

Industrialized Buildings Commission

◆ An Interstate Compact ◆

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MINUTES

Rules Development Committee

Wednesday, July 20, 2005

Herndon, Virginia

Chairman Rothman convened a meeting of the Rules Development Committee on Wednesday, July 20, 2005, at 9:07 a.m. at the Days Hotel Conference Center in Herndon, Virginia. A quorum was present and the meeting was called to order and attendance taken as noted below:

Members Present: Mark D. Blanke, State of New York
William Bryant, Anne Arundel County, Maryland
Ujjval K. Dave, State of Maryland
Mike English, Haven Homes
Curtis L. McIver, Commonwealth of Virginia
Jim Rothman, PFS Corporation
Scott Zweifel, Resun Leasing

Others Present: Debbie Becker, NCSBCS
Pete Blaser, NCSBCS
Bob Blatchford, Dynamic Homes
Jerry Brosius, Modular Code Consultants, Inc.
Ken A. Brower, NTA, 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
Eric Leatherby, Commonwealth of Virginia
Richard Osworth, State of New Jersey
Bob Tanger, T. R. Arnold & Associates
Robert Wible, NCSBCS

Approval of Minutes

On a motion by Eric Leatherby, seconded by Mike English, the Committee approved the minutes of the July 21, 2004, 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 are currently five RDC representatives whose terms are up for renewal. A motion was made by Eric Leatherby and seconded by Rich Gray to reelect the following RDC members for three-year terms: Neal Moss, James A. Rothman, William R. Bryant, James C. Hanna, and Emory Rodgers. The motion was approved unanimously with Jim Rothman abstaining.

The Committee discussed draft Amendment 05-01 (Attachment A) recognizing tests offered by the International Code Council (ICC). Applicants will now have to pass three ICC tests instead of two for their Unlimited Plans Examiner, Level II, fire protection discipline. A motion was made by Rich Gray and seconded by Mark Blanke to approve Amendment 05-01. The motion was approved unanimously.

Amendment 02-02 (Attachment B) became effective on January 1, 2003. At that time, it was determined that the certification requirement to attend a mandatory IBC seminar would be re-reviewed after a two-year period. Jim Rothman and Bob Tanger felt the seminars were worthwhile and would also be of benefit to the manufacturers. In general, attendance has not been a problem except for inspectors in Oregon and California. It was agreed that videotaping or another viable alternative would be provided at a cost to be determined. A motion was made by Jim Rothman and seconded by Mark Blanke to continue mandatory seminars and provide an electronic means for those unable to attend.

Bob Tanger requested that the UAP be amended to allow the third party, rather than the manufacturer, make the request to the Commission for 100 percent inspection. A motion was made by Rich Gray, seconded by Eric Leatherby, to change "manufacturer" to "inspection agency" in Amendment 02-03 (see Attachment C). The motion was approved unanimously.

The Committee was provided with an outline for standard adoption procedures and the proposed process for adopting the revised MRR and UAP (see Attachment D). The documents were reorganized so that the MRR only contained regulations that describe a member state's responsibilities and other state-specific requirements. All other sections were transferred to the UAP.

Richard Osworth briefly described the process for adopting and amending both the MRR and the UAP. Before it can be adopted, it is necessary for the MRR to be amended to address state-specific conditions. Standard modifications include listing the applicable codes under Part III and inserting the name of the state agency in various sections under Part VII. The customized MRR is then adopted in accordance with that state's procedures. The UAP, on the other hand, is adopted by reference through the MRR. Any amendments to the UAP need to be made through a consensus process and interested parties must be given an opportunity to comment as described in the Commission's bylaws.

As a first step to adopting the reorganized MRR and UAP, all RDC members were provided with a copy of the revised MRR and UAP and asked to provide their comments to the Secretariat within 30 days. After the review, the documents would be made available for public comment. All states with modular programs and anyone previously involved would be notified and draft documents would be posted on the Commission's web site. Comments received would then be presented to the RDC for action which, depending on their extent, may necessitate an additional meeting. The general consensus was to work through item number six – publication of public notification – provided on the proposed adoption outline (Attachment D) and then revise the timetable if necessary.

Rich Gray asked for a definition of “member” state provided on the adoption process outline. Richard Osworth recommended changing “member” state to “compacting” state.

The Committee discussed label fees next which, under the regulations, must be reviewed every two years. In 2003, it was decided not to increase the fee. There has not been an increase in the original fee of \$48 except to impose a \$5 surcharge for out-of-state manufacturers that was adopted in August 1997. A \$7 increase was proposed at this year's meeting which would raise the fee from \$48 to \$55 for in-state manufacturers and from \$53 to \$60 for out-of-state manufacturers. This increase would also affect component labels. A label fee comparison chart was provided (Attachment E) that indicated that several of the states with modular programs had already increased their fees.

