



Board of Building Standards

CONFERENCE MEETING AGENDA

DATE: NOVEMBER 20, 2020
TIME: 1:00 PM
LOCATION: VIDEOCONFERENCE
DIAL-IN # 1 614-721-2972
CONFERENCE ID: 808 379 592#
[Videoconference Link](#)

Staff and Guest “Sign-In”

Call to Order

Roll Call

Recognition of Building Department Personnel

No items for consideration

Consideration of Minutes

[MIN-1](#) October 23, 2020 Meeting Minutes

Certification Hearing

[CH-1](#) Certification Hearing

Committee Reports

[CR-1](#) Code Committee Report
[CR-2](#) Certification Committee Report
[CR-3](#) Education Committee Report

Ratification of Board Recognized Accreditation Bodies, Conformity Assessment Bodies & Industry Trade Association Certification Programs

No items for consideration

Public Comments

Old Business

[OB-1](#) Case # BBS2019-011 Consideration of Settlement Agreement - John Stigalt
[OB-2](#) City of Twinsburg Investigation Report #20-01

New Business

[NB-1](#) Petitions 20-07 (RCO 1402), 20-08 (RCO 1403), 20-09 (RCO 1412), 20-10 (RCO 1413)-
Update reference to UL/CSA 60335-2-40 & 20-11 (RCO Chapt 44)

Compensate Board Members for Work Performed at their Regular Rate

Future Meeting Schedule

December 18, 2020

2021 Proposed Meeting Schedule:

January 29, 2021	August 20, 2021
February 26, 2021	September 17, 2021
March 26, 2021	October 22, 2021
May 14, 2021	November 19, 2021
June 25, 2021	December 17, 2021

Motion to Adjourn

File Attachments for Item:

MIN-1 October 23, 2020 Meeting Minutes

MINUTES
BOARD OF BUILDING STANDARDS
CONFERENCE MEETING & CERTIFICATION HEARING
October 23, 2020

The Board of Building Standards Conference Meeting was called to order at 1:00 p.m., Friday, October 23, 2020 at 6606 via videoconference, Chairman Timothy Galvin presiding.

Ms. Regina Hanshaw, Executive Secretary, called the roll and reported that the following Board members were present:

Timothy P. Galvin, General Contractor, Chair
Gregory Barney, Industrialized Units
Julienne Cromwell, Structural Engineer
Joseph F. Denk, Jr., Mechanical Engineer
John Johnson, Construction Materials
Terry McCafferty, Public Member
Don McIlroy, Mayor
Christopher Miller, Renewable Energy
John Pavlis, Homebuilder, Vice-Chair
Jeff Samuelson, Architect
Bailey Stanbery, Homebuilder
Jeff Tyler, Architect
Greg Warner, Fire Service

The following Board members were absent:

Don Leach, Attorney

The following staff members were present:

Pam Butts, Office Assistant
Megan Foley, Certification Program Administrator
Debbie Ohler, Staff Engineer
Steve Regoli, Architect Administrator
Jay Richards, Assistant Architect Administrator
Mike Regan, Plans Examiner
Rob Johnson, Assistant Architect Administrator
Brian Honen, Assistant Attorney General

The following visitors were present:

Corey Roblee
Eric Lacey

A quorum of the Board was present.

RECOGNITION OF BUILDING DEPARTMENT PERSONNEL

No items for consideration.

CONSIDERATION OF THE MINUTES

Mr. McCafferty moved and Mr. Stanbery seconded to approve the minutes of the September 23, 2020 Certification Hearing and Conference Meeting.

Chairman Galvin called for the ayes and nays.

Motion carried unanimously.

CERTIFICATION HEARING

Chairman Galvin opened the hearing to hear testimony on the individuals and building departments appearing on the Final Certification Hearing Agenda in the Board's Meeting Packet at the Hearing tab. Ms. Foley informed the Board that the individuals and departments appear on the hearing

agenda have been reviewed by the Certification Committee and determined to meet the requirements of certification. There being no testimony, Chairman Galvin closed the hearing.

COMMITTEE REPORTS

CR-1 Certification Committee Report

Mr. Samuelson gave the committee's report included in the Board's Meeting packet at Tab CR-1:

The Certification Committee met in a videoconference on October 22nd, 2020 at 9:00 AM, with the following members present: Mr. Leach, Mr. McCafferty, Ms. Cromwell, Mr. Samuelson, Mr. Stanbery, Mr. Tyler, and Mr. Warner. Mr. Galvin was also present. The Committee makes the following recommendations, included in the October 23rd, 2020 Board Packet at Tab CR1, for the Board's consideration.

Recommend the following applications be approved following a certification hearing effective immediately unless otherwise noted on the certification hearing agenda:

*Electrical Safety Inspectors must complete examinations prior to issuance of interim certification

** Denotes conditional approval

Cert ID	Name	Certification
1	Adam, Lorenzo**	Building Official**
96	Benson, John	Building Inspector
5337	Delk Sr., Michael	Plumbing Inspector
8449	Kirkpatrick, Robert	Electrical Safety Inspector*
4911	Pallens, Jose	Building Official
6280	Slaght, James	Building Official Building Plans Examiner Mechanical Plans Examiner Plumbing Plans Examiner Building Inspector Plumbing Inspector Mechanical Inspector Fire Protection Inspector Non Residential Industrial Unit Inspector

**Pending receipt of application/fee

Building Department Certifications, Manufactured Homes Inspection Agency/Inspectors

No items for consideration

Recommend the following applications be denied, additional information be requested, or other action as noted:

Personnel Certification Applications

Cobourn, Nicholas - ESI

Cert ID: 6277

Current Certifications: RBI

ESIAC Committee Recommendations: Not recommended

Committee Recommendation: Deny application, consider ESI trainee if obtain sponsor

Harris, Robert - RBI T

Cert ID:

Current Certifications:

Committee Recommendations: Request additional Information on trades experience, education.

