

# Post Falls Building Board Meeting

Recording Name:

Post Falls Building 8\_17\_2021

Transcript Prepared By:



**T R A N S C R I P T I O N**  
O U T S O U R C I N G , L L C

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1 Egan: Yeah, all right then, my name's Jeff Egan. I'm the  
2 building program manager for Division of Building  
3 Safety. Um, and in Tim Frost's absence, I'll try my  
4 best to explain what we're doing here. We are here to  
5 listen to you as we go around the state, uh, because  
6 we need your input on replace, uh, repeal and replace  
7 according to the governor's executive order, which is  
8 zero-based regulation.

9  
10 Um, we've been mandated to go through all our rules.  
11 Uh, the Building Code Board has been mandated to go  
12 through all our rules and review them, and put back  
13 into effect the ones that apply to Idaho, the ones  
14 that, uh, Idaho wants to have present, and eliminate  
15 the ones that, uh, are not applicable. And so, that  
16 included building codes, um, and all the rules re- --  
17 surrounding them.

18  
19 Uh, so, um, I guess what I'm gonna do is invite you  
20 folks up to tell us what you've -- what codes you feel  
21 are necessary, which ones you want to keep. Uh, are  
22 there parts of the codes that you don't want to have  
23 in place? Uh, maybe I'll start out by going through a  
24 couple of them, let's see here. For those of you that  
25 just came in, I'm gonna introduce Michelle Bird.

1 She's sitting over here. She's our Bureau chief. Uh,  
 2 this is Michael Hyde. He's our Mechanical Building  
 3 program manager. Um, I don't see any other staff in  
 4 here at the moment. Oh, here's Tim. Tim, I just  
 5 briefly -- this Tim Frost, he's our, um, Bureau ch- --  
 6 tell us what you are, Tim.

7 Frost: I'm the Operations Bureau Chief for our division.

8 Egan: Um, I explained to them briefly about the executive  
 9 order, but maybe you could expound on that for the new  
 10 folks in the room?

11 Frost: Sure. So, um, again, Tim Frost, I'm the Operations  
 12 and Regulatory Bureau Chief at the division. Um,  
 13 Zero-based Regulation was an executive order that was  
 14 issued at the beginning of 20/20. Um, and the basis  
 15 for it kinda is historical.

16  
 17 It goes back to 2017 when, at the time, Lieutenant  
 18 Governor Brad Little issued the Licensing Freedom Act.  
 19 And what it was, it was a thorough review of all, uh,  
 20 trades, occupational and professional licenses  
 21 throughout Idaho to evaluate what's the current status  
 22 of how many licenses we have, permits, registrations,  
 23 uh, what boards and commissions oversee those, and how  
 24 many different agencies is that.

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And so, it was a little bit of a, what is the, uh, state of the state, if you will, for our trades and occupations. And we found that we had well over 200 different licenses, permits, registration. Uh, we had, uh, over 50 boards and commissions that were the governing authority, and those made up over, uh, 11 different agencies within those boards and commissions.

And so, um, from 2017, from Licensing Freedom Act, it really stemmed into how do we start to build some consistency in the state of Idaho when it comes to these? How do we create one agency where all these boards and commissions are housed, we have a consistent approach?

Um, how do we move towards one location to make it a one-stop shop for Idahoans and, uh, and constituents, you know, having to complain or working through issues, um, as well as how do we move to one licensing system, uh, that's user friendly, that's more efficient, more cost efficient, all those types of things?

1 And so, in the last few years, we've seen continual  
2 moves by the governor's office and by the legislature  
3 to move towards that. In 2019, the governor issued  
4 the Red Tape Reduction Act Executive Order. That was  
5 the result of the legislature, for the first time in  
6 state history, not passing a concurrent resolution on  
7 Idaho Administrative Rules. And so what it caused is  
8 it created a situation that, um, because of the  
9 legislature didn't act, we were going to have no  
10 administrative rules all together.

11  
12 So, the only way to reauthorize rules was through the  
13 governor's, um, temporary rule making authority. So  
14 in doing so, the governor asked agencies to do a  
15 thorough review, uh, over a five week period on what  
16 rules should be reauthorized, you know, what are the,  
17 you know, make sure there's a cost benefit to these  
18 rules, make sure that these rules are s- -- are --  
19 are narrowly tailored towards safety.

20  
21 Let's make sure these rules aren't duplicative of  
22 statute. And so, um, every single Idaho agency held  
23 public meetings. I think it was over 150 meetings  
24 were held in March of -- of 2019 and 75 percent of our  
25 rules were, uh, simplified. And, uh, as a part of

1 that learning process, both the governor's office and  
2 the legislature wanted to figure out how do we create  
3 -- h- -- how do we create this on a more cadence and  
4 more balanced level where it's not this five week  
5 review and rushed?

6  
7 Um, and they came up with two different processes.  
8 The one the legislature came up with -- their own  
9 process for statute review, that's the Professional  
10 Occupational and Review Committee, that starts in, uh,  
11 2022 where it's a special legislative committee that,  
12 uh, any time a new permit, license, registration is  
13 introduced, it has to go before that committee to  
14 discuss the merits and, uh, vice versa.

