

**LSA Document # 19-330**  
**Indiana Residential Code – 675 IAC 14-4.4**

**SUMMARY OF COMMENTS RECEIVED AT PUBLIC HEARING**

Pursuant to IC 4-22-2-26, the Fire Prevention and Building Safety Commission held a public hearing on their proposed rule to repeal and replace the 2005 Indiana Residential Code (675 IAC 14-4.3) on October 11, 2019 at 10:00 a.m. at the Indiana Government Center South, 302 West Washington Street, Conference Center Room 1, Indianapolis, IN 46204. The hearing was staffed by Justin Guedel, Deputy General Counsel for the Indiana Department of Homeland Security and Douglas Boyle, Director of the Fire Prevention and Building Safety Commission. The following are the minutes of the public hearing.

Douglas Boyle, the Hearing Chairperson, called the hearing to order at 10:00 a.m., gave a brief explanation of the proposed rule, explained the process for submitting comments, and informed all present that comments would be reviewed by the Fire Prevention and Buildings Safety Commission at their next scheduled meeting on Thursday November 7, 2019. The floor was then opened for public testimony.

The following is a summary of all comments received:

**Jonathan Sargent, OmegaFlex:** Mr. Sargent supports the proposed rule with one exception – the LC1 standard in the 2018 IFGC is the 2013 LC1 and he proposes it be updated to the 2018 LC1 because there is a new type of CSST with an arc resistant jacket and there is a lot of language that refers to this in the 2018 International Residential Code but that product isn't actually in the 2013 LC1 standard, it is in the 2018 LC1 standard. A copy of Mr. Sargent's oral comments have been attached.

**Kevin Arnold, Eaton:** Mr. Arnold applauds the Commission with moving forward with the 2017 NEC with minimal amendments, specifically as it relates to arc fault circuit interrupters.

**Tim McClintock, NEMA:** Mr. McClintock applauds the Commission with updating the residential code and testified in support of the proposed rule. Mr. McClintock gave an overview of NEMA and the NEC, explained how the NEC is drafted, and urged the Commission to continuing moving forward with updating the residential code and advancing electrical safety. Mr. McClintock also provide written comments associated with his testimony which are attached.

**Craig Wagner, Indiana Association of Building Officials:** Mr. Wagner thanked the Commission for allowing him to serve on the review committee and thanked the committee and its staff for the work in preparing the proposed rule. Mr. Wagner gave an overview of how the model code is written. One issue that still remains is whether ice and water shield needs to be installed statewide or in selected counties. A large amount of evidence that ice and water shield

should be applied statewide has been submitted, and Mr. Wagner urges the Commission to review this evidence and consider requiring this material statewide. Mr. Wagner urges the Commission to further study the issue of stair geometry for safer, less steep stairs. Mr. Wagner urges the Commission to forward the proposed rule in the adoption process.

**Andrew Dwyer, Owens Corning:** Mr. Dwyer gave an overview of his background and spoke in support of the proposal submitted by Greg Keeler regarding the statewide requirement for ice and water barrier. Mr. Dwyer gave an overview of how ice dams occur and how damage is created. Mr. Dwyer went on to state that Indiana currently requires protection in only 27 of 92 counties, and that the upfront cost of ice barrier is considerably cheaper than after the fact cost. Mr. Dwyer requested that the Commission adopt the proposal by Mr. Keeler on this issue as it addresses the root cause of ice damage. A copy of Mr. Dwyer's oral comments have been attached.

**Rob Amos, Amos Exteriors and Vice President of IN Roofing Contractor Association:** Mr. Amos stated he supports what Mr. Dwyer stated and opposes the rule as currently written. Mr. Amos supports the application of ice and water shield statewide as the problems exist statewide.

**Ross Cochran, Cochran Exteriors:** Mr. Cochran is in agreement with the comments presented by Mr. Amos, Mr. Dwyer, and Mr. Wagner. The current rules regarding ice and water shield cause confusion for homeowners and leaves the burden on the homeowner. Mr. Cochran provide a list of customers who have ice damming issues. Mr. Cochran urged the revision of the proposed rule to incorporate the proposal submitted by Owens Corning. A copy of the customer list provided by Mr. Cochran has been attached. Mr. Cochran also addressed section R703.10.2 of the proposed rule, regarding the installation of fiber cement siding. He stated the language in the second sentence of this section can be interpreted in 2 different ways and proposes that the word "or" should be inserted in place of the "commas". This should read as follows:

. . . shall have ends protected with caulking or covered with an H-section joint cover or located over a strip of flashing or shall be designed to comply with Section R703.1.

A copy of Mr. Cochran's comments concerning section R703.10.2 have been attached.

**Judd Hadd, Bone Dry Roofing:** Mr. Hadd spoke in support of the comments provided by Mr. Dwyer, Mr. Amos, and Mr. Cochran. Mr. Hadd also added that customers spend 10 – 15 times as much in repairing the damage caused by ice damming than they would have spent on installing ice and water shield.