Miller, Quinn - RBI

Cert ID: 6073

Current Certifications:

Committee Recommendations: Request additional information if interim, or trainee forms.

Slaght, James - BO, MPE, BPE, PPE, MechPE, BI, PI, MI, **ESI**, FPI, NRIUI

Cert ID: 6280

Current Certifications: None

ESIAC Recommendation: Comments received were split in recommendation for approval for ESI (2 supported approval, 2 did not).

Committee Recommendation: Recommend approval for all certifications except MPE and ESI based on education and inspection experience in other states. Deny MPE. Request additional information on ESI experience, or consider ESI trainee if obtain sponsor.

Old Business

Stigalt Settlement Agreement: Tabled

New Business

Petition 20-13 (Permit Tech Certification)

OBOA presenters Jim Decker, Charles Huber, and Nicholas Montan joined the meeting to discuss the petition. Committee tabled the petition for further discussion and development.

Mr. Samuelson moved and Mr. McCafferty seconded to approve the recommendations of the committee.

Chairman Galvin called for the ayes and nays.

Motion carried unanimously.

CR-2 Education Committee Report

Mr. McCafferty gave the committee's report included in the Board's Meeting packet at Tab CR-2:

The Education Committee held a videoconference meeting on October 22nd, 2020 at 9:00 a.m., with the following members present: Mr. McCafferty, Mr. Stanbery, Ms. Cromwell, Mr. Samuelson, Mr. Tyler, and Mr. Warner. Mr. Galvin was also present. The committee makes the following recommendations, included in the October 23rd, 2020 Board Packet at Tab CR2, for the Board's consideration.

Course Applications Approvals and Conditions as Noted.

Significant Changes to the 2020 NEC: Chapters 4-5 (Electrical Trades Center)
ESI, BI (10 hours in 3 sessions)

ESIAC Recommendation: All comments submitted recommend approval

Committee Recommendation: Recommend approval for ESI conditioned upon addition of disclaimer regarding 2020 NEC content. Add MPE, EPE. Do not recommend approval for BI

Significant Changes to the 2020 NEC: Chapters 6-8 (Electrical Trades Center)
ESI, BI (10 hours in 3 sessions)

ESIAC Recommendation: All comments submitted recommend approval

Committee Recommendation: Recommend approval for ESI conditioned upon addition of disclaimer regarding 2020 NEC content. Add MPE, EPE. Do not recommend approval for BI

Best Practices for Building Departments (International Code Council)

All Certifications (1 hour)

Committee Recommendation: Recommend approval

Background and Overview - New Mass Timber 1.5 CE

Heights and Areas and Construction Fire Safety 1.5 CE

Fire Resistance Design, Protection of Connections, and Special Inspections 1.5 CE

American Wood Council online.

Committee Recommendation: Recommend Approval

Course Application Denials, as noted.

2021 IBC Code Changes (International Code Council)

All Certifications (1.5 hours)

Committee Recommendation: Recommend disapproval: The Board has not reviewed the proposed 2021 codes, and there is no schedule for potential adoption.

2021 IBC Highlights of Structural Changes (International Code Council)

All Certifications (1 hour)

Committee Recommendation: Recommend disapproval: The Board has not reviewed the proposed 2021 codes, and there is no schedule for potential adoption.

2021 IPC Code Changes (International Code Council)

All Certifications (1.5 hours)

Committee Recommendation: Recommend disapproval: The Board has not reviewed the proposed 2021 codes, and there is no schedule for potential adoption.

2021 IRC Code Changes (International Code Council)

All Certifications (1.5 hours)

Committee Recommendation: Recommend disapproval: The Board has not reviewed the proposed 2021 codes, and there is no schedule for potential adoption.

Mr. McCafferty moved and Ms. Stanbery seconded to approve the recommendations of the committee.

Chairman Galvin called for the ayes and nays.

Motion carried unanimously.

**RATIFICATION OF BOARD RECOGNIZED ACCREDITATION BODIES,
CONFORMITY ASSESSMENT BODIES & INDUSTRY TRADE ASSOCIATION
CERTIFICATION PROGRAMS**

AB-1 RCAB Applications for Consideration:

Architectural Testing Inc (Testing Lab)

Mr. Johnson presented the application for Architectural Testing to recognized as a testing laboratory.

In accordance with the Board initiative to update its list of Conformity Assessment Bodies under rules 4101:1.1-01 and 4101:7.7-01 and after having submitted the required documents, Mr. Denk moved and Mr. McCafferty seconded to ratify item # 110: Architectural Testing Inc., Plano, TX.

Chairman Galvin called for the ayes and nays.

Motion carried unanimously.

PUBLIC COMMENTS

There were no public comments.

OLD BUSINESS

OB-1 Case # BBS2019-011 Consideration of Settlement Agreement - John Stigalt

Item remained tabled

NEW BUSINESS

There was no new business.

