

# Industrialized Buildings Commission

◆ An Interstate Compact ◆

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## MINUTES

### **Industrialized Buildings Commission Wednesday, July 17, 2013 Herndon, Virginia**

Warren Ducharme called the annual meeting of the Industrialized Buildings Commission to order on Wednesday, July 17, 2013, at 2:00 p.m. at the Washington Dulles Marriott Suites, 13101 Worldgate Drive in Herndon, Virginia. Attendance was taken as noted below:

<b>Members Present:</b>	Michael Baier, State of New Jersey Warren Ducharme, State of Rhode Island Bruce Hagen, State of North Dakota Randy Vogt, State of Minnesota
<b>Others Present:</b>	Debbie Becker, Industrialized Buildings Commission Denise Beer, Williams Scotsman Andrew Carlson, Pyramid1, Inc. N. Kevin Egilmez, Industrialized Buildings Commission Michael Grothe, Industrialized Buildings Commission Tom Hardiman, Modular Building Institute Carl Kulesa, Modspace Chuck Osterday, NTA

### **Approval of Minutes**

On a motion by Mike Baier, seconded by Randy Vogt, the minutes of the July 18, 2012, meeting was unanimously approved as submitted.

### **Correspondence**

The secretariat noted that a list of correspondence received since the last meeting was available.

### **Commissioners' Reports**

Mike Baier reported that New Jersey recently adopted the 2007 edition of the MRR. Adoption of the 2012 edition of the International Codes was being held up by the Governor and any code adoptions may be delayed until the 2015 editions. Notices of violation and penalties issued by New Jersey for the Whitlock Mills project are being forwarded for adjudication.

Randy Vogt reported that Minnesota is in the process of adopting the 2012 edition of the International Codes with an effective date in late 2014. Minnesota is considering replacing its own plumbing code with an amended IAPMO Uniform Plumbing Code in 2015 or 2016.

Bruce Hagen reported that North Dakota is in the process of updating to the 2012 editions of the International Codes, except for the energy code. The new codes will take effect on January 1, 2014. He announced that a new law requires certain buildings over 7,500 square feet to be equipped with an automatic door or power-assisted manual door. He asked for the Commission's assistance in updating North Dakota's Third Party Inspection Program to reflect the 2007 edition of the MRR and warned that the modifications may have to go through the legislature.

Warren Ducharme reported that Rhode Island adopted the 2012 International Codes effective July 1, 2013. In mid-year, Rhode Island updated the accessibility code from the 2003 ANSI to the 2009 ANSI. In January 2013, Rhode Island adopted the 2012 edition of NFPA 101 with extensive amendments. He indicated that Rhode Island enforces the latest MRR and UAP since they are adopted by reference.

The Commission directed Kevin Egilmez to review the existing regulations for Minnesota, North Dakota, and Rhode Island with regard to the current status of 2007 editions of the MRR and UAP.

Kevin Egilmez recommended amending Article III, Section 1, of the bylaws (attachment A) which requires an industry commissioner to be selected from a list of nominees provided by a specific association. The amendment would require the Commission to take into consideration input from nationally recognized industry associations when appointing an industry commissioner. A motion to accept the recommended changes to Article III, Section 1, was made by Mike Baier, seconded by Bruce Hagen, and unanimously approved.

The Commission directed the Secretariat to redistribute nomination forms and agreed to appoint the new industry commissioner prior to the 2014 annual meeting.

Kevin Egilmez reported that the Commission's attorneys recommended adding a provision to the bylaws to address the dissolution of the Compact which would include a method for distributing any remaining assets. The Commission discussed a draft of Article XIX, Dissolution of the Compact (Attachment B) that would distribute any surplus funds after dissolution equally between the compacting states. A motion to adopt Article XIX was made by Mike Baier, seconded by Randy Vogt, and approved unanimously.

### **New Business**

The Commissioners unanimously reappointed Mark Blanke, Donald Engle, Christine Kline, and Barbara Bieganski to the RDC for three-year terms.

A motion was made by Bruce Hagen, seconded by Randy Vogt, and approved unanimously, to update and reissue the November 14, 1995, bulletin "Building Systems Guidelines (attachment C). The new bulletin would incorporate the various revisions and

clarifications issued in the last few years.

The Commission discussed the draft correspondence course criteria which included the changes recommended by the RDC (attachment D). A motion was made by Mike Baier, seconded by Randy Vogt, to approve the correspondence course criteria as recommended by the RDC. The motion was approved unanimously.

The Commission discussed a revised Formal Interpretation 95-04 (attachment E) as amended by the RDC. The interpretation addresses the requirements for licensed engineers and architects to seal compliance assurance documents. A motion was made by Mike Baier, seconded by Randy Vogt, and unanimously approved to adopt Formal Interpretation 95-04 as recommended by RDC.