15  
16 It also -- any current license, permit, registration  
17 practice act or board goes through a reviewal process  
18 on a five year cadence basis, so every single one of  
19 our division boards and their practice act are going  
20 to have to go through a five year legislative review.  
21 Um, the separate piece of that is on the executive  
22 branch side and that's where zero-based regulation  
23 comes into play.

24  
25

1 And so, um, the -- the governor's office has worked  
2 with the Division of Financial Management to put  
3 everyone of our boards, as well as any other agency,  
4 on a five year cadence review, um, to essentially go  
5 through a administrative process where there is a  
6 repeal of the current, uh, rule chapter and a  
7 replacement of that rule chapter.

8  
9 And in replacing that rule chapter, the agency ha- --  
10 and the board has to do a prospective analysis on each  
11 rule that they are reauthorizing and adding back in.  
12 And so, uh, it's essentially, if you will, an  
13 evaluation process. Um, there are a number of other  
14 states that have it. The federal government has, uh,  
15 you know, really experimented with this since, you  
16 know, early 1990's, started with the Clinton  
17 administration.

18  
19 Um, and there's a lot of different ways to approach  
20 it, but generally we're tasked in -- in the executive  
21 order to review the surrounding states, as well as  
22 South Dakota and Alaska, to evaluate are we more  
23 restrictive, less restrictive, similar and why, and  
24 justify why we're adding back in rules from a safety  
25 scenario.



1 We're also asked to, you know, thoroughly review each  
2 rule from a cost benefit scenario of what is the cost  
3 of this regulation and is it providing the safety  
4 benefit that we intended. So, I mean, it's  
5 essentially asking if we've created this rule, let's  
6 take this time to evaluate is it working? Is it doing  
7 and achieving what we intended from the beginning?

8  
9 Um, what is it achieving? And, you know, i- -- it's a  
10 broader, I guess, a broader base to, um, certainly do  
11 some work on an internal, in the division standpoint,  
12 to evaluate our rules, um, but it provides an evidence  
13 based opportunity to engage with industry to insure  
14 that we don't have, you know, bureaucratic inertia,  
15 just set it and forget it.

16  
17 The rules were there. It's always been there. It's  
18 never been discussed or changed ever since. And so, I  
19 think the executive order, while the first time going  
20 through it for every board, um, might be unique and  
21 might, uh, different. I think it's going to provide  
22 some stability over time. With -- with -- with a five  
23 year review, people will start to expect it and start  
24 to, uh, I see it -- see it as an opportunity to  
25 benefit to see what's -- what's upcoming in the





1 economy, what's happening in the trade, what's  
2 happening from the education, from the professional,  
3 what's happening with code updates, all those type of  
4 things, and really be able to thoroughly evaluate how  
5 we can we narrowly tailor Idaho administrative rules  
6 for -- for what we need.

7  
8 So, from a building code perspective, um, building --  
9 building code has directed option of the International  
10 Building Code as well as the Energy Conservation Code.  
11 And so, um, one of the things that, as we go through  
12 CBR, we're gonna have to evaluate is those particular  
13 adoptions of the code, should we stick with those  
14 years, um, as well as, as we decide on the adoption of  
15 whatever year particular code or no code or new code,  
16 whatever the case is, um, what are the scenarios  
17 within that code that aren't life safety.

18  
19 And so it's an evaluation of, you know, the nuisances  
20 of the Energy Code to tease out which of these  
21 elements, you know, truly are life safety and which of  
22 these elements are -- are for comfort. And so the  
23 board's going to have to go through, you know, unique  
24 analysis of different code elements to determine, um,  
25 uh, you know, as we reauthorize rules, what are our

1 benefits, what are our safety benefits of it versus  
2 what aren't connected to safety at all. So, it's  
3 certainly a thorough evaluation. And in doing so, we  
4 want to have public hearings. We want to talk to our  
5 cities and counties, our building officials as well  
6 as, you know, anybody in the industry that's directly  
7 impacted by the implementation of these codes.

8  
9 Um, you know, part of the -- part of the evaluation,  
10 we want to always be mindful of is, uh, oftentimes,  
11 these coded options and these requirements, the cost  
12 is passed down to the consumer.

13  
14 And so, that's why it's worth going through the time  
15 to really evaluate is this life safety or is this not  
16 life safety, uh, because the end consumer is gonna  
17 bear that cost and -- and that directly impacts tha- -  
18 - them as well. So, I'd be happy to take any  
19 questions that anybody has on Zero-based.

20 Egan: Well, take -- Tim, also would you maybe make a  
21 correlation between statute and rule, and how -- what  
22 the rule does for, say for Kootenai County Building  
23 official or, um, any of the -- the folks working in  
24 the industry.

25 Frost: I guess, you know, to follow up or -- or are you just

1 asking the differences of statutes and rules or?

2 Egan: Well, uh, yeah. I guess not -- not necessarily  
3 differences, but the rule, uh, is what the board  
4 establishes and the legislature adopts. Um, and the  
5 statute, I guess, is what -- what is the state law.

6 Frost: Mm-hm.

7 Egan: Um, the rule reflects that state law. Uh, I'm just  
8 trying to tie that to how that impacts individuals,  
9 you know, the rule -- and -- and I think you're  
10 probably the best one to expound on that.

11 Frost: So, I mean, I -- I guess, you know, if I -- if I  
12 understand the scenario, we're -- the -- the statute  
13 and the framework for any of our boards, uh, it's set  
14 forth by the legislature.

