

**STATE FIRE PREVENTION AND BUILDING CODE COUNCIL  
TECHNICAL SUBCOMMITTEE MEETING**

**D R A F T**

Minutes of the meeting of the technical subcommittee reviewing the **2006 International Residential Code** for adoption by New York State held at the Department of State, 11th floor, 41 State Street, Albany, New York, on October 25, 2007.

Note: This subcommittee meeting was conducted with members participating via teleconference call.

**APPEARANCES:**

PRESENT: Julie Nemeth-Weisser (Chair)  
Nicholas Carparelli  
Kevin Ezell  
Kevin Kelly  
Gil Moniz  
W. Roy Scott  
Richard Schunk  
Jeffrey Wilkinson

Daniel Nichols, DOS Fire Protection Engineer  
Joseph Sauerwein, Sprinkler Coalition  
Steven McDaniel, Sprinkler Coalition

**MEETING MINUTES:**

1. The chairman called the meeting to order at 10:07 a.m. Roll was called, with members Carparelli, Ezell, Kelly, Moniz, Scott, and Wilkinson participating. Richard Schunk joined at a later time. There was a quorum of members present. Also participating were Daniel Nichols, DOS Fire Protection Engineer, and Joseph Sauerwein and Steven McDaniel of the Sprinkler Coalition.
2. The minutes of the October 11, 2007, meeting, previously forwarded in draft form via e-mail to all members for review and comment, were approved with no additional comments. The approved minutes are to be posted on the Department of State website.
3. The ballot (comparison) chart was discussed. The chart was updated to include the final status of items acted upon by the subcommittee; additional items for review suggested by subcommittee members; errors in the *2007 Residential*

*Code of New York State (2007 RCNYS)*; and appendices. The chart also now includes a table of code change proposals submitted by outside interested parties.

4. The chairman presented information on the impact of Item 3.1, regarding Section R301.2.1.1 of the 2006 IRC which decreased the prescriptive Code provision use limitation to 100 mph in hurricane-prone regions and which was tabled at the October 11 meeting. The impact of the change will be on new construction in that portion of Westchester County where the basic wind speed is at or above 100 mph and which is located on the coast (Long Island Sound). The new requirement will have a limited impact in that most construction in that area is designed by registered design professionals, who typically use the standards specified in Section R301.2.1.1 and not the prescriptive provisions for construction in the Code. A motion was made to accept the language of Section R301.2.1.1 of the 2006 IRC as written, and the subcommittee vote to accept the motion was unanimous.
5. The review of Items 3.2 through 3.6, regarding the NYS rearrangement, modification, and deletion of tables and figures pertaining to design criteria, was not complete.
6. The chairman presented information on the impact of Item 3.7, regarding Section R301.2.1.2 of the 2006 IRC which removed the allowance to design buildings as "partially enclosed" in lieu of protecting openings and which also made wood panel opening protection more specific/restrictive. The chairman informed the subcommittee that the Building Code of New York State Technical Subcommittee had approved the modification of exception 2 of Section 1609.1.2 to restore the allowance for unprotected openings in wind borne debris regions where the building is designed as open and partially enclosed in accordance with ASCE 7. While uniformity between the Codes of New York State should be of paramount importance, the chairman asked the subcommittee to consider that both the International Building Code and ASCE 7 had been changed to separate the requirement for opening protection in wind borne debris regions from the design standards for open or partially enclosed buildings; that post-storm surveys had shown that residential buildings designed as partially enclosed and without opening protection in wind borne debris regions sustained significantly more damage than those with opening protection. After some discussion, the subcommittee decided that the item should remain tabled and that the chairman of the Building Code Technical Subcommittee should be invited to the next meeting to allow an explanation of his subcommittee's actions.
7. The tabling of Item 3.16, regarding the NYS modification Section R311.4.3 of the 2006 IRC for landings at doors, was continued as the reporting subcommittee member was not in attendance.

## 8. NEW BUSINESS

The chairman asked that the order of the 'New Business' portion of the agenda be changed in consideration of the outside interested parties participating. There was no objection, and the order of agenda items Part VII and Appendix P were changed.

The chairman of the technical subcommittee explained that part of the subcommittee's responsibility is the adoption, re-adoption, or deletion of the *Residential Code of New York State* (RCNYS) and the *International Residential Code* (IRC) appendices. As part of this process, Jeffrie Wilkinson proposed the adoption of Appendix P, shown as item P.1 on the revised 10-12-07 ballot (comparison) chart.