Kevin Egilmez briefed the Commission on code waivers and variances being granted by local building officials in North Dakota. Since waivers are limited to used, temporary work camp housing, Kevin Egilmez recommended that the Commission inform designated agencies that code requirements cannot be waived for new industrialized buildings. If a waiver was granted, the local building official would have to take responsibility for accepting the building outside the Commission's program. The Commission asked the secretariat to draft a letter to the designated agencies notifying them of the policy.

The Commission briefly discussed acceptability of steel certified to foreign standards or non-ASTM steel. In general, if a person or company is aggrieved by a code interpretation their first course of action should be to appeal it in accordance with that state's code appeals process. The Commission could ensure uniformity in code interpretations between participating states by issuing a Formal Technical Opinion in accordance with UAP, Part III, Section 3, in the event member states' interpretations differed. The Commission agreed to postpone further discussion until next annual meeting.

The Commission discussed draft procedures for labeling existing buildings (attachment F) that included the RDC amendment which changed "participating state" to "member state". Kevin Egilmez provided background information on the underlying rules which were first adopted by the RDC in April 1993. The rules were primarily meant to provide a method to grandfather existing industrialized buildings certified under member states' former programs and to permit other buildings that can be proven to comply with the requirements to be eligible to be certified by the Commission. However, the vague terminology and lack of clear procedures have resulted in a wide range of buildings being recertified. The new procedures clarify the types of buildings that are eligible to be certified as well as the documentation and inspections that are required. Tom Hardiman suggested that the Commission consider the system adopted by Virginia and agreed to draft language for next year's meeting. A motion was made by Mike Baier, seconded by Randy Vogt, and unanimously approved to implement the label release policy and to require approved plans. The Commission agreed to postpone any further action on the remaining proposed requirements until next annual meeting.

The Commission discussed a proposal to require manufacturing facilities to register (attachment G). Currently, there are no incentives for manufacturers or designated agencies to have an inactive or closed facility removed from the Commission's list. As a result, the

Commission must continue to maintain the documents and provide them with various notices such as new code adoptions, bulletins, and formal interpretations. Kevin Egilmez recommended that the Commission send pre-filled registration forms to manufacturers' last known addresses. If a response was not received within 30 days, the Commission would notify the designated agency and remove the manufacturer from the list. It was recommended that the forms be sent out in the fall or spring since some manufacturers could be idle during the winter months. No fee would be charged initially. A motion was made by Mike Baier, seconded by Bruce Hagen, and approved unanimously to require periodic registration of manufacturing facilities.

### **Financial Report and Approval of FY '14 Budget**

The Commission's draft audit financial statement for FY 2012 was reviewed. A motion was made by Mike Baier, seconded by Bruce Hagen, and approved unanimously to accept the 2012 audited financial statements.

The draft budget for fiscal year 2014 was discussed. A motion was made by Bruce Hagen, seconded by Mike Baier, and approved unanimously to adopt the budget as proposed.

A motion was made by Bruce Hagen, seconded by Mike Baier, and approved unanimously to accept the draft 2012 Annual Report.

Mike Baier made a motion to enter an executive session to discuss IBC personnel issues, designated agency renewals, and a request for waivers. The motion, seconded by Bruce Hagen, carried and the IBC entered an executive session. The motion to reconvene into an open session, made by Mike Baier and seconded by Randy Vogt, carried unanimously.

A motion was made by Mike Baier, seconded by Randy Vogt, to redesignate HWC, Minnesota, MCC, NTA, PEI, PFS, Pyramid1, RADCO, TRA, and Vendola subject to limitations or conditions, if any, established during the executive session. The motion carried.

### **Election of Officers**

Randy Vogt made a motion, seconded by Mike Baier, to reelect Rhode Island commissioner as chairman; North Dakota commissioner as vice chairman, and Minnesota chairman as treasurer. The motion carried unanimously.

### **Secretariat's Work Assignments**

Kevin Egilmez reviewed secretariat's work assignments:

1. Review member states adoption of 2007 MRR and UAP.
2. Revise bylaws to amend Article III, Section 1, and add Article XIX.
3. Redraft November 14, 1995, building systems bulletin.
4. Revise correspondence course approval criteria.
5. Reissue Formal Interpretation 95-04 as amended.
6. Notify all designated agencies that North Dakota waivers are not applicable to Commission certified industrialized buildings.

7. Work with Tom Hardiman with MBI regarding relabeling of existing buildings.
8. Send registration forms to all manufacturers.

**Date and Location of Next Meeting**

The next IBC annual meeting is tentatively scheduled for July 16, 2014. The secretariat reported that notice would be sent regarding the location.

Randy Vogt, seconded by Bruce Hagen, moved to adjourn the meeting and the motion carried. The meeting adjourned at 6:15 p.m.