15

16 So any authority for the board to adopt rules, any  
17 authority for the board to exist, any authority for  
18 the board to adopt a particular code, a building code,  
19 an energy code, whatever the case is, that is first  
20 founded with the legislature. The legislature has to  
21 pass a governing statute, uh, to even give us the  
22 authority to even consider the adoption or they could  
23 directly adopt it in statute.

24

25

1 Um, once a board is created, in this instance the  
2 Building Code Board, uh, the Building Code Board is  
3 limited to whatever sta- -- governing authority the  
4 legislature has given them. And so, if the governing  
5 authority is limited to, uh, you know, limited to a  
6 certain jurisdiction, that's all the Building Code  
7 Board or our division can focus and -- and can  
8 enforce.

9  
10 And so, then it becomes a different kind of deferral  
11 of jurisdiction to a city or county in those  
12 instances. Um, rules are governed by the board,  
13 decided by the board, um, adopted by the board, but  
14 Idaho constitution requires the legislature to do a  
15 rule review every year on fee chapter rules. Um, so  
16 every year, our rules are always going back to the  
17 legislature for a review.

18  
19 Um, and so not only is the governing authority of the  
20 board given by the legislature, the authority to adopt  
21 rule is given by the legislature and they do it  
22 through affirmation on the yearly rule review and they  
23 -- they typically do that in committee. And so, for  
24 instance, if we're talking Building Code Board, the  
25 Building Code Board -- b- -- rules will go before a

1 Senate Congress Committee, Senate Commerce and Human  
2 Resources and it will go through the House Business  
3 Committee and the legislature. They'll agree or  
4 disagree on the rules, um, and they'll move forward.  
5 And at the end of the -- at the end of the session,  
6 they pass what's usually called the Going Home Bill,  
7 which is a concurrent resolution to adopt final rules.

8  
9 Um, the last three years, the legislature has  
10 disagreed on the Going Home Bill and the adoption of  
11 concurrent rules. And so as a result, it's placed all  
12 administrative rules in Idaho into, essentially,  
13 temporary rule omnibus reauthorization year over year  
14 over year. And so, um, until the legislature agrees  
15 on who has the authority to accept or deny a rule and  
16 it being concurrent resolution, we're likely to see  
17 that similar piece year over year over year.

18  
19 And so from an agency perspective, you know, we're  
20 kind of a middle man in the situation. We want to  
21 make sure that we have administrative rules to, uh,  
22 keep Idahoans safe. And so if the legislature  
23 continues down that pathway, uh, we will navigate that  
24 pathway through the governor's ability to adopt  
25 temporary rules and we'll work closely with the



1 timeline of the legislature going sine die and our  
2 rules reauthorization being on the same timeframe so  
3 there's no gap of enforcement in the process, so.

4 Egan: Thank you, that's a really very, very good  
5 explication. Help- -- very helpful I think. So,  
6 building codes, um, are established in this -- these  
7 rules, and for example, an International Building  
8 Code, uh, the state has adopted the 2018 version of  
9 the International Building Code and we've deleted  
10 through the board many sections o- -- of that code.

11  
12 Um, and I want to invite everyone in the room to, um,  
13 comment on whether they feel this needs to be added  
14 to, changed, um, are there portions of the code that  
15 need to be taken out that are overbearing or  
16 overreaching, um, and if you would, please come up to  
17 the podium and make a comment.

18 Speaker: Shall I break the ice?

19 Egan: Please.

20 Graham: Bruce Gram, Quality Heating, Air and Electric, and a  
21 concerned citizen. So, we have the international  
22 codes, uh, which has been adopted, um, basically, in  
23 the Building Department, yeah, the HVAC and not the  
24 plumbing and not the electrical.

25



1 But anyway, they just keep getting more and more  
2 restrictive, and more and more restrictive, and we  
3 have the energy codes. And I feel it's the State's  
4 responsibility to make sure the homeowner, when  
5 they're getting' a house built, is built safe so tha-  
6 -- so it's gonna stand up.

7  
8 It's not gonna fall down, so that it doesn't grow  
9 mold, e- -- etcetera, so it needs to have ventilation,  
10 etcetera, etcetera. But with the new energy codes,  
11 etcetera, etcetera, we keep piling on and piling on  
12 layers. And pretty quick, people can't afford houses.  
13 And what I see is I -- I -- I see wages here in Idaho  
14 at \$15, \$16 an hour, you know? Some people think  
15 that's pretty good money. You know, \$20, \$25 an hour  
16 is pretty decent money. What does that buy you for a  
17 home? You know, not a whole lot. But there's a lot  
18 of people that don't make that.

19  
20 Now I'm looking -- now I go to Oregon and I will walk  
21 over there to Oregon an- -- and I -- I'm dealing with  
22 this, uh, Lane County in Oregon right now on trying to  
23 get permits just to get a road into my property. And  
24 they told me right up front, expect it to cost \$20,000  
25 a- -- and two -- take two years to get permits.



