

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 10-103		Hearing Location: Madison, WI	
Rule Number: Chapters Comm 2, 5, 14, 21 and 61 to 66		Hearing Date: October 5, 2010	
Relating to: Commercial Buildings			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Speaker 1, Exhibit 1	Lynn R. Lauersdorf Madison, WI	Concerned with code change proposals related to air barrier-requirements. Requests the Department consider amendments to the proposed Wisconsin modifications. Provided suggested code language for ss. Comm 62.1202 (1) and (2), Comm 62.1211 and Comm 63.0501.	The 2009 edition of the IECC under chapter 4 for residential buildings contains provisions for air barriers. The 2012 edition of the IECC under chapter 