

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

COMMITTEE MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission's Exploratory Committee for Code Updates

Video/Teleconference Cisco Webex Format

Thursday, February 11, 2021

APPROVED AS AMENDED AT 4/27/2021 MEETING

1. The Indiana Fire Prevention and Building Safety Commission's (the Commission) Exploratory Committee for Code Updates (the Committee) was called to order by Committee Chairman Michael Popich at 9:01 a.m. EST on Thursday, February 11, 2021.

a. Committee Members Present:

Michael Popich,	Committee Chairman, City of Indianapolis (local building official) and Indiana Fire Prevention and Building Safety Commission Vice Chairman
Christina Collester,	RTM Consultants, Inc. (code consultant)
Donald Corson,	American Structurepoint, Inc. (licensed engineer)
Doug Elmore,	Gene B. Glick Company Inc. (Indiana Apartment Association representative)
Joshua Frost,	Zionsville Fire Department (local fire official)
Gregory Furnish,	Upright Builders, LLC (Indiana Builders Association representative) and Indiana Fire Prevention and Building Safety Commission member
Scott Pannicke,	RATIO Architects (licensed architect) and Indiana Fire Prevention and Building Safety Commission Member

b. Committee Members Absent:

None

c. Committee Staff Present:

Douglas Boyle,	Director of the Indiana Fire Prevention and Building Safety Commission and Committee Secretary (IDHS)
Justin Guedel,	Indiana Department of Homeland Security (IDHS) Deputy General Counsel
Bryston Sprecher,	Administrative Assistant to the Fire Prevention and Building Safety Commission (IDHS)

2. Roll Call/Attendance – Committee Staff

Secretary Boyle conducted roll call, noting that quorum was met with all seven (7) voting members in attendance at the beginning of the meeting.

3. Introductions of the Committee’s Members and the Committee’s Staff

Secretary Boyle asked each member to briefly introduce themselves to the rest of the Committee. He then introduced himself, stating that he is the director of the Indiana Fire Prevention and Building Safety Commission and his primary role is to administer all business of the Commission. The remaining staff members, Justin Guedel and Bryston Sprecher, introduced themselves as well. They will serve as legal counsel and the administrative assistant to the Committee, respectively.

4. Review of the Committee’s Bylaws, Administrative Procedures, and Duties/Tasks

Secretary Boyle advised that this Committee was established by the Commission at its Tuesday, December 1, 2020. During the month of December, staff drafted the Committee’s bylaws and accepted requests to serve on the Committee. The proposed bylaws and proposed membership were subsequently provided to and then approved by the Commission at its Tuesday, January 5, 2021 meeting. Secretary Boyle then briefly explained the bylaws, administrative procedures, and overarching goal of the Committee to review the Commission’s existing building and fire safety codes, and then provide a report to the Commission recommending a plan forward for updating the codes. The Committee’s approved bylaws were included in the Committee’s meeting materials and can be found on the Committee’s web page (<https://www.in.gov/dhs/boards-and-commissions/fire-prevention-and-building-safety-commission/indiana-exploratory-committee-for-code-updates/>).

Secretary Boyle further outlined the format of the written report that must be produced at the conclusion of the Committee’s business by stating that it must identify the following:

- (1) Significant differences between the Commission’s existing rule and the most recent edition of the model code being recommended to be adopted.
- (2) Specific issues the update of the code is designed to address (why the updated is needed).
- (3) Benefits of updating the rule (direct and indirect).
- (4) Whether the net effect of adopting the code will result in additional regulation or reduced regulation.
- (5) The expected fiscal impact of updating the code.
- (6) Any health or safety concerns being addressed by the rule.

In terms of item (5), Justin Guedel stated that only a general idea of the fiscal impact is expected to be detailed in the Committee’s final report.

5. Rulemaking 101 – the State of Indiana’s Administrative Rulemaking Process (IC 4-22 – Administrative Rules and Procedures Act)

Secretary Boyle and Mr. Guedel briefly advised the Committee of the specific details of the “Rulemaking 101” document that was provided to the Committee in preparation for the meeting. The “Rulemaking 101” document can be found in the Committee’s meeting materials and under “Committee Documents” on the Committee’s web page (<https://www.in.gov/dhs/boards-and-commissions/fire-prevention-and-building-safety-commission/indiana-exploratory-committee-for-code-updates/>).

