

**BUILDING STANDARDS COMMISSION
MEETING MINUTES**

August 16, 2010

1. CALL TO ORDER

Chair Leonard called the meeting to order at approximately 9:00 a.m. at Department of Consumer Affairs, 1625 North Market Blvd., First Floor Hearing Room, Sacramento, California.

ROLL CALL

Commissioners Present: Secretary Bill Leonard, Chair
Isam Hasenin, Vice-Chair
James Barthman
Craig Daley
Stephen Jensen
Michael Paravagna
Richard Sawhill

Commissioners Absent: Tony Hoffman
Steven Winkel

Also Present: Dave Walls, Executive Director
Stephanie Davis, Executive Assistant
Leslie Lopez, SCSA General Counsel
Teresa Boron-Irwin, BSC Staff Counsel

Commissioner Daley led the Commission in the Pledge of Allegiance.

2. CLOSED SESSION

There was not a need for a Closed Session.

3. APPROVAL OF THE APRIL, JUNE, AND JULY MEETING MINUTES

MOTION: Commissioner Hasenin moved approval of the April, June, and July Meeting Minutes. Commissioner Paravagna seconded. Motion carried unanimously.

4. SECOND REVISED DRAFT ENVIRONMENTAL IMPACT REPORT

(SRDEIR)

The recommendation was to adopt the findings and the Final Environmental Impact Report, "Adoption of Statewide Regulations Allowing the Use of PEX Tubing," (State Clearinghouse No. 2007102143) after Public Comment. The findings reflect that:

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- (1) The Final Environmental Impact Report has been completed in compliance with CEQA;
- (2) The California Building Standards Commission has reviewed and considered the information within the Final Environmental Impact Report prior to approving the project;
- (3) The Final Environmental Impact Report reflects the California Building Standards Commission's independent judgment and analysis; and,
- (4) Changes or alterations have been required in, or incorporated into the project that mitigate or avoid the potentially significant impact as identified in the Final Environmental Impact Report.

For the public record, Ms. Sabrina Teller summarized the changes in the Final Environmental Impact Report and the regulations. Ms. Teller explained that changes were minor, involving the addition of restrictions as a result of litigation.

Public Comment

- Mr. Bob Raymer, Senior Engineer and Technical Director, California Building Industry Association (CBIA), stated that approval would be wonderful and the vote historical. The generic-issue plastic pipe went back to the early '80's, and has been a long and tedious process. CBIA is very supportive of the settlement. For the economy, CBIA foresees plastic pipe helping to reduce costs in the struggling housing industry, in retrofit projects, and in the lawn and sprinkler industry.
- Tom Enslow spoke on behalf of the Consumer Federation of California, the California Professional Firefighters Council, the Sierra Club, and others, expressing thanks to the State and the industry for coming together to provide the information necessary for the public to think about this issue.
- Ms. Kelly Sherfey, California Building Officials, read from a written statement, requesting the removal of redundant language and of two misleading items.

Mr. Walls responded that the provisions are similar to what's already required and in the code for CPVC pipes.

MOTION: Vice Chair Hasenin moved for adoption of the Final Environmental Impact Report. Commissioner Daley seconded. Motion carried unanimously.

5. PROPOSED EMERGENCY STANDARDS ADOPTIONS AND APPROVALS

Proposed code changes, based on the criteria established in Health and Safety Code 18930, were as follows.

a) **The Building Standards Commission (BSC EF 01/10):** Proposed adoption of amendments to the 2007 and 2010 editions of the California Plumbing Code (California Code of Regulations, Title 24, Part 5). The proposed action amends Section 604.1.2, 604.11, 604.11.1, 604.11.2 and Table 6-4. Amendments to Table 6-4 reflect findings in the Final Environmental Impact Report (FEIR) upon which CBSC relied in its rulemaking.

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b) **The Division of the State Architect (DSA-SS EF 01/10):** Proposed adoption of amendments to the 2007 and 2010 editions of the California Plumbing Code (California Code of Regulations, Title 24, Part 5). The proposed action amends Section 604.1.2, 604.11, 604.11.1, 604.11.2 and Table 6-4. Amendments to Table 6-4 reflect findings in the Final Environmental Impact Report (FEIR) upon which CBSC relied in its rulemaking.

c) **The Department of Housing and Community Development (HCD EF 01/10):** Proposed adoption of amendments to the 2007 and 2010 editions of the California Plumbing Code (California Code of Regulations, Title 24, Part 5). The proposed action amends Section 604.1.2, 604.11, 604.11.1, 604.11.2 and Table 6-4. Amendments to Table 6-4 reflect findings in the Final Environmental Impact Report (FEIR) upon which CBSC relied in its rulemaking.

