has been sent to ANSI for approval. NFPA filed an appeal and subsequently withdrew the appeal.
- ICC Standard on Hurricane Resistant Construction: Committee has been appointed and will start development soon.
- ICC Standard on Log Structures: The next meeting of the ICC Consensus Committee on Log Structures will be held October 24, 2003 (1:30 Central Time teleconference).
- ICC Standard on Storm Shelters: The next meeting of the ICC/NSSA Consensus Committee on Storm Shelters will be held October 21-22, 2003 in Tampa, FL

7.4 Ad-hoc Committee on Referenced Standards in the I-Codes: Larry Brown reported that the Ad-hoc Committee has not met since the last IAC meeting so there was nothing new to report.

Bruce Hunn (American Society of Heating, Refrigeration, and Air-Conditioning Engineers) stated that all referenced documents in the I-Codes are not referenced standards. This includes some guides, and federal laws. It appears that Section 3.6 of the ICC Procedures does not apply to these documents, since it is titled “Referenced Standards”. If Section 3.6 does not apply it appears that there no criteria for these other documents in the International Codes.-codes. Hunn suggested that the title of Section 3.6 of the Procedures be revised to Referenced Documents.

** A **motion** was made and seconded to recommend that the ICC Standards Council consider expanding the scope of Section 3.6 of the Procedures to include: Manufacturer Standards; Installation Standards and Other Documents. The motion carried.

7.5 I-Codes Adoptions: A copy of the latest code adoption information was distributed with the agenda.

7.6 Federal Activities: Dick Kuchnicki reported that they are in the process of meeting with those Federal agencies that have an interest in the codes and support services of ICC and making a presentation on the new ICC and its services that are available.

7.7 National Activities: the following upcoming activities were reported on:

- The Inter-jurisdictional Regulatory Collaboration Committee (IRCC) and the United States' National Research Council (NRC) are having a Global Summit on Performance-Based Building Codes to be held on November 3-5, 2003, in Washington, DC. with the purpose of furthering discussion on policy issues related to performance-based building regulations. This global summit will draw policy makers, regulatory officials, industry representatives, researchers and others — from around the world and across the United States — to discuss key issues, identify

potential solutions, and draft a roadmap for addressing policy challenges of performance-based building regulatory systems.

- ASME Workshop on Use of Elevators in Fires and Other Emergencies: ICC is a co-sponsor of this ASME Workshop that will be held in March, 2-4, 2004 in Atlanta, GA.
- Robert Elliott recommended that ICC should review and evaluate procurement policies and practices related to how the Federal Government is incorporating sustainable design and energy efficiency into their construction projects.

Other members expressed concern regarding the guidelines developed by the U.S. Green Building Council (USGBC) and their effects on the building construction industry. Concern was also expressed that some Federal Agency construction projects must be certified through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the USGBC and that this will become a de facto Building Code requirement. It was noted that the USGBC does not allow industry associations to join USGBC yet their recommendations affect those associations.

- ** A **motion** was made and seconded to appoint an IAC Task Group on Green Building Rating Systems and their impact on construction in the U.S. The motion carried.

The following volunteered to serve on the Green Building Rating System Task Group:

Robert Elliott – Chairman

Waseem Khan (Brick Industry Association)

Eli Howard (Sheet Metal and Air Conditioning Contractors' National Assoc. Inc.)

David Harris (National Institute of Building Sciences)

Bruce Hunn (American Society of Heating, Refrigeration and Air-Conditioning Engrs.)

Jonathan Sargent (Cast Iron Soil Pipe Institute)

Kenneth Bland (American Forrest & Paper Association)

Ed Sutton (National Association of Homebuilders)

Mike Mahoney (U.S. Federal Emergency Management Admin.)

Gene Fisher (U.S. Environmental Protection Agency)

Chairman Frable requested that the IAC Task Group on the LEED Green Building Rating System provide a report at the next IAC Meeting.

- Kevin Kelly (National Fire Sprinkler Association) reported on legislation being considered in the Senate to give tax credits for installing fire sprinklers, S 1566, The Fire Safety Act. Kelly asked the IAC members to consider supporting this legislation.
- Dave Harris reported that NIBS is assisting NIST in coordination of the eleven topics of the NIST R&D work on the WTC investigation for incorporation into the building process.
- James Olshefsky (American Society for Testing & Materials) reported that the ASTM E 54 Committee has established a subcommittee on Building and Infrastructure Security.

The first meeting of the subcommittee will be in January in Tampa FL.

7.8 Veeck Supreme Court Case: Dick Kuchnicki reported the Veeck case is now over and the 5th Circuits' decision remains final. . . . at least in the 5th Circuit.

8. Chairman's Report: Chairman Frable thanked the IAC for re-electing him as Chairman and Julie Ruth as Vice Chairman. He also asked that all IAC members continue their support and active participation in the ICC Code Development Process in the coming year.

