

# Industrialized Buildings Commission

◆ An Interstate Compact ◆

Suite 210  
505 Huntmar Park Drive  
Herndon, Virginia 20170  
(703) 481-2022  
(703) 481-3596 FAX  
[www.interstateibc.org](http://www.interstateibc.org)

## MINUTES

### **Rules Development Committee**

**Wednesday, July 16, 2003**

**Herndon, Virginia**

Chairman Rothman convened a meeting of the Rules Development Committee on Wednesday, July 16, 2003, 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:

<b>Members</b>	Ujval K. Dave, State of Maryland
<b>Present:</b>	Mike English, Haven Homes Eric Leatherby, Commonwealth of Virginia Jim Rothman, PFS Corporation Peter Eberle, Resun Leasing
<b>Others</b>	Kathryn Arner, NTA, Inc.
<b>Present:</b>	Debbie Becker, NCSBCS Bob Blatchford, Dynamic Homes Pete Blaser, NCSBCS Jerry Brosius, Modular Code Consultants, Inc. Dan DeDentro, State of Rhode Island N. Kevin Egilmez, NCSBCS Bob Gorleski, PFS Corporation Rich Gray, State of North Dakota Stephen Hernick, State of Minnesota 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 Peter Eberle, the Committee approved the minutes of the July 17, 2002, 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 reports given.

**New Business**

Chairman Rothman noted that there were currently five representatives whose terms are up for renewal and one vacancy in the residential-industry representative position. He requested the Committee members to submit nominations in writing to the Secretariat. Bob Wible stated that Dottie Harris, NY Deputy Secretary of State, will nominate Gary Higbee's successor, Mark Blanke, to fill the state vacancy. Chairman Rothman introduced the new consumer representative Peter Eberle with Resun Leasing who replaced Barry Gossett.

Mike English moved to renew the terms for James Hanna, Jack Proctor, Neal Moss, James Rothman, and William Bryant. The motion, seconded by Eric Leatherby, was approved unanimously.

The Committee discussed submission of "as-built" floor plans for those manufacturers that use building systems. These documents are supposed to be examined by IBC and inspection agency personnel during plant audits. However, generally there is insufficient time to review plans during audits. The plans could be submitted electronically and would be made available to member states to resolve consumer complaints. Jim Rothman and Bob Tanger noted that the third parties and manufacturers are required to retain documents for a minimum of ten years and that IBC could request them when needed. Kevin Egilmez indicated that would be a problem if a manufacturer has gone out of business. Richard Osworth suggested that the IBC make a formal request to the third parties for their input before making a recommendation.

In July 2002, the RDC recommended that the MRR data plate requirements be revised to include service panel sizes to match North Dakota's regulations. Since this revision requires member states to amend their rules, it was suggested that the current "wind velocity load" requirement be clarified during the same process. The revised language would require both the basic wind speed and exposure category to be indicated on the data plate. Eric Leatherby made a motion to revise data plate requirements by deleting "wind velocity load" and inserting "basic wind speed and exposure category." The motion was seconded by Mike English and approved unanimously.

Rich Gray and Richard Osworth advised the Committee that it would take a minimum of six months for their states to go through the rules process. Steve Hernick advised that Minnesota would need 18 months. The Committee agreed that, since most manufacturers already provide this information, a notice be issued requesting manufacturers to include this information voluntarily until member states could amend their rules.

Jerry Brosius suggested that IBC should consider moving data plate requirements from the MRR to the *Uniform Administrative Procedures* (UAP). Richard Osworth added that there are several other sections in the MRR that should be under the UAP. The Committee agreed to put the item on next year's agenda and directed the staff to reorganize the documents based on the discussions.

Draft language amending Part IV of the UAP to add Section 7 was discussed. (See Attachment A.) The amendment would require manufacturing facilities to register with the Commission. The registration fee would be \$100 and would be valid for two years. Chairman Rothman moved to accept the amendment to Part IV of the UAP. The motion was seconded by Mike English and approved unanimously.

The certification label fee was reviewed. Kevin Egilmez briefed the Committee on IBC's current financial position. Since the program is fully funded by label fees, IBC's objective is to maintain an emergency fund sufficient to operate the program for one year. With \$235,000 in reserve, the Committee was in agreement that a fee adjustment was not necessary.