Richard Osworth discussed the increases that have taken place since the label fee was first established. Since that time, the Commission's budget has grown from approximately \$280,000 to nearly \$630,000. Even though the Commission postponed several undertakings including the hiring of a full-time engineer and purchasing of software and hardware, the last few budgets were adopted with projected deficits. A motion was made by Rich Gray and seconded by Eric Leatherby for the Secretariat to provide a letter ballot to the RDC within ten days and include back-up financial information. The RDC would review the financial information and return the letter ballots within 30 days. The motion was approved unanimously.

Rich Gray commented that North Dakota is experiencing problems with dealers selling buildings in North Dakota built to Minnesota codes and asked for suggestions to deal with the problem. Jim Rothman suggested that if the manufacturer is located on the border, the building should meet both codes. Richard Osworth recommended requiring a building permit and/or

fining the dealer. Rich Gray noted that if the dealer is located in Minnesota, North Dakota can't fine and building permits are not required by many local jurisdictions. The Committee decided not to take any action at this time.

Jerry Brosius, representing MBI, reported that dealer representatives were experiencing problems with plan submittals to Rhode Island and New Jersey requiring an evaluation agency approval stamp. In some instances, original plans were missing. He asked if additional copies cannot be obtained through the third party, or if the manufacturer is no longer in business, can the IBC provide a copy? It was determined that if a manufacturer is no longer in business, the IBC could provide copies to anyone with a vested interest in the property. If a manufacturer was still in business, it would be a proprietary issue and the material may be considered privileged and confidential. Dan DeDentro advised that in Rhode Island, you could go to the Board of Appeals and a third party inspection would be required. Richard Osworth commented that he would look into the matter with the NJ DCA.

Kevin Egilmez reported that a manufacturer was interested in finding out the Commission's position regarding converting shipping containers into habitable structures and had indicated they would be attending today's meeting. Since the representative did not attend, the Committee decided to find out if members were familiar with such products. Richard Osworth reported an office built from shipping containers was sited in New Jersey. When the owner was told they would have to go through a third party and the IBC process, the office was removed. Richard indicated he was not sure if shipping containers met code requirements. The Committee decided not to take any action at this time.

Chairman Rothman requested that the Commission consider giving designated agencies 48 hours notice prior to a plant audit so that their representatives can be present. The third party and the IBC auditor could work together to resolve issues so that many items may not need to be written up, especially if the third party is having problems with a manufacturer.

Recommendations to the Commission

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

1. Reappoint Neal Moss, James A. Rothman, William R. Bryant, James C. Hanna, and Emory Rodgers to the RDC for three-year terms.
2. Approve amendment recognizing ICC certifications.
3. Change "manufacturer" to "inspection agency" in Amendment 02-03.
4. Continue mandatory seminars and provide videotape and/or other means for those who cannot attend.
5. Start with item number one today in Standard Adoption Procedures (Attachment D) to begin public notice process to adopt revised MRR/UAP. Revisit timetable at item number 6 to determine if additional RDC meeting needed.

6. Vote by letter ballot on increasing the label fee within 30 days after back-up financials and/or other documentation provided to the RDC within 10 days.
7. No action was taken regarding dealer responsibilities.

Secretariat's Assignments

1. Change "manufacturer" to "inspection agency" in Amendment 02-03.
2. Provide letter ballot and back-up financial information to RDC to support label fee adjustment.

Date and Location of Next Meeting

The next RDC meeting was tentatively scheduled for July 19, 2006– the third Wednesday in July. The Committee was informed that an additional meeting may be necessary depending on the extent of the public comments received. A notice would be sent out regarding the meeting's location.

The motion to adjourn, made by Eric Leatherby and seconded by Rich Gray, was approved and the meeting adjourned at 12:30 p.m.

Respectfully submitted,

N. Kevin Egilmez
Secretariat Staff

Attachments

DRAFT

Effective Date:

Subject: Recognition of ICC Certifications

Reference: UAP, Part VI, Section 4(C)(1), (D)(1) and (E)(1)

Background: To the extent possible, the Commission relies on tests offered by nationally recognized model code groups for part of its certification requirements for inspectors and plans examiners. Accordingly, UAP, Part IV, Section 4 has been amended to recognize the latest tests offered by the International Code Council (ICC).

