

**Final
State of Oregon**

RESIDENTIAL STRUCTURES BOARD

Regular Meeting Minutes

October 6, 2004

MEMBERS PRESENT: David DeHarpport, P.E., Vice-Chairman
Darryl Bishop
Scott Caufield
Phil Damiano
Mike Goodrich
Kathryn Gray
Tracy Hankins
Kathleen Poole

MEMBERS ABSENT: Ray Miller, P.E., Chairman

STAFF PRESENT: Andrea Simmons, Manager of Policy and Technical Services
Ravi Mahajan P.E., Facilities Engineer and Residential Structures
Board Secretary
Richard Rogers, Structural Program Chief and Board Secretary
Terry Swisher, Chief Plumbing Inspector
Twyla Knowles, Senior Policy Analyst
Mike Ewert, Mechanical/One- and Two-Family Dwelling
Code Specialist
Richard Baumann, Policy Analyst
Heather Gravelle, Administrative Assistant
Kimberly Burt, Division Boards Coordinator/Recorder

GUESTS PRESENT: Gary Lampella, BO City of Tigard, Chairman OBOA Code
Development Committee
Jay Winchester, Washington County
Alan Seymour, Oregon Department of Energy (ODOE)
Patrick Bridges, Oregon Building Industry Association (OBIA)
Jack Beuschel, Studor Inc.
Eufemio Cariaga, Downlighting and Specialty Products
Dave McCarty, Pacific Lighting Systems
Guy Sperb, Building Official, City of Oregon City
Lewis Seagraves, Chairman of the Oregon State Plumbing Board
Ken Carlson, Plumbing Board member
Chuck Day, ADAIR Homes

I. BOARD BUSINESS

I.A. Call to Order

Vice-Chairman David DeHarpport called the Residential Structures Board to order at 9:00 a.m. The meeting was held at the Building Codes Division, Conference Room "A," 1535 Edgewater NW, Salem, Oregon.

I.B. Roll Call

Chairman, Ray Miller was absent, excused.

I.C. Approval of Agenda and Order of Business

Vice-Chairman David DeHarpport **RULED** the agenda approved as submitted.

I.E. Approval of the August 18, 2004 board meeting draft minutes.

BCD Staff requested that the board restate the motion made by Kathryn Gray on the bottom of page 8 for the official record as it was not captured on the recording tape. The motion was restated:

“MOTION by Kathryn Gray to approved the current Oregon amendments to Appendices A through H and Appendix G and to bring them forward to the new code.

MOTION CARRIED UNANIMOUSLY.”

Vice-Chairman DeHarpport **RULED** the minutes approved as submitted.

I.G. Date of the Next Regularly Scheduled Meeting.

January 5, 2005.

II. PUBLIC COMMENT

Eufemio Cariaga, Downlighting and Specialty Products. Mr. Cariaga proposed an addendum to the code in relation to recessed lighting fixtures, *Exhibit “A.”* He explains the passage of air through the housing into the ceiling is no more than 2 cubic feet of air that moves through the housing per minute. The certified air-tight trim kit is attached to the housing after the ceiling has been installed. The “kit” in combination with the luminaire housing makes the manufactured luminaire airtight, which must be labeled and certified airtight in accordance with ASTM E283.

Ravi Mahajan, Facilities Engineer and Board Secretary, stated the need to get feedback from experts in this area. Keeping the timeframe in mind, and planning to go to public hearing in November, the issue could be dealt with on a separate basis, but still adopt it the same date the code goes into effect, April 1, 2005. Mr. Mahajan agreed to work with Mr. Cariaga on this issue and to keep the board informed.

III. REPORTS

Andrea Simmons, Manager of Policy and Technical Services, said the Oregon Mechanical Specialty Code and the Oregon Structural Specialty Code were adopted and effective October 1, 2004. Because the amendments to the Oregon Structural Specialty Code were not available, the division has adopted a transition period. Between now and December 31, 2004, designers, architects, construction contractors can submit plans to any building department within the state to either code.

Meetings with Chairman/Vice-Chairman of BCD boards. These meetings began in September to discuss uniformity and consistency throughout all division boards. Focus will be on the code adoption process and a statewide code interpretation process using the plumbing interpretations as a model for all program areas.

IV. COMMUNICATIONS - None

V. APPEALS – None

VI. UNFINISHED BUSINESS

Reconsider august 18, 2004 board recommendation to Administrator on proposed Low-Rise Residential Code to ensure compatibility with other state specialty codes.