**COMPENSATE BOARD MEMBERS FOR WORK PERFORMED AT THEIR
REGULAR RATE**

Ms. Hanshaw reported that board members had performed committee and board work for the amount of hours, including board meetings, as follows:

Mr. Barney	8	Mr. McIlroy	8
Ms. Cromwell	16	Mr. Miller	8
Mr. Denk	8	Mr. Pavlis	8
Mr. Galvin	22	Mr. Samuelson	16
Mr. Johnson	8	Mr. Stanbery	16
Mr. Leach	8	Mr. Tyler	16
Mr. McCafferty	16	Mr. Warner	16

Mr. McCafferty moved and Mr. McIlroy seconded to compensate board members for the work performed at their regular rate.

Chairman Galvin called for the ayes and nays.

Motion carried unanimously.

FUTURE MEETINGS

Nov 20
Dec 18

ADJOURNMENT

Mr. Samuelson and Mr. Johnson seconded to adjourn. The Board adjourned at 1:20 p.m.

Timothy Galvin, Chairman
Board of Building Standards

Regina Hanshaw, Executive Secretary
Board of Building Standards

File Attachments for Item:

CH-1 Certification Hearing



NOVEMBER 20, 2020
CERTIFICATION HEARING AGENDA

Notice is hereby given that the Board of Building Standards will convene for a certification hearing in accordance with the rules of the Board at 1:00 PM, November 20th, 2020 by videoconference, which can be joined through this link: [Join Microsoft Teams Meeting](#) or joined by teleconference, Dial-in [1 614-721-2972](#) Conference ID: 808 379 592#

The purpose of the hearing is to hear testimony from anyone wishing to speak to the proposed certification of building departments, local boards of building appeals, and building department personnel.

Cert ID	Name	Certification
6376	Foster, Craig	Electrical Safety Inspector*
	Wakefield, Alexandria	Building Inspector Trainee
		Mechanical Inspector Trainee
8457	Kilroy, Christopher	Residential Building Official
6011	Schwaben, Ronald	Plumbing Plans Examiner
		Residential Building Official**
5336	Hamdallah, Taiseer	Residential Building Official
8460	Allen, Patrick	Electrical Safety Inspector*
		Residential Building Official
8455	Beckham, Eric	Residential Building Inspector
	McGowan, Thomas	Fire Protection Inspector

*Electrical Safety Inspectors must complete examinations prior to issuance of interim certification

** Denotes conditional approval

**Pending receipt of application/fee

Building Department Certifications, Manufactured Homes Inspection Agency/Inspectors

Fremont Commercial Building Department

Approval conditioned on receipt of signed ordinances, contract with Sandusky County for enforcement.

Exceptions: Med Gas

File Attachments for Item:

CR-1 Code Committee Report



Board of Building Standards

CODE COMMITTEE RECOMMENDATIONS

The Code Committee met on November 19, 2020, via videoconference, with the following members present: Mr. Denk, Mr. Samuelson, Ms. Cromwell, Mr. Johnson, Mr. Miller, Mr. Pavlis, Mr. Stanbery, and Mr. Tyler. Chairman Galvin was also present.

The committee report is included in the November 20, 2020, Board Meeting Packet at tab CR-1 for the Board's consideration.

Call to Order The meeting was called to order by Mr. Denk at 1:05 P.M.

Approval of Minutes

MIN-1 Mr. Miller moved and Mr. Samuelson seconded to approve the September 24, 2020, minutes. The motion passed unanimously.

Petitions

Recommendations of the Residential Construction Advisory Committee

R-1 Petitions 20-07 (RCO 1402), 20-08 (RCO 1403), 20-09 (RCO 1412), 20-10 (RCO 1413) and 20-11 (RCO Ch 44) - Update referenced editions of the ASHRAE 34, UL/CSA 60335-2-40, and UL 1995 standards

Board staff reviewed the petitions and the referenced standards with the committee. After committee discussion, Mr. Miller moved and Mr. Stanberry seconded to recommend approval of the petitions. The motion passed unanimously.

Old Business

OB-1 OBC 907.2.1/ICC 300

Staff presented the fire alarm system and emergency voice/alarm communication system exceptions proposed to be added for outdoor bleachers. The committee discussed the proposed language and expressed concern with the subjective phrase "immediately adjacent to" found in exception 2.2. Modifications were made to eliminate that phrase and to correct a grammatical error in exception 3. Mr. Miller made a motion to include, in a future rule change package, the proposed exceptions with the modifications made to exceptions 2.2 and 3. Mr. Samuelson seconded the motion. The motions passed unanimously.

New Business

Mr. Johnson raised a concern with the committee that some inspectors are requiring only FSK-type insulation to be installed at the rim joist, even though there is no code requirement for that specific product. Allegedly, the manufacturer of the FSK has stopped making the product.

After discussion, the committee decided that the issue could be raised at the next OBOA Code Consistency video conference in hopes that the issue will be resolved through education of the code officials.

NB-1 Proposed 2023 Ohio Code Development Schedule

Staff discussed the status of the regulatory restriction statute, presented the tentative proposed code update schedule to the committee, and shared that additional code committee meeting dates would be needed to present the 2021 model code changes to the committee.

