

**CALIFORNIA BUILDING STANDARDS COMMISSION
CODE CHANGE COMMITTEE
MEETING MINUTES**

January 18, 2012

1. CALL TO ORDER

Chair Armstrong called the meeting to order at 10:00 a.m. at the Department of Consumer Affairs, 1625 North Market Blvd., First Floor Hearing Room, Sacramento, California 95834.

ROLL CALL

Commissioners Present:

Willie Armstrong, Chair
James Barthman
Rose Conroy
Stephen Jensen
Tony Hoffman
Danielle Paxson
Richard Sawhill
Randy Twist
Doug Williams

Also Present:

Michael Nearman, Deputy Executive Director
Stephanie Davis, Executive Assistant

Commissioner Paxson led the Commission in the Pledge of Allegiance.

2. APPROVAL OF THE OCTOBER MEETING MINUTES

Commissioner Sawhill stated that there had been a modification made to the Minutes referencing a comment made with respect to improving an Emergency Provision. The modification had been prepared by Executive Assistant, Stephanie Davis.

MOTION: Commissioner Sawhill moved approval of the October 19, 2011 Meeting Minutes. Commissioner Barthman seconded. Motion passed with two abstentions.

3. SWEARING-IN OF NEW COMMISSIONERS

Rose Conroy and Randy Twist came forward to be sworn in by Chair Armstrong. He welcomed them to the CBSC.

Commissioner Twist introduced himself as a local contractor who also has offices in Reno. He specializes in the water industry and the power and process industry. He thanked the Governor for the appointment, and stated that he looked forward to getting to know his fellow Commissioners.

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Commissioner Conroy introduced herself as having been in fire service for over 30 years, working at the City of Davis for the last 16 years as Fire Chief. She was deeply honored and appreciated this opportunity, and looked forward to the work ahead.

4. UPDATE ON THE BUILDING STANDARDS COMMISSION STRATEGIC PLAN

The CBSC's new Deputy Executive Director, Michael Nearman, presented the update. Chair Armstrong congratulated him on his new position and noted the experience and technical expertise he brings to the Commission.

Deputy Executive Director Nearman stated that last January, immediately after the 2010 edition of the California Building Standards went into effect, Commission staff immediately commenced work on the 2012 Triennial Code Adoption Cycle.

Education and outreach efforts had been stepped up by a complete redesign of the CBSC website, making it more user-friendly for California stakeholders and providing fast access to the regulatory process and other vital code information.

Other outreach efforts included participation in the strategic events throughout the State (as travel restrictions and budget allowed).

In short, the code cycle process never stops.

5. PROPOSED CODE AND STANDARDS APPROVALS

a) The California Department of Public Health (CDPH 01/10)

Chair Armstrong stated that the item was for proposed adoption of amendments to the 2010 California Building Code for public pool provisions, Chapter 31B.

CDPH representative Robin Belle Hook, Environmental Services Section Chief for the Environmental Health Service Section, reviewed the progress of the amendments as summarized below.

1. In October 2011 that CDPH Section had presented a fact sheet showing incidence of water-borne illnesses and injuries in recent years at recreational water facilities, often occurring because accurate standards were not in place to protect the public's health and safety.

The goal of public pool regulations is to ensure the health and safety of all who use California's public pools. It has been 25 years since the public pool construction regulations have been comprehensively reviewed and updated.

2. Modern innovative attractions present a challenge for health officers, designers, and contractors. For many years, representatives of the pool industry and public health officials have been meeting regularly to develop a regulations package that best reflects current technologies, health-related science, and the public's interest.
3. A new bill that passed in 2010, AB 2001, gave rulemaking authority for these public pool construction regulations that reside in the Title 24 Building Code to CBSC. Shortly after that, the CDPH presented a regulations package to CBSC that reflected those long years of consideration and review.