Respectfully submitted,



N. Kevin Egilmez  
Secretary

Attachments

### **ARTICLE III. COMMISSION MEMBERSHIP**

#### **Section 1. Classification of Members**

As provided for in the enabling legislation, the Commission shall be comprised of the members classified according to the following definitions.

**State Commissioner.** A commissioner appointed by the governor of a compacting state from amongst the residents of that state, being designated from the state agency charged with regulating industrialized/modular buildings, or if such state agency does not exist, being designated from among those building officials with the most appropriate responsibilities in the state. Examples of "most appropriate" may include State Building Code Commissioner, State Architect, State Fire Marshal, etc.

**Industry Commissioner.** A commissioner appointed by the state commissioners from amongst a list of nominees received provided by the National Association of Home Builders Building Systems Councils, with input from ~~other~~ nationally recognized industry associations, to represent manufacturers of residential- or commercial-use industrialized/modular buildings. An industry commissioner shall have the same powers and duties as all other commissioners except that he may not serve on the Commission's Executive Committee, nor participate in the voting for industry and consumer commissioners or the removal of commissioners.

**ARTICLE XIX. DISSOLUTION OF THE COMPACT**

The Compact shall dissolve effective upon the date of the withdrawal of a Compacting State that reduces membership in the Compact to one Compacting State.

Upon the Compact's dissolution, the Compact becomes null and void and is of no further force or effect, and the Commission's business and affairs shall be wound up. Any surplus funds remaining after payment of all obligations of the Commission shall be used for repayment of any identifiable start-up funds contributed; provided that if the funds are not sufficient, distribution shall be made on a pro rata basis. Any surplus funds remaining after the repayment of start-up funds shall be distributed equally to the compacting states that are members of the Commission upon dissolution.

## APPLICATION OF BUILDING SYSTEMS DOCUMENTS

### GUIDELINES TO EVALUATION AGENCIES

The following limitations shall apply to building systems documents. The conditions described below are meant to be illustrative and apply equally to all disciplines (electrical, plumbing, mechanical, energy conservation, etc.)

1. Any document that permits manufacturers to perform calculations or design building elements independently without being subjected to review and approval by the evaluation agency is prohibited.
2. Manufacturers may obtain approvals for substantiated custom header, beam, column and similar member tables. If a table requires calculations (e.g., converting a given load to PLF) or an engineering judgment (e.g., applying a load duration factor or a deflection limit) when making a selection, then such calculations and engineering judgments shall be submitted to the evaluation agency for review and approval and shall include a cross-reference to or a copy of the specific table.
3. Inspection agencies are responsible for ensuring manufacturers follow their building systems requirements. Evaluation agencies must take into account the demands on an inspection agency inspector when approving overly complex or cumbersome provisions of building systems documents.



## CORRESPONDENCE COURSE APPROVAL CRITERIA

Correspondence courses meeting the following minimum guidelines shall be considered a qualified continuing education activity under Uniform Administrative Procedures, Part VI, Section 4(G)(2).

1. Correspondence, DVD or internet courses must have not less than 10 review questions for each credit hour. Question and answer based courses using readily available public materials, such as codebooks, must have not less than 30 questions for each credit hour. A student must be required to answer at least 70 percent of the questions correctly to receive credit.
2. Correspondence courses must be approved prior to awarding credits and must be reapproved at least once every five years.
3. Course providers must be required to submit an application for review and approval including handouts and/or videos and a complete course outline. Course outline should describe in detail the subject matter to be taught and total length of the course.
4. Course providers must be required to report and maintain attendance records.
  - a. An attendance record of all students who have successfully completed the course must be maintained for at least five years from the course completion date.
  - b. An attendance record must be provided to each student including course identification number, course completion date and name of student.
  - c. Attendance information must be reported to approving agency following course completion date.

**Number**  
**95-04****Effective Date:** October 13, 1995**Subject:** Sealing of compliance assurance documents by a P.E. or an R.A.**Reference:** MRR - Part V, Section 1(A)

**ISSUE:** Which compliance assurance documents submitted by a manufacturer are required to be sealed by a Professional Engineer or a Registered Architect?

**INTERP:** Neither the MRR nor the UAP require a manufacturer to submit documents sealed by a P.E. or an R.A. The documents must be sealed if required by the laws of the state in which the documents are prepared. ~~Whether a document is required to be sealed by a P.E. or an R.A. is governed by the laws of the state in which the documents are prepared. If the state of manufacture, by state law, requires the design documents for the type of building being produced to be sealed, then the documents must be sealed.~~ The manufacturer, under Part V, Section 1(A)(7) of the MRR, must submit the required documents including design calculations and/or test reports to its evaluation agency for review. The evaluation agency is responsible for reviewing these documents using qualified staff as described under Part VI, Section 4 of the UAP, including but not limited to Subsection (F), structural calculation reviewers.

