

CALIFORNIA BUILDING STANDARDS COMMISSION MEETING
January 19, 2023

Agenda Item 1. Call to Order

Designated Chair Miriam Ingenito, Government Operations Agency Undersecretary, called the meeting of the California Building Standards Commission (CBSC) to order at 9:07 a.m. The meeting was held via Zoom and teleconference hosted by CBSC.

Roll Call

CBSC Staff Member Pamela Maeda called the roll and Undersecretary Chair Ingenito stated that a quorum was present.

Commissioners Present: Undersecretary Miriam Ingenito, Chair
Erick Mikiten
Rajesh Patel
Peter Santillan
Kent Sasaki
Juvilyn Alegre
Frank Ramirez
James D. Haskin

Commissioners Absent: Elley Klausbruckner
Laura Rambin
Aaron Stockwell

Chair Miriam Ingenito led the Commission in the Pledge of Allegiance. Executive Director Mia Marvelli gave instructions regarding public comments and teleconferencing.

Agenda Item 2. Commissioner re-appointments

Chair Ingenito announced that Governor Gavin Newsom had reappointed both Laura Rambin and James Haskin to four-year terms. Ms. Rambin will be sworn in at a future meeting, as she was unable to attend today.

Chair Ingenito noted that Mr. Haskin is the Director of Pre-Construction at All Temperature Service Air Conditioning, Inc. and is a member of the Sheet Metal and Air Conditioning Contractors National Association. He was appointed to fill the Licensed Contractor Member seat.

Chair Ingenito conducted the swearing in process for Mr. Haskin.

Agenda Item 3. Comments from the public on issues not on this agenda

Robert Glass, Daikin Comfort Technologies and also speaking on behalf of the Air-Conditioning, Heating, and Refrigeration Institute (AHRI), commented on California's adoption of the 2020 National Electric Code (NEC). As of January 2023, there are 31 states that have adopted the 2020 NEC, and 30 of those states have modified or delayed Section 210.8F, which relates to GFCI requirements on outdoor outlets that affect HVAC equipment.

He brought forward that California was the only state that has not modified or delayed Section 210.8F. AHRI is concerned about nuisance trips of GFCIs in connection with HVAC equipment because of incompatibilities between GFCIs and HVAC equipment.

NFPA issued TIA 20-19 for the 2020 NEC that exempts or delays the implementation of the 210.8F requirements on listed HVAC equipment until September 1, 2026. That is also included in the 2023 NEC.

Chair Ingenito: Thank you for bringing that forward.

Executive Director Marvelli commented and made the Commissioners aware that this topic was discussed with several state agencies. CBSC is working with Mike Stone and Mr. Glass.

CBSC is considering issuing an information bulletin to explain this topic and there are some challenges with the timing of the TIA and the rulemaking cycle here in California. This TIA is published in the 2020 NEC and will be adopted in the 2023 NEC during California's next code cycle.

Agenda Item 4. Review and approval of meeting minutes

- a) January 18 and 19, 2022
- b) January 26, 2022
- c) March 30, 2022

Motion: Chair Ingenito entertained a motion to consider the approval of the January 18 and 19, 2022, meeting minutes. Commissioner Sasaki moved to approve Item 4a. Commissioner Patel seconded. Motion carried 5 yes, 0 no, and 1 abstain, per roll call as follows:

The following Commissioners voted "Yes": Mikiten, Sasaki, Alegre, Santillan, Patel.

The following Commissioner "Abstained": Haskin.

Motion: Chair Ingenito entertained a motion to postpone review and approval of the January 26, 2022, meeting minutes, as a quorum could not be established. Commissioner Sasaki moved to postpone Item 4b. Commissioner Alegre seconded. Motion to postpone carried 7 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted "Yes": Ramirez, Haskin, Mikiten, Alegre, Santillan, Patel and Sasaki.

Subsequently, a motion was made to consider reopening the voting for the January 26, 2022, meeting minutes. Commissioner Mikiten moved to reopen the vote for Item 4b. Commissioner Haskin seconded. Motion carried 6 yes, 0 no, and 1 abstain, per roll call as follows:

The following Commissioners voted "Yes": Mikiten, Sasaki, Alegre, Haskin, Santillan, Patel. The following Commissioner "Abstained": Ramirez.

Motion: Chair Ingenito entertained a motion to consider the approval of the January 26, 2022, meeting minutes. Commissioner Mikiten moved to approve Item 4b.

Commissioner Alegre seconded. Motion carried 4 yes, 0 no, and 3 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Mikiten, Alegre, Santillan, Patel.

The following Commissioners “Abstained”: Ramirez, Haskin, Sasaki.

Motion: Chair Ingenito entertained a motion to consider the approval of the March 30, 2022, meeting minutes. Commissioner Patel moved to approve Item 4c. Commissioner Haskin seconded. Motion carried 5 yes, 0 no, and 2 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Mikiten, Ramirez, Alegre, Santillan, Patel.