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4. Two 45-day public comment periods and a 15-day public comment period were held. CDPH accepted many of the comments received. In October, CBSC had directed CDPH to meet in person with building community stakeholders. During the Public Advisory Committee meeting in November, the committee offered further suggestions. A final 15-day public comment period was held in December.
5. The final package Ms. Hook presented is a reflection of all the comments and suggestions received. CDPH intends to address further issues through stakeholder groups and technical advisory committees for future adoptions. The public has the expectation that public pool facilities will be designed and constructed to prevent illnesses and injuries.

Public Comment

- Peter Conlin, representing the California Spa and Pool Education Council (SPEC), stated that this organization supported the package.
- Tom Enslow, representing the International Association of Plumbing and Mechanical Officials (IAPMO) and the California State Pipe Trades Council, stated that those organizations supported the package.
- Curtis Fritz, representing the Infectious Diseases Branch of the CDPH, read a short statement in support of the package that described the increasing number of cryptosporidium outbreaks. Two provisions in the package were important measures in reducing the outbreak risk.
- Justin Malan, California Conference of Directors of Environmental Health (CCDEH), commended the CBSC staff, the CDPH, and the local environmental health agencies for the outstanding job they had done. He stated that 62 local Environmental Health Directors and many health officers within local jurisdictions gave their full support to the package.
- Colleen Maitoza, Chair of the CCDEH Technical Advisory Committee, spoke in support of the package, citing recent outbreaks of emerging recreational water illnesses.
- Bob Raymer, representing the California Building Industry Association, spoke in support of the package. He also serves as Chair of the CBSC Ad Hoc Code Advisory Committee. He commented on the hard work CDPH had done in meeting with stakeholders and addressing their comments.

A particular issue pertained to bath houses, dressing, showers, and toilet facility mandates. CDPH reverted back to the ancillary facility language, and will address some of the concerns in the future. CDPH is adopting a new, all-inclusive definition of spraygrounds. Inadvertently, CDPH put the requirements for ancillary facilities together with the very broad definition for spraygrounds. The mandate for bathrooms and dressing facilities may incorrectly be applied to spraygrounds not intended for public use. This could be easily addressed by CDPH in an information bulletin.

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- Catherine Rucker, a law student and Emergency Medical Technician, addressed several issues.
 - Regarding the proposed requirement for the posting of artificial respiration and CPR procedures, it's critical that a standard be included in the language, as presented in the guidelines created by the International Liaison Committee on Resuscitation (updated in 2010).
 - She also questioned the illustrations to be used; there was no standard as to whose illustrations that would be.
 - Ms. Rucker pointed out that there are three types of CPR: adult, child, and infant. The procedure for each is different which complicates the issue.
 - She added that many languages are spoken in California, and possibly visual aids only should be used. This issue requires further study.
 - She stated that if lifeguards are on duty, they should be equipped with all the life-saving equipment that they have been trained to use. Automated External Defibrillators (AEDs) should be supplied.

Ms. Hook responded that the CDPH had spent much time on the sections on Artificial Respiration/CPR and diarrhea, knowing that it was important to be understood in all languages. Both sections include illustrated signage. CDPH had worked with the American Red Cross, knowing of their new CPR guidelines; the American Red Cross had stated that Artificial Respiration signs were still needed at public swimming pools.

Ms. Hook stated that the two sections would be addressed in future adoption cycles.

- Steve Dunn, an educator and representative of Commercial Pool Systems (a distributor of equipment and chemicals to commercial swimming pools), stated that the current codes were lacking on the hydraulics/mechanical side as well as the chemical side.
 - He commented on public fountains. Their locations can entice people to bathe in them on hot days; the homeless population also bathes in them. Dangerous situations can occur when recreational water illnesses go airborne when fountains shoot water into the air.
 - A person who has had diarrhea due to an illness can continue to be contagious for up to 14 days after symptoms disappear. Mr. Dunn encouraged enforcement of that section of the code.

Mr. Dunn stated that he supported the package.

- Brian White, Program Manager for a county environmental health group, spoke in support of the package.

MOTION: Commissioner Barthman moved approval of the package. Commissioner Hoffman seconded. Motion carried unanimously.

