

**BUILDING CODE COUNCIL  
MINUTES OF MAY 6, 2010 MEETING**

Members in Attendance: William Brizee, Gary Chock, Douglas Haigh, Timothy Hiu, Ralph Nagamine, Russ Saito, and Russell Takata.

Staff present: Alvin Tamashiro and Darrel Tano, Department of Accounting and General Services (DAGS)

1. Russ Saito called the meeting to order at 9:05a.m.
2. The minutes of the April 13, 2010 meeting were reviewed and approved subject to the following change:
  - In item 6h., insert “governmental” between “all participants” to read “Code books were provided at no cost to all governmental participants.”
3. The following members of the public were in attendance; Howard Wiig and Ann Ogata-Deal, Department of Business Economic Development; Harold McDermott, Local 675; Bob Barrett, Coastal Windows; Brian Awakuni, MIH; Adam Sutton, HPSFA; Anthony Borge, RMA Sales; and Kraig Stevenson, International Code Council (via teleconference)
4. Report from investigative committees (IC)
  - a. Structural Provisions for 2009 International Building and Residential Codes; Gary Chock reported that they have put together the proposed amendments to the 2009 IBC which follows the summary report on items to be amended that was discussed at the March 9, 2010 meeting. This document also includes comments from the termite treatment industry and it can now be merged with the AIA document.

Kraig Stevenson mentioned that because of the staff reductions at the ICC, they will not be able to assist in the word processing of future Hawaii Administrative Rules (HAR).

Douglas Haigh recommended that at the next meeting, a subcommittee meeting be scheduled to discuss the 2009 Building Code.

The Council discussed the fire sprinklers requirement on its impact on the State Residential Code currently awaiting the Governor’s approval for public hearing. The proposed rules is based on the 2006 International Building Code (IBC) which does not require fire sprinklers in all buildings including single and two family residences. In 2009, the IBC and International Residential Code (IRC) are requiring that fire sprinklers be installed in residential buildings. Kraig Stevenson mentioned that there was a proposal for 2012 to

remove the fire sprinkler requirement but that proposal did not make it through so the fire sprinkler requirement for 2009 still stands. After a brief discussion, the Council wanted to know if the Council could skip the 2006 IRC and base its administrative rules on the 2009 IRC. This led to Timothy Hiu making a motion to request for an Attorney General's opinion on whether the Council's administrative rules could leapfrog the IBC, Douglas Haigh seconded the motion and the Council approved the motion. Gary Chock abstained from voting.

- b. 2009 International Building Code, Residential Code, and Existing Building Code: William Brizee reported that the non-structural amendments from DCAB and the Structural Engineers Association will be included in the IBC amendments and the final proposal will be submitted to the subcommittee of County Building Officials next month after it is approved by the Council. During the next two months, the IC will be reviewing 2009 IRC and the current and anticipated proposed amendments submittals. The IC will then begin its review of the 2009 International Existing Building Code after the 2009 IRC is completed.

Because the 2009 amendments affect the 2006 code and the Council has not received input from the Department of Health (DOH), a recommendation was made to draft a letter from the Council to the DOH for their input on section 422 on whether the proposed rules are in conflict with assisted living. Russell Takata informed the Council that the new contact person at the DOH is Keith Ridley and he is responsible in providing feedback to the Council. Douglas Haigh made a motion to send a letter to the DOH to have them review the section 422 amendments that are recommended for 2006, Gary Chock seconded the motion and the Council unanimously approved the motion. Russell Takata volunteered to draft the letter.

- c. Elevators; No report. Because the Department of Labor Industrial Relations (DLIR) has not participated in recent Council meetings, Timothy Hiu made a motion to send a letter to DLIR informing them of their elevator code responsibilities and to verify coordination with the new State building code requirements, Douglas Haigh seconded the motion and the Council unanimously approved the motion.
- d. A/C Ventilation; Russell Takata reported that because fees will be charged for licenses in the proposed HAR 11-48, the rule making process has been delayed. New fees amounting to \$25,000 to \$30,000 annually is needed to process approximately 600 permits per year. The rules have been prepared but it has not gone to the Governor for approval to conduct public hearings. After a discussion to move the rules forward, Timothy Hiu made a motion to recommend that the DOH advance their administrative rules process

beyond the department stage, Ralph Nagamine seconded the motion and the Council unanimously approved the motion.