Vice-Chairman David DeHarpport advised the board to rescind the August 18, 2004 motion approving the following code change submittal numbers; ORSC-04-1, 5, 10, 11, 13, 15, 19-23, 25-59, 61-64, 66-78, 80-99, 106, 112, 132, 134, 137, 139 and 175-178. At the August 18 board meeting, a recommendation was made by the board that created a conflict. The board needs to reconsider the earlier action.

MOTION by Scott Caufield to rescind the august 18, 2004 approval of the following code change submittals; ORSC-04-1, 5, 10, 11, 13, 15, 19-23, 25-59, 61-64, 66-78, 80-99, 106, 112, 132, 134, 137, 139 and 175-178.

MOTION CARRIED UNANIMOUSLY.

Jack Beuschel, Studor Inc., explained he is in opposition to the Board rescinding the approval of code changes ORSC-04-175 through 178, that would allow air-admittance valves to be included in the low-rise residential code. Mr. Beuschel said that he does not believe that there is a conflict. The Residential Structures Board voted in their August 18, 2004 meeting to approve the inclusion of air-admittance valves for economic reasons, which is a benefit to the citizens of the State of Oregon. Mr. Beuschel said that he is proposing the valve as an option and it has been approved by the National Standard Plumbing Code. It is a one way check valve that allows air into a drainage waste and vent system in lieu of an open pipe vent. It operates by negative pressure when fixtures are discharged as the water flows through the system. Mr. Beuschel distributed a letter, *Exhibit "B"* written to the division requesting reconsideration of the denial by the Oregon State Plumbing Board.

Lewis Seagraves, Chairman of the Oregon State Plumbing Board explained that a product has to have an approved adopted standard in code and at this time the plumbing code does not include standards for air-admittance valves. At the August 20, 2004, Oregon State Plumbing Board meeting the valves were discussed in length.

Ken Carlson, member of the Oregon State Plumbing Board, said that the board considers two rules when reviewing code changes. When reviewing changes to the Uniform Plumbing Code, the rule is to keep basic language, keeping amendments to a minimum. The second rule is that the code change needs to be as good as or better than the current code. At the Plumbing Code Change Committee meeting, Mr. Beuschel was allowed three hours to speak on his issue. The final vote was taken, 7 to 3 with one member absent, to not approve Mr. Beuschel's proposed code changes. Mr. Carlson said that his concerns were with the mechanical device that have proven to have failed. If you loose the trap seal, it could become a life Safety issue.

Tracy Hankins said that if there is a new product available, it should be looked at. The existing standard vent systems fail. Vents could be clogged from bird nests and other debris.

Mr. Carlson said that although the standards are approved by the National Standard Plumbing Code, they are not recognized by the Uniform Plumbing Code. Mr. Seagraves added that when making a decision as a board member, the protection of public health and safety takes precedence. The application of the product is a question. After the product has been installed for 25-years, the installation is forgotten and the product is not replaced.

Manager Simmons said that the Residential Structures Board is charged with adopting, approving and reviewing the Residential Code and to make sure there are no conflicts with the plumbing and electrical codes. This board does not have the authority to approve standards for plumbing or electrical products. By Statute, (ORS 447.152) all plumbing product standards have to be approved by the Oregon State Plumbing Board.

Senate Bill 711 gives authority to address issues such as this through a separate process outside code adoption. The board could go forward with the Residential Code, not allowing air-admittance valves and then enter the SB 711 process for air-admittance valves.

Mr. Beuschel clarified that the product operates by natural forces. By definition, it is not mechanical. Economics are important, but health and safety is the ultimate goal. Existing plumbing systems fail in Oregon. If the valves fail it would be comparable to a trap seal evaporating. The fact that the product may fail is not a reason for denial. Mr. Beuschel said that in the Uniform Plumbing Code, Section 14 is a standard for air-admittance valves.

MOTION by Darryl Bishop to deny ORSC-04-175 through 178

Roll call vote taken:

Aye: Bishop, Caufield, Damiano, Goodrich, Gray, Hankins and DeHarpport.

Nay: Poole

MOTION PASSED

MOTION by Tracy Hankins to refer code changes ORSC-04-175 through 178 to the Administrator of Building Codes Division for review under the Senate Bill 711 process.

Manager Simmons added that when the Administrator addresses the issue through the SB 711 rulemaking process, he will work with an advisory committee with stakeholders and members from both the Residential Structures Board and the Oregon State Plumbing Board.

