

CAB MINUTES
August 13, 2021

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, August 13, 2021
Meeting held Electronically via Microsoft Teams

Attendance

Board Members

Beth Pochtar (Chair)
John Scialla (Vice Chair)
Doug Boydston
Mark Caputo
Kathy Herity
Henry Kelly
Art Londensky
Bob Mellohusky
Greg Moten
Tony Neibert
Steve Rodzinak
Michael Seeve
Valerie Waricka

Members absent: John Del Colle

DCA staff

Edward Smith, Director, Division of Codes and Standards
Robert Austin
Marie Daniels
John Delesandro
Justin Henry
John Lago
Paul Lamberti
Terrence Luckie
Keith Makai
Adam Matthews
Anthony Menafro
Neil Nagy
John Paluchowski
Thomas Pitcherello
Dan Tober
Chrystene Wyluda

Public Attendees

Dan O’Gorman

Please note that, due to the virtual meeting, public attendees joined using a conference call telephone number, and only those in attendance who announced themselves are listed herein; other public attendees did listen to the meeting but are not necessarily reflected herein.

Ms. Beth Pochtar called the meeting to order at 9:35 a.m. Roll call was performed.

A. Approval of Minutes of the Code Advisory Board Meeting June 11, 2021

Mr. Art Londensky made a motion, which was seconded by Mr. Greg Moten, to approve the minutes without change. The motion carried unanimously.

B. Subcode Committee Reports

Building Subcode Committee: Mr. John Scialla reported that the committee met virtually and discussed agenda items.

Electrical Subcode Committee: Mr. Tony Neibert reported that the committee met virtually and discussed agenda items.

Fire Protection Subcode Committee: Mr. Art Londensky reported that the Committee met virtually and discussed agenda items.

Mechanical Subcode Committee: Mr. Bob Mellohusky reported that the committee met virtually and discussed agenda items.

Plumbing Subcode Committee: Mr. Steve Rodzinak reported that the committee met virtually and discussed agenda items.

C. Old Business

1. 1. 2020/2021 Model Code Adoption, Part 1

a. Plumbing Subcode – N.J.A.C. 5:23-3.15, National Standard Plumbing Code and International Plumbing Code

Mr. Robert Austin informed the Board that the Division is undertaking a comparison of the National Standard Plumbing Code and the International Plumbing Code and aims to have the comparison completed for Board review in October.

No action was needed for this item at this time.

b. Electrical Subcode – N.J.A.C. 5:23-3.16, National Electrical Code (NEC 2020)

Mr. Robert Austin introduced this item and explained that there are very few major changes to the National Electrical Code. The Board discussed three items for consideration for the electrical subcode, as follows:

The Board discussed the issue of Tentative Interim Amendments (TIAs) in the NEC. While TIAs are meant to correct outstanding errors in the publication, they are being used by the NFPA to make code changes in between code cycles. TIAs are still vetted and approved the same way code changes are, but they can be problematic, because they are published in the NEC before the latest edition is published. This means that, depending on the publication date of the 2020 NEC used, different TIAs may be incorporated than those included in older publications of the 2020 NEC. For example, the version of the NEC reviewed by the Division and used for this discussion includes TIAs 1-9. One Board member noted that these TIAs are largely helpful, and one establishes an effective date of January 2023 for a new provision which requires GFCI for any outdoor outlets up to 50 amps; this is because, since the time the code change was approved, it has been found that the GFCIs are regularly tripping out.

The Board then discussed that the Division is proposing to stop amending the electrical subcode for other outlet provisions. This is because, at this time, the technology is so widely available that the State-specific revisions are no longer necessary.

Lastly, one Board member noted that the Division still deletes Article 334.12(a)(2), which prohibits the use of Romex. Another Board member explained that Romex has not proven to be a fire hazard compared to other materials. The Board agreed that there was no reason to prohibit the use of Romex.

Mr. Art Londensky made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule, which includes TIAs 1-9, without change. The motion carried unanimously.

c. Energy Subcode – N.J.A.C. 5:23-3.18, International Energy Conservation Code 2021 (IECC 2021) and ASHRAE 90.1-2019

Mr. Robert Austin introduced this item and explained that the sections would be reflected within the International Residential Code. He noted that the Commercial code is federally preempted, and ASHRAE 90.1-2019 is to be utilized. The US Department of Energy released its final determination in July 2019, so the Division will be moving to adopt the updated ASHRAE 90.1 standard.

Mr. Austin then explained that the residential portion of the IECC provides a more in-depth look at the current trends in energy conservation. He explained that the 2021 IECC does align with the Governor's Energy Master Plan and the Global Warming Alliance through the Department of Environmental Protection. With that in mind, the Division would like to adopt the 2021 IECC mostly unamended, with the increased insulation values, and with the Division's modification related to the air barrier test deleted; this would mean that the test would be a requirement rather than an option.

The main topic of discussion was focused on the increased insulation values in ceilings. One Board member noted that the increase from R-49 to R-60 will be burdensome on new housing construction. He expressed that the cost is prohibitive in comparison to the payback. Another Board member agreed and noted that material prices are high, and product availability is low due to COVID-19.

