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

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Subcommittee on Regulations Meeting Minutes – February 22, 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)
Ana Julian (AJ)
Mike Kennedy (MK)
Paul Logan (PL)
Elizabeth Myska (EM)
Deborah Ryan (DR)

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:

CS, MK, PL, EM, DR, AJ

1. 10:05 AM Minutes

Exhibit – January 25, 2023 minutes

William Joyce presented documentation – Discussion of minutes:

Motion to Approve minutes by PL

2nd by DR

By Roll Call CS/A, MK/Y, PL/Y, EM/Y, DR/Y

2. Discussion of 604.8.2.2 Doors

- WJ: Do we want to specify lock height or use general door hardware rules in 404, why are these door locks different other than regular door locks
- CS: I've talked to people in wheelchairs, because these are in a bathroom they should be lower as you can't get help with them, people might have trouble with their arms reaching. There is a big difference between being in a stall and being in a public place

Motion to Accept language in red, 34 min 48 max, for door locks by CS

- PL: I thought we were aiming to hone in on a specific number
- DR: Last time CS wanted to keep it at 34



- PL: the lower the better, I think we were trying to hone in on a specific number or less of a range than 14 inches
- WJ: Double checking the language in the proposed language. The Fed's is 34-48, we require exactly 36 currently
- PL: the discussion we had a month ago was it would be better to have it lower than higher, it's easier to put your hand down than up, a 14 inch difference can be a lot, if we're going to make it a range we should do 38-48, it's easier if you don't have to go higher to get to a lock
- CS: so why not just make it 36
- PL: I would agree with you in a perfect world but might be better if you allow a small range for door hardware. I'd like to hear from DR on the 14 inch ADAG range
- MK: I'll just put it out there that it's easier to reach across or down than up, I agree with PL
- DR: This is the issue- the standards require door hardware between 34-48, not all stall doors have a locking mechanism that is also the pull so if you have a stall with a pull handle it needs to be between 34-48, if you require a specific dimension with a lock it will interfere with pull handle, so the pull will need to be higher if you require the lower lock. The standard is all hardware is between 34-48, that gives you the range to put the pull and the lock. Something will end up being higher
- CS: We haven't dealt with the handle issues yet
- WJ: it's not different
- CS: it's getting person but I use the lock to close the door and not the handle, I think something should be low
- MK: I'm going to muddy the water a little bit more, I imagine you buy stall doors in bulk, so they probably have a standard themselves that if we put our lock height too restrictive they would lose the ability to buy in bulk, like the exception for grocery belts in stores, it should be 36 but there is an exception for 38 because that's how they are manufactured
- JD: good point, we do have other exceptions for industry
- DR: I think everyone is just thinking about partition doors and not the future where everyone is using single user toilet room, which is a stall still but the door is a standard door with a lever handle, and the locking mechanism is above the lever. So you have to think about things not in a typical metal stall door but all doors in bathrooms

Motion to Adopt the language the lock is located 36 inches by CS
2nd by PL

Discussion

- DR: I would oppose the motion, I'll just say that a standard door that has a separate lock mechanism has two holes, one for door hardware and one for lock, this would require them to be swapped and the handle above the lock. It would be more difficult to open with the door handle higher
- JD: If the lock was below the handle would the lock still work
- DR: yes but the door handle would be higher than the lock, I'm talking about full doors that are in stalls, that is the future. We would be requiring the handle to be much higher
- CS: what's the requirement for the handle in a bathroom door
- DR: same range, all hardware has to be in that range, what this does is requiring the lock to be lower than the handle. Full doors are being used more frequently as stalls
- WJ: The question of unisex toilet compartments is a big deal, we get asked about it all the time, they are the wave of the future. Having the regs contemplate these bathrooms are wise, these are going to be more popular in the future
- PL: I would prefer to leave the 34-48 range now, I'd rather have the handle lower than the lock



- CS: What I see more often than not is the handle with the push button lock in the handle, where does that fit in. Are those kind of locks part of this section
- WJ: yes that would be permissible, ADAG says all door hardware. We are contemplating a specific height for the lock
- CS: We wouldn't have this problem if the handle and lock is one piece of equipment
- WJ: that would be the case if someone bought that but we do not require one piece of equipment over another
- CS: I don't see the issue with the handle being higher than the lock, the issue is the lock. The lock is what's important
- JD: Ready for a vote

By Roll Call AJ/N, DR/N, EM/N, PL/N, MK/N, CS/Y, Motion fails

- JD: Other motions?