Roll call vote taken:

Aye: Bishop, Caufield, Damiano, Goodrich, Gray, Hankins, Poole and DeHarpport

Nay: 0

MOTION CARRIED UNANIMOUSLY.

John Powell, Chief Electrical Inspector, said that the electrical portions of the proposed code was based on a draft copy of the electrical specialty code. The final document is now available. An amendment to ORSC-04-99 to allow the new requirement for ground fault circuit interrupters in multi-family dwelling units located on the ground was in the final code but was not part of the code change submittal. A handout was provided with new language added to Chapter 35 under E35-210.52 (E) and a new second paragraph added to E35-210.52 (E), *Exhibit "C."*

MOTION by Vice-Chair DeHarpport to recommend approval the amendment to ORSC-04-99 (language used in Exhibit "C") to allow ground fault circuit interrupters in multi-family dwelling units located on the ground level.

MOTION CARRIED UNANIMOUSLY.

A handout was distributed for a proposed amendment to ORSC-04-01. *Exhibit "D."* The amendments are proposed in R403.1.2.1 to amend the isolated footings in the crawlspace and R602.10.1 to amend the braced wall lines and shall be

subject to the limitations of R602.10.11 striking out R602.10.11.1 and R602.10.11.2. An amendment was also proposed in R602.11.1 to change the language in wall anchorage to read: "For buildings located in Seismic Design Categories D₁ and D₂..."

MOTION by Vice-Chair DeHarpport to recommend approval of the proposed amendments listed above using *Exhibit "D"* as a guideline.

MOTION CARRIED UNANIMOUSLY.

A handout was distributed for a proposed amendment to ORSC-04-1 for AN103.3.4.1, communal laundry room ventilation and for an exception to be added. *Exhibit "E."*

MOTION by Vice-Chair DeHarpport to recommend approval of the proposed amendment to ORSC-04-1 in AN103.3.4.1 and adding an exception using *Exhibit "E"* as a guideline.

MOTION CARRIED UNANIMOUSLY.

A handout was distributed for a proposed amendment to ORSC-04-34 for G2415.14.1, limitations to add new language to 3., which provides guidance for the installer and the consumer for piping under slabs. *Exhibit "F."*

MOTION by Scott Caufield to recommend approval of the proposed amendment to ORSC-04-34 for G2415.14.1 to add new language to 3., using *Exhibit "F"* as a guideline.

Patrick Bridges, Oregon Building Industry Association, suggested that the board adopt Appendix F, which would refer you to Section R329, protection against radon. Mr. Bridges believed that the intent was to delete Section R102.5.1 and retain Section R329 for consistency within the code.

MOTION by Tracy Hankins to recommend approval of the proposed amendment to adopt Appendix F and to retain Section R329.

MOTION CARRIED UNANIMOUSLY.

MOTION by Darryl Bishop to recommend approval of the proposed amendments to the code change proposals ORSC-04-1, 5, 10, 11, 13, 15, 19-23, 25-59, 61-64, 66-78, 80-99, 106, 112, 132, 134, 137 and 139.

MOTION CARRIED UNANIMOUSLY.

MOTION by Scott Caufield to recommend approval of the proposed code changes listed above to public hearing with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.

MOTION CARRIED UNANIMOUSLY.

VII. NEW BUSINESS - None

XI. ADJOURNMENT

Vice-Chairman David DeHarport adjourned the meeting at 1:15 p.m.

Respectfully submitted by, Debi Barnes-Woods
Division Boards Coordinator/Recorder

Exhibits:

- A. Amendment proposed by Eufemio Cariaga related to recessed lighting fixtures, ***Agenda Item II.***
- B. Letter requesting reconsideration of the denial of proposed code changes OSC-04-175 through 178 submitted by Jack Beuschel, ***Agenda Item VI.***
- C. Proposed new language to Chapter 35, ***Agenda Item VI.***
- D. Proposed amendments to R403.1.2.1, ***Agenda Item VI.***
- E. Proposed amendments ORSC-04-1, ***Agenda Item VI.***
- F. Proposed amendments to ORSC-04-34, ***Agenda Item VI.***

***TO OBTAIN COPIES OF EXHIBITS, A PUBLIC RECORD REQUEST MUST BE COMPLETED
BY CLICKING ON THE LINK PROVIDED.***

<http://www.cbs.state.or.us/external/bcd/pdf/2568.pdf>