**Craig Stevens, Roof it Forward:** Mr. Stevens spoke on ice damming and provided an overview of his background in the roofing industry. Mr. Stevens wants ice and water shield to be code statewide. This product protects the eaves and fascia board. Results of ice damming creates health and safety issues: black mold can develop, decking may collapse during routine roof

maintenance and firefighters traversing roofs may fall through the ceiling creating a danger backdrafts. The cost to install this product is minimal (about \$200 per home and when factored into a 30 year mortgage this comes to about 55 cents a month). Mr. Stevens requests that the code be adopted with the requirement to include ice and water shield statewide.

**T.J. Elbert, Elbert Construction:** Mr. Elbert has seen ice and water shield as a problem since he started in 2008. There is a history of ice dams all over the state in every county. When ice dams occur, they happen when there is snow on the roof. Homeowners have to live with the issues until the snow is gone to allow for the repairs to be completed. Mr. Elbert supports the proposal by Owens Corning.

**James Straws, Indiana Association of Building Officials:** Mr. Straws commented on the code not having a year placed on it and said if a year is not placed on it, then we may be able to update the code more easily, but when performing inspections you need to know what code the structure was built under. Also, Mr. Straws has concerns that not having a year on the code will affect reimbursement from the federal government since reimbursement is only given as a certain percentage if a new code is not adopted. Mr. Straws would like the Commissions to rethink not putting a date on the code. Mr. Straws then spoke on the stair geometry requirement and said the Commission needs to rethink the requirements for stair geometry.

**Steve Rood, Legrand North America:** Mr. Rood made comments on Section E3902.16 and 17. Mr. Rood provided a copy of comments and information in support of his comments which have been attached. Mr. Rood wanted to limit AFCI requirements to those locations in the 2011 electrical code. Mr. Rood stated: nuisance tripping is an issue with this new technology which results in crude work arounds; that 18 states have moved to limit AFCI requirements in their codes, and that hard data is not present to prove more AFCIs mean less burn victims.

**Chuck Dewitt, Indiana Association of Building Officials:** Mr. Dewitt addressed the stair geometry requirements and stated the following: by spending a few hundred dollars we can extend stairs by two more feet; this requirement is in place for commercial buildings; and the cost for adopting the model code language on this issue is far less than the figures presented in the past.

**Randy Gulley, Fire Inspectors Association of Indiana:** Mr. Gulley spoke in support of carbon monoxide detectors, AFCIs, and requiring ice and water shield in all 92 counties. Mr. Gulley stated that firefighter safety is overlooked in ice and water shield requirements and that hazards of falling through a roof exist when the product is not applied.

**Tom Canon, City of Richmond Indiana Electrical Inspector:** Mr. Canon encouraged the Commission to continue on this path to update the residential code and is excited about the adoption of the 2017 NEC. Mr. Canon would also like to see requirements to amend in the most recent version of the NEC after it is published. Mr. Canon is also in favor of AFCIs as they eliminate possible fire hazards and could save lives and property.

**Don Iverson, Schneider Electric:** Mr. Iverson supports the adoption of the Indiana Residential Code which includes the code language from the NFPA. Mr. Iverson gave an overview of AFCIs. Mr. Iverson supports timely adoption of current building codes to ensure uniform and up to date safety standards and encourages the Commission to continue this process of updating the code.

**Lynn Madden, Builder:** Ms. Madden gave an overview of her experience. Ms. Madden had two concerns about the review process: (1) the fast pace of it which may have caused items to be overlooked; and (2) that the fiscal impact is not accurate. Ms. Madden appreciates that the changed stair geometry requirement was removed, but has concerns with AFCIs and their cost. Ms. Madden is concerned about nuisance tripping associated with AFCIs and that if a trip happens more than once then an electrical contractor must look at the issue. Ms. Madden would like the requirement for AFCIs to be eliminated or at the least only be required in bedrooms as no valid data was presented to justify the need for this product. A copy of Ms. Madden's comments have been attached.

**Nicole Westfall, Midwest Energy Efficiency Alliance:** Ms. Westfall spoke on the proposed energy chapter of the rule and recommended the adoption of Chapter 11 of the 2018 International Residential Code in unamended form. Ms. Westfall stated the following: if homes are not properly sealed harmful pollutants can be drug into the home; over 50% of builders already meet the code requirements of the 2018 IECC; providing these updates permit more resilient buildings during severe weather; when implementing chapter 11 requirements on a per home basis residents save \$500 annually on their energy bills; and that the Hoosier Environmental Counsel, and the Sierra Club support these comments. A copy of Ms. Westfall's comments have been attached.

**Chris Jenks, Siemens:** Mr. Jenks spoke on AFCIs and appreciates the consideration of these requirements and the safety benefits they provide. Mr. Jenks will ensure the launch will be smooth if it moves forward.