- e. 2009 Uniform Plumbing Code; No report
- f. 2009 Energy Efficiency Standards; No report
- g. State Fire Code; No report
- h. Training on State building codes; Ann Ogata-Deal reported that training on providing commercial inspections was conducted on the big island in April that was attended by State and county officials. Training on Maui for State and county officials is scheduled for June 9 and 10 and will cover the transition from the 1997 UPC to the 2006 IRC and IBC. Ann said the deadline to order the ICC Code books is May 21.  

Ann requested assistance in coordinating training on the existing IBC. She has the funding for the training and the books for State and county officials but need someone to put the meeting together. An alternative is to have the Council make a training request specifically to work on the draft of the code. She has funding for both 2010 and 2011 but the 2010 funds can only be used if training is completed by the end of June.
- i. Window exemption template; Howard Wiig reported that after the template is finalized, it will be put on the website.

#### 5. Adoption of administrative rules

- a. Russ Saito reported that the proposed rule for the State Residential Code is awaiting the Governor's approval to conduct a public hearing. If the 2009 IRC can be approved by the Sub Committee of county building officials within three months, we can pull back the proposed administrative rules from the Governor and incorporate the 2009 IRC changes in our proposed rules. He will check with the Attorney General to see if the Council can leapfrog the 2006 IRC.
- b. Russ Saito reported that the Governor approved the HAR for the State Building Code, State Electrical Code, and the State Plumbing Code and the effective date is April 16, 2010.
- c. Russ Saito reported that the HAR for the State Energy Conservation Code was cleared by the Small Business Regulatory Review Board and sent to the Governor this morning for final approval.

6. Legislative update - Russ Saito informed the members that there were a number of energy related bills that were proposed but none passed at the end of the session. He is waiting for the list of bills that passed. He informed the Council of a passage of a bill that requires an 80% local preference requirement for government construction projects \$50,000 or more that is put out to bid using the Competitive Sealed Bid or Competitive Sealed Proposal procurement methods. This law is in effect right now.
7. The following revisions to the Code Amendment Proposal Form were agreed upon by the Council members:
  - a. Gary Chock recommended deletion of the first instruction item first discussed at the March 10, 2009 meeting
  - b. Ralph Nagamine recommended eliminating the fourth and fifth lines of the title at the top of the page, "2009-2011 CODE ADOPTION CYCLE" and "All proposals must be received by date announced at <http://hawaii.gov/dags/bcc>"

The electronic form will be put on the Council's website.
8. Next meeting agenda items:
  - a. Attorney General's opinion on whether the Council's HAR can leapfrog the 2006 IRC (item no. 4.a.)
  - b. Review and approval of the 2009 IBC amendments from the Investigative Committee and forwarding the proposed amendments to the subcommittee of County Committee for Building Officials (item no. 4.b.)
  - c. Status on letter sent to the DOH for input on section 422 (item no. 4.b.)
  - d. Status on letter sent to the DLIR on their elevator code (item no. 4.c.)
  - e. Status on letter sent to the DOH to complete their rule making process on HAR 11-48 (item no. 4.d.)
9. Announcement; Gary Chock presented a brief summary of his March 2010 trip to Chile with officials from the Earthquake Engineering Institute as a result of the February 27, 2010, 8.8 earthquake. The trip provided him a better overview and understanding of tsunami damages. Although the IBC does not cover tsunami specifically, the City of County of Honolulu has some tsunami provisions dating back to the early 1980s. The team may be making some updates to the provisions which may eventually be submitted to the Council for consideration.
10. The next meeting date will be June 8, 2010 at 9:00a.m. in the Comptroller's Conference Room.
11. The meeting was adjourned at 11:00a.m.