Revision:

PART IV: DESIGNATION OF EVALUATION AND INSPECTION AGENCIES

Section 4: Qualifications of Technical Personnel

(C) Industrialized Buildings Inspector and Trainees

(1) The *Commission* shall certify an applicant as an Industrialized Buildings Inspector if the applicant has met the education and experience requirements of ASTM E-541, Section 14 and has successfully completed one of the following series of tests:

ICC Residential Inspector tests including building, electrical, mechanical and plumbing,

or;

NCPCCI One & Two Family Dwelling tests including building, electrical, mechanical and plumbing, or;

SBCCI One and Two Family Dwelling Inspector examination, or;

ICBO Combination Dwelling Inspector examination.

Exceptions:

1. *An applicant may substitute the SBCCI Residential Electrical Inspector examination for the NCPCCI Electrical test.*

2. *An applicant who has successfully completed ICBO inspector examinations in the building, electrical, plumbing and mechanical disciplines.*

AMENDMENT

(D) One and Two Family Dwelling (Level I) Plans Examiner

(1) The *Commission* shall certify an applicant as a One and Two Family Dwelling (Level I) Plans Examiner if the applicant has met the education and experience requirements of ASTM E-541, Section 14, and has successfully completed one of the series of tests listed below.

ICC Residential Inspector tests including Building, Electrical, Mechanical and Plumbing, or;
NCPCCI One & Two Family Dwelling Building, Electrical, Mechanical and Plumbing tests,
or;
SBCCI One and Two Family Dwelling Inspector examination, or;
ICBO Combination Dwelling Inspector examination.

Exceptions:

1. *An applicant may substitute the SBCCI Residential Electrical Inspector examination for the NCPCCI Electrical test.*
2. *An applicant who has successfully completed ICBO inspector examinations in the building, electrical, plumbing and mechanical disciplines.*

* * *

(E) Unlimited (Level II) Plans Examiner

(1) The *Commission* shall certify an applicant as an Unlimited (Level II) Plans Examiner if the applicant has met the education and experience requirements of ASTM E-541, Section 14, and has successfully completed the test(s) in the discipline(s) for which certification is sought. As a prerequisite, candidates for certification as Unlimited (Level II) Plans Examiner in any discipline shall successfully complete the tests required for certification as a One and Two Family Dwelling (Level I) Plans Examiner.

(a) Building Discipline:

ICC Building Plans Examiner and Commercial Building Inspector tests, or;
NCPCCI Building Plan Review and Building General tests or;
SBCCI Building Plan Examiner and Building Inspector examinations or;
ICBO Plans Examiner and Building Inspector examinations.

(b) Electrical Discipline:

ICC Electrical Plans Examiner and Commercial Electrical Inspector tests, or;
NCPCCI Electrical Plan Review and Electrical General tests or;
SBCCI Electrical Plan Examiner and Commercial Electrical Inspector examinations or;
ICBO Electrical Inspector examination.

(c) Fire Protection discipline:

ICC Fire Inspector I, Fire Inspector II, and Fire Plans Examiner, or;
NCPCCI Fire Protection Plan Review and Fire Protection General tests or;
SBCCI Fire Inspector I and Fire Inspector II examinations or;
IFCI Uniform Fire Code Inspector examination.

(d) Mechanical Discipline:

ICC Mechanical Plans Examiner and Commercial Mechanical Inspector tests, or;
NCPCCI Mechanical Plan Review and Mechanical General tests or;
SBCCI Mechanical Plan Examiner and Mechanical Inspector examinations or;
ICBO Mechanical Inspector examination.

(e) Plumbing Discipline:

ICC Plumbing Plans Examiner and Commercial Plumbing Inspector tests, or;
NCPCCI Plumbing Plan Review and Plumbing General tests or;
SBCCI Plumbing Plan Examiner and Plumbing Inspector examinations; or
ICBO Plumbing Inspector examination.

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Number

02-02

Effective Date: January 1, 2003

Subject: Renewal of Certifications

Reference: UAP, Part VI, Section 4 (G)

Background: The Commission has deemed that a forum is necessary to communicate its special needs and concerns to certified personnel on a regular basis. The amendment requires continuing education activities to include a seminar by the Commission.

PART VI: DESIGNATION OF EVALUATION AND INSPECTION AGENCIES

Section 4: Qualifications of Technical Personnel

(G) Renewal of Certifications

- (1) A certificate may be renewed prior to its expiration date by submitting an application for renewal and a non-refundable fee equivalent to the application fee. To renew a certificate, the applicant shall document that a minimum of 2.0 CEUs were earned from qualified continuing education activities during the certification period. One of the continuing education activities shall be a seminar sponsored, approved or presented by the Commission. A minimum of 4.0 CEUs shall be required to renew two or more certificates. For purposes of certification renewals, an Unlimited (Level II) Plans Examiner certificate shall be considered a single certificate regardless of the number of disciplines.