~~Additionally, some~~ IBC states that reserve the right to perform plan reviews for particular use groups may require certain documents to be sealed.

~~The only time~~ The manufacturer is responsible for submitting sealed documents is if it has elected to implement the design program by the manufacturer (alternate method) under Part IV, Section 3 of the UAP. Under this optional program, all structural calculations must be sealed by a P.E. or an R.A.

This Formal Interpretation is limited to compliance assurance documents submitted to evaluation agencies and do not apply to construction documents submitted to local enforcement agencies for permitting purposes.

**PROCEDURES FOR LABELING EXISTING BUILDINGS**

1. Only industrialized buildings bearing a participating-state label issued prior to the effective date of the UAP are automatically eligible for a Commission certification label.
  - a. Prior to affixing certification labels, the inspection agency is required to ensure the buildings have not been modified, altered or damaged.
  - b. Commission certification labels must be permanently attached next to the existing participating-state labels. Except for certification label numbers, information on the new and existing data plate must be identical.
  - c. Inspection agency is required to submit a completed relabeled module report form along with pictures of the existing labels, data plates, and the exterior and interior of the modules, copies of inspection reports and new data plates to the Commission. The complete report must be submitted no later than 15 days after receiving Commission authorization to release labels.
  
2. Industrialized buildings bearing a participating state label that are altered or modified are required to comply with additional requirements specified under (a) through (c) of this subsection.
  
3. Industrialized buildings bearing a non-participating state label must be proven by a designated agency to meet the destination state's current codes before being eligible to have a Commission certification label affixed.
  - a. Evaluation agencies must perform a full and complete review of the documents approved by or on behalf of the non-participating state. A deviation report must identify the differences between the applicable provisions of the non-participating and the destination state's codes. Complete documents of any modification necessary to bring the buildings into compliance with the new codes must be submitted to the evaluation agency for review and approval.
  - b. Inspection agency must perform an initial inspection to ensure the original building has not been altered or damaged. All subsequent modifications must be inspected by an inspection agency to ensure compliance with applicable codes and approved designs.
  - c. The inspection agency must inspect construction elements, methods or materials for compliance, and require removal of permanent construction where necessary, if the non-participating state approved documents do not conclusively demonstrate compliance with a provision of the destination state's code.
  - d. Designated agency shall submit a completed relabeled module report form, along with copies of all relevant documents – such as inspection reports, data plates, and approved designs – and pictures of existing labels to the Commission.
  
4. The Commission will authorize the release of certification labels to the custody of the inspection agency after receiving proper payment. Certification labels shall only be affixed by the inspection agency to completed, code-compliant industrialized buildings.

## MANUFACTURING FACILITY REGISTRATION

### Purpose

IBC needs a method to ensure information it has on file regarding manufacturing facilities are current and accurate. Requiring manufacturers to register on a regular basis would confirm that they are still in business and eliminate any confusion regarding their designated agency. It would also assist IBC by eliminating the need to maintain documents for manufacturers that are inactive or no longer interested in participating in the program. Although UAP, Part IV, Section 8 and other provisions require notification, the current process is vague and ambiguous.

### Background

There are currently 263 open manufacturing facilities. According to IBC records, 57 of those facilities (nearly 22 percent) have not manufactured an IBC unit since 2010. Since that time, all of the participating states except for Minnesota (who elected to skip the 2009 I-codes) have adopted new editions of the codes that became mandatory on or after January 1, 2011.

Additionally, most contracts between manufacturers and designated agencies are not specific enough to determine which facilities are covered under the contract and for which designated agency services. This has led to confusion and delays when manufacturers wanted to switch agencies.

### Manufacturer Information Submittal

Designated evaluation and inspection agencies would be responsible for submitting initial manufacturer registration forms to the Commission when acquiring a new client and prior to commencement of production at a new manufacturing facility. Manufacturers would be responsible for notifying the Commission of any change other than to their designated agencies. At a minimum, manufacturers would reconfirm the information on file by returning prefilled registration cards to the Commission every two years. If a response is not received, IBC will notify the designated agency on record and remove the manufacturer from the list and archive any documents on file. Manufacturers that are removed from the list would be required to re-register and resubmit applicable documents.

### Information that would be submitted (\*voluntary) on IBC forms

- Corporate/Business/ Trade Name
- Parent Company
- \*Web Address
- Federal ID

- Authorized Representative and primary contact (Name, Title, Email, Phone)
- Mailing and Physical Address (Street, City, State, Zip)

**List of Manufacturing Facilities**

- Name or Designation of Each Facility
- Mailing and Physical Address (Street, City, State, Zip)
- \*Description of Product
- Evaluation Agency
- Inspection Agency