Kevin Egilmez indicated that, nearly every year, member states adopt one or more new code editions but there is no mechanism in place to enable the IBC to decide if or when a design on file is obsolete. IBC's policy, which has been to assume that a design is current unless notified otherwise, has resulted in a vast number of designs being kept on file even though they reference or are based on obsolete codes. Chairman Rothman commented that any drawing that specifies a serial number is used only once but conceded that sometimes existing plans and calculations may still be valid following a code update. It was determined that each third party had its own system for deciding whether a design was out-of-date and that these systems have not been transmitted to the Commission. The Committee agreed that designated agencies should forward their procedures to the Commission.

Instructions have been sent to inspection agencies for testing the first phase of IBC's Web-label program. The program will shift the current paper procedure for ordering and reporting certification labels and related tasks to the Web. Although designated agencies will continue to have access to all information, the conversion will require IBC to take over some of the functions such as the collection of monthly production reports. Richard Osworth asked the third parties to get back to the IBC with any comments they may have regarding the new program within the next two weeks as Phase II is scheduled to begin. The new software is expected to be up and running by the beginning of 2004.

Kevin Egilmez provided, for the Committee's review, copies of North Dakota's regulations which are based on and almost identical to the MRR (see attachment B). North Dakota has agreed to enter into an interim reciprocity agreement. Rich Gray, ND project manager for modular buildings, briefed the Committee on all of the steps taken by North Dakota to adopt the IBC program and said North Dakota hopes to become a full compacting state within the next two years. With the program taking effect August 1, 2003, Rich Gray mentioned that one problem has been the lack of local IBC inspectors but noted that Bob Johnson with RADCO has been working to resolve this issue. A motion was made by Eric Leatherby, seconded by Peter Eberle, and approved unanimously to recommend that the Commission enter into an interim reciprocity agreement with North Dakota.

The Commonwealth of Kentucky has had an agreement with the IBC since 1997. Recent meetings revealed that, because the agreement did not clearly delineate responsibilities, each party had a different understanding of how the program operated. It was decided to draft a new agreement to clarify the process and responsibilities. (See Attachment C.) Richard Osworth pointed out that, when the IBC originally signed the agreement, it was with the hope and expectation that Kentucky would work toward eliminating the “special provisions” and eventually enter into a standard interim reciprocity agreement. His sense from the meetings and the new agreement clearly indicate that Kentucky wants to continue with the special plumbing plan review and inspection requirements. Richard Osworth remarked that this agreement runs contrary to IBC’s mission which is to promote an interstate reciprocity system free of special provisions. While agreeing with Richard Osworth’s remark, Chairman Rothman and Bob Tanger felt that the arrangement had real benefits for designated agencies and manufacturers. The Committee did not take formal action.

The MRR provides a list of model building codes and referenced standards generally accepted and in use throughout the United States for member states to consider when adopting or updating their construction standards. Mike English moved to have the list updated to include the codes published by the International Code Council. The motion was seconded by Eric Leatherby and passed unanimously.

12:20 p.m. Meeting adjourned for lunch.

1:10 p.m. Meeting reconvened.

### **Recommendations to the Commission**

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

1. Reappoint James Hanna, Jack Proctor, Neal Moss, James Rothman, and William Bryant to the RDC for three-year terms.
2. Revise MRR data plate requirements to specify wind speed and exposure category.
3. Amend UAP, Part IV, to add a new Section 7 to require each manufacturing facility to register with the Commission.
4. Support the signing of the interim reciprocal agreement with North Dakota.
5. Update MRR list of construction standards to include International Codes.

### **Secretariat’s Assignments**

1. Request input from designated agencies regarding submission of as-built floor plans.
2. Send notice for voluntary compliance with wind speed and exposure on data plate

### **Date and Location of Next Meeting**

The next RDC meeting was tentatively scheduled for July 21, 2004– the third Wednesday in July. The secretariat stated that notice would be sent out regarding the meeting’s location.

**MINUTES**

**Rules Development Committee**

**July 16, 2003**

**Page 5**

The motion to adjourn, made by Peter Eberle and seconded by Chairman Rothman, was approved and the meeting adjourned at 1:15 p.m.

Respectfully submitted,

N. Kevin Egilmez  
Secretariat Staff

Attachments