Adjourn

Mr. Miller moved and Mr. Johnson seconded to adjourn the meeting at 2:25 P.M. The motion passed unanimously.

File Attachments for Item:

CR-2 Certification Hearing Report



Board of Building Standards

CERTIFICATION COMMITTEE MEETING REPORT

The Certification Committee met in a videoconference on November 19th, 2020 at 10:00 AM, with the following members present: Mr. Leach, Mr. McCafferty, Ms. Cromwell, Mr. McIlroy, Mr. Samuelson, Mr. Stanbery, Mr. Tyler, and Mr. Warner. Mr. Galvin was also present. The Committee makes the following recommendations, included in the November 20th, 2020 Board Packet at Tab CR2, for the Board’s consideration.

Recommend the following applications be approved following a certification hearing effective immediately unless otherwise noted on the certification hearing agenda:

Cert ID	Name	Certification
6376	Foster, Craig	Electrical Safety Inspector*
	Wakefield, Alexandria	Building Inspector Trainee Mechanical Inspector Trainee
8457	Kilroy, Christopher	Residential Building Official
6011	Schwaben, Ronald	Plumbing Plans Examiner
5336	Fay, Garrett	Residential Building Official**
	Hamdallah, Taiseer	Residential Building Official
8460	Allen, Patrick	Electrical Safety Inspector* Residential Building Official
8455	Beckham, Eric	Residential Building Inspector
	McGowan, Thomas	Fire Protection Inspector

*Electrical Safety Inspectors must complete examinations prior to issuance of interim certification

** Denotes conditional approval

**Pending receipt of application/fee

Building Department Certifications, Manufactured Homes Inspection Agency/Inspectors

Fremont Commercial Building Department

Recommend approval conditioned on receipt of signed ordinances, contract with Sandusky County for enforcement.

Exceptions: Med Gas

Timothy Galvin, Chairman

Ohio Board of Building Standards
6606 Tussing Road
Reynoldsburg, OH 43068-9009

An Equal Opportunity Employer and Service Provider

614-644-2613
Fax 614 -644-3147
TTY/TDD 800-750-0750
com.ohio.gov/dico/bbs

Recommend the following applications be denied, additional information be requested, or other action as noted:

Personnel Certification Applications

Estell, Larry - PI

Cert ID:

Current Certifications: None

Committee Recommendation: Request additional information on plumbing experience.

Application may be processed administratively if sufficient qualifying information is provided to Board staff, without further Board action.

Beckham, Eric - BI, ESI

Cert ID:

Current Certifications: None

Committee Recommendation: Refer to ESIAC for review of ESI, recommend request for additional information on structural experience for BI.

Vinas, Dominic - ESI

Cert ID:

Current Certifications: None

Committee Recommendation: Request additional information on specific electrical experience.

Shay, Patrick - BI, RBI

Cert ID: 8458

Current Certifications: None

Committee Recommendation: Request additional information on structural experience

Old Business

Stigalt Settlement Agreement: Recommend that a hearing be set.

City of Twinsburg Investigation: Accept Board staff recommendations.

New Business

Discussion of certification process during potential gap between meetings

Resolved, that Board staff may administratively process qualifying certification applications in the event meetings must be cancelled.

Timothy Galvin, Chairman

Ohio Board of Building Standards
6606 Tussing Road
Reynoldsburg, OH 43068-9009

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File Attachments for Item:

CR-3 Education Committee Report



Board of Building Standards

EDUCATION COMMITTEE MEETING REPORT

The Education Committee held a videoconference meeting on November 19th, 2020 at 10:00 a.m., with the following members present: Mr. McCafferty, Mr. Stanbery, Ms. Cromwell, Mr. Samuelson, Mr. Tyler, and Mr. Warner. Mr. Galvin was also present. The committee makes the following recommendations, included in the November 20th, 2020 Board Packet at Tab CR3, for the Board's consideration.

Course Applications Approvals and Conditions as Noted.

Firestop 101: Fire-Rated Joints (Halpert Life Safety)

BO, MPE, BPE, BI, NRIUI, RBO, RPE, RBI, RIUI (5 hours)

Committee Recommendation: Recommend approval for all BBS certifications.

Section 3412: The Alternative Method (Dabdoub and Associates)

All certifications except ESI and FPPE (2 hours)

Committee Recommendation: Recommend approval.

2015 IBC Fire-Resistance-Rated Floors, Ceilings, and Roofs (ICC)

All certifications except ESI (3 hours)

Committee Recommendation: Recommend approval.

2018 IBC Mixed Occupancies (ICC)

All certifications except ESI (3 hours)

Committee Recommendation: Recommend approval: instructor to include caution that 2018 IBC is not current law in Ohio.

2020 NEC Articles 90-210 (Fussner)

BO, MPE, EPE, RBO, ESI (8 hours)

ESIAC Recommendation: Recommend approval.

Committee Recommendation: Recommend approval with standard 2020 NEC cautions, discussion with Steve as to Article 90. Add RPE.

2020 NEC Articles 90-200 (Fussner)

BO, MPE, EPE, RBO, ESI (4 hours)

ESIAC Recommendation: Recommend approval.

Committee Recommendation: Recommend approval with 2020 cautions, discussion with Steve as to Article 90. Add RPE.

2020 NEC Articles 230-314 (Fussner)

BO, MPE, EPE, RBO, ESI (8 hours)

ESIAC Recommendation: Recommend approval.