9. Codes Forum 2003 Critique

9.1 Role and Status of IEBC: Chairman Frable stated that the ICC Board must decide the role and status of the IEBC. Numerous code changes related to the IEBC became mired in debate about whether there should be an IEBC, whether it should be an integral part of the I-code package or not, etc. Individual committees should not be permitted to determine which issues they want to address, and which should be left to another committee/code. Part of the concern appears to stem from the fact that the IEBC was developed to be enforced when a building is being renovated, but is not being adopted and enforced as applying to all existing buildings. Therefore, the scope, intent and probable application of the IEBC is not clear.

Staff responded that the IEBC has not enjoyed the drafting/development participation of the other I codes. The ICC Board is aware of this. Some of the problem is also attributed to a lack of knowledge of what the IEBC says. In the IBC development days, there was a Scoping Committee who was directed by the Board to determine maintenance. With the development of the IEBC, the ICC Board took an action in accordance with Section 1.3.1 of the Procedures to ascribe maintenance of existing building issues in the International codes in order to facilitate one of the fundamental goals of ICC...coordinated codes.

Several IAC members expressed the need for a clear direction from the ICC Board regarding the IEBC and for better coordination between the other I-codes. The IAC members took no further action.

9.2 Laptop Lane: Chairman Frable thanked the ICC for 'laptop lane' in the hearing rooms and asked if it would be feasible to provide WI-FI access in the hearing rooms? With Internet connections for web-cast already provided, adding a single base station appears to be an easy endeavor.

Staff responded that when it's cost effective ICC can respond, provided the need is there. In the case of laptops and web posting/cd's of code development activities, laptop row makes sense to support the activity. Not sure the same can be said for WI-FI access.

Jake Pauls stated he is in favor of WI-FI access. He stated that WI-FI was relatively inexpensive. He also stated that WI-FI access would allow ICC members to so he can monitor hearings that are simultaneously occurring in another room. both hearing rooms at same time. Pauls also suggested that ICC could charge a reasonable fee for this service.

9.3 Voting Badges: Chairman Frable questioned why committee members wore white badges. Are there committee members who are not members of ICC, or were badges miss-printed,

as with some other attendees? When a floor vote arose, it was announced that only green badges could vote, except for committee members, who could vote with a green or white badge. If these are non-members, it doesn't seem appropriate for them to vote on a "floor action", as at that point in time, they are not serving as committee members; they are voting as any other member of the assembly.

Staff responded that Section 5.7.4 of the Procedures.....Committee eligible to vote on Floor Actions, regardless of membership status. As to badges, staff created all white badges in advance of the hearings to support the committees on the dais. We should have (and will in the future) create badges based on membership.....ICC members - Green; non members - white.

- 9.4 Scheduling Conflicts:** Chairman Frable addressed the conflicts/overlaps of the Code hearings and education programs. He indicated that the IAC previously requested there be no overlap; ICC staff had indicated they would attempt to accommodate this. It appears that 1/2 of education sessions overlapped with the hearings. Is it possible to schedule the educational & socializing event either all before or after the Code hearings?

Staff responded that Nashville is not the model for future activities. Schedules and commitments were done well in advance, with code development activities fit in where time was available. This will not occur in the future. The next time, in fall 2006, the goal will be to have Conference activities/training in one segment with uninterrupted code hearings in another segment. Discussion on this has already started.

- ** A **motion** was made and seconded asking ICC to provide the IAC, as early as possible, a copy of the proposed schedule for the next ABM Code Hearings for review and comment. The motion carried.

- 9.5 Hearing Schedule Announcements:** Chairman Frable suggested that Moderators/Chairs should do a better job of announcing committee's planned schedule well in advance. Problems included: Announcing they would work till 5 PM, then continuing on past 5 PM, until 5:30 PM without any announcement and not announcing till 9:30 PM at night that the committee would begin at 7 AM the next morning.

Staff indicated that once we assess hearing progress, or the lack there-of, we advise the Chair. Once decided to go later or start earlier, we try to get the word out in a timely fashion.

Several IAC members pointed out that last year results were posted each day. This year they were not. A suggestion was made that the practice of posting hearing hearings results and schedule changes each day be renewed, and that there be a phone number in the hotel that one could call to get current information on the schedule. It was also pointed out that there appeared to be a lack of staff at the hearings so there was nobody to go to with questions. . The IAC members took no further action.

- 9.6 Floor Modifications to Code Change Proposals:** Chairman Frable stated that the rules for floor modifications appeared to be interpreted differently by different committees. Frable referred to written comments on this issue that were submitted by Vickie Lovell who was

unable to attend this meeting. Lovell's comments are as follows: "Every committee chairman handled their modifications differently, with staff also in disagreement, creating a wide disparity between the actions on each code change. It doesn't matter so much how we handle modifications, so long as it is fair and consistent. There is the problem, however, of the resulting modified proposal ending up significantly different from what is published, begging the question as to how much printed proposals should be permitted to be modified, either by speakers from the floor or committee members. If the hearings are truly a public and open process, then significantly modified proposals should be considered in the public comment process and not developed on the floor."

** After considerable discussion a **motion** was made and seconded to create an IAC Task Group on Floor Modifications to address and to evaluate Sections 5.5.2 and 5.7 of the Code Development Process for the International Codes and develop recommended revisions. The motion carried.