**Aaron Poland, Spartan Claims:** Mr. Poland spoke regarding section R301.2, the requirements for ice and water shield. Mr. Poland provided: that ice and water shield is required in Phoenix, Arizona and that is not due to ice issues, but it is due to the storms; there are safety concerns that exist to individuals who have to climb on roofs that have rotten decking; the damages associated with not having ice and water shield end up not being covered by insurance companies as their policies exclude rot, mold, wear, and tear; this product is not being required by manufacturer's instructions in many cases as the manufacturer's instructions reference back to the code which is not requiring its installation in many cases; and that the Commission should consider removing table R301.2 on the basis that it is erroneous and hazardous and require ice and water shield across the entire state. Mr. Poland also spoke on section R905.2.8.1 (base and cap flashing) and requests that drip edge and gutter apron be explicitly spelled out as a base flashing.

**Lindsay Haake, Citizen's Action Coalition:** Ms. Haake advocates for energy efficiency and supports the Midwest Energy Efficiency Alliance comments. The proposed code is only a slight improvement and is leaving 25% of energy savings on the table. Ms. Haake requested that the commercial code be updated.

**Alan Manche, Square D Company:** Mr. Manche speaks in support of the residential code committee's recommendation regarding the electrical provisions. Mr. Manche stated: he recommends adopting the most recent codes on a regular basis; nuisances tripping on AFCI and GFCI are not actually nuisances, these identify issues; and he supports the residential code requirements as presented.

**Monica Cannaley, Concerned Citizen:** Ms. Cannaley spoke on Chapter 11 and requested adoption of the chapter 11 of the model code as written. Ms. Cannaley stated: these standards will increase jobs, fight global warming and make homes more affordable and more efficient; Indiana is ranked 40<sup>th</sup> on leadership on clean energy and energy savings; research shows there is no evidence that housing starts have not decreased after new codes went into effect; and building energy efficient homes will alleviate effects of global warming.

**Carlie Hopper, Indiana Builders Association:** Ms. Hopper testified in support of the proposed rule that repeals and replaces the 2005 Indiana Residential Code. Ms. Hopper stated the following: she strongly supports the code review process that allows amendments to the code that do not jeopardize safety and take into account affordability; Indiana is one of the most affordable places to own a home because of adopting minimum uniform, statewide building codes, as this offers a level and predictable playing field for people in the industry; without amendments, the 2018 model code would saddle home buyers with many unnecessary requirements; for every \$1,000 price increase 3,900 households are priced out of the housing market in Indiana; and she request approval of the proposed rule without the mandate to install AFCIs.

**Jennifer Ping:** Ms. Ping spoke in support of requiring ice and water shield statewide. Ms. Ping stated that her son became gravely sick due to black mold which was present as the result of her house not having ice and water shield.

**Doug Wagner, Indiana Department of Natural Resources:** Mr. Wagner proposed a change to add a definition of substantial damage and substantial improvement. Mr. Wagner also proposed to change R322.1 and R322.2.1 with elevation requirements to come more in sync with the Indiana Flood Control Act. Mr. Wagner also stated that codes are lagging behind as they relate to flood plain management and Indiana receives negative points in its community rating system for obtaining a discount on flood insurance.

**Kathy Sipple, on behalf of Dot Kesling (Lindsey O'Brien Kesling Wishing Tree Foundation):** Ms. Sipple requested that the Commission keep the language for carbon monoxide detectors intact. Ms. Sipple dropped off a prepared letter and a scroll of signatures

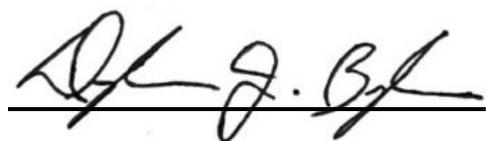
requesting the requirements for carbon monoxide detectors in the 2018 International Residential Code be left intact, which both have been attached.

**Shannon Anderson, Earth Charter Indiana:** Ms. Anderson spoke on the energy provisions in the code. Ms. Anderson provided the following testimony: Indiana is headed in the wrong direction regarding energy efficiency; Indiana is one of the top greenhouse gas emitters in the U.S.; the Commission is requested to adopt chapter 11 of the model code without amendment; and she speaks in support of the request by MEEA.

**Ryan Ross, Spartan Claims:** Ms. Ross spoke in support of the requirement for ice and water shield to be required statewide. Mr. Ross supports proposal 33 and stated that in section R905 the language regarding average daily temperature in January can be changed to say “average minimum temperature in January” or the Commission can change the temperature from 25 to 32 degrees. Also, the lack of ice and water shield is a concern because homeowners may be sitting for three months before their roofs can be repaired.

**Bobby LaRue, speaking on his behalf:** Mr. LaRue spoke in support of the proposal for stair geometry that was approved by the Committee. Mr. LaRue stated that this requirement is already in place in commercial buildings. Mr. LaRue suggests that stair geometry is a huge safety problem for the young and elderly. Mr. LaRue thanked everyone for their work and participation in this process.

At 11:29 a.m., Mr. Boyle asked the audience if anyone else had comments to offer. Hearing none, the hearing was closed.



Douglas J. Boyle, Hearing Chairperson

10/31/2019

Date