

STATE FIRE PREVENTION AND BUILDING CODE COUNCIL

TECHNICAL SUBCOMMITTEE MEETING

Minutes of the second meeting of the technical subcommittee reviewing the 2012 IECC for adoption by New York State, held the Albany office of NYSERDA, 17 Columbia Circle, Albany, New York, on **June 29, 2012**.

Appearances:

- Carl Ian Graham, member (in NYC Boardroom)
- Don Winston, member (in NYC Boardroom)
- Marshall Kammener, member (in NYC Boardroom)
- Scott Copp, member
- Mike DeWein, member
- Mike Burke, member
- Daniel Farrell, member
- Mike Burnetter, Department of State
- Joseph Hill, Department of State, Committee Chairman

Meeting Minutes:

Joseph Hill (Chair, DOS) opened the meeting at approximately 10:00 am. Subcommittee members noted above were present in NYSERDA boardrooms in Albany and in NYC as noted.

Joseph Hill introduced new member Marshall Kammener, The Staten Island Borough Commissioner, for NYC Department of Buildings. Other members introduced themselves. Joseph Hill stated that after a visual count of members, a quorum of Subcommittee members is present. He reiterated that there is a quorum required to vote upon changes to the 2012 code as proposed. Joseph Hill and Mike Burnetter are not voting members; Joe may only vote to break a tie.

Joseph Hill noted that meeting minutes for the May 17 meeting were distributed 2 weeks ago, and asked if there were any questions or concerns with the meeting minutes. A motion to accept the minutes as distributed was made and seconded, and the members voted to accept the minutes. Clarification was sought if changes to **Section R403.4.2**, which were voted on and accepted during the May 17 meeting, could be revisited if needed.

Joseph Hill stated that NYSERDA has in the past assisted the Subcommittee and DOS with 10 year payback analysis. This analysis can be measure-specific because whole-building analysis is expensive and time-consuming. Mike DeWein (Committee member) stated that measure-specific analysis (energy modeling) does not take interactive effects into account. Several members of the Subcommittee asked for clarification regarding what state law says regarding 10-year payback criteria, as language in the law may drive clarification of this issue. Joseph Hill provided law language for review (relevant section of the law was displayed on the projector screen for members to review).

The Subcommittee also discussed the Law language contained in 11-103 (2) which seemed to indicate applicability of the “most recent version of the IECC for Residential buildings” if so, the Subcommittee could not delete any provision of the IECC 2012 or the model code being examined for adoption in New York State. Joseph Hill moved to table discussion until DOS counsel could review and provide interpretation of state law language pertaining to the 10-year payback analysis, and the reference to the most recent version of the IECC, stating that the Subcommittee needed clear guidance before proceeding.

Mike DeWein asked to go on record as stating it is his belief that Article 11 of the NY State Energy Law compels the Subcommittee to evaluate the cost-effectiveness of all proposed changes in aggregate versus the prior benchmark, rather than at the cost-effectiveness of changes to one measure.

Scott Copp (Committee member) made a motion that if DOS counsel determines that Subcommittee must revisit an issue (such striking some of the proposed components of the hot water pipe insulation voted on previously) the Subcommittee should revisit the issue. Motion was seconded, and the Subcommittee voted unanimously in support.

Joseph Hill directed the discussion to the proposed changes to Commercial Energy Efficiency sections, and asked Mike Burnetter (DOS) to lead the discussion based on his analysis of the proposed changes. Mike Burnetter clarified that the intent of the exercise from his perspective was to make Subcommittee members aware of the significant proposed changes to the 2012 code.

Section C401 Scope and Applicability.

Marilyn Kaplan (Observer) of NYSERDA mentioned that the codes are unclear regarding applicability of commercial sections to existing buildings. Marilyn Kaplan and Chris Sgroi of NYSERDA will revise **Section C401.2 Application** to clarify. Joseph Hill noted that applicability language in **Chapter 1** needs to be clarified; Joseph Hill will work with Marilyn Kaplan and Chris Sgroi of NYSERDA, and Ian Graham on this effort.

Section C402 Building Envelope Requirements. Mike Burnetter noted that there are circular references for multiple measures under the prescriptive pathway, and that this should be noted as Subcommittee members read and consider how the 2012 code is laid out.

Mike Burnetter clarified that members can write language and brings proposed changes forward for consideration by the Subcommittee. Any such proposals should be e-mailed to Joe and Mike for prior review. Mike Burnetter stated there is high value in having voting members proposed language, rather than non-voting members. He stated that members may develop coalitions with other groups or work with firms not on the Subcommittee to develop proposals.

Chapter 2 – Daniel Farrell (Committee member) noted that there are no definitions in Chapter 2 Definitions for *prescriptive and performance* (compliance approaches). Joseph Hill stated this would be a useful addition. Language will be drafted for “Prescriptive” and “Performance” definitions by the committee.