AMENDMENT

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02-03

Effective Date: August 1, 2002

Subject: Compliance Assurance Program

Reference: UAP, Part IV, Section 2 (B)

Background: The Commission has found that developing and implementing a compliance assurance program can place undue hardship on manufacturers who produce very few certified modules. The amendment gives such manufacturers the option to have their product fully inspected by a qualified organization.

PART IV: ADMINISTRATION

* * *

Section 2: Approvals of Building Systems and Compliance Assurance Programs.

(B) Compliance Assurance Program

* * *

- (8) The Commission, at its discretion, may waive specific compliance assurance program and other related requirements at the request of the manufacturer. Each industrialized building or building component manufactured under the waiver shall be completely inspected through all phases of construction by a qualified organization accepted by the Commission.

AMENDMENT

STANDARD ADOPTION PROCEDURES

The bold text signifies the procedure is established by the legislation.

1. **(Optional) RDC calls for public hearings and public comment.**
 - a. Executive Committee determines need for public hearing (?).
 - b. Secretariat collects and provides public comments to RDC.
2. **RDC develops draft documents.**
3. **RDC forwards draft documents to IBC with recommendations for action.**
4. (Optional) IBC calls for follow-up public hearing.
5. **IBC holds special or regular meeting for final action on draft documents.**
 - a. **Adoption requires majority vote of commissioners present and voting (?)**
 - b. IBC Chairman explains any changes in writing to RDC, and;
 - c. IBC Chairman briefs RDC at the next regularly scheduled meeting.
6. Member states publish public notification of the adoption in relevant state journals/registers at the earliest date possible.

PROPOSED PROCESS FOR ADOPTING REORGANIZED UAP

1. Day 0 - 30
 - a. RDC members review reorganized UAP, MRR.
 - b. Member states submit list of newspapers for public notice.
2. Day 30 - 40: Compile and respond to comments from RDC members.
3. Day 40 - 45: Prepare final UAP documents for public notice.
4. Day 45 - 60: Publish public notice for 30-day comment period in newspapers.
5. Day 90 - 100: Compile public comments; determine need for public hearing.
6. Day 100 - 130: RDC reviews public comments or holds public hearing.
7. Day 130 - 145: IBC takes final action on draft documents.

Label Fee Comparison

State	2005		2003		% Change
	Equivalent Fee	Fee	Equivalent Fee	Fee	
Alabama	\$ 50.96	\$ 7.00	\$ 50.96	\$ 7.00	0%
California	\$ 62.00	\$ 62.00	\$ 22.55	\$ 62.00	175%
Colorado	\$ 100.00	\$ 100.00	\$ 27.27	\$ 75.00	267%
Florida	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	0%
Georgia	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	0%
Illinois	\$ 9.09	\$ 25.00	\$ 9.09	\$ 25.00	0%
Indiana	\$ 65.00	\$ 65.00	\$ 30.00	\$ 30.00	117%
Iowa	\$ 17.27	\$ 30.00	\$ 17.27	\$ 30.00	0%
Maine	\$ 36.36	\$ 100.00	\$ 18.18	\$ 50.00	100%
Maryland (Res.)	\$ 50.00	\$ 50.00	\$ 18.18	\$ 50.00	175%
Maryland (Com.)	\$ 90.00	\$ 90.00		\$ 90.00	
Massachusetts	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	0%
Michigan	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	0%
Mississippi	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	0%
Montana	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	0%
Nebraska	\$ 50.91	\$ 140.00	\$ 43.64	\$ 120.00	17%
Nevada	\$ 100.00	\$ 100.00	\$ 50.00	\$ 50.00	100%
New Hampshire	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	0%
New Mexico	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	0%
New York	\$ 45.45	\$ 125.00	\$ 45.45	\$ 125.00	0%
North Carolina	\$ 21.82	\$ 60.00	\$ 21.82	\$ 60.00	0%
Ohio	\$ 50.00	\$ 50.00	\$ 30.00	\$ 30.00	67%
Oregon	\$ 40.45	\$ 50.00	\$ 40.45	\$ 50.00	0%
Pennsylvania	\$ 40.00	\$ 40.00	\$ 12.73	\$ 35.00	214%
South Carolina	\$ 45.00	\$ 45.00	\$ 45.00	\$ 45.00	0%
Tennessee	\$ 50.00	\$ 50.00	\$ 20.00	\$ 20.00	150%
Virginia	\$ 27.27	\$ 75.00	\$ 18.18	\$ 50.00	50%
Washington	\$ 95.65	\$ 227.00	\$ 67.32	\$ 158.00	42%

For comparison purposes, each unit is approximately 728 sf (14x52) and each dwelling unit is approximately 2.75 modules.