Committee Recommendation: Recommend approval with standard 2020 NEC cautions, add RPE.

2020 NEC Articles 230-300 (Fussner)

BO, MPE, EPE, RBO, ESI (8 hours)

ESIAC Recommendation: Recommend approval.

Committee Recommendation: Recommend approval with standard 2020 NEC cautions, add RPE.

2020 NEC Articles 230-242 (Fussner)

BO, MPE, EPE, RBO, ESI (4 hours)

ESIAC Recommendation: Recommend approval.

Committee Recommendation: Recommend approval with standard 2020 NEC cautions, add RPE.

File Attachments for Item:

OB-2 City of Twinsburg Investigation Report #20-01



Ohio Board of Building Standards

Keith Foulkes Investigation

Staff Report

Number: 20-01

Personnel Involved: Keith Foulkes, Building Official, City of Twinsburg

Allegation: Unprofessional conduct.

Date Investigation Ordered: August 28, 2020

Date of Report: November 10, 2020

Board of Building Standards Duties / Report Organization and Purpose

Revised Code § 3781.10(E) directs the Board of Building Standards to certify municipal, township, and county building departments and their personnel to enforce the rules promulgated by the Board. As licensees of the Board, building departments and individuals certified by the Board are subject to review, investigation, and discipline by the Board for failure to properly enforce the Board's rules. Persons affected by the actions of Board-certified individuals and departments may file a complaint with the Board. Upon receipt of a complaint, Board Staff conducts an initial inquiry into the allegations and determines if there is enough basis to warrant further investigation. This information is provided to the Board which then determines whether to order staff to conduct the investigation. The Board has ordered an investigation in this matter.

This report provides a synopsis of the complaint, background, investigation findings and observations, applicable code requirements at issue, and presents a conclusion and recommendations. The intended use for the report is to provide adequate information to assist the Board in determining what actions, if any, it will take regarding the complaints giving rise to the investigation. It is not intended to address the rights or obligations of parties to any previous or pending enforcement action by a building department in the enforcement of the Board's rules. Parties should consult with their legal counsel regarding these matters.

Allegation / Complaint Summary

On August 3, 2020, a complaint was received from Mr. Charles Marshall alleging unprofessional conduct by Mr. Keith Foulkes, building official. The complainant alleges that Mr. Foulkes communicated to the owner of the building that as their representative was "shortening work to client" for project materials related to the foundation systems. Mr. Marshall also alleged that the building department was not reviewing and approving construction documents in a timely manner.

Background

Construction had commenced by Beacon Marshall Companies, the owner representative-contractor for a building addition to existing Mold Rite facilities in Twinsburg Ohio. A (Conditional) Phased approval was issued for foundations / footings only. Inspections were requested and being conducted at the time of the complaint. [Exhibit 1]

Investigation Findings & Observations

Board staff reviewed the statements provided by the building department and contractor and found the statements appeared contradictory. After review by Board staff, the OBBS certification committee recommended authorization of an investigation.

Board staff contacted the following individuals for the project verification details and enforcement activity, Mr. Keith Foulkes, Mr. Charles Marshall and Mr. Terry Noonan (Contractor), Ms. Carol Rinder, Mold Rite VP (Owner).

The complaint involved department communications related to an inspection that was performed on July 23, 2020. The inspection was documented as not being found in compliance with the approved construction documents.

The contractor was under an immediate deadline to pour the concrete slab based on their scheduled next day delivery of concrete material. If they rescheduled, the supplier would not be able to deliver for 2 weeks due to demand, thus setting back the project schedule.

Mr. Foulkes provided the following timeline information and background regarding the status of the enforcement of the project related specific to this situation: [Exhibit 2]

July 23, 2020 - Inspection of interior slab pre-pour - non-compliance.

July 23, 2020 - Submittal of Addendum No. 3 - omitting vapor barrier and perimeter insulation.

July 23, 2020 - meeting on site to discuss Addendum No. 3 as not approved and requirements of compliance relating to Energy Code. On site: Keith Foulkes, Building Official; Dan Cegelka, Building Inspector; Jason Pastorius City of Twinsburg; Brian Lapikus Mold Rite; Terry Noonan EM Construction. Discussion about approved plans and OBC Chapter 1 requirements. Explained the requirement of Energy Compliance and without support documents from Designer of record, Addendum No.3 could not be approved. Terry Noonan indicated E M Construction was moving forward at their own risk and pouring the floor/slab without vapor barrier and perimeter insulation per approved plans.

July 23, 2020- Email follow up to Terry Noonan regarding site meeting and approvals issued to date.

Mr. Foulkes also provided a copy of the phased approval that included information needed for further compliance for future approvals for the project. This included energy compliance requirements which would have included the information provided in the foundation phased approval. [Exhibit 3]

Mr. Noonan (Contractor) provided a timeline and background information as well. [Exhibit 4] In it he provided the extenuating circumstances of their concern and request of the building department. He provided that the foundation insulation and vapor barrier was not in the scope of their contract with the owner. The inspector was pointing out that the documents would need to be revised and resubmitted for review and approval. Board staff noted that the scope of the work and contract is not the responsibility of the building department, but to only address specific requirements of the approval. Board staff determined that everything was correctly enforced. However, the inspector could not guarantee as Mr. Noonan pointed out that it would be approved in time to allow them to proceed with the work the next day. Mr. Noonan also indicated they would proceed with work the next day. Board staff noted that the contractor was proceeding 'AT Risk' by doing so.

