

**IDAHO BUILDING CODE BOARD
SPECIAL MEETING**

Monday – June 28, 2021 – 9:30 a.m. (MDT)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d’Alene
155 North Maple Street, Blackfoot**

MINUTES OF THE JUNE 28, 2021 MEETING

NOTE: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but to record the significant features of those discussions.

Chairman Andrew Bick called the meeting to order at 9:32 a.m. (MDT)

Board Members Present:

Andrew Bick, Chairman
Jason Blais, Vice-Chairman
Ron Johnson
John Cotner
Jeremy Maxand-Telecon.
Jon Laux-Telecon.
Rob Brooks-Telecon.
Kent Soelberg-Telecon.

DBS Staff Members Present:

Spencer Holm, Deputy Attorney General-Telecon.
Jeff Egan, Building Program Manager
Michael Hyde, HVAC Program Manager
Larry Jeffres, Regional Manager, Region 1
Adam Bowcutt, Regional Manager, Region 3
Mike Paschall, Regional Supervisor, Region 1
Lisa Stover, Building Program Supervisor
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

No concerns were brought forth during open forum.

◆ **Public Hearing/Comments**

This special meeting was held to address the shortage of ducting in the HVAC industry, and review proposed rule language on mass timber.

International Building Code (IBC) and Mass Timber – Stating his pleasure with information received based off of how the State of Virginia adopted mass timber, Chairman Bick was open to questions and comments.

Board Member Ron Johnson inquired, and Deputy Attorney General Spencer Holm explained the information from Virginia was incorporated into the State of Idaho’s building code rules; however, fire-related sections were excluded as they are enforced by the State Fire Marshal/Idaho Department of Insurance. The Chairman reiterated that verbiage was revised based on sections affected by mass timber. The 2021 codes will need to be referenced to build or enforce mass timber construction; however, everything else will remain under the current 2018 codes.

Checking cross references on the sections, Vice-Chairman Jason Blais did not see anything amiss, and prefers this proposal over the last one, deeming it very workable. Vice-Chairman Blais questioned, and Deputy Attorney General Holm explained for consistency there are two new subsections created under IDAPA 24.30.30.004.01 “International Building Code”; (a) 2018 IBC, and (b) 2021 IBC edition as it relates to mass timber construction. Hearing no further questions or comments, the Chairman looked for a motion.

MOTION: Jon Laux made a motion to approve the mass timber proposal. Jason Blais seconded. All in favor, motion carried.

International Energy Conservation Code (IECC) and Duct Insulation - Due to disruption in the global supply chains, the HVAC industry is experiencing an indefinite shortage of insulated flexible ductwork throughout the State of Idaho, as well as nationwide. In an effort to assist with this supply shortage and address any rules that may inhibit the residential construction process in areas where little to no life safety concerns exist, HVAC Program Manager Michael Hyde presented a proposed temporary rule to the energy code as it pertains to duct installation requirements serving residential heating and cooling systems.

Changes to IDAPA 24.39.30.004.04 (n) and (o) would be as follows: 1) Amend Section R403.3.1 to read, “All supply and return ductwork located within an attic space shall be insulated to a minimum of R8”, 2) Delete Section R403.3.6, which governs ducts buried within ceiling insulation, and 3) Delete Section R403.3.7, as it identifies ducts located in conditioned space. By deleting the two sections, this will provide HVAC contractors the ability to apply their professional opinion and work with building contractors to determine the best practice necessary for the design conditions. In addition, would allow for the continued use of flexible ductwork in areas of the structure that are not located within the attic space, such as crawls, garages, and unfinished basements, as long as the applicable duct loads have been accounted for within the Manual J load calculations.

An alternative method would be to install fabricated sheet metal with insulated duct wrap. This would adversely affect the cost of construction and significantly diminish the production rate, providing there are enough trained individuals capable of making such installations.

Chairman Bick opened the topic up for discussion. Jason Shipp, Ultimate Heating and Air, would like flexible ductwork taken out of the rough-in inspection in crawl spaces until further notice. This would allow construction to continue to move forward. An alternative would be to complete the inspection at the final or somewhere in between. It is up to the local jurisdictions and/or inspectors, not in code, whether to accept Mr. Shipp’s suggestion.

Jerry Peterson, Home Energy Services, answered questions by Vice-Chairman Blais on whether there are other options that should be listed. The simplest and best approach would be to drop to R6 on the insulation in the attic, which would be the equivalent of R8, and do a partial burial. R8 is the current requirement in the code, and the starting point for the partially buried duct. Initially in code, R8 was only required on supplies in the attic, with everything else R6.