One Board member asked whether there is any reason for requiring the air barrier test, and specifically asked if there are any known insulation issues that exist because the State allows for a visual test. Division staff explained that, because no one is performing the test, there is no way of knowing whether the building is 100 percent properly sealed even when a visual inspection has been performed. Board members stated that they did not see a benefit in requiring the test because it is another cost burden, especially to remediate large residential buildings in the event they do not pass the air barrier test.

Another Board member noted that, because there is no way to express how energy efficiency adds value to a home, the increased cost to the homeowner is viewed as a loss rather than a payback in time. He expressed that he understood the goals of the Energy Master Plan but felt that the IECC was advancing too quickly in comparison to the market curve and stated that there has to be a balance, otherwise it could price people out of their homes.

Mr. Art Londensky made a motion to approve the draft rule without change. The motion was seconded by Mr. Steven Rodzinak. Upon further discussion, all Board members voted in opposition to this motion; the motion failed.

One Board member asked whether the administration could propose regulations that do not align with the Board's recommendation. Mr. Robert Austin reminded the

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Board that they are advisory, and the Commissioner is charged with making the final decision for any rulemaking.

Mr. John Scialla made a motion to adopt the 2021 IECC without the increased insulation, and with the current modification to the air barrier test. The motion was seconded by Mr. Art Londensky.

Mr. Robert Austin explained that, should this motion carry, the Board should be aware that REScheck would no longer be able to accommodate the previous insulation values alongside the updates throughout the rest of the table that the insulation values are incorporated within, so the State would have to develop software to accommodate this change. One Board member asked if there was any way to move forward without the insulation values and still utilize REScheck, and Mr. Austin explained that the Division could propose to retain the 2018 IECC Table.

Mr. John Scialla retracted his motion.

Mr. Henry Kelly made a motion, which was seconded by Mr. Art Londensky, to adopt the 2021 with all 2018 insulation values, and maintain the Division's modification to the air barrier test. The motion carried unanimously.

d. Mechanical subcode – N.J.A.C. 5:23-3.20, International Mechanical Code (IMC 2021)

Mr. Robert Austin introduced this item. Board members felt that the changes within the code were modest and had no further questions or discussion.

Mr. Art Londensky made a motion, which was seconded by Mr. Steve Rodzinak, to approve the draft rule without change. The motion carried unanimously.

e. Fuel Gas Subcode – N.J.A.C. 5:23-3.22, International Fuel Gas Code (IFGC 2021)

Mr. Robert Austin introduced this item. Board members felt that the changes within the code were modest and had no further questions or discussion.

Mr. Steve Rodzinak made a motion, which was seconded by Mr. Bob Mellohusky, to approve the draft rule without change. The motion carried unanimously.

D. New Business

1. 2020/2021 Model Codes Adoption – Part II

a. Building Subcode – N.J.A.C. 5:23-3.14 (IBC 2021)

Mr. Robert Austin introduced this item.

This item was referred to the Building, Barrier Free, and Fire Protection Subcode Committees.

- Accessibility, ICC A117.1-2017 (included via Chapter 11)

Mr. Robert Austin introduced this item.

This item was referred to the Building, Barrier Free, and Plumbing Subcode Committees.

- Elevator, ASME A17.1, etc. (included via Chapter 30)

Mr. Robert Austin introduced this item.

This item was referred to the Building and Elevator Subcode Committees.

- Swimming Pools, ISpsc 2021 (included via Chapter 31)

Mr. Robert Austin introduced this item.

This item was referred to the Building Subcode Committee.

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b. Fire Protection Subcode – N.J.A.C. 5:23-3.17 (Cross Reference Update)

Ms. Marie Daniels introduced this item.

This item referred to the Building and Fire Protection Subcode Committees.

c. One- and Two-Family Dwelling Subcode – N.J.A.C. 5:23-3.21 (IRC 2021)

Mr. Robert Austin introduced this item.

This item was referred to the Building, Fire Protection, Mechanical/Energy, and Plumbing Subcode Committees.

- Swimming Pools, ISPSC 2021 (Included via R327, same as Building, above)

Mr. Robert Austin introduced this item.

This item was referred to the Building Subcode Committee.

E. Information

1. The final Code Advisory Board meeting for 2021 is scheduled for December 10, 2021
2. The Code Advisory Board Log was provided electronically.
3. The List of Pending Legislation was provided electronically.

F. Public Comments

Mr. Dan O’Gorman thanked the Board for their time during this meeting and expressed his appreciation for their work. He noted that the National Electrical Code specifies that the requirement for outdoor 50-amp GFCI outlets would not take effect until January 2023 and asked what would happen at that time. Division staff explained that the requirement would be effective in January of 2023 unless there is still uncertainty in the practicability of the requirement, in which case then the Division can revisit the issue. Mr. O’Gorman also asked if NEC Errata can be utilized in enforcement. Division staff explained that, because they correct publication errors, errata are always applicable.

G. Adjourn

Mr. Tony Neibert made a motion, which was seconded by Mr. Art Londensky, to adjourn the meeting. The motion carried unanimously. The public portion of this meeting was adjourned 10:45 a.m.