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MINUTES

**Rules Development Committee
Wednesday, July 18, 2001
Herndon, Virginia**

Chairman Rothman convened a meeting of the Rules Development Committee on Wednesday, July 18, 2001, at 9:00 a.m. at the Days Hotel Conference Center in Herndon, Virginia. As no quorum was present, the Committee took a recess. At 10:00 a.m., the meeting was called to order and attendance was taken as noted below:

Members Present: Bill Bryant, Anne Arundel County Inspections and Permits
Ujval K. Dave, State of Maryland
Mike English, Haven Homes
Curtis McIver, Commonwealth of Virginia
Jim Rothman, PFS Corporation

Others Present: Kathryn Arner, NTA, Inc.
Debbie Becker, NCSBCS
Jerry Brosius, Modular Code Consultants, Inc.
Joseph A. Cirillo, State of Rhode Island
N. Kevin Egilmez, NCSBCS
Stephen Hernick, State of Minnesota
Eric Leatherby, Commonwealth of Virginia
Doug Newport, NCSBCS
Richard Osworth, State of New Jersey
Judy Smith, Modular Building Institute
Bob Tanger, T. R. Arnold & Associates
Robert Wible, NCSBCS

Approval of Minutes

On a motion by Mike English, seconded by Bill Bryant, the Committee approved the minutes of the July 26, 2000 meeting as submitted.

Correspondence

The secretariat noted that a list of correspondence received since the last meeting was available.

Old Business

There were no advisory committee reports given.

The Committee discussed regulations which would allow production personnel to perform limited compliance assurance functions (Attachment A). On a motion made by Bill Bryant, seconded by Chairman Rothman, the Committee unanimously agreed to recommend that the Commission issue the document as a formal interpretation with the following amendments:

Compliance Assurance Department

- 2.d.i, ii, iii: Change to percentages (i.e., 100 percent, 50 percent, 25 percent)
- 3.a. Change “manual” to manufacturer
- 3.b. Change “manual” to manufacturer
- 3.c. Delete
- 3.d. Delete

Inspection Agency Responsibilities

- 1.a. Change “ensuring” to verifying
- 1.b. Change “co-sign” to authorize
- 1.c. Change “Not less than four such evaluations” to “Not less than four successive evaluations”

Jerry Brosius informed the Committee that he will draft language for the certification waiver process. According to designated agency representatives, current regulations – in particular, the three-year time limit on tests – deter retired plans examiners and building inspectors from participating in the program. If adopted, the process will allow the Commission to certify an applicant who does not meet the *Uniform Administrative Procedures*’ requirements but who is otherwise qualified. The Committee agreed to distribute the draft language to its members and to vote by letter ballot.

New Business

Chairman Rothman noted that there were currently four vacancies on the RDC: one state- and three industry-member positions. He asked the Committee members to submit nominations in writing to the Secretariat. Richard Osworth stated that the Commission contacted New York to fill the state vacancy. Robert Tanger suggested Don Shiner from Deluxe Homes as a potential candidate for the residential industry vacancy. Judy Smith said that she will consult with MBI regarding replacements for Kenneth Zuromski and Mickey Hitchens.

Chairman Rothman moved to reelect Mike English, Jack Rhody and Barry Gosset for three-year terms. The motion, seconded by Curtis McIver, was approved unanimously.

Richard Osworth discussed the Commission's concerns with the proprietary information section of the *UAP*. A recent request for documents exposed this section's shortcomings and, as a result, the Commission's counsel suggested revising the wording (see Attachment B). Prior to making any changes to the regulations, however, Richard Osworth wanted to know how other states and agencies cope with requests for information.

Bob Tanger said that all documents submitted to TRA are declared "proprietary," and all requests for documents are denied unless authorized by the manufacturer. Curtis McIver commented that a state cannot take the same approach because of the Freedom of Information Act. He said that, as a consequence, his state is very careful about what it keeps in state files. One suggestion was for IBC to identify certain types of documents either as "proprietary" or as "public" and so inform the manufacturers and designated agencies. Richard Osworth requested RDC members to submit any information they may have regarding handling of proprietary information.

Richard Osworth said that certified inspectors and plans examiners should be required to attend an IBC seminar as a condition for renewing their certifications. The purpose of the seminar would be to brief attendees on various IBC requirements and concerns. The general consensus was favorable with the stipulation that the seminars change locations and possibly offer a video or web-based program to facilitate attendance. Kevin Egilmez volunteered to draft language for a letter ballot.

Closed construction was the next topic for discussion with a handout provided. (See Attachment C.) In the past, some manufacturers have maintained that they were exempt from IBC requirements because their buildings were listed. After a brief discussion, the designated agency representatives in attendance pointed out that, to their knowledge, buildings are not listed and that any listing is limited to certain components within the building. Based on the discussions, the Committee felt no further action was necessary.

The Committee discussed inspection and plan review requirements for relocatable buildings. (See Attachment D.) The Committee was in agreement that the plan review and inspection frequencies specified in the *UAP* are not applicable when recertifying relocatable buildings. Chairman Rothman suggested that designated agencies submit their procedures for certifying relocatable buildings along with their other procedures in Schedule 1. The Committee agreed that if the procedures are unacceptable or inadequate, the Commission should discuss it during the agency's annual review.

Joe Cirillo advised that, because of his department's workload, plans for relocatable buildings whose first destination is not Rhode Island are given a low priority. Chairman Rothman's understanding was that Rhode Island rejected any plan that did not specify a destination within Rhode Island. Joe Cirillo reiterated that plans are not rejected and that any IBC approved plans would get priority if and when the building was being relocated to Rhode Island. Jerry Brosius commented that there was some confusion regarding which code editions should be specified on data plates. Joe Cirillo stated that he

was not aware of any changes and requested to be notified in writing about the specifics of the case so that he could prepare a proper response.

Richard Osworth said that Minnesota's near shutdown raised concerns about the Commission's role if and when a designated agency could no longer provide inspection and evaluation agency services. Designated agency representatives were confident that, in most cases, the free enterprise system would take care of it. However, they also stated that, in some situations, it may be necessary for the Commission to grant concessions. Lack of certified inspectors in the region was provided as one example.

Date and Location of Next Meeting

The next RDC meeting was tentatively scheduled for July 17, 2002– the third Wednesday in July. The secretariat stated that notice would be sent out regarding the meeting's location.

The motion to adjourn, made by Curtis McIver and seconded by Chairman Rothman, was approved and the meeting adjourned at 12:15 p.m.

Respectfully submitted,

N. Kevin Egilmez
Secretariat Staff

Attachments