The site meeting on July 23, 2020 specifically addressed the concerns regarding the insulation and vapor barrier required to be installed per the approved documents. There was misunderstanding and miscommunication about the matter based on the concern of the

construction schedule. The contractor at the meeting requested the information needed to comply which was the ComCheck and the revised drawings. Mr. Noonan (contractor) provided they were submitted to the building department by the designer on July 29, 2020. [Exhibit 5]

Mr. Foulkes provided additional information regarding his correspondence with the parties of the project and the details of the events. [Exhibit 6, 7] Mr. Foulkes also provided a letter from the Twinsburg mayor, Mr. Yates, who provided that he has not heard from the owner about this issue, and had affirmed the process required to comply with the building codes and approvals that the building department personnel are enforcing. [Exhibit 8]

Code Requirements

104.2.1 Building official. The building official is responsible for the enforcement of the rules of the board and of Chapters 3781. and 3791. of the Revised Code relating to the construction, arrangement, and the erection of buildings or parts thereof. All building officials shall conduct themselves in a professional, courteous, impartial, responsive, and cooperative manner. The building official shall render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Building officials shall be responsible to assure that a system is in place to track and audit all projects, to assure that all building department personnel perform their duties in accordance with this section, and for the overall administration of a building department....:

Conclusion

Board staff, after having reviewed the information, determined that Mr. Foulkes and the Twinsburg inspectors followed the enforcement provisions of the Board's rules. It was appropriate to cite that the construction did not comply with the approved documents. They also communicated with the owner's representative (contractor) of the options available to comply. The designer (Architect) did revise and resubmit the documents. The documents were reviewed and approved based on the order received. It was also verified that Mr. Foulkes did communicate with the owner, Carol Rinder, as required by the building code. The owner provided that Mr. Foulkes left a voice mail message to her where he indicated that he believed it was not appropriate how the contractor was handling the project in that they intended to proceed with work that was determined by the inspector to not comply with the approved documents. Ms. Rinder indicated that she forwarded this information to her maintenance manager to address the issue with the contractor since she was not familiar with the circumstances and was not involved with the work. She did not communicate with Mr. Foulkes directly.

Board staff has determined that the communication from Mr. Foulkes may have been misinterpreted by the parties that received the information. Board staff communicated with Mr. Foulkes about the issue and he agreed that that he could have been more clear and direct about the building code compliance issue in his communication with Ms. Rinder to place emphasis less about his perception of how the contractor was responding, since the issue was specifically about the construction not complying with the approved construction documents. He expressed concern that the contractor communicated that they intended to proceed with the work before it was confirmed that the insulation and vapor barrier that was in the approved documents could be removed and not adversely affect compliance with the energy requirements

of the building design. Board staff also determined that the correspondence of Ms. Rinder did not indicate that Mr. Foulkes said 'the contractor was cheating the owner', only that he felt it was inappropriate for the contractor to proceed with work prior to code compliance through revised and resubmitted documents that were approved.

Board staff have determined that no violations to the Board's rules have occurred.

Recommendations

Board staff recommends closing the investigation against Mr. Keith Foulkes, Building Official, with no further action.

File Attachments for Item:

NB-1 Petitions 20-07 (RCO 1402), 20-08 (RCO 1403), 20-09 (RCO 1412), 20-10 (RCO 1413)-
Update reference to UL/CSA 60335-2-40

UL 1995 Transition to UL 60335-2-40



JULY 31
2019

Existing products impacted by, but do not yet comply with the new Electric Heat Back-up Protection requirements or the Ultraviolet Light (UV) requirements noted in UL 1995, 5th edition must be evaluated for compliance

UL 60335-2-40 3rd edition is out for ballot. This edition contains A2L refrigerant specific requirements. The scope now aligns with UL 1995

DECEMBER
2018

SEPTEMBER 15
2017

UL 60335-2-40, 2nd edition published

- Includes requirements for air-conditioners rated up to 15kV, partial units, and revised electric heat requirements.
- Includes requirements for the use of A2 and A3 (flammable) refrigerants.

NOVEMBER 30
2012

UL 60335-2-40, 1st edition published

- Covers products rated less than 600 Volts.
- Does not include requirements for the use of A2 and A3 (flammable) refrigerants.

Currently, manufacturers may have UL 1995 Certified products evaluated to UL 60335-2-40. UL 1995 will remain a valid certification standard through January 1, 2024, when it will be effectively obsolete. At that time, UL 1995 will no longer be used to certify new products.

FEBRUARY 6
2019

60335-2-40 ballot closes

JULY 15
2015

UL 1995, 5th edition published
The 5th Edition covers all products..

JANUARY 1
2024

All products shall comply with UL 60335-2-40 3rd edition by January 1, 2024. Today, products may be listed to either UL 1995 or UL 60335-2-40. However, with minimum equipment efficiency changes scheduled for 2023 and 2024, coupled with Low GWP refrigerant requirements expected in several states, all equipment within the scope of UL 1995 shall be retested to the requirements in the 3rd edition UL 60335-2-40

APPLICATION

FOR
RULE CHANGE



BOARD OF BUILDING STANDARDS

6606 Tussing Road, P.O. Box 4009

Reynoldsburg, Ohio 43068-9009

(614) 644-2613

bbs@ohio.gov

www.com.state.oh.us/dico/bbs/default.aspx

Pursuant to section 3781.12 of the Revised Code and rules adopted by the Board of Building Standards, application is herewith submitted to adopt, amend, or annul a rule adopted by the Board pursuant to section 3718.10 of the Revised Code.

