

**STATE OF NEW YORK - DEPARTMENT OF STATE**  
**DIVISION OF CODE ENFORCEMENT AND ADMINISTRATION**

**DRAFT MINUTES - STATE FIRE PREVENTION AND BUILDING CODE COUNCIL**

Minutes of the Wednesday, December 5, 2012 meeting of the New York State Fire Prevention and Building Code Council held at: One Commerce Plaza, 99 Washington Avenue, Albany, New York, Conference Room 505; 123 Williams Street, New York City, New York, Conference Room 20<sup>th</sup> floor and 65 Court Street, Buffalo New York, Conference Room 208 commencing at 10:00 a.m. The following Council members, designees and staff were in attendance:

**COUNCIL MEMBERS PRESENT:**

Ronald Piester, Presiding  
Stephen Brescia  
Michael Cambridge  
John Flanigan  
Maria Guizzotti  
Robert Hankin  
Gary Higbee  
John Lee  
Paul Martin

**ALSO PRESENT:**

John Addario  
Raymond J. Andrews  
Michael Auerbach  
Joseph Ball, Esquire  
Mark Blanke  
Carmen Dubaldi  
Joseph Hill  
Catherine Karp

**Agenda Item 1 – Welcome**

Ronald Piester called the meeting to order and welcomed everyone. Ray Andrews took a roll call attendance and noted that a quorum was present.

**Agenda Item 2 - Minutes of the September 19, 2012 Meeting**

Motion by Robert Hankin to approve the minutes of the September 19, 2012 meeting, seconded by John Flanigan, approved unanimously.

### **Agenda Item 3 – Public Comment Period**

Ray noted that there no public speakers present to address the Council.

### **Agenda Item 4 - Code Change Adoption**

Ron identified two items on the agenda which would be addressed separately. The first was based on the International Code Council (ICC) 2012 commercial provisions for the New York State Energy Conservation Construction Code (NYSECCC) which was an action item. The second was based on ICC 2009 and 2012 for the State Uniform Fire Prevention and Building Code and this was identified as being for discussion purposes. Ron noted that as previously addressed there had been an effort to accelerate the adoption of the International Codes. Ron noted that the initiative had started with the NYSECCC based upon the federal mandate that had been issued through the Department of Energy (DOE) and an upcoming deadline.

Ray provided an overview and noted that the Department of State had provided additional public information regarding the next code update on the DCEA website. Ray noted that the remainder of the update was expected to be completed by May of 2014. Ray noted that the majority of the technical subcommittees had completed their work and that much of what would be presented today was already posted on the DOS website, that it was a large amount of material to cover and that any questions or comments as well as other material would also be addressed at the newly scheduled February 13, 2012 meeting.

Ray noted that the Residential Technical Subcommittee had requested that a separate group take a look at the issue of residential fire protection sprinklers and that had been done. The group was comprised of members of the original committee (with one new member) that reviewed residential sprinklers and authored the previously issued residential sprinkler report. That group would meet and make recommendations either to the Technical Subcommittee or directly to the Council at the February 13th meeting.

Robert Hankin questioned the dates and when items would have to be posted for public comment and when the codes would go into effect. Ray provided details.

Ron noted that the Department of State had been in close communication with the Governor's Office on the plan to accelerate adoption of the 2012 International Codes and that included looking beyond the 2012 codes and establishing a long-term goal for adopting the most current edition of the ICC-Codes within a set time period after they are published. Staff was hopeful that they were going to be able to adopt the latest edition of the International Codes in a timely fashion as soon as they were published at the national level. Ron noted that he thought this could be done and that if certain expectations regarding time frames could be met it would be beneficial for regulators and the public.

John Lee raised questions regarding the schedules, federal mandates and the risk of failure to adopt which were responded to by Ray and Ron.