The following Commissioners “Abstained”: Sasaki, Haskin.

Agenda Item 5. Executive Director Report

Executive Director Marvelli made personnel announcements for CBSC. Mr. Kevin Day was selected as the CBSC Deputy Executive Director. Kevin has been with CBSC since 2010 in a variety of classifications and had a short stint at the Department of General Services as a legislative analyst. He came back to CBSC as a Staff Services Manager I in a Specialist capacity.

The other announcement was about Katrina Benny, who is CBSC’s Staff Services Manager I and leads the administrative team. She will retire in the spring.

Commissioner Sasaki commented that the Commissioners want to congratulate Kevin on his appointment to a new position and also Katrina on her upcoming retirement.

Executive Director Marvelli reminded everybody that the 2022 edition of Title 24 was published last July, and it became effective January 1 of this year, and launched the new code changes.

Errata were issued only for specific parts: Part 2, Part 2.5, Part 5, Part 6, and Part 9 and are posted on CBSC’s website. She also reminded those who have not registered their code books to do so via CBSC’s website. At the bottom of the Codes page, there is a list of contact information for the publishers.

As of December 1, 2022, CBSC received 28 different rulemaking packages from the various state agencies. CBSC staff has been reviewing those packages for compliance with the Administrative Procedure Act and preparing them for the upcoming Code Advisory Committee meetings.

Executive Director Marvelli shared her screen at this point.

The Health Facilities Code Advisory Committee material has been published on CBSC’s website. The posting contains the HCAI, or OSHPD as they were previously known, rulemakings for Part 1 and Chapter 12 in Part 2. Those materials have been sent out to the interested parties. The meeting notice and materials are available on CBSC’s website.

The ACCESS Code Advisory Committee meeting materials are also available. HCD and DSA have code packages that are for Part 2.

The next few Code Advisory Committee meetings are GREEN, BFO, which is combined with SDLF, and PEME.

Executive Director Marvelli addressed Commissioner Patel's offline question about the State Fire Marshal's Office rulemaking package. They submitted back in December, and it will be posted with the BFO and SDLF information on or around February 10th. They also submitted some code change packages for Plumbing Electrical Mechanical and that information will be posted on or around February 24th.

Commissioner Patel thanked the staff for their work with the Code Advisory Committees. A couple of members called to express their thanks to staff for going over the process for them, explaining what they can do, how the process works, and going through the rules of engagement for their meetings.

Executive Director Marvelli thanked Commissioner Patel for that information. CBSC understands that there are many Code Advisory Committee members that have been doing this for many years, but not everybody knows the process, so orientation was needed last code cycle. The Code Advisory Committee meetings are going to be Zoom meetings with public participation and some of these meetings are multi-day because of the size of the code packages, the quantity of the code package, and the higher public interest in those code packages.

Executive Director Marvelli shared a PowerPoint slide that shows a timeline of the rulemaking process. Pre-cycle has concluded and now CBSC staff prepares for the code advisory committee hearings to comply with Bagley-Keene. The committee members provide recommendations which are in alignment with and similar to the actions that the Commission takes at the end of the process.

After the code advisory committee meetings, state agencies will take into consideration the recommendations provided by the committee members, and they may or may not change their code package based on those recommendations. Edits are made in the Express Terms and the ISOR. The ISOR is updated and includes the recommendation by the code advisory committee and what action the state agency took as a result of that recommendation. The state agencies then resubmit the code packages to CBSC. Then, there is a lot of activity for CBSC staff getting those rulemakings packages, reviewing them, and getting them ready to post for the 45-day comment period. This happens in late February, March, and April. The Commission will hear those packages in June and August at three-day meetings. CBSC Commission Meeting dates are listed on CBSC's web page.

Executive Director Marvelli shared a graphic showing levels of public participation in the code development process.

Commissioner Ramirez asked, "With respect to any changes, you can only change anything that has been a part of the deliberations previously, is that correct?"

Executive Director Marvelli gave an example of the regulations for carbon reduction. There were four workshops, and those rulemakings are going to be heard by the GREEN code advisory committee. If, after those meetings, someone wanted to propose regulations about water efficiency, that would not be acceptable. But for topics already

proposed, there are nuances to what can be massaged during the rulemaking cycle versus what would be considered a topic that has not been discussed.

Comments and questions and from the Commissioners:

There were no additional comments or questions from the Commissioners.

Comments and questions from the Public:

There were no comments or questions from the public.

Agenda Item 6. Future Agenda Items

Comments and questions from the Commissioners:

There were no comments or questions from the Commissioners.

Comments and questions from the Public:

There were no comments or questions from the public.

Agenda Item 7. Adjourn

Chair Ingenito entertained a motion to adjourn. Commissioner Mikiten moved Item 7. Commissioner Santillan seconded.

The voice vote was unanimous, and the meeting adjourned at 10:08.