For BBS use:	
Petition #:	<u>20-07</u>
Date Recv'd:	<u>August 18, 2020</u>

Submitter: Julius Ballanco, P.E. JB Engineering and Code Consulting, P.C.
(Contact Name) (Organization/Company)

Address: 1661 Cardinal Drive
(Include Room Number, Suite, etc.)
Munster IN 46321
(City) (State) (Zip)

Telephone Number: (219) 922-6171 **Fax Number:** (219) 922-6172

Date: June 16, 2020 **E-mail Address:** JBEngineer@aol.com

Code Section: Section 1402 - Central Furnaces

General Explanation of Proposed Change (attach additional sheets if necessary):

Add UL/CSA 60335-2-40 as equivalent to the existing UL 1995 already listed.

Explanation of Cost Impact of Proposed Code Change*: The code change proposal will not increase or decrease the cost of construction. As a result, there is no impact to cost.

*Attach additional cost information as necessary to justify any statement of cost increase or cost decrease.

Information on Submittal (attach additional sheets if necessary):	
1. Sponsor:	JB Engineering and Code Consulting, P.C. Organization sponsoring or requesting the rule change (if any)
2. Rule Title:	2019 Ohio Residential Code - Section 1402 Title of rule change
3. Purpose/ Objective:	Many manufacturers will be transitioning away from UL 1995 to UL 60335-2-40 for most new products over the next few years, because UL 1995 will be obsoleted effective 1/1/2024 (see the attached notification from UL concerning this transition from UL 1995 to UL/CSA 60335-2-40). The newest 3rd edition of UL 60335-2-40, published November 2019, has many new requirements for electrical and refrigerant safety. The 3rd edition includes requirements for UV-C germicidal lamp systems, CO ₂ systems, photovoltaic systems, new marking requirements, water ingress rating system as well as allowances for Low Global Warming Potential (Low GWP) Group A2L refrigerants. Nationally Recognized Testing Laboratories (NRTL's) as they are approved by OSHA, will use the latest version of the UL 60335-2-40 safety standard for certification testing. Technical justification for the proposed rule change
4. Formatted Rule Language (Using Strike-out for Deleted Text and Underline for Added Text)	SECTION 1402 CENTRAL FURNACES 1402.1 General. Oil-fired central furnaces shall conform to ANSI/UL 727. Electric furnaces shall conform to UL 1995 or <u>UL/CSA 60335-2-40</u> . Use strike-out for deleted text and underline for added text
5. Notes:	<ol style="list-style-type: none"> 1. To encourage uniformity among states using model codes, it is recommended that the submitter first submit any code change directly to ICC and participate in the national model code development process. 2. Please provide a copy of application and documentation. 3. Use a separate form for each code change proposal.

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For BBS use:	
Petition #:	20-08
Date Recv'd:	August 18, 2020

Submitter: Julius Ballanco, P.E. JB Engineering and Code Consulting, P.C.
(Contact Name) (Organization/Company)

Address: 1661 Cardinal Drive
(Include Room Number, Suite, etc.)

Munster IN 46321
(City) (State) (Zip)

Telephone Number: (219) 922-6171 **Fax Number:** (219) 922-6172

Date: August 17, 2020 **E-mail Address:** JBEngineer@aol.com

Code Section: Section 1403 - Heat Pump Equipment

General Explanation of Proposed Change (attach additional sheets if necessary):

Delete the reference to ANCE as they have withdrawn as a sponsor of 60335-2-40 standard after the 2nd Edition.

Explanation of Cost Impact of Proposed Code Change*: The code change proposal will not increase or decrease the cost of construction. As a result, there is no impact to cost.

*Attach additional cost information as necessary to justify any statement of cost increase or cost decrease.

APPLICATION

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Pursuant to section 3781.12 of the Revised Code and rules adopted by the Board of Building Standards, application is herewith submitted to adopt, amend, or annul a rule adopted by the Board pursuant to section 3718.10 of the Revised Code.

For BBS use:	
Petition #:	20-09
Date Recv'd:	August 18, 2020

Submitter: Julius Ballanco, P.E. JB Engineering and Code Consulting, P.C.
(Contact Name) (Organization/Company)

Address: 1661 Cardinal Drive
(Include Room Number, Suite, etc.)

Munster IN 46321
(City) (State) (Zip)

Telephone Number: (219) 922-6171 **Fax Number:** (219) 922-6172

Date: August 17, 2020 **E-mail Address:** JBEngineer@aol.com

Code Section: Section 1412 - Absorption Cooling Equipment

General Explanation of Proposed Change (attach additional sheets if necessary):

Delete the reference to ANCE as they have withdrawn as a sponsor of 60335-2-40 standard after the 2nd Edition.

Explanation of Cost Impact of Proposed Code Change*: The code change proposal will not increase or decrease the cost of construction. As a result, there is no impact to cost.

*Attach additional cost information as necessary to justify any statement of cost increase or cost decrease.