6. Overview of Fire Prevention and Building Safety Commission’s Current Rules under Title 675 of the Indiana Administrative Code (675 IAC) and Their Original Effective Dates

Secretary Boyle shared a memorandum identifying the Commission’s current codes, the dates of their effectiveness, and their current expiration dates. Committee Member Pannicke acknowledged that two of the rules – the Indiana Safety Codes for Elevators, Escalators, Manlifts and Hoists and the Indiana Boiler and Pressure Vessel Rules – were currently under review by separate committees or already going through the State of Indiana’s formal rulemaking process and would not need to be discussed by the Committee. Chairman Popich also noted that the provided effective date of the Indiana Electrical Code was incorrect, which Secretary Boyle subsequently corrected in the memorandum.

Committee Member Collester briefly informed the Committee of some of the processes for updating codes throughout the rest of the country. She advised that some states – like Ohio, Florida, and California – do major code revisions, but others focus simply on adoptions and readoptions of the national model codes. Due to the primarily electronic format of government business over the past year, some states processes are moving at a much faster rate, and most states seem to be staying no more than one code edition behind. Ms. Collester believed that Indiana was the only state to have not yet adopted Chapter 1 of the International Building Code, which has the potential to resolve some of current issues with the State of Indiana’s plan review and variances processes. She further stated that these codes need to be updated on a regular, rolling basis, so that everyone can take advantage of advancements in the codes and construction design.

There was additional discussion regarding the need to potentially and regularly perform rulemaking to make smaller, simpler changes to the codes as needed, as opposed to always having to completely rewrite the codes. These smaller, more specific codes updates are sometimes referred to as “chase amendments.” Justin Guedel reminded the Committee that the Commission does have the ability to modify its rules at any time when a business case can be made but stated he was unaware of the last time this happened.

7. Start Reviewing Changes, Noted Benefits, and Financial Impact of Changes to ICC's Model Codes (2012 to 2015, 2015 to 2018, and 2018 to 2021)

It was recommended that this be a separate meeting in and of itself, due to the suspected duration of this discussion.

8. Other Business/Other Considerations

Secretary Boyle advised that he would try to get the Committee's members access to relevant code materials, so that they may reference the codes in their free time. Justin Guedel stated this should not be a problem, as the ICC has been requesting that the State of Indiana update its codes. Chairman Popich asked that the members send a list of priorities or topics of discussion for the March meeting be sent electronically to staff, to not cause a breach in the Open Door Law requirements. Staff can then circulate these recommendations to the rest of the Committee. Regarding the format of future meetings, Secretary Boyle stated it is still unclear when state boards and commissions will be able to host in-person meetings, due to the General Assembly being given priority access to all governmental buildings – including the Indiana State Library and the Indiana Government Center. As such, the Committee will plan continue to conduct its business electronically, until otherwise directed by the Governor's Office and the Indiana Public Access Counselor's Office.

9. Plan Forward

a. Set Meeting Date for March 2021

The Committee determined that its next meeting will be tentatively scheduled for Thursday, March 11, 2021, beginning at 9:00 a.m. EST.

b. Set Agenda for March 2021 Meeting

The Committee's membership will look to pitch their individual priorities based on the codes that are the most outdated or deemed most in need of updating to address the State of Indiana's building and fire safety issues. The Committee will also plan to explore the most recent ICC changes, and analyze the benefits/financial impact of the current model code cycles. Secretary Boyle stated that he would work with staff to get an agenda published and sent to the Committee via email a few days prior to the next meeting.

10. Adjournment

Committee Member Pannicke motioned to adjourn the meeting. Committee Member Frost seconded Committee Member Pannicke's motion. Secretary Boyle conducted the following roll call vote:

	YES	NO
Christina Collester	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donald Corson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Doug Elmore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joshua Frost	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gregory Furnish	<input type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The motion passed, with a vote of 6-0. The meeting was adjourned at 10:38 a.m. EST.

APPROVED: 
Michael J. Popich, Chairman