1 Well, that's a heck of an attitude, but I see layers  
2 that we keep adding on in Idaho, keeps putting base  
3 housing out of reach of people. As I'm driving  
4 through -- through Oregon, I go through Portland. I  
5 go through Eugene and I see cities of tents. I mean,  
6 it's crazy, but -- so why do we want to keep piling on  
7 and piling on so people can't afford basic housing?  
8

9 You know, with our labor rates, the way they are here,  
10 there is no reason why a person shouldn't be able to  
11 build a -- a two bedroom, super modest house, you  
12 know, for a -- \$150,000. But I tell you what, in our  
13 area, it's -- it's -- it's hard to get anything with a  
14 low watt, you know, it's hard to see anything for  
15 less than \$250,000.  
16

17 You travel down south, Mississippi, Texas Missouri,  
18 whatever, and you take a look, you can buy a mansion  
19 down there for -- for \$200,000, but we just keep  
20 piling on code after code, after code, after code, and  
21 restriction after restriction, after restriction. I  
22 think we need to get back to the basics, throw out the  
23 energy codes, e- -- etcetera, a- -- and keep  
24 everything health and safety.

25 Egan: Bruce?



1 Graham: Yes?

2 Egan: Follow up question in regards to your last comment.  
3 The Idaho Building Code Board has amended the Energy  
4 Code amendments for lighting specifically. And you as  
5 an electrical contractor, how do you feel, or from a  
6 life safety aspect, that all of your new construction  
7 homes have to be 75 percent LED lighting fixtures? Do  
8 you believe that that's life safety --

9 Graham: I don't.

10 Egan: -- and something we should be enforcing?

11 Graham: I don't.

12 Egan: No? Okay.

13 Graham: The fact is, is pretty soon, you probably won't be  
14 able to buy anything that's not LED. And so that --  
15 that adds up, driving the --

16 Egan: Okay.

17 Graham: -- the industry in that re- -- regard. Yeah.

18 Egan: Thank you. Anybody else want to come up and make a  
19 comment? Since Bruce opened up the table for energy  
20 code, um, how about residential code? No one has  
21 anything that they'd like to throw out the  
22 residential? Anybody who doesn't live in Kootenai  
23 County? Oh, really?

24 Speaker: I don't. And I'm not speaking as a building official.  
25 I'm speaking as a person that lives in Bonner County.

1           Someone just said they want to get rid of the Energy  
2           Code. I bought a house in Bonner County not knowing  
3           that there was no building inspections there. I have  
4           a slab on grey that has no slab insulation and gets  
5           pretty damn cold.

6  
7           My insulation in the walls are barely 13. I barely  
8           have 30 in the ceilings. It gets damn cold. I can't  
9           keep the house warm enough. And I -- I think, yes,  
10          maybe last year when we went to the, um, R-45 or was  
11          it --

12 Egan:       49.

13 Speaker:   -- 49, excuse me, um, yes, that was a little extreme,  
14           you know? And then we went back down to the 38. But  
15           I think the energy codes are -- are there for a  
16           reason. We do get cold here. Um, we don't have  
17           summers like this all the time, and I get that, but I  
18           think the Energy Code should stay as they are.

19 Frost:     Chris, just a follow up question --

20 Chris:     Mm-hm.

21 Frost:     -- to that. Anything outside in just the building  
22           thermal envelope from an energy code perspective that  
23           you would like to see carried over or renewed energy  
24           code wise?

25 Chris:     Um, I think the, um --

1 Frost: Coming from an Idahoan statesman?

2 Chris: Right, coming from an Idahoan, um, the Blower Door  
3 Test, I think, is a little much. Um --

4 Frost: Okay.

5 Chris: -- as an -- an owner of a house.

6 Frost: Okay.

7 Chris: Um, if your -- if you're doing the job correctly, um,  
8 we don't really need it.

9 Frost: Okay.

10 Chris: Um, some of these houses, yes, they're being too --  
11 they're -- they're too tight, um --

12 Frost: Okay.

13 Chris: -- and I think we can do -- do without that.

14 Frost: Okay, thank you.

15 Chris: Thanks.

16 Egan: So, back -- back to the thermal envelope, how can we  
17 tie that or how should that be tied, could that be  
18 tied to life safety, which is the mandate from the  
19 legislature?

20 Chris: I- -- I think it is because it's -- it's keeping your  
21 body, um, warm enough to, uh, to sustain a healthy  
22 life.

23 Egan: Okay.

24 Chris: Um --

25 Egan: Okay. Thanks.

1 Hyde: If I may Jeff.

2 Egan: Okay.

3 Hyde: To touch on something that Chris had just mentioned,  
4 Michael Hyde, HVAC Program Manager, um, we have a set  
5 of rules between the Building Residential Code and the  
6 Energy Residential Code that seem somewhat counter  
7 intuitive when it comes to blower door testing.

8

9 Out of the Building Code section, we, the Building  
10 Board, has omitted the air infiltration or  
11 exfiltration rate entirely. They deleted that section  
12 and said all houses will have to be mechanically  
13 ventilated, thus putting it on HVAC contractors and  
14 builders to coordinate on how they want to bring in  
15 that outside, unconditioned air into the home.

16

17 But when you go to the Residential Energy Code  
18 section, they have then set four rules in writing that  
19 contradict one another, where they say, "As of July 1<sup>st</sup>  
20 of 2021, every fifth house that a builder builds has  
21 to be blower door tested and it has to be five air  
22 changes or less." But over here in the Building Code  
23 section, they completely amended that requirement and  
24 say it doesn't matter how leaky you want to build your  
25 home as long as it has mechanical ventilation for



1 indoor air quality, essentially negating the fact of  
2 infiltration/exfiltration rate of the house, the  
3 leakiness of the home.