The following have volunteered to serve on the Floor Modifications Task Group:

Tom Zaremba (Roetzel & Andres. L.P.A.) – Chairman

Julie Ruth

Pat McLaughlin (Semiconductor Industry Association)

Eric Devito (Responsible Energy Codes Alliance)

Ed Sutton

Dennis Pitts (American Forrest & Paper Assn))

Larry Perry (Building Owners and Managers Assn)

Vickie Lovell (Air Movement and Control Association)

Chairman Frable requested that the IAC Task Group on Floor Modifications provide a report at the next IAC Meeting.

9.7 Scope of Staff Analysis: Jake Pauls informed the IAC that he wrote a letter to the ICC CEO objecting to the staff analysis of his code change proposal that advised him that code changes are required to be supported by technical substantiation germane to the issue. Pauls stated that he was asked by staff to reconsider his submitted reason and revise it to only include germane technical substantiation. Pauls stated that Section 4.0 of the Procedures should state what a staff analysis should contain.

In addition, several IAC members stated that staff also told them that they did not submit sufficient numbers of standards but the standards were attached to their emails. Ed Sutton stated that the IAC should also look at what is appropriate to put in a code change as a supporting statement. The IAC members took no further action.

10. Other Business

10.1 OSHA Status – Workplace Egress Requirement: Chairman Frable advised that ICC should get OSHA to recognize the I-Codes to be equal to NFPA 101 for OSHA workplace egress requirements. This roadblock impacts a Federal Agency's ability to adopt the IBC in its entirety.

10.2 Referenced Standards Issues: David Roodvoets (SPRI) stated there is no clear ruling on the dating of secondary references in referenced standards and no clear requirement of the dating of new standards being introduced. We need to have this clearly spelled out.

Additionally although the code calls for consensus standards, FM test methods and standards are continuing to be referenced and even added; even though they are not consensus standards. Why do they get a free pass?

Roodvoets comments will be provided to the ICC Referenced Standards Ad Hoc Committee. The IAC members took no further action.

11. New Business: Jake Pauls asked for a discussion on the role of code development committees during discussion of assembly action. He stated that committee members must testify from the floor.

** A **motion** was made and seconded to recommend a revision to Section 5.7.2 of the Procedures to add a second sentence “During this discussion any participation by code committee members shall be from the floor”. The motion carried.

12. Date and Location for Next IAC Meeting:

It was agreed that the next IAC meeting will be held in Washington, D.C. in late April and the date shall be selected by the Chair. (NOTE: DATE AND LOCATION, AF&PA HEADQUARTERS, _____, ON MONDAY, APRIL 26, 2004: 1:00 PM – 4:30 PM))

13. Adjourn: A **motion** was made, seconded and carried to adjourn the meeting at 4:15 pm.

Richard P. Kuchnicki,
IAC Secretary

Date

ATTACHMENT A

**Attendance of the
ICC Industry Advisory Committee Meeting
September 29, 2003**

Attendee

Representing

Members

Gene Fisher	U.S. Environmental Protection Agency
Richard Kraus	American Petroleum Institute
Thomas Zaremba	Wired Glass Manufacturer
David Roodvoets	SPRI
Marcy Levitan	American Society of Mechanical Engineers
Jake Pauls	American Public Health Association
Eli Howard	Sheet Metal & Air Conditioning Contractor's Natl. Assoc. Inc.
George Straniero	National Armored Cable Manufacturers Association
Kenneth Bland	American Forest & Paper Association
Marshall Klein	Automotive Oil Change Association
Ron Nickson	National Multi Housing Council
Thomas P. Hammerberg	Automatic Fire Alarm Association
Michael Tierney	Builders Hardware Manufacturers Association
Bruce Hunn	ASHRAE
Mike Studer	American Institute of Building Design
David Harris	National Institute of Building Sciences
Elaine Thompson	Steel Tube Institute
Waseem Khan	Brick Industry Association
John Wiggins	Underwriters Laboratories, Inc.
Daniel Lea	Cellulose Insulation Manufacturers Association
Larry Perry	Building Owners and Managers Association Inc.
Ed Sutton	National Association of Home Builders
Bob Elliott	American Plastics Council
Julie Ruth	American Architectural Manufacturers Association
Dave Frable	US General Services Administration
James P. Olshefsky	American Society for Testing & Materials
James Ranfone	American Gas Association
Mike Mahoney	U.S. Federal Emergency Management Admin.

Alternates

Kevin Kelly	National Fire Sprinkler Association
Christine Andrews	National Restaurant Association
Marty Brett	National Electrical Manufacturers Association
Pat McLaughlin	Semiconductor Industry Association
Jonathan P. Sargeant	Cast Iron Soil Pipe Institute
Tom Mellbourne	Wired Glass Manufacturer

Non-Members

Eric DeVito

Responsible Energy Codes Alliance (RECA)

Staff

Larry Brown

ICC Staff

Richard Kuchnicki

ICC Staff