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**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
Subcommittee on Regulations**

1000 Washington Street • Boston • Massachusetts • 02118

Subcommittee on Regulations Meeting Minutes – January 25, 2023
Teleconference

This meeting was open to the public and began approximately 10:00 AM.

Subcommittee member attendance:

Jeff Dougan, Chairperson (JD)
Carol Steinberg, Vice Chairperson (CS)
Patricia Mendez (PM)
Deborah Ryan (DR)
Elizabeth Myska (EM)
Paul Logan (PL)
Mike Kennedy (MK)

Division of Professional Licensure Employees attendance:

William Joyce – AAB Executive Director (WJ)
James Plotkin – Legal Counsel (JP)
Bradley Souders – Office Support Specialist (BS)

JD opened the meeting for Roll Call:

1. 10:04 AM Discussion of Section 602.2

EM Arrived

- WJ: differences are largely de minimis, feds may be slightly stricter, they don't let you use side approach to fountains as we do. A and B are redundant, C is the only difference between us. Feds only allow parallel use at children's fountain in this way.

Motion to Adopt ADAG 602.2 C by CS

2nd by PL

Discussion:

- CS: Is a side approach harder
- DR: discussion about bottle filling stations
- MK: A lot of schools have the water fountain bottle fill, the ones I see are easier to do a side approach, personally I like them
- CS: do drinking fountains include the bottle fillers
- DR: Bottle fillers are addressed under operational controls in section 3
- WJ: 521 CMR treats them the same way
- JD: Would it make sense to put something in 602 that would refer to these combo units
- WJ: depending where its located it may have to meet reach over requirements



- JD: Discussion of differences between requirements for water fountain/bottle filler combo units
- CS: modify my Motion to add at the end “except at bottle filling station can use a side approach
- WJ: Should we add a note in the scoping section that states bottle filling stations aren’t subject to 602
- CS: then I stand with my original motion
- AJ: for bottle fillers, will we be confirming they need to meet reach requirements and clear floor space
- JD: We can do this in scoping

By Acclamation/Carried
Motion Passes

2. 10:31 AM 602.3

- WJ: largely close to Feds. We allow you to put in additional controls but not in place of hand operable controls. A requires front or side mounted hand operated controls.

Motion to Adopt 602.3 A and C by CS
2nd by MK
By Acclamation/Carried

3. 10:40 AM 602.6

- WJ: Same for both of them, this should be broken out into subsections as there are multiple requirements listed. The requirements between 2018 draft regs and ADA is identical. Easier to cite for code violations

Motion to Adopt the rest of 602 ADA language by CS
2nd by PL

Discussion:

- PL: What about 602.5?
- WJ: the motion will capture the rest of 602
- MK: Question about water flow vs waterspout location. With elementary schools a lot of classrooms have bubblers, is it 5 inches from the spout location or is it built into the counter with a couple inches of counter space. The ones we’re running across have this issue. We may want to clarify where you measure from
- WJ: I think it already does that where it measures from the front edge of the thing you’re interacting with. If its in a sink they need to meet the knee and toe clearances
- DR: not if it’s a children’s
- WJ: I can put a note to include this in the interpretive notebook
- JD: Recapitulates WJ’s points

By Acclamation/Carried

4. 10:54 AM 603.2.3 Door Swing

- WJ: In 603.3, exception 2 we specify that door has to be self-closing. Then there is language about convenience features and accessories- this is largely a reminder that you shouldn’t put things that block clearances so I think its worth having explicit language in there, an example being trash cans in the bathrooms blocking clear floor space
- JD: Can we put something like this in the booklet, everything is built to comply and then someone comes later and puts something that blocks clearances

- JD: Only difference in 603.2 is we allow self closing doors
- WJ: and the language about blocking clearances
- DR: I understand the need to not having things blocking clear floor space. We need to be careful because a toilet paper dispenser is in the clearances, baby changing stations ADA counts them in the open position, because people tend to leave them open. ADA has exception for toilet paper and napkin dispensers in the clearance sections
- WJ: how to clean up the language for clarity
- CS: we should go back to drawing board to make an exception for things except if they interfere with path of travel
- JD: Should we revisit convenience requirements?
- WJ: Or drop this and deal with it when we get to sink section
- CS: I think DR was talking about toilet paper dispensers
- WJ: Paper towel ones would impact the sink clearances
- MK: Another feature in a lot of bathrooms are the air dryers for hands- their location is often in the route of travel
- WJ: those get treated like protruding objects and are covered under accessible route in section 3

Motion to Accept ADA language for 603.2.3 and include the 521 CMR exception 2 for self closing doors by CS
2nd by PL
By Acclamation/Carried