Information on Submittal (attach additional sheets if necessary):	
1. Sponsor:	<p>JB Engineering and Code Consulting, P.C.</p> <p style="text-align: center;">Organization sponsoring or requesting the rule change (if any)</p>
2. Rule Title:	<p>2019 Ohio Residential Code - Section 1412</p> <p style="text-align: center;">Title of rule change</p>
3. Purpose/ Objective:	<p>The reference to ANCE as a sponsor of this UL/CSA 60335-2-40 standard has been removed as ANCE in Mexico withdrew from the 3rd Edition is no longer associated with this standard after the 2nd Edition.</p> <p style="text-align: center;">Technical justification for the proposed rule change</p>
4. Formatted Rule Language (Using Strike-out for Deleted Text and Underline for Added Text)	<p style="text-align: center;">SECTION 1412 ABSORPTION COOLING EQUIPMENT</p> <p>1412.1 Approval of equipment. Absorption systems shall be installed in accordance with the manufacturer's instructions. Absorption equipment shall comply with UL 1995 or UL/CSA/ANCE 60335-2-40.</p> <p style="text-align: center;">Use strike-out for deleted text and underline for added text</p>
5. Notes:	<ol style="list-style-type: none"> 1. To encourage uniformity among states using model codes, it is recommended that the submitter first submit any code change directly to ICC and participate in the national model code development process. 2. Please provide a copy of application and documentation. 3. Use a separate form for each code change proposal.

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Pursuant to section 3781.12 of the Revised Code and rules adopted by the Board of Building Standards, application is herewith submitted to adopt, amend, or annul a rule adopted by the Board pursuant to section 3718.10 of the Revised Code.

For BBS use:	
Petition #:	<u>20-10</u>
Date Recv'd:	<u>August 18, 2020</u>

Submitter: Julius Ballanco, P.E. (Contact Name) JB Engineering and Code Consulting, P.C. (Organization/Company)

Address: 1661 Cardinal Drive (Include Room Number, Suite, etc.)
Munster IN 46321
 (City) (State) (Zip)

Telephone Number: (219) 922-6171 **Fax Number:** (219) 922-6172

Date: August 17, 2020 **E-mail Address:** JBEngineer@aol.com

Code Section: Section 1413 - Evaporative Cooling Equipment

General Explanation of Proposed Change (attach additional sheets if necessary):
 Delete the reference to ANCE as they have withdrawn as sponsor of 60335-2-40 standard after the 2nd Edition.

Explanation of Cost Impact of Proposed Code Change*: The code change proposal will not increase or decrease the cost of construction. As a result, there is no impact to cost.

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Pursuant to section 3781.12 of the Revised Code and rules adopted by the Board of Building Standards, application is herewith submitted to adopt, amend, or annul a rule adopted by the Board pursuant to section 3718.10 of the Revised Code.

For BBS use:	
Petition #:	<u>20-11</u>
Date Recv'd:	<u>August 18, 2020</u>

Submitter: Julius Ballanco, P.E. JB Engineering and Code Consulting, P.C.
(Contact Name) (Organization/Company)

Address: 1661 Cardinal Drive
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Munster IN 46321
(City) (State) (Zip)

Telephone Number: (219) 922-6171 **Fax Number:** (219) 922-6172

Date: August 17, 2020 **E-mail Address:** JBEngineer@aol.com

Code Section: Section 1402 - Central Furnaces

General Explanation of Proposed Change (attach additional sheets if necessary):

Update UL/CSA 60335-2-40 listing. The latest edition is bi-national whereas the previous was tri-national. Also updates ASHRAE 34 to the latest edition since it addresses the newer Low GWP refrigerants.

Explanation of Cost Impact of Proposed Code Change*: The code change proposal will not increase or decrease the cost of construction. As a result, there is no impact to cost.

*Attach additional cost information as necessary to justify any statement of cost increase or cost decrease.

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2. Rule Title:	<p>2019 Ohio Residential Code - Chapter 44</p> <p style="text-align: center;">Title of rule change</p>																														
3. Purpose/ Objective:	<p>UL 60335-2-40 has been significantly updated in the 2019 edition. Most new products over the next few years, because UL 1995 will be obsoleted effective 1/1/2024 (see the attached notification from UL concerning this transition from UL 1995 to UL/CSA 60335-2-40). The newest 3rd edition of UL 60335-2-40, published November 2019, has many new requirements for electrical and refrigerant safety. The 3rd edition includes requirements for UV-C germicidal lamp systems, CO₂ systems, photovoltaic systems, new marking requirements, water ingress rating system as well as allowances for Low Global Warming Potential (Low GWP) Group A2L refrigerants. Nationally Recognized Testing Laboratories (NRTL's), as they are approved by OSHA, will use the latest version of the UL 60335-2-40 safety standard for certification testing.</p> <p>The reference to ANCE as a sponsor of this UL/CSA 60335-2-40 standard has been removed as ANCE in Mexico withdrew from the 3rd Edition and is no longer associated with this standard after the 2nd Edition.</p> <p>ASHRAE 34-2019 includes many new Low GWP refrigerants that do not appear in previous editions of the standard. It should be noted that the 2021 ICC International Residential Code references the 2019 edition of ASHRAE 34.</p> <p>The titles shown in Section 4401.3 - Referenced Standards for UL/CSA 60335-2-40 have been updated to reflect the current title of the standards.</p> <p style="text-align: center;">Technical justification for the proposed rule change</p>																														
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