Joseph Hill, chairperson of the Energy Conservation Construction Code of New York State (ECCNYS), presented information about the status and work of the Technical Subcommittee. Joe noted that the group met ten times and that they reviewed both the American Society of Heating Refrigeration & Air Conditioning Engineers (ASHRAE) 90.1 2010 and the International Energy Conservation Code (IECC) 2012. Joe noted that during their review it became apparent that there was strong potential for a two-tiered code standard. Joe explained the restrictiveness of each and that the committee felt a degree of parity between the two codes needed to be achieved and that effort comprised much of the work. Joe elaborated that for those that were not aware that ASHRAE 90.1 was the basis for the commercial energy chapter and that the Department of State had to certify to the federal government, the U.S. Department of Energy, that it was at least as restrictive as the New York State Energy Conservation Construction Code. Joe provided information and elaborated upon twenty-three modifications of the Commercial Energy Code identified by the Subcommittee.

John Flanigan made a motion:

I move that we approve the recommendations of the Energy Code Technical Subcommittee regarding the commercial energy section in concept and have staff prepare all necessary documents to move this to the Governor's Office for their consideration.

Seconded by Stephen Brescia. The motion passed unanimously.

Ray presented information on the second part of Agenda Item 4 regarding code change adoptions based upon the International Code Council 2009 and 2012 documents for the State Uniform Fire Prevention and Building Code. Ray noted that the chairpersons of each group would present pertinent information.

Mark Blanke chairperson of the Building Code Technical Subcommittee noted that the committee consisted of ten individuals and that there had been eight meetings to date. Mark also explained the procedures that were used with respect to organization, assignments, voting and decision making.

Mark made references to the code comparison charts that were utilized as part of the process and he noted that these were working documents that were used as a basis for discussions. The charts included all proposed changes, including topics that were discussed and some that were not. The purpose of the charts was to make the process as transparent as possible. The committee approved moving forward all the modifications to the New York State Code that were indicated on the chart.

Mark elaborated about the chart, which was over 70 pages long and included two supplements (Chapters 17 and 11) and the specific highlights. Those included Chapter 4, live/work units, types of fire sprinkler systems, ambulatory healthcare facilities, self preservation, outpatient facilities, occupancy classifications and high-rise buildings.

Ron Piester thanked Mark and reminded all that there was no specific action required at this meeting. The purpose was to focus on comments or questions that members might have and that action would be expected at the next meeting.

Robert Hankin, John Lee and John Flanigan had questions and comments that were responded to by Mark and Ray.

Ray, chairperson of the Existing Building Code (EBC) Technical subcommittee, provided information about their work and progress to date. He spoke about the makeup of the committee which consisted of ten individuals, and the thirteen meetings that had occurred. Ray noted that the EBC was composed of three parts, and each deals with different compliance methods which are: prescriptive, work area (which was the majority of the book) and performance. Ray addressed modification based upon comments to many sections which included: structural, seismic (which went into effect in the 2007 edition) and accessibility requirements in consultation with the United Spinal Association. A fourth compliance method exists, in Chapter 1, which states that the code enforcement official can allow the use a preexisting code that was in effect when the building was built.

Ray continued with more detailed information about highlights and details and the recommendations of the technical subcommittee. Ron thanked Ray and noted that there had been a tremendous amount of work done and reiterated that there would not be any action requested today but there would be in the future.

Robert Hankin asked a question about fire protection sprinkler systems and public water. Ray responded that provisions addressing this were already in the codes and noted that this had been of concern and provisions regarding detection were added in response as a compensating factor.

There was a recess to the proceedings.

John Addario, chairperson of the Plumbing, Mechanical and Fuel Gas Codes Technical Subcommittee provided information about their work including: progress to date; summary; substantial changes and recommendations. John noted that the group was made up of seven members, that they met ten times and that they reviewed the three stand-alone codes plus the plumbing, mechanical and fuel gas sections of the Residential Code.

John noted the charts were on the website and covered all the proposed changes. John noted that the new items found in both the updated codes and the New York State modifications were accepted and recommended for adoption with few changes. John highlighted some of the significant changes including: field-installed shower liner testing; prescriptive approach for the design and installation of residential sprinkler systems (which included an alternative to a 13D system), connections to the sanitary system for sinks utilized in cleaning dishes and pots; clearances at water heaters; listing of all plumbing products and materials; design of siphonic roof drainage systems; admittance valves for

venting chemical waste systems; single stack vent system, also known as the Philadelphia stack method; materials for pressurized sewage discharge applications and ratings; and new piping materials and joining methods. John responded to questions from Robert Hankin, who questioned procedures and responsibilities with respect to testing of the shower liners.

