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MINUTES

**Rules Development Committee
Wednesday, July 17, 2002
Herndon, Virginia**

Chairman Rothman convened a meeting of the Rules Development Committee on Wednesday, July 17, 2002, 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 9:40 a.m., the meeting was called to order and attendance was taken as noted below:

- Members Present:** Ujjval K. Dave, State of Maryland
Mike English, Haven Homes
Gary Higbee, State of New York
Neal Moss, Miller Building Systems
Jack Proctor, Commonwealth of Virginia
Jim Rothman, PFS Corporation
Craig Simpson, Penn Lyon Homes
- Others Present:** Kathryn Arner, NTA, Inc.
Debbie Becker, NCSBCS
Bob Blatchford, Dynamic Homes
Pete Blaser, NCSBCS
Jerry Brosius, Modular Code Consultants, Inc.
Joseph A. Cirillo, State of Rhode Island
N. Kevin Egilmez, NCSBCS
Bob Gorleski, PFS Corporation
Stephen Hernick, State of Minnesota
Robert A. Johnson, RADCO
Richard Osworth, State of New Jersey
Judy Smith, Modular Building Institute
Steve Snyder, Modular Building Systems Association
Bob Tanger, T. R. Arnold & Associates
Robert Wible, NCSBCS

Approval of Minutes

On a motion by Mike English, seconded by Gary Higbee, the Committee approved the minutes of the July 18, 2001, 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.

Draft language amending Section 4(B) of the *Uniform Administrative Procedures (UAP)*, Certification Requirements, to formalize the waiver process was reviewed. (See Attachment A.) Current regulations deter retired plans examiners and building inspectors from participating in the program. The proposed amendment to the UAP will allow the IBC to certify applicants who do not meet certification requirements but who are otherwise qualified. Mike English moved to accept the amendment to Section 4(B) of the UAP. The motion was seconded by Chairman Rothman and approved unanimously.

The Committee discussed mandatory IBC seminar CEUs. (See Attachment B.) The seminars would be offered twice a year, one in Pennsylvania and one in the Midwest, to brief attendees on various IBC requirements and concerns. A videotape would be made available to those who could not attend. There were several suggestions regarding recouping the cost. A registration fee could be charged or the fee for IBC certification could be increased. A recommendation was made to charge a greater fee for the videotape to encourage attendance. The seminar would be five hours and 0.5 CEUs would be awarded. A motion to approve mandatory IBC seminars was made by Jack Proctor and seconded by Gary Higbee. The motion carried.

Draft TQM regulations (Attachment C) to allow production personnel to perform limited compliance assurance functions were reviewed. Kevin Egilmez discussed the joint visits that were performed to evaluate the proposed process before it was fully implemented. Three manufacturing facilities in various stages of implementation were visited with inspection agency personnel present. They all indicated that they were in favor of the program with some stating that they were already complying with the majority of the provisions. Bob Blatchford from Dynamic Homes and Robert Gorleski from PFS Corporation who participated in the joint visits expressed similar views. On a motion made by Neal Moss, seconded by Mike English, the Committee unanimously agreed to accept the draft rules.

New Business

Chairman Rothman noted there was currently one vacancy for a residential industry member position on the RDC. Bob Wible spoke to NAHB's Building Systems Council in June 2002. Don Shiner from Deluxe Homes who was suggested as a possible candidate was contacted but declined.

Richard Osworth discussed the Commission's concerns with the proprietary information section of the *UAP*. Manufacturer representatives expressed concern that their competitors could have ready access to their plans. To date, the Commission received only one request for proprietary information which was handled through litigation. Following 9/11, states were advised that information that could compromise security cannot be released.

North Dakota who is working toward entering into an interim reciprocity agreement asked whether electrical panel size can be provided on data plates. The committee did report that certain states already require this information to be furnished and most manufacturers configure their data plate to comply with most, if not all, state requirements. It was agreed that requiring manufacturers to provide electrical rating information would not pose any difficulties. The change would, however, require an amendment to the *Model Rules and Regulations* (MRR). Richard Osworth asked the commissioners to check into their respective states' procedures for amending the MRR.

The Committee discussed exempting low production facilities from meeting some of the compliance assurance program provisions. Although some exemptions were granted in the past, a policy was needed to formalize the process. A draft amendment to Part IV, Section 2(B) of the *UAP* was presented (see Attachment D). Chairman Rothman suggested modifying "selected by the Commission" to "accepted by the Commission." The motion to approve the amendment, made by Mike English, seconded by Jack Proctor, passed unanimously. A subsequent motion, made by Mike English and seconded by Jack Proctor, to accept the draft language as amended also passed unanimously.

Recommendations to the Commission

Chairman Rothman reviewed the following motions as RDC recommendations to the Commission:

1. Amend Part VI, Section 4(B) of the *UAP*, Certification Requirements, to include a formal waiver process.
2. Amend Part VI, Section 4(G)(1) of the *UAP*, Renewal of Certifications, to require an IBC seminar to renew a certificate.
3. Issue the draft TQM regulations as Formal Interpretation that will allow production personnel to perform compliance assurance functions.
4. Amend Part IV, Section 2(B) of the *UAP* to exempt low-production facilities from meeting all compliance assurance program requirements.

Chairman Rothman reported that the RDC was in favor of amending the MRR to include electrical panel size on data plate pending the State of North Dakota's participation in IBC.

Jerry Brosius informed the Committee that MBI is now offering sales training seminars, "Selling Commercial Modular Buildings: Knowing Your Product." The next training seminar will be held on September 12 and 13, 2002, in Lancaster, PA. Sales professionals for commercial factory-built buildings as well as state regulators have been invited.

Jerry Brosius and Judy Smith advised the Committee that MBI's Board still endorses the Compact and is currently working with members of Pennsylvania's General Assembly on its possible adoption. Pennsylvania is adopting a new state building code in 2003. The Fire and Panic Act will retire 90 days after the new code goes into effect at which time all commercial modular buildings will need to be inspected. Dealers and manufacturers in Pennsylvania are in favor of adopting the Compact. Steve Snyder advised that the Modular Building Systems Association was also willing to help.

Jack Proctor advised the Committee that he felt Virginia was unsuccessful in adopting the Compact because of the IBC's indirect association with Housing and Building Technology (HBT). Bob Wible informed the Committee that NCSBCS sold its HBT division to the Institute for Building Technology and Safety (IBTS). Joe Cirillo commented that NCSBCS's involvement with the HUD program has been a stumbling block for manufacturers who may otherwise support IBC.

Secretariat's Assignments

Chairman Rothman noted there were no secretariat assignments.

Date and Location of Next Meeting

The next RDC meeting was tentatively scheduled for July 16, 2003— 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 Jack Proctor and seconded by Gary Higbee, was approved and the meeting adjourned at 12:00 p.m.

Respectfully submitted,

N. Kevin Egilmez
Secretariat Staff

Attachments