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October 13, 2020 Meeting
Via Teleconference

Board of Building Regulations and Standards (BBRS)

Chairman Crowley took roll call as follows:

John Couture, Second V. Chair	✓ present <input type="checkbox"/> absent	Peter Ostroskey**	✓ present <input type="checkbox"/> absent
Kerry Dietz	✓ present <input type="checkbox"/> absent	Michael McDowell	✓ present <input type="checkbox"/> absent
Richard Crowley, Chair	✓ present <input type="checkbox"/> absent	Susan Gleason	✓ present <input type="checkbox"/> absent
Vacant	<input type="checkbox"/> present <input type="checkbox"/> absent	Lisa Davey, Vice Chair	✓ present <input type="checkbox"/> absent
Cheryl Lavalley	✓ present <input type="checkbox"/> absent	Steve Frederickson	✓ present <input type="checkbox"/> absent
Layla D'Emilia *	✓ present <input type="checkbox"/> absent		

* *David Sullivan participated as the designee for DPL Commissioner, Layla D'Emilia.*

** *Jen Hoyt participated as the designee for State Fire Marshal, Peter Ostroskey.*

General notes on format of these minutes

- *These minutes represent general points of discussion by members and audience participants during the regular meeting session. The minutes are not intended to be a verbatim account of discussions.*
- *Votes are noted as **MOTION** by, seconded by, and whether it was a unanimous or split vote.*
- *Agenda topics as numbered may be in the same order as they appear on the meeting agenda.*
- *The meeting agenda is listed as **EXHIBIT A**; others are listed sequentially as addresses during the meeting.*
- *Steve Frederickson left the meeting about 10:13*

Regular Meeting Portion

1. **Roll Call.** Chairman Crowley opened the meeting about 10:01 AM, by taking roll call. Board members noted as present above, responded as to attending.
2. **BBRS Minutes.** On a **MOTION** by Michael McDowell seconded by Kerry Dietz it was a unanimous vote to approve, the draft meeting minutes for the September 8, 2020 Board of Building Regulations and Standards (BBRS) meeting (**EXHIBIT B**). Roll call: Lisa Davey, John Couture, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Crowley all responded in the affirmative.

3. **BCAB Minutes Vote** draft BCAB meeting minutes from August 2, 2020, and August 18, 2020. On a **MOTION** by Michael McDowell and seconded by John Couture, it was a unanimous vote to approve the August 2, 2020, and August 18, 2020, BCAB minutes (**EXHIBIT C**). Roll call: Lisa Davey, John Couture, Kerry Dietz, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Steve Frederickson, Michael McDowell, Kerry Dietz, and Chairman Crowley all responded in the affirmative.
4. **BOCC Minutes Review/Vote**. On a **MOTION** by Kerry Dietz and seconded by Lisa Davey, it was a unanimous vote to approve the September 1, 2020 Building Official Certification Committee (BOCC) meeting minutes (**EXHIBIT D**). Roll call: Lisa Davey, John Couture, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.
5. **Discuss/Vote** 10th edition 2021 I-Codes adoption staff update. Dan Walsh reviewed a draft schedule for Committee Assignments document (**EXHIBIT E**). He explained that this is the same document discussed during the Board's September 8, 2020 meeting, and asked the board to vote it into the record.

Kerry Dietz and Jen Hoyt clarified that the schedule conveyed in the memo is the same discussed last month. Kerry Dietz also spoke about the technical advisory committees needing to look at each amendment carefully before recommending the board carry forward.

Steve Fredrickson spoke about amendments offered for the 10th edition should be taken to the ICC code adoption process.

Michael McDowell spoke about Dottie Marzzarella will help folks seeking to amend the Mass building code, with submitting their amendment to the ICC code adoption process. Dottie Marzzarella talked about January 11, 2022 being the deadline to file for the Group B hearings.

Board Counsel Charles Kilb spoke about the approval process for staff to sign a contract with ICC for the 2021 I-Codes to be available to the technical advisory committees and working groups.

On a **MOTION** by Kerry Dietz and seconded by Lisa Davey, it was a unanimous vote to approve moving forward with the 10th edition of 780 CMR based on the 2021 International Codes listed in the Memorandum dated September 9, 2020 (**Exhibit E**). Roll call: Lisa Davey, John Couture, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.

6. **Discuss/Vote** Ninth Edition 2018 IECC Energy Code Concerns. Dan Walsh talked about receiving concerns about some of the 2018 IECC amendments and displayed a document, which show the concerns (**EXHIBIT F**). A board advisory could resolve an issue relating to the structure index score. The issue has to do with interpretations by software owners REM/Rate and Ekotrope. When using the ERI compliance path in section R406, the same structure does not end up with the same energy-rating index score because the different software systems do not calculate the ventilation rate the same.

Board Counsel Charles Kilb talked about the Secretary of State has agreed to accept none substantive changes without needing to go through the full adoption process. The bulleted item that proposes adding C408 to the IECC prescriptive path will require the formal code change process because making this change is seen as a substantive

change in the view of the Secretary of State's office. The inclusion of C408 was not part of the final version voted by the BBRs.