4  
5 But further along in that air changes per hour  
6 requirement from the energy code, they've also said,  
7 well, if you don't want to use the testing method with  
8 blower doors, you can do a visual inspection. And to  
9 me, that seems somewhat contradictory because a blower  
10 door test is a measured data report where you  
11 pressurize or depressurize the home and you get an  
12 actual CFM value.

13  
14 When you go in there and do a building inspection,  
15 you're looking at sealant, but your eyes can't see  
16 CFM. So it seems like we're -- we're under achieving  
17 in one area, setting higher expectations, but then  
18 negating those expectations. So it's like, it seems  
19 like the process when it comes to air infiltration  
20 rate of residential homes needs cleaned up.

21  
22 Um, I know we have some HVAC individuals in the room  
23 in a building inspector's standpoint, so from either  
24 perspective, if there's any comment from what you  
25 would like to see or what you think is life safety, we

1 would appreciate some feedback. Should we have  
2 leakage requirements in Idaho?

3 Egan: What are you trying to achieve?

4 Hyde: Life safety.

5 Egan: If the builders building the house that leaky, they're  
6 not gonna be building too many houses probably. That's  
7 something that's gonna lead itself off.

8 Hyde: Yeah? That whole point - Bruce, please.

9 Graham: Bruce Graham, Quality Heating again. So, I've been on  
10 both ends of this spectrum and I've seen buildings  
11 tha- -- that ar- -- are -- are loose and healthy, and  
12 I've seen buildings that are tight and very unhealthy.  
13 And I've seen mold growth. I -- I've seen just about  
14 everything and I've seen every type of construction,  
15 and I've seen an engineer design a building at the  
16 monastery.

17

18 The engineer was out of Seattle and they built it,  
19 basically, for a free flowing ventilation system,  
20 designed it with no air conditioning, and it just free  
21 flowin' air through there. And basically it's two  
22 conference rooms an- -- an- -- and three level  
23 dormitory, and drains of propane gal- -- uh, 10,000  
24 gallon propane tank in about two weeks.

25

1           So, uh, we went in and had to do a lot of modification  
2           to make that building work, but what kind of engineer  
3           stamped that? You know not all parts of the country  
4           are the same. Your -- your -- you got a cold climate,  
5           well, can you protect the buyer or the homeowner from  
6           themselves? No, I don't think you can. You know?

7  
8           It's your responsibility to go in and see what you're  
9           buying. You know it's a homeowner's responsibility to  
10          go in and see what -- what they're doing. Our energy  
11          codes will -- will, like in McCaw, their energy codes  
12          -- wow. You wouldn't believe the house that they  
13          built. It's so tight, so you got to bring in the  
14          right amount of air, etcetera, to ventilate that house  
15          to make it somewhat safe. But then they all allow  
16          them to put in a 2ANBTU gas fire pit outside, so  
17          energy is not about saving energy.

18  
19          And -- and I -- I feel that it is the responsibility  
20          of individuals to try to bring their lifestyle, their  
21          -- their efficiencies up, the way we use our energy  
22          better, but I don't think it's the State's  
23          responsibility to be in that business. I -- I think  
24          everybody deserves the right to -- to live in a house  
25          an- -- and, uh, not a tent, etcetera.

1 That's not very energy efficient either, and so -- so  
2 there's every -- every different grade of construction  
3 and we shouldn't have t- -- to say that, you know,  
4 you're barely getting by. You're makin' minimum wage  
5 an- -- and whatnot, but you're gonna have to.

6  
7 By God, you're gonna put, uh, this \$50,000 heating  
8 system in and you're gonna -- you're gonna have this  
9 \$20,000 ventilation system. I put in \$50,000  
10 ventilation systems down there in McCaw. You know?  
11 That's how -- how bad that's getting, but that's an  
12 extreme climate. And, uh, the pe- -- people that are  
13 building them houses to have the money to do it. I'm  
14 not feelin' sorry for them. But -- but, uh --

15 Frost: If I may, Bruce --

16 Graham: Uh-huh.

17 Frost: -- a follow up question. When it comes to these  
18 ventilation systems, should it be the State's  
19 involvement or responsibility to regulate the method  
20 or through the piece of equipment to bring in,  
21 ventilation air? And essentially, just to -- the  
22 energy code requires that outside air has to be  
23 brought in through an economizer in both commercial  
24 and residential settings, is that -- should that be  
25 our responsibility?



1 Is that life safety or there other events?

2 Graham: I- -- i- -- it does and it doesn't.

3 Egan: There's (inaudible - 00:30:09) that makes them  
4 residential, just the commercial.

5 Frost: Just the commercial side, yeah, I'm sorry. You're  
6 right.

7 Graham: Now, now depends on which prescriptive you're going  
8 by. You know? 'Cause we got a school that put in  
9 wall -- hydraulic wall heaters and they got the  
10 permits, and they got by because they had opening  
11 windows.

12  
13 Okay? So, they could manually open it. But then we  
14 got a school that we had to put in, uh, enough  
15 exhausts that -- that we had to be able to compensate  
16 for the amount of fresh air that we had to bring in  
17 for the economizer and -- and fresh air, etcetera, and  
18 we got manual controlled ventilation and everything  
19 all in that school.