Board Member John Cotner asked for clarification on what exactly is being changed in the code regarding the attic, and how it pertains to a conditioned crawl space. HVAC Program Manager Hyde stated essentially it is up to the building and HVAC contractors. If the duct work is not insulated, and within the confounds of the insulated crawl walls, etc., there is a condition problem. Ventilation falls under a different section of the building code; therefore if an individual indirectly conditions it to uninsulated ducts it is a conditioned space.

Chad Schwendiman, City of Boise, explained the City's timeline for inspecting flex ducts in attics, and addressed his concern where there would be no regulation of any insulation in a naturally ventilated crawl space or garage because they are unconditioned spaces. Mr. Schwendiman would prefer to allow R4, which opens up the spectrum a little more, than get rid of the minimum requirements for unconditioned space. With regard to partially buried ducts, Mr. Schwendiman agreed R6 would achieve the same as R8.

The HVAC Program Manager restated; the intent of the amendment is to remove any regulations that are non-life threatening and allow contractors the option that best suits their need. Board Member Cotner stated education with inspectors is going to be crucial and would like to see the Idaho Association of Building Officials request jurisdictions work with their subcontractors on rough-in inspections.

Board Member Rob Brooks proposed reviewing, in the 2021 International Energy Conservation Code, a provision on duct work and floor cavities located over unconditioned space, suggesting the prescriptive requirements might be beneficial. Although air barriers were not a bad idea, the HVAC Program Manager did not believe that would be the solution the Board is trying to achieve at today's meeting.

HVAC Board Member Mark Ferm would like to see an end date to the temporary rule, i.e., sunset clause, etc. Chairman Bick asked Tim Frost, Operations and Regulatory Bureau Chief for the Division of Occupational and Professional Licenses, to explain the temporary rulemaking process, and how to expire a temporary rule should it no longer be required. The proposed amendments, which the Board reviewed today, will be incorporated into omnibus temporary rulemaking, to the extent it becomes a permanent rule. It is still a temporary rule and the Board will have the ability to review it at any time. There is a process by which to amend a temporary rule; however, it is not generally used because the State is not normally in perpetual temporary rulemaking. The Board still has the ability to evaluate this issue from a life safety standpoint or industry shortage standpoint and make a decision later on in the year, whether or not it should revert to the original language of code or revert to a different language based off of whatever the results may be.

◆ **Vote to Adopt Temporary Omnibus Rule Chapter with Mass Timber and Duct Insulation Provisions--IDAPA 24.39.30**

Chairman Bick asked for a motion to adopt temporary omnibus rule chapter with mass timber and duct insulation provisions--IDAPA 24.39.30.

MOTION: John Cotner made a motion to adopt temporary omnibus rule chapter with mass timber and duct insulation provisions, IDAPA 24.39.30. Jeremy Maxand seconded.

Board Member Johnson voiced concern by combining the two topics into one motion, the one vote would be for both topics; making it difficult should a board member choose to vote two different ways. It was determined an amended motion should be made with each topic voted on separately.

AMENDED MOTION: John Cotner amended his motion to adopt temporary omnibus rule chapter with mass timber, IDAPA 24.39.30. Jason Blais seconded. Roll Call Vote: Jeremy Maxand-Aye, Rob Brooks-Aye, Kent Soelberg-Aye, Ron Johnson-Aye, Jason Blais-Aye, and John Cotner-Aye. All in favor, motion carried.

◆ **Vote to Adopt Temporary Omnibus Rule Chapter with Mass Timber and Duct Insulation Provisions--IDAPA 24.39.30**

The Chairman asked for a motion on action item three as it relates to duct insulation provisions, IDAPA 24.39.30.

MOTION: John Cotner made a motion to adopt temporary omnibus rule chapter with duct insulation provisions, IDAPA 24.39.30. Jeremy Maxand seconded. Roll Call Vote: Jason Blais-Nay, Jeremy Maxand-Aye, Rob Brooks-Nay, Kent Soelberg-Aye, John Cotner-Aye, Ron Johnson-Nay, and Andrew Bick-Aye. Four ayes and three nays, motion carried.

◆ **Adjournment**

With no further comments, Chairman Bick looked for a motion to adjourn.

MOTION: Ron Johnson made a motion to adjourn the meeting. John Cotner seconded. All in favor, motion carried.

The meeting adjourned at 10:22 a.m. (MDT)

ANDREW BICK, CHAIRMAN
IDAHO BUILDING CODE BOARD

RENEE BRYANT, BOARD SUPPORT
DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSES

DATE

10/26/2021rb

DATE