d) **The Office of Statewide Health Planning and Development (OSHPD EF 02/10):** Proposed adoption of amendments to the 2007 and 2010 editions of the California Plumbing Code (California Code of Regulations, Title 24, Part 5). The proposed action amends Section 604.1.2, 604.11, 604.11.1, 604.11.2 and Table 6-4. Amendments to Table 6-4 reflect findings in the Final Environmental Impact Report (FEIR) upon which CBSC relied in its rulemaking.

e) **The Department of Public Health (CDPH 01/10):** Proposed approval of amendments to the 2007 and 2010 editions of the California Plumbing Code (California Code of Regulations, Title 24, Part 5). The proposed action amends Section 604.1.2, 604.11, 604.11.1, 604.11.2 and 3 Table 6-4. Amendments to Table 6-4 reflect findings in the Final Environmental Impact Report (SRDEIR) upon which CBSC relied in its rulemaking.

f) **The Department of Food and Agriculture (AGR 01/10):** Proposed approval of amendments to the 2007 and 2010 editions of the California Plumbing Code (California Code of Regulations, Title 24, Part 5). The proposed action amends Section 604.1.2, 604.11, 604.11.1, 604.11.2 and Table 6-4. Amendments to Table 6-4 reflect findings in the Final Environmental Impact Report (FEIR) upon which CBSC relied in its rulemaking.

MOTION: Vice Chair Hasenin moved for adoption of the Statement of Findings relative to the Emergency Declaration and for adoption of the Emergency Regulations as drafted. Commissioner Daley seconded. Motion carried unanimously.

g) **Department of Housing and Community Development (HCD EF 02/10)** Proposed adoption as an emergency and certification of compliance and permanent approval of Appendix Chapter A3 of the 2009 International Existing Building Code (IEBC), “Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light, Wood-Frame Residential Buildings”, with amendment into the 2007 and 2010 California Existing Building Code.

Executive Director Walls explained that the regulations are for seismic retrofit. They have already gone through the certification process, including stakeholder input, the 45-day comment period, and submittal of the Final Statement of Reasons. Mr. Doug Hensel,

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Assistant Deputy Director of the California Department of Housing and Community Development (HCD), summarized the proposal. The seismic retrofit standards are for existing housing involving bolting foundations and bracing walls.

Public Comment

- Mr. Dan Dyce, California Earthquake Authority (CEA), stated that the CEA offered enthusiastic thanks for BSC's efforts in adopting these changes to the International Existing Building Code. CEA was pleased to see that the code adoption process is moving quickly. The changes pertain to the majority of residential structures in California. Mr. Dyce explained that CEA has a mandate to help homeowners retrofit their structures. This adoption sets a standard that may give homeowners incentive to do the seismic retrofits.

MOTION: Vice Chair Hasenin moved to approve the finding of emergency from the HCD. Commissioner Daley seconded. Motion carried unanimously.

MOTION: Vice Chair Hasenin moved for adoption of the provisions in the code being proposed and certificate of compliance. Commissioner Jensen seconded. Motion carried unanimously.

h) **Division of State Architect Structural Safety (DSA/SS EF 02/10)** proposed changes to the administrative regulations in the California Administrative Code, Title 24, Part 1, Chapter 4 regarding certification of school building projects. The regulations intend to streamline the certification process and eliminate a backlog of 12,000 projects occupied without certification.

Chip Smith & Masha Lutsuk from the Division of State Architect (DSA) presented the changes, which represent DSA's attempt to streamline the certification process for school building projects. The regulations would allow school districts to present to DSA only those Change Orders that impact structural, safety, and access requirements of the building code.

MOTION: Commissioner Paravagna moved to approve the finding of emergency declaration. Commissioner Daley seconded. Motion carried unanimously.

MOTION: Commissioner Paravagna moved to approve the adoption of the regulations for streamlining the closeout process. Commissioner Daley seconded. Motion carried unanimously.

Executive Director Walls clarified that the initial emergency adoption is what was before the Commission.

6. PROPOSED CODE ADOPTION AND APPROVALS

Executive Director Walls stated that the regulations had gone through the 45-day comment process last year. There had been concern about their necessity, so they had not been brought before the Commission. They were placed on the Agenda so the Commission could discuss them and take action if they felt the need.

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The regulations put in place the process that the Commission had worked on to develop green building standards.

Chair Leonard summarized that the regulations (as amended) are basically the staff recommendation to add Part 1 to the Green Code. It commits the Commission to a future process of consulting with Interested Parties and state government regarding future amendments to the code.