20  
21 So, two buildings that we did heating systems o- --  
22 well, we didn't do the heating systems on the one with  
23 the wall heaters because I refused to. It just don't  
24 make sense 'cause their wall heaters aren't big enough  
25 to heat if you open the windows to allow the proper

1 ventilation for the students, okay. So, I -- I backed  
2 away from that program, but two buildings, all about  
3 three miles apart, but they both were permitted and  
4 allowed under the sa- -- sa- -- same rules, you know,  
5 only different perscriptees.

6 Frost: So when it comes to the energy code, the energy code  
7 is adopted by the local building inspector. The  
8 building inspector enforces the energy code and the  
9 amendment that Idaho Building Co- -- Code Board made  
10 is that on commercial settings, the energy code  
11 requires economizers on every system.

12 Graham: Mm-hm.

13 Frost: En- -- again, enforced by the building inspector. Now  
14 the only accommodation that they made there is where  
15 there's outdoor air contaminants that would make that  
16 economizer infeasible is what the rule states. So, in  
17 this jurisdiction, you know, there was inconsistent  
18 enforcement there, not to point any fingers but --

19 Graham: Well, and they didn't do any air conditioning --

20 Frost: But that --

21 Graham: -- so, so there's no economizer.

22 Frost: It doesn't matter --

23 Graham: Yeah.

24 Frost: -- whether there's AC or heat, it has to be ventilated  
25 as a different mindset perspective from the energy

1 code. But my question is should that be regulated?  
2 Should we regulate whether you're building your HVAC  
3 inspector economizers, that fresh air come in through  
4 economizers in either setting, residential or  
5 commercial in your opinion or is over regulatory?

6 Graham: I have mixed opinions on that. Because when we get  
7 into mechanical ventilation in a residential, first  
8 thing that the homeowner does when they get their  
9 heating bill is they go, I'm shuttin' off that outside  
10 air. So, is mechanical ventilation doing what it's  
11 supposed to be doing now? When, uh, when you got --

12 Egan: It's supposed to be outside. (Inaudible - 00:32:57)  
13 burden everywhere. You don't want it.

14 Graham: When you got a commercial building and it's not been  
15 up- -- the upkeep isn't being done properly such as --  
16 such as DBS's workroom in Boise --

17 Egan: On point.

18 Graham: -- walked in there the other day and I counted -- I  
19 counted heads because the occupancy was 84 an- -- and  
20 there was 85 people in there, so we were right at  
21 occupancy. You walked in there, you couldn't breath.  
22 It was during the electrical portion of this and it  
23 was crowded, but -- but you couldn't breathe. And,  
24 uh, I'm sure it was probably designed for that 84  
25 occupancy, but filters were dirty.

1 It wasn't working properly, whatever, but I'm sure you  
2 all was feelin' that, etcetera. So, mechanical  
3 ventilation, I sell it. I push it. I'm for it, but  
4 it doesn't work if it's not -- not maintained.

5  
6 So, I do believe the DBS ha- -- needs to be into s- --  
7 safety and I think bring it, if you're gonna build a  
8 house type, it needs to have ventilation whether it be  
9 mechanical or natural ventilation. But it needs to  
10 have ventilation because that is part of health and  
11 safety.

12 Egan: Thank you. Anybody else would like to provide some  
13 comments about mechanical systems, about state  
14 regulation and mechanical systems, about -- no.

15 Hyde: A lot of quiet people in here.

16 Egan: Yeah.

17 Hyde: What are some of the other things that have come up in  
18 some of the other meetings?

19 Egan: In relation to energy and building? Um, everything  
20 from we want more regulations, we want to be able to  
21 control more to throw the building/energy code out.  
22 It should not apply -- does not apply to life saving,  
23 so we have to have a range.

24 Frost: The other item that we need to address based on the  
25 current conditions on the global supply is during the

1 rule making session, the omnibus rule making session  
2 in July, we amended the energy code to stipulate that  
3 the only duct work that needed to be insulated was  
4 supplied duct -- supply and return duct work in the  
5 attic, having an R8 minimum R value however it's  
6 achieved.

7  
8 Whether it's wrapped, buried in insulation, and we  
9 deleted all other areas within the building envelope  
10 in order to accommodate for the shortage of flex-duct  
11 supply in that we didn't stop residential construction  
12 or insignificantly increase the cost. So, we like to  
13 identify and ask, you know, did we do enough there?  
14 Should it only be supply? Should we only insulate  
15 supply duct work in the attic? Is it life safety to  
16 return R8 duct work to an R8 value or can it have an  
17 R6 or an R4?

18  
19 You know, coming into heating season here within the  
20 next couple months, we want to identify if there's any  
21 regulatory burdens from a code standpoint that's gonna  
22 directly affect or create additional shortages in  
23 supply with furnaces, electric, gas, heat pumps,  
24 anything like that, anything code related wise that we  
25 can amended before the problem gets any worse with the



1 global supply shortages we're experiencing in the  
2 industries. So, if there's anything that you can  
3 think of that we can assist with, now would be the  
4 time to bring them forward.