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6. PROPOSED EMERGENCY STANDARDS ADOPTIONS AND APPROVALS

a) Office of Statewide Health Planning and Development (OSHPD EF 01/11)

i) Action for finding of emergency

ii) Action for the adoption of the proposed regulations

Chris Tokas, Office of Statewide Health Planning and Development (OSHPD), presented the proposed emergency regulations, which implement the mandate of Health and Safety Code 130060(g), enacted by SB 90 (Chapter 19, Statute of 2011). It is a complex piece of statute. Below is a summary of Mr. Tokas' presentation.

- SB 90 authorizes OSHPD to grant hospitals an extension for up to seven years beyond the current compliance deadline for SBC-1 buildings. The length of the extension will be determined by OSHPD, and must be a reasonable amount of time.
- SB 90 does not change the 2030 final deadline that hospital facilities have in order to bring all their buildings to a continuous operation performance level, not just a life safety performance level.
- The statute contains allowances for adjustment to the extensions.
- Mr. Tokas provided a brief overview of the 1994 Statutory Amendment known as SB 1953.
- The original legislation contained an allowance for a delay in compliance; several hospitals took advantage, but they had to prove that compliance was going to result in some form of diminished capacity.
- SB 1661 brought forward another avenue to allow extensions for these facilities.
- Another piece of legislation amended the Seismic Safety Act and enabled SBC-1 buildings to request extensions up to 2020.
- SB 499 created another path for extension but did consider the seismic risk of the hospital building.
- Another piece of legislation dealt with delays in seismic compliance due to local entitlements, over which the State does not have control. In these cases, hospitals are allowed extensions up to 2018.
- SB 90 addresses the public safety question as it relates to seismic performance. Extensions are granted on a case-by-case basis, which forces the hospitals to be in a dialogue with OSHPD. They must justify their situations and present their plans, drawings, and timelines for compliance.
- Legislative language contains four milestones that a hospital must follow in order to qualify for the extensions.
 1. Submit a Letter of Intent and a bar graph schedule by March 31, 2012.
 2. Submit all necessary documents and analysis for OSHPD to be able to quantify the probable seismic risk by September 30, 2012.

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3. Submit reviewable drawings consistent with the original Letter of Intent by January 1, 2015. Also, submit a financial report by the same deadline that demonstrates how the owner will meet the targeted resolution – the financial capacity.
 4. Have a construction permit by July 1, 2018 for construction to be completed by 2020.
- Participation in SB 90 is not required.
 - Hospitals can appeal a denial of extension to the Hospital Building Safety Board.
 - Hospitals need to submit two pieces of financial information:
 - Establish the need for the seismic extension based on financial hardship by March 31, 2012.
 - Submit a financial report that shows that the hospital has the ability to complete the seismic retrofit or replacement project that will bring the building into compliance.
 - Probability of collapse will play an important role in justifying the structural integrity, and therefore the seismic integrity of the building.
 - Mr. Tokas used a graph to show that if risk is high, only a small time allowance is warranted. Conversely if risk is low, a high time allowance is warranted.
 - A maximum of 208 facilities will participate. Currently 595 SBC-1 buildings are in the inventory with the number rapidly decreasing.

Mr. Tokas closed by stating that SB 90 and its regulations provide a flexible, advanced approach that will assist hospitals in working towards compliance with current seismic safety standards.

Commissioner Questions & Comments

Chair Armstrong inquired about fees. Mr. Tokas explained that there are three fees:

- A \$250 filing fee.
- A fee associated with the review of the justification documents.
- A fee for submittal of a project for review and approval, based on a percentage of the project cost.

Public Comment

Roger Richter, representing the California Hospital Association, stated that the group strongly supported the regulations.

MOTION: Commissioner Paxson moved approval of the finding of emergency. Commissioner Jensen seconded. Motion passed unanimously.

MOTION: Commissioner Paxson moved to approve the amendment of the emergency building standards. Commissioner Jensen seconded. Motion passed unanimously.