Ryan Myers from RESENT and Michelle Britt from ICC spoke about the software issue. REM/Rate and Ekotrope have different code interpretations, which has the ventilation rate equation specified in R406.3 contributing to different energy rating indexes for the same size home. Specifically, sections R406.1 through R406.6.4 has a Mass. amended Energy Rating Index Compliance Alternative path. Complicating the issue, section R406, throughout the Massachusetts Amendments, the terms Energy Rating Index (ERI) and Home Energy Rating System (HERS) are used interchangeably. The recommended fix is to clarify that the code treats the same ERI and HERS compliance reports required in R406. Also recommended is using the 2019 version of the RESNET/ICC 301 would be acceptable because it is more advanced than the minimum 2014 RESNET/ICC 301 version when performing Energy Rating Index determinations.

Chairman Crowley recognized Ian Finlayson, who spoke about the issue and agreed that an advisory would be a short-term fix. He would like to submit a code change proposal that will remove the ventilation rate equation in R406.3 and to advance the RESNET/ICC 301 to the 2019 version.

On a **MOTION** by John Couture and seconded by Lisa Davey, it was a unanimous vote to approve moving forward with having the Secretary of State make the adjustments displayed on the suggested changes to the 2018 IECC document, and to approve the following advisory;

For the purpose of documenting compliance with the International Energy Code and the Massachusetts Amendments, section R406, the following shall be acceptable for ERI documentation described in R406.6.2:

1. A HERS compliance report with a HERS Index score meeting the applicable maximum allowable score in Table R406.4, OR
2. An ERI compliance report with an ERI score meeting the applicable maximum score in Table R406.4.
3. Use of ANSI/RESNET/ICC 301— 2014 or the 2019 allowed.

Roll call: Lisa Davey, John Couture, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.

7. **Discuss/Vote** fire protection materials tested to British Standard (BS) 476. Foreign Tested Products June 12, 2020 Letter (**EXHIBIT G**). Dan Walsh explained Mr. John Pattillo's letter claims certain products have been inappropriately used in the commonwealth but provided no specific properties that would allow OPSI to investigate. The correspondence suggests that fire protection materials tested to British Standard (BS) 476 do not meet 780 CMR in that the standard is less comprehensive than the criterion required in the building code. 780 CMR, Chapter 35 does not list BS 476 as a reference standard; however, this does not necessarily mean using the standard is prohibited (Section 104.11). Since Mr. Pattillo's information is very technical, staff recommended the matter be referred to the Board's Fire Protection Fire Prevention Technical Committee (FPFP) to determine whether an advisory should be issued to state and municipal building code enforcement officials, or that some other action may be warranted.

A board discussion about providing training to building officials on utilizing section 104.11 and identifying resources available when working through requests to exercise this provision have merit. On a **MOTION** by Kerry Dietz and seconded by Jen Hoyt, it was a unanimous vote to have the matter to be examined by members of the FPFP to determine whether or not an advisory should be issued to state and municipal building code enforcement officials. Roll call: Lisa Davey, John Couture, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.

8. **Discuss** new Construction Supervisor Licenses (CSLs) 55 in September 2020. Board members acknowledged approval of the new CSLs issued.
9. **Discuss\Vote** CSL Average Passing Score\Medical\Military\Age or Continuing Education Requirements. Igor Kurilo CSSL-101287 and John Comeau CS-088964 both requested license reinstatement for medical reasons. Dan Walsh reported that both applications appear to be in order. On a **MOTION** by Michael McDowell and seconded by Kerry Dietz, it was a unanimous vote to approve reinstatement of Igor Kurilo and John Comeau under the medical reinstatement provisions in 780 CMR. Roll call: Lisa Davey, John Couture, Steve Frederickson, Cheryl Lavalley, David Sullivan, Jen Hoyt, Susan Gleason, Michael McDowell, Kerry Dietz, and Chairman Richard Crowley all responded in the affirmative.
10. **Adjourn.** On a **MOTION** by Mike Michael McDowell, seconded by Jen Hoyt it was unanimously voted to adjourn the regular meeting at about 11:10 a.m. Roll call vote: Lisa Davey, John Couture, Susan Gleason, David Sullivan, Jen Hoyt, Cheryl Lavalley, Steve Frederickson, Kerry Dietz, Michael McDowell, Chairman Richard Crowley voted in the affirmative.

EXHIBITS:

- A. Meeting Agenda October 13, 2020.
- B. September 8, 2020 meeting minutes.
- C. August 2, 2020, and August 18, 2020 BCAB meeting minutes.
- D. September 4, 2020; Building Official Certification Committee (BOCC) meeting minutes.
- E. BBRS Committee Assignments for 2021 Code Transition Staff Memorandum.
- F. Suggested Changes to the 2018 IECC Mass Amendments_10-08-2020.
- G. Foreign Tested Products June 12 2020 Letter