5 Chris: So, I guess my -- my thing is with the, um, insulation  
6 in the crawl space --

7 Frost: Uh-huh.

8 Chris: -- vented crawl space.

9 Frost: Mm-hm.

10 Chris: You're deleting the insulation wrap around --

11 Frost: Correct.

12 Chris: -- the supply.

13 Frost: Correct, we did.

14 Chris: So, and when -- I -- I call this all the time --

15 Frost: Mm-hm.

16 Chris: -- is that if they decided to put a supply or a return  
17 in the -- in the (inaudible - 00:37:35), I'll make  
18 them pull it out because you can't get your R30 in  
19 there.

20 Frost: In your floor?

21 Chris: In your floor cavity.

22 Frost: Okay.

23 Chris: So, what's the point of -- of not insulating a duct  
24 run when it's cold out, so you're trying to heat  
25 something, now you're putting it in the cold area?

1 Frost: Mm-hm. So --

2 Chris: And I understand that --

3 Graham: Yeah, but runnin' 120 degree air through sheet metal  
4 in a crawl space that's 30 degrees, where's the dew  
5 point? It's gonna sweat. It's gonna --

6 Chris: Yep.

7 Frost: Well, --

8 Graham: It has to be insulated.

9 Frost: But, that topic has come up, you know, from a life  
10 safety aspect.

11 Graham: Yeah, and it needs to be insulated if it's in an  
12 efficient space for that route.

13 Frost: But definition of condition space, it is -- it's  
14 indirectly conditioned as per the energy code if you  
15 have uninsulated duct work.

16 Graham: Depends 'cause duct work is really all heat.

17 Frost: Correct.

18 Graham: An- -- and now I've got actually just heat in that  
19 space.

20 Frost: Correct, and the dew point --

21 Graham: In an abandoned crawl?

22 Frost: Yes. And the dew point occurs only at certain  
23 temperatures based on the humidity of the space and  
24 the location geographically, and the condensation's  
25 gonna occur on the exterior of the duct, which could

1 present issues.

2 Chris: An- -- and it will because have you seen some of these  
3 new contractors that are putting, uh, vents about  
4 three feet apart from each other? And that's the  
5 problem is that -- and we were trying to educate these  
6 contractors, you don't need this many.

7  
8 You absolutely don't need it. But yet, nope, it's  
9 right here on the plant, we need to put it in. No you  
10 don't, but yet they do. So, you have more cold air  
11 comin' in on an uninsulated pipe or, uh, duct run.

12 Frost: I think theoretically, you know, this is -- this is a  
13 good conversation because theoretically, if you have  
14 uninsulated duct work in a crawl, the temperature  
15 within the crawl will be higher than it is outside.

16  
17 And temperature and pressure goes from high to low, so  
18 the air is exfiltrated rather than being infiltrated.  
19 So the thought process here, code is a minimum when it  
20 comes to ventilation requirements. So if they exceed  
21 it, it's only going to allow more air to dry up any  
22 moisture if it condenses on the outside or the  
23 exterior of the duct work.

24 Graham: Yeah, working on both sides of the state, if I'm gonna  
25 do a condition crawl space --



1 Frost: Mm-hm.

2 Graham: I'm gonna have a supply running in the crawl space,  
3 and I'm gonna require to put a return in the crawl  
4 space, and fine with doing that with a quarter of rat  
5 slap down there, and it's not gonna get musty, mildewy  
6 and gross. In Idaho they can do it, what they call a  
7 traditional crawl, and all they got to do is put some  
8 plastic down.

9 Frost: Correct.

10 Graham: I -- I'm not putting a return in there. I'm sorry,  
11 it's going to probably at some point in time, you go  
12 into a crawl space, it does it no good.

13 Chris: Right.

14 Frost: Yeah.

15 Graham: I think --

16 Frost: Right.

17 Graham: -- I don't want to pull air out of there.

18 Frost: No, nothing mandates in the building code or the  
19 energy code that you put a return in there, nor is it  
20 in the mechanical code. So, it's preference. It's  
21 design based and that's where -- that's where from a  
22 state and a board standpoint --

23 Graham: That's one of the jurisdictional things --

24 Frost: Got'cha.

25 Graham: That's where you're that, less requirements.

1 Frost: Different requirements. But no, this is good  
2 discussion. This is what we want to hear. What we're  
3 trying to achieve or prevent is the stoppage of  
4 construction, uh, significant increase in residential  
5 costs of homes, and we want to focus on the live  
6 saving goal, and condensation is an issue.

7  
8 But we have to look at the finite specks of when that  
9 dew point occurs and the reality of how much  
10 condensation we're talking about here. In a crawl  
11 during heating season versus, let's say a garage, when  
12 it's 110 degrees outside and that air's 70, 68, 80,  
13 coming off the drum --

14 Graham: Like crazy --

15 Frost: -- then it will sweat like crazy. But, you know, when  
16 you're thinking about it in the opposite standpoint  
17 where it would occur in a crawl is during heating  
18 season, and on the exterior of the duct.