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7. CODE ADVISORY COMMITTEE MEMBER SELECTION

Chair Armstrong stated that the majority of the nominations had been made during the Code Advisory Committee meeting in November 2011. Included in this action are the consideration of three new applicants for Electrical, Fire, and Ex-Officio positions that were not nominated in the previous application process to serve on the Plumbing, Electrical, Mechanical and Energy Code Advisory Committee.

Commissioner Barthman, Chair of the Code Change Committee, presented the item. He stated that there were 85 applicants for 64 positions. All positions had been filled except three.

The Code Advisory Committee is important to the whole operation of code development in the State of California.

Commissioner Barthman read the names of the applicants/nominees for outstanding vacancies for the Plumbing, Electrical, Mechanical and Energy Code Advisory Committee: Augie Cerdan, John MacDougall, and Gregg Briggs.

Deputy Executive Director, Michael Nearman, clarified Commissioner Barthman's intent to vote on the committee as a whole including the new applicants. Commissioner Barthman concurred that his intent was to vote on them as a whole with including the new applicants.

Jane Taylor, CBSC staff, made a correction to the record. John MacDougall was already nominated for the PEME Committee. Dawn MacFayden was the new applicant for the Fire Official position.

Commissioner Barthman concurred with Ms. Taylor's correction.

Commissioner Paxson stated she needed to recuse herself from voting on the PEME Committee due to working relationship and her suggestion to Ms. MacFayden's application to the committee.

Commissioner Barthman read the names of the committee members including the 3 new applicants.

MOTION: Commissioner Barthman moved approval of the Plumbing, Electrical, Mechanical and Energy Code Advisory Committee members. Commissioner Hoffman seconded. Motion passed with one abstention.

Commissioner Barthman read the names of the Accessibility Committee members.

MOTION: Commissioner Barthman moved approval of the Accessibility Committee members. Commissioner Hoffman seconded. Motion passed unanimously.

Commissioner Barthman read the names of the Building, Fire and Other Committee members.

MOTION: Commissioner Barthman moved approval of the Building, Fire, and Other Committee members. Commissioner Hoffman seconded. Motion passed unanimously.

Commissioner Barthman read the names of the Green Building Committee members.

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MOTION: Commissioner Barthman moved approval of the Green Building Committee members. Commissioner Hoffman seconded. Motion passed unanimously.

Commissioner Barthman read the names of the Health Facilities Committee members.

MOTION: Commissioner Sawhill moved approval of the Health Facilities Committee members. Commissioner Hoffman seconded. Motion passed unanimously.

Commissioner Barthman read the names of the Structural Design and Lateral Codes Committee members.

MOTION: Commissioner Barthman moved approval of the Structural Design and Lateral Codes Committee members. Commissioner Hoffman seconded. Motion passed unanimously.

8. I-PAD DROPBOX

Chair Armstrong reported that Commissioner Sawhill had requested to research the possibility of using an iPad Dropbox for downloading materials.

Kevin Day, CBSC Legislative Analyst, had investigated this idea by opening a Dropbox account for the Commission to use. The application can be used to share files: documents can be uploaded to an external server to which users can be granted access. They can then download the files. The application works well with mobile devices.

Mr. Day and Commissioner Sawhill successfully used the application with electronic Commission Agenda Book pdf files.

9. FUTURE AGENDA ITEMS

Commissioner Barthman stated that regarding the Code Change and CEC Committees, he would like staff to look at possibly adding a Plumbing and Mechanical representative to the Plumbing, Electrical, Mechanical and Energy Code Advisory Committee and the Green Building Code Committee.

Deputy Executive Director Michael Nearman stated that Green Building Committee Chair Robert Raymer requested an agenda item concerning the number of amendments and coordination between the State agencies who propose those amendments. This item will be addressed at the April Commission meeting.

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

There was no public comment.

11. ADJOURN

MOTION: Commissioner Paxson moved to adjourn the meeting. Commissioner Barthman seconded. Motion carried unanimously.

Chair Armstrong adjourned the meeting at approximately 11:40 a.m.