Item P.1, Appendix P Sprinkling, requires that an approved automatic fire sprinkler system be installed in new one- and two-family dwellings and townhouses in accordance with Section 903.3.1 of the *International Building Code*. Section 903.3.1.3 allows one- and two-family dwellings to comply with NFPA 13D *Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes*. As part of subcommittee member Wilkinson's presentation, Joseph Sauerwein and Steven McDaniel of the Sprinkler Coalition spoke in support of the adoption of Appendix P. The speakers for the Sprinkler Coalition referenced key points of the National Institute of Standards and Technology (NIST) Building and Fire Research Laboratory report, NISTIR 7451 *Benefit-Cost Analysis of Residential Fire Sprinkler Systems* (forwarded to the subcommittee members in an October 23 email). Several subcommittee members asked technical questions related to the requirements of NFPA 13D and recent developments in sprinkler technology. Generally, the questions were about affordability, sprinkler systems in rural locations with private water supplies, and the installation of sprinkler piping in the building envelope in cold-weather climates. Daniel Nichols, DOS Fire Protection Engineer, answered these questions. At this time, subcommittee member Richard Schunk joined the teleconference. Mr. Schunk provided a rebuttal to much of the information presented by the Sprinkler Coalition. Specifically, Mr. Schunk stated that unresolved issues such as who is qualified to design and/or install NFPA 13D sprinkler systems in the typical one- or two-family dwelling and sprinkler head activation in spaces two stories in height such as family or living rooms with cathedral ceilings. There was much discussion of the points made by both the coalition and Mr. Schunk. Several subcommittee members, representing the opposing viewpoints, proposed the private continuation their discussions. The chairman asked that a motion, to either adopt or not adopt Appendix P be made. The subcommittee felt that additional discussion and consideration of item P.1 would be necessary. A motion was made to table item P.1, and the subcommittee vote to accept the motion was unanimous. The subcommittee chairman then thanked Daniel Nichols and the Sprinkler Coalition members for their participation and they left the teleconference.

The chairman expressed concern regarding the little time left in the meeting, the amount of work left for the subcommittee, and the fact that only one more meeting was scheduled. The chairman proposed that the subcommittee consider their schedules for a possible November 8 meeting. Subcommittee members availability for the proposed date will be confirmed at the November 1 meeting.

Item 33.1 on the revised 10-12-07 ballot (comparison) chart, submitted by subcommittee member Gil Moniz, proposed the removal of Part VIII of the 2006 IRC (Chapters 33 through 42). The provisions of Chapters 33 through 42 are directly derived from the National Fire Protection Association (NFPA) and are based on the 2005 National Electrical Code® (NEC®) (NFPA 70-2005). Mr. Moniz explained that most electrical work is performed by electricians, who use the most current version of the NEC®, which at this time is the 2008 edition. Electrical work is inspected by electrical inspectors, who inspect for compliance with the most current edition, 2008, of the NEC®. The IRC adoption cycle, the NEC® adoption cycle, and the delay related to the IRC's use of copyrighted material from the NEC® was outlined by Mr. Moniz. The chairman added that the Existing Building Code of New York State Technical Subcommittee had recently approved the adoption of the 2008 edition of the NEC® as a reference standard, and it was expected that the Building Code of New York State Technical Subcommittee would do the same. Mr. Moniz stated that the removal of Part VIII from the IRC, and its replacement with language similar to that found in the International Building Code (IBC) Chapter 27, would remove any conflict between the Codes of New York; would address the lag between the requirements for one-and two-family dwellings and the more current electrical requirements for other buildings; would remove the possibility of errors or omissions when the NEC® is transcribed into the IRC. Mr. Schunk objected to the proposal in that it contradicted the intended prescriptive nature of the IRC; would require both regulators and regulated parties to have another, separate, book for compliance requirements; and that the NEC® is not as "user-friendly" or occupancy specific as those provisions of Part VIII of the IRC. A motion was made to modify/delete Part VIII of the IRC and to reference the 2008 edition of the NEC® in its place. The motion passed, with five members voting for the motion and two voting against.

## **5. OPEN BUSINESS:**

At this time there were no public visitors, nor any additional written or submitted documents to consider.

The subcommittee adjourned at 12:00 p.m. The next meeting will be via teleconference call on November 1, 2007, at 10:00 a.m. with the phone set up at

the 11th floor conference room at 41 State Street, Albany. The public and those subcommittee members located nearby are invited to attend. Those members that cannot attend in person will phone in to participate