Scott Copp (Committee member) requested clarification if COMCheck would be introduced as an available compliance tool in Chapter 1. Mike and Joe stated that it would be. There was discussion regarding if language regarding compliance pathways for COM Check should reside in Chapter 1 or Chapter 4.

The Committee discussed and concluded there should be reference to **Chapter 4, Section C401.2 Application in Chapter 1**

Section 401.2 Application. Ian Graham (Committee member) offered to provide commentary on commercial building compliance software, which he suggested may align more closely with the language in the NYC commercial building code.

Ian Graham made the point that the commercial code provisions of the 2012 IECC have gone further ahead than ASHRAE 90.1-2010 on several fronts. Don Winston (Committee member) provided an example from **Table C406.2 (5)** which specifies that a 97% AFUE boiler must be installed if it <300,000 Btu capacity. By contrast, the requirement in ASHRAE 90.1-2010 for same piece of equipment is 80% AFUE.

Ian Graham questioned the utility of a very stringent NYS commercial building code (based on 2012 IECC) if designers/engineers may opt for ASHRAE 90.1-2010. If ASHRAE 90.1-2010 becomes the default, is there value in editing current NYS commercial code?

A member asked for clarification if the State of Pennsylvania rejected the 2012 I-codes. Mike DeWein clarified that PA attempted to reject the 2012 I-Codes but was unsuccessful.

Mike Burnetter clarified that DOS Director has stated as a policy goal his intention to see that that 2012 IECC commercial provisions are adopted and enacted in New York State.

Discussion ensued regarding the applicability of the energy code to existing building, with existing buildings generally being those that have already obtained a Certificate of Occupancy. Don Winston cautioned that more stringent prescriptive U-factor requirements may discourage building owners from voluntary improvements. Mike DeWein stated he would provide web link to version of IECC Sustainability and High Performance Buildings Committee work on a possible new chapter that details impacts on existing buildings. Further it was noted that ~~ne~~ a performance compliance approach (energy modeling pathway) is not provided for existing buildings in **Section C 407**

C 402.2.1 Roof assembly. Discussion ensued regarding new language pertaining to insulation of skylight curbs (last sentence of the section.)

A motion was made, and seconded, to make the following change in the language: strike language and change to: "Skylight curbs shall be insulated to the R-value level of the surrounding roof insulation, or R-5, whichever is less." Concluding that the proposed code is ambiguous as written, group agreed to this change by unanimous consent.

C402.2.6 Slabs on grade. Increase in 50% in R-value and depth of insulation for heated slabs. After some discussion, the Committee members reached a general understanding that the significant change is that under previous code, for unheated slabs, it was not required in Climate Zones 4 and 5.

C 402.2.8 Insulation of radiant heating systems. After several minutes of discussion regarding the and what several members agreed was a lack of clarity in how the section was written, Marshall Kammener (Committee member) and Don Winston (Committee member) agreed to draft/provide revised language, which will clarify the intent of the provisions which is to ensure that radiant heat is transferred only to the conditioned space.

C 402.3.1.1 Increased vertical fenestration area with daylighting controls. Don Winston again noted that this is a big leap similar to some of the proposed mechanical equipment provisions, which may drive design/engineering professionals to ASHRAE 90.1 prescriptive approach. Chair clarified that ASHRAE 90.1 remains a compliance pathway with the new code.

C 402.3.2.2 Haze factor. New provisions for haze factor of skylights were noted.

C 402.4 Air leakage (Mandatory). Major additions of prescriptive language were noted.

Mike DeWein has offered to do a side by side comparison of 2012 IECC and ASHRAE 90.1-2010 provisions for air leakage control based on Air Barrier Association document.

C 402.4.7 Vestibules. It was proposed, and seconded, to move the last sentence of this section to Exception 5, so that Exception 5 would read “Revolving doors. The installation of one or more revolving doors in the building entrance shall not eliminate the requirement that a vestibule be provided on any door adjacent to revolving doors.”

C403.2.3.1 Water-cooled centrifugal chilling packages. Don Winston volunteered to review available equipment that meets AHRI 550/590 and provide this for the group’s consideration

C403.2.4.3.3 Automatic start capabilities. The language Ian Graham made a motion to borrow from ASHRAE 90.1-2010 **6.4.3.3.3 Optimum start control** (p. 42) language verbatim as exact language and bring definition of Optimum start control from p. 13 ASHRAE 90.1-2010.

C403.2.5.1 Demand controlled ventilation. It was moved, and seconded to add “or greater” after 25 people in this section.

Chair Joseph Hill moved to adjourn the meeting, and the meeting was adjourned at approximately 3:15 pm.