Public Comment

- Mr. Raymer commented that the proposal will put into regulation the administrative process that has already been used by the BSC for the past two and half years. The process works very well, and all relevant state agencies and interested parties have been consulted. Mr. Raymer stated that the process works very well for industry and he would like to see it carried forward.
- Ms. Victoria Rome, Natural Resources Defense Council, outlined three reasons for why this organization believes the regulations are important.
 1. The process of developing green building standards is somewhat different from other building standards – it touches on energy, water, air quality, and the health and well-being of building occupants.
 2. Outside groups and states should be able to see the process that California used in adopting green building standards.
 3. Six groups had signed on to a letter dated July 14. Stakeholders may have different perspectives, but they have all agreed on the process outlined in the regulations.

MOTION: Commissioner Jensen moved approval. Commissioner Paravagna seconded. Motion carried unanimously.

7. REPORT ON THE 2010 CODES

a) Publication – Access to Electronic Versions

Executive Director Walls reported that the 2010 Codes are published. ICC is working on the electronic versions, to be placed on the website for the public to access.

b) Next Annual Cycle

The cycle for updates to codes is in place. Staff is trying to keep them to an absolute minimum. December 31 is the deadline.

c) Education and Training

During the last cycle, there had been many questions about how the public, stakeholders, and organizations are becoming educated on the new codes.

1. Reports from Various Agencies and Organizations

- Mr. Hensel stated that HCD had provided several educational and training opportunities for the last several months throughout the state, as part of an ongoing process of partnering with other state agencies – building groups,

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private industry, trade organizations – anyone who may call HCD with questions. Training may include the International Residential Building Code, and it addresses whatever the questioners ask about.

HCD has also developed a Green Building Manual to accompany the CALGreen Code. The first edition came out in June, and a revision is coming out in December.

HCD has committed to ten additional training programs throughout the state.

- Mr. Bob Raymer stated that in April, CBIA had started intensive training and seminars throughout the state. They have now conducted eleven with three left to complete in 2010. A total of 500 people have attended so far, half of them building officials and half of them industry representatives. The curriculum focuses on California green building standards for residential high-occupancies. It also covers the update in energy efficiency standards, and the major changes brought about by the adoption of the International Residential Building Code. All of the training has been well-received by the industry.

Mr. Bob Raymer voiced a concern about the vast need for improved education by the energy leadership.

- Ms. Cynthia Biedermann stated that CBSC staff continues to present CALGreen programs throughout the state. The CALGreen team, including HCD staff, has facilitated statewide educational programs via teleconference and classroom settings. Most recently the Commission hosted an exhibit at the 2010 California Construction Expo in Pasadena. Commission staff has also provided training to the Construction Specifications Institute in Fresno, the Construction Industry Legislative Conference in Sacramento, and many other entities.

As the January effective date for the new mandatory measures approaches, and the need for CALGreen Information increases, outreach efforts will be enhanced by further additions to the CBSC website – including a pdf file of the code, a CALGreen Guidelines document, and FAQ and PowerPoint presentations.

During the next quarter, as part of the development of CalCode Academy, Commission staff will place emphasis on in-depth training.

The Commission has successfully developed public/private partnerships with a number of organizations in an effort to reach critical stakeholders statewide.

- Mr. Bob Graves, President of Green Technology, provided additional information on interest and receptivity in these programs. Green Technology is a non-profit publishing organization. Nine seminars have reached almost 1300 registrants, and 241 CALGreen code binders have been delivered. There is a wide range of interest, from community college instructors to recycling experts to community members.
- Mr. Kevin Scott, International Code Council (ICC), congratulated the Commission for getting CALGreen adopted and for being a leader in this

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effort. ITC is currently developing in-depth training based specifically on code with practical use demonstrations. Training will show how to comply with it and how to apply it. Training will take two forms: online training and seminars.

ICC is developing certifications for CALGreen plan review and inspectors.

ICC also has certifications in the international set of building codes, and is looking at developing a California version of the certifications.

ICC has completed 1-day, 3-day, and 5-day training courses for plan review, inspectors, and installers for residential sprinklers.

- Mr. Dwight Perkins, Director of Field Operations for the International Association of Plumbing and Mechanical Officials (IAPMO), noted that IAPMO will be offering complimentary CD-ROMs in addition to the code books. Development of the 2010 CPC and CMC updates are scheduled to be completed through the training department later in August. IAPMO staff will be going on the road to provide training seminars.
- Mr. Chuck Smith stated that ESA will be conducting formal training at the academy for code update classes for all of Title 24 in September. Training for staff on the model code will also be done.
- The National Fire Protection Association (NFPA) reported that they have been working with the Electrical Inspectors Association, and they are providing one week of free training to government enforcement agencies.

8. FUTURE AGENDA ITEMS

Commissioner Jensen requested staff to report at the next CBSC meeting regarding the timing of CEC regulations and how the energy efficiency standards are out of sync with the rest of codes.

9. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA

There were no comments from the public.

10. ADJOURN

Chair Leonard adjourned the meeting at approximately 10:00 a.m.