Discussion about convenience language in 603.2.3

- CS: I want to Motion to table until next meeting the 521 CMR language about convenience language and include it as section 603.2.4
- JD: Discussion about differences in clearances requirements and path of travel requirements for protruding objects
- WJ: Path of travel is term of art, a paper towel dispenser should never impact path of travel
- PL: I'm not sure if its worth deferring and hammering it out now
- WJ: Do we want to include language "except as where permitted" for overlaps

Motion to Accept convenience fixture language in 603.2.3 as 603.2.4 including the "except where permitted" language in 604.3.2 by CS
2nd by PL
By Acclamation/Carried

5. 11:20 AM 604.2

- WJ: there is a difference, but it may be covered in a different section. We say you have to be a certain distance from near and far wall. ADA says you can't have things overlapping the clearances. I think this language is redundant. We do require a bigger stall than them
- CS: question about overlap requirements and clear floor space
- MK: for the 42 inch far side measurement, what about compliant sink, how would that fit into clearances
- Discussion about clearance box defined by ADA

6. 11:35 AM 604.3.1

- WJ: discussion of differences in size requirements. ADA has smaller size on length requirements 56 vs 72 inches. Shows up first in toilet stalls, echoes out in a couple of different places. This is a meaningful substantive difference between the two codes

- CS: I want to move that we accept our 72 inches, this makes a substantive difference. When I go to different states its noticeable

Motion to Accept 521 CMR 72-inch length requirement by CS
2nd by DR

- DR: I think with the 60x72 makes it easier for everyone

By Acclamation/Carried

7. 11:48 AM 604.3.2 exception

- WJ: this is residential unit requirements, we should come back to this. I would not vote on this yet, we need to make sure it meets fair housing

8. 11:50 AM 604.5.1

- DR: this is consistently missed in the field
- WJ: this language is redundant, Covered by 604.8.2.3, the rear wall difference is 4 inches, ADA requires 36 were require 42 and located a maximum of 6 inches from interior corner
- WJ: we should point back at this section so anytime you are putting in grab bars it would be this requirement

Motion to Accept 521 CMR language about 42-inch rear wall grab bar requirement and renumbering accordingly for citation purposed by CS
2nd by PL

Amended Motion to Accept 521 CMR language in total for 604.5.1 rear wall by CS
2nd by PL

- DR: by doing that you will comply with ADA standards. If you're putting in a bigger grab bar you will still meet ADA standards. You don't want to write something where you can't comply with both
- AJ: Asks DR to clarify statement

By Roll Call CS/Y, MK/Y, PL/Y, PM/Y, EM/Y, DR/Y, AJ/Y

9. 12:02 PM Vertical Grab Bar

- WJ: Discussion about vertical grab bar. Do we want to add vertical grab bars requirements
- DR: I would add subsection to side wall section

Motion to Add vertical grab bar requirements in proposed regs and add it to 604.5.1 by DR
2nd by CS

By Acclamation/Carried

10. 12:20 PM 604.6

- WJ: This could be handled down in the children's section, table this until children's section

11. 12:27 PM 604.8.1.1

- JD: Looking for motions for differences in size

Motion to Require 5x6 stall size as noted by DR
2nd by PL

By Acclamation/Carried

12. 12:30 PM 604.8.1.2 Doors

- WJ: We differ in that we require self closing door

Motion to include sentence in the end about self closing hinge by PL

2nd by CS

Discussion:

MK: Lock has to be accessible and operable with closed fist, no pinching or twisting

WJ: that's covered in 404, but would be useful to be included in advisory section

DR: if you have a 5x9 stall you should be allowed to swing the door in

By Acclamation/Carried

13. 12:35 PM 604.8.1.4 Toe Clearances

- WJ: the differences are not large but I know this is brought up a lot by advocates
- DR: this is important if it's a 5x56 stall, but a 5x6 stall you have much more space, the extra 16 inches in depth make up for the toe clearance requirements
- WJ: with the way the exception is worded can we remove this exception?
- DR: this section is redundant
- WJ: the toe clearance wouldn't come up with our bathroom size
- MK: agreed that a larger stall this wouldn't come up

Motion to delete 604.8.1.4 toe clearances by PL

2nd by DR

By Acclamation/Carried

- WJ: keep 604.8.1.4 as reserved so numbering system is not thrown out

14. 12:41 PM 604.8.2.2 Door lock requirements

- WJ: this is for alternat ambulatory stall
- DR: We should include language in red for all stall sections
- CS: I'm not sure why we should have the lock higher up in an ambulatory stall
- DR: in the door section, the door hardware height is at that level so its about being constituent
- PL: I like it at 36 inches, if we change it here will it cause confusion
- JD: my understanding in the door section we have the 34-48 language, in the accessible toilet stall we have 36 inches
- PL: will it be confusing for people designing buildings

Motion to Adjourn by PL

2nd by DR

By Acclamation/Carried