19  
20 So, i- -- i- -- it's we're trying to count our  
21 blessings, you know, and trying to alleviate, and make  
22 sure the intent of what we're trying to achieve  
23 doesn't stop or inhibit contractors from -- on any  
24 perspective, building or HVAC, and insure life safety  
25 for the consumer dealing with the shortages we

1 experienced here a couple of months ago, and I think  
2 we're still experiencing --

3 Graham: We're still with that.

4 Frost: Yeah. If you ask, you know, if you ask me my personal  
5 preference in my own home, yeah, I want R- -- at least  
6 R8 on everything. But --

7 Graham: I wa- -- I wasn't installing it if it wasn't.

8 Frost: -- in -- and that's where from our stance, from a  
9 division or a board, regulatory standpoint, we want to  
10 put that back on the contractor. You guys are the  
11 professionals. You guys are the ones that have the  
12 trade experience, that know what's best for your  
13 systems and your homes that the builder's build, and  
14 we want -- we want that to be your discretion, not us  
15 making you do that.

16 Graham: Because in the end, it's all about the fact that  
17 you're gonna insulate the duct work and you're gonna  
18 insulate the floor, and you're gonna be insulating  
19 your waterlines and everything else because they'll  
20 freeze. Back in the old days, when we didn't insulate  
21 that crawl space with what was warm, water lines were  
22 fine. They didn't freeze, etcetera, um, minimal  
23 ventilation, the dirt was dry, bone dry, so you didn't  
24 have the whole, e- -- e- -- etcetera, etcetera.

25

1           So I've seen the building progress an- -- and if you  
2           intermix your methods, you can end up with a disaster.

3 Frost:     Yeah.

4 Graham:   So if you're gonna do one thing, you're gonna take it  
5           into account for what it does for everything on down  
6           the line.

7 Frost:     Yep. But no, that is a valid point tying that in, the  
8           ripple effect that carried by that now you're not  
9           achieving R34 cavity insulation --

10 Chris:    Right.

11 Frost:    -- and that presents a problem, especially if you  
12           can't get it to pass the res check --

13 Chris:    Right.

14 Frost:    -- as an alternative path, so good comments, good  
15           discussion. If you have any ideas, maybe not today,  
16           but moving forward, if something comes up, please feel  
17           free to contact us and we'll see what we can do.

18 Chris:    Okay.

19 Frost:    So, thank you.

20 Egan:      Anybody else? No.

21 Speaker:   I just walked into this. Is this started earlier or  
22           what's going on?

23 Egan:      This is Building and Energy.

24 Speaker:   Oh, Building and Energy, okay.

25 Egan:      Yeah.

1 Speaker: Well, I just thought automatically it -- where would  
2 the plumbing part be?  
3 Frost: It'll be at 2:30.  
4 Speaker: Oh, in here?  
5 Frost: Yes.  
6 Speaker: Oh, so I'm just earlier.  
7 Egan: Yeah.  
8 Speaker: That's okay.  
9 Egan: Yeah.  
10 Speaker: That's the -- okay. So that doesn't --  
11 Egan: It (inaudible - 00:44:18) at 1:00.  
12 Speaker: Oh, okay. Well, plumbing.  
13 Egan: Well, if we don't have anything else, thank you very  
14 much for your comments. We really appreciated it.  
15 Hyde: Thank you.  
16 Frost: Fifteen minute break?  
17 Egan: Yeah.  
18 Frost: Starting back HVAC in -- on the clock.  
19 Egan: Hey, Mike, will you call Chris. He's texting me about  
20 something.  
21 Hyde: Sure.  
22 Egan: I don't know what it is.  
23 Hyde: All right.  
24 Frost: That's the (inaudible - 00:45:14)?  
25 Hyde: Yeah.

1 Frost: Oh, thank you. Appreciate you.

2 Hyde: (inaudible - 00:45:19) for everybody probably.

3 Frost: Thank you, thank you (inaudible - 00:45:22)

4 Egan: Where's your key?

5 Hyde: I can go get you one if you want one.

6 Frost: I'll go get it.

7 [CROSS TALK]

8 Frost: Well, n- -- no the fuck I hope. It's a little drastic  
9 for us, you know, um, we -- I --

10 Hyde: Yeah.

11 Frost: -- oh, plus I had a (inaudible - 00:45:51), you know,  
12 how much it can withstand. You know they're built the  
13 core me- --

14 Hyde: Yeah.

15 Frost: -- core ventilation.

16 Hyde: If you're doing an exhaust on --

17 Frost: If you're doing an exhaust --

18 Hyde: -- there's no core, I mean, it's hardly for that,  
19 right?

20 Frost: No, see we're not demanding from the state's law. We  
21 try to take the practical approach, trying to work  
22 with the fact, okay, it's not really life saving, but,  
23 yeah, this energy to go to this office or so we try  
24 and put as much --

25 Hyde: Possibly as you -- you built back out --

1 Frost: Yeah.

2 Hyde: -- and then you (inaudible - 00:46:21) where the air's  
3 coming in.

4 Frost: Right.

5 Hyde: Where's the dew point, you know, on the wall cavity?

6 Egan: Yeah, to your point its --

7 Hyde: Yeah.

8 Egan: -- (inaudible - 00:46:29)

9 [CROSS TALK]

10 Hyde: Only outside air vents wouldn't -- (inaudible -  
11 00:46:42). If it's a 50 degree wall cavity, it's a 7  
12 degree error out of the crew here, so wondering on the  
13 first --

14 [CROSS TALK]

15 (Inaudible - 00:46:52 - 00:48:08)

16 Egan: No, I appreciate your comments. Thanks though. Chris  
17 was just looking for some clarification on the bridger  
18 project.

19 Frost: The transfer?  
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