John Addario continued with information about the Mechanical Code which included: residential exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute (cfm) which are now required to be provided with makeup air; outdoor air ventilation requirements of Chapter 4 have been revised to reflect ASHRAE 62 which was a substantial change; clothes dryer exhaust ducts length increase and correlated fitting requirements; new section regarding refrigerant piping locking access caps; residential solar energy systems (both thermal and PV panels which are specifically included now); commercial mechanical systems must be maintained in accordance with ASHRAE Standard 180; combustible material in a return-air plenum to be listed and labeled to verify compliance with ASTM E-84; air dispersion systems, fabric-duct-type systems are specifically covered in the code; requirements for field applied duct enclosures in a Type I hood penetrating a ceiling, to address misapplications where it is being used for the hood and considered as an appropriate application and design and installation requirements for whole-house ventilation systems, (either continuous or intermittent systems).

Robert Hankin questioned the requirements about return-air plenums, the impact in residential framing applications and the need for further investigation.

John Addario then discussed the Fuel Gas Code which included: appliance and hood interlock, in applications with a standing pilot; ventilation for any unvented infrared heaters; make up air for spaces where fans are capable of depressurizing the space and interfering with the function of the appliance; all piping, tubing, and fittings in a fuel gas system must bear the manufacturer's identification; clarification of gypsum board clearances requirement, and requirement for flashback arrestors and check valves in fuel gas systems used with oxygen for hot work.

John closed with enumerating some of the modifications recommended by the technical subcommittee including: modifications to the exception for the requirement for a Type I hood for countertop electric appliances and concerns about multiple units and limits; exception for low water cutoff on boilers; allow portable toilet facilities for seating and entertainment in assembly occupancies; coordination of the Plumbing Code with federal legislation limiting the amount of lead used in plumbing products and lastly reference to the Department of Environmental Conservation (DEC) regulations with regard to the installation and maintenance of outdoor wood boilers.

Michael Auerbach, chairperson of the Property Maintenance Code Technical Subcommittee reported on their work including progress to date, substantial changes and recommendations. Michael noted that the group was made up of seven members, that information they reviewed had been posted on the Department of State website including the minutes of meetings and charts. Michael noted that the chart was the most important since as a work in progress it documented all of the changes and items that were discussed. Michael identified two areas that were felt as being the most important. The first

dealt with outdoor wood boilers because of the concern about the by-products that are produced via combustion. The second item dealt with required elevator inspections which were based upon industry concerns and the Office of the State Comptroller's audit. Michael summarized that in general the ICC changes and the two mentioned New York modifications were recommended.

Ron thanked and recognized all of the Technical Subcommittees for their work.

#### **Agenda Item 5 – Future Meetings**

Raymond noted that the next meeting of the Council is February 13<sup>th</sup> at which the remaining technical subcommittee chairs will present their codes. Ray noted that if there were any question, as always, the Code Development Unit should be contacted. Ray noted the previously scheduled April 24<sup>th</sup> meeting had been cancelled.

#### **Agenda Item 6 – Other Business**

Robert Hankin suggested an educational presentation of the code processes either at a meeting or through written material for the Council.

Ron Piester responded that the International Codes were developed through a governmental consensus process and that the other standards organizations, including NFPA, follow a process that is accredited by the American National Standards Institute. That there are specific criteria that these processes have to meet in developing technical standards, and documents that are incorporated by reference into the I-Codes do meet those criteria. It was important to recognize that the process met standards for quality assurance, etc.

Ron recognized the good work that members of the Council did and thanked them for their efforts on behalf of the Department of State and the Secretary of State. Ron asked if there was other business to be addressed. There was none.

Motion by John Stephen Brescia to adjourn, seconded by John Flanigan. The motion passed unanimously and the meeting adjourned at 12:30 p.m.