Motion to adopt ADAG language of 34-48 inches for lock height by PL

2nd by DR

By Roll Call CS/N, MK/Y, PL/Y, EM/Y, DR/Y, AJ/Y Motion passes

3. Water closets for Children's Use – clearance required at children's water closet, 604.9.2

- JD: did the ADAG make this easier for children's regulations than we had originally? Does it make sense to adopt what ADAG does for children's stuff? Their regs are newer than ours.
- WJ: the differences are not huge, we break it down by age group. The age group thing in my opinion is a mess because you have organizations that cover multiple age groups. It creates a lot of confusion and does not get us anything, wheelchairs are fairly standardized in this range. In this area I think the feds have it right. It creates more problems than it solves by breaking it up by age
- AJ: 59 inches is if the toilet is floor mounted
- WJ: we don't draw the line between floor and wall mounted, you're giving us 60x72 either way, we're voting on the size for children's toilets

Motion to adopt the 2010 design standards and have the exception read 60x72 by DR

2nd by CS

- MK: one set of rules go by age and the other by grade, at the end of this what will this use
- WJ: we'll get there, this doesn't address that, this is saying all children's room will have the same dimensions as adult rooms
- JD: this would allow room for help and maneuvering as well as constituency

By Acclamation/Carried, motion passes

4. 604.9.3

- WJ: the only difference here is where we break it out by age groups. This generates confusion, I don't think we need to break this down as much as we do
- CS: Not sure I agree with that, there is a difference between 6th graders and pre-k. Maybe we can put in language that its installed with who is using the restroom
- JD: in my experience they are putting in different sized toilets depending on what that room is serving. They are putting in the toilet that's appropriate for the age range
- CS: so this would have the range of 11-17, I think we should add the language that its consistent with who is using it
- JD: I think people designing these rooms are already doing that



- WJ: Vague open ended language does not belong in the regs, if you want a requirement then add a requirement, we need a concrete requirement in place. I think this is a place where flexibility makes sense.
- MK: I agree with WJ, one thing you have to keep in mind is these buildings last 100 years, as populations change these rooms/hallways might change from pre-k to another grade level, so the range makes it easier.
- CS: I wanted to say that's helpful to hear that, if someone comes and asks a question about what to use for 3rd graders, can you answer that question with a range
- DR: the chart in 2010 standards is basically 6th grade and under, anything above that is adult toilet room dimensions. I think the ADA standards, if you say just 11-17, people might not know what size to use. The chart may make sense for someone who doesn't know what grade uses what size
- WJ: the chart is an advisory, the ADA standard is the 11-17 range

Motion to use ADA children's age range requirements for toilet height by DR
2nd by CS

- JP: We're under the assumption the state doesn't like advisory opinions
- WJ: if we make these regulations then they count as regs
- MK: I can understand not wanting a 17 inch toilet in a pre-k bathroom, can we split up the age ranges?
- WJ: presents new age range
- JD: were going to make the range 11-17 and then also require it by age range
- DR: my problem is I want people to have the information to make that decision
- WJ: if we link the advisory to this reg they would have that information

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

5. 604.9.4 grab bars in children's rooms

- WJ: we are more stringent than ADAG, so these heights match the ADA advisory but you can't do them by right if we don't adopt the red text

Motion to Accept 521 CMR requirements for grab bars for children except height and thickness by CS
2nd by DR
By Acclamation/Carried

6. 604.9.5 flush controls

- WJ: Differences are 15-36 or 20-30 aff
- DR: 15-36 would cover everything
- CS: This is for children's, it depends on the age of the children, is there something that says that
- DR: If you put in a small toilet, it would be a small tank

Motion to Accept ADA language for flush controls by DR
2nd by PL
By Acclamation/Carried

7. 604.9.6 Dispensers

- WJ: only difference is we add the age ranges
- DR: I would say we do the same for the grab bars
- WJ: it would be easier to re-write to using the 521 age range



- DR: small differences between dispensers for adults. I would keep everything except add in the heights

Motion to adopt ADA language with 521 CMR age range by DR
2nd by PL

- CS: Do we want to go with age ranges or grades
- WJ: ages are universal
- MK: Is this where we discuss for dispensers to be above grab bar?
- WJ: already covered under our earlier dispenser talk

By Acclamation/Carried

8. 605.3 Urinals

- WJ: this is an area where ADAG is more stringent so we should use their language. It's a stronger requirement

Motion to Accept ADAG language by PL

2nd by DR

By Acclamation/Carried

9. 605.4 Flush Controls

- WJ: this one is interesting, while they aren't technically different, but this is more explicit. ADAG points you to 309 so technically for over the front reach over an obstruction you can't go over 44 inches. Is it worth spelling that out or do we just point you to 309
- CS: I think the more explicit the better

Motion to Adopt the explicit language by CS

2nd by DR

By Acclamation/Carried

10. 606.2 clear floor space

- WJ: For 'a' this is slightly different; ADAG allows parallel approach to certain sinks, and ADAG points to 305 and 306 that allows you to go up to 25 inches for toe clearances, 521 allows up to 19 inches
- DR: Restricting it to 19 inches isn't necessarily helpful because its going to keep you farther back from the sink
- PL: I would think more would be better. One of the things I have been experiencing is when I pull under a sink I cant get under it because there is not enough clear space, so I would think more space would be better, and they have the particle board in front of the pipes impacting access
- MK: DR answered my question, ideally, they should be angled in such a way that you have your toe clearances, depending on the size of the hotel room, you can do a 360 in there to maneuver around
- JD: is this going to reduce the size of the room or usability of the space
- WJ: this is just for the sink, does this require more clear space in front of the sink or more space under the sink for toe and knee clearances
- DR: the 2010 standards say 17-25, I think you would want to go under the sink as far as you can to get closer to the faucet



- CS: So why does it go down to 17
- WJ: it's the same for both of us
- DR: I don't think there's an issue as long as we have a drawing with the dimensions

Motion to use section B for 606.2 by DR
2nd by MK

Discussion

- CS: Is there anywhere it says maximum for sinks?
- WJ: you could put in a 200 foot sink but they still have to meet the reach range requirements
- CS: What about the exception
- WJ: that's for employee spaces which we do not have jurisdiction over

By Acclamation/Carried

11. Exceptions for 606.2

- WJ: ADA allows exception for parallel approach for kitchens with no cooktop or wet bars, the question is do you need the same sink clearances
- PL: I think its important because I had to use a kitchenette sink instead of the bathroom sink, so it's a second option
- CS: Agree with PL, its important everywhere, you always have to have the knee space
- DR: I would agree with CS and PL, if we are going to allow this we should require side mounted faucet
- WJ: should we re-write the exception to make it more narrow
- JD: That's a good idea for side mounted faucet
- WJ: where else besides classrooms would we allow a side approach with a side mounted sink?
- DR: kitchenette in the public part of a hotel
- JD: We could come back to this at the next meeting
- CS: Cant we not have the exception and deal with this with variances?
- WJ: I think you're right but we should include the ones that are always granted in the regs
- PL: If there are things we can think of now we should figure it out today, are the two most common ones art sinks and science?
- WJ: small kitchenettes and art sinks are the ones that come up the most often
- PL: do you grant those requests?
- WJ: generally, it depends on the size of the space
- DR: the other place I see it is commercial kitchens that are open to the public
- CS: I'm not sure what you mean by commercial kitchens but I agree with PL that it should only be excepted for classrooms
- WJ: dump sinks in kitchens come up too
- CS: I'm against allowing exceptions for anywhere else besides classrooms, there are so many circumstances where you should not allow these

Motion to table 606.2 exception 1 by CS
2nd by PL
By Acclamation/Carried

12. 606.2 exception 5

- WJ: we let you do 18 inches, the feds allow you to do a parallel approach
- DR: a wheelchair isn't going to be that small to meet the 18 inches
- CS: Should we table this one too?



Motion to table by CS
2nd by AJ
By Acclamation/Carried

13. 606.5 exposed pipes

- WJ: the difference here is small but can be substantial. We specify they should be close to the wall as possible for more knee/toe space, most manufacturers just put the sink at the bottom, so if no one is producing sinks that comply what should we do

Motion to Adopt red language in 606.5 by CS
2nd by DR

- PL: when we say 'as close as possible' is that too much wiggle room
- WJ: It shouldn't be an issue here
- MK: Is that so if a sink is high or if you're short you can actually see where the drain is
- DR: its to keep the pipes back as far back as possible to prevent burning
- WJ: and clearance
- MK: It does make sense to keep them as far back as possible

By Acclamation/Carried

14. 606.6 sink depths

- DR: this is technically redundant, I would eliminate it
- CS: I remember constantly granting sink depths when I was on the Board
- WJ: the Board required this in 1996
- CS: Should we limit this to group 2?
- WJ: we should get rid of this because its redundant and its confusing

Motion to eliminate 606.6 by DR
2nd by MK
By Acclamation/Carried

15. 607.2

- WJ: We require the full length of the seat, the feds are less stringent on width but more stringent on the seat side
- DR: We've always required 30x72, that was written for PCA for transferring. There has been lots of discussion of how people use tubs. The seats are meant for transferring down to the tub, I haven't seen anyone building these lately, its intended for transferring, there should be a portable seat even if you have a built in one at the end of the tub
- WJ: MAAB is proposing you have to have the full length of tub be clear with 36 inch width, plus the seat if you have it. The feds do 30 x tub length, we do 36 x tub length

Motion to table by PL
2nd by CS
By Acclamation/Carried

Motion to Adjourn by PL
2nd by DR
By Acclamation/Carried

Respectfully submitted,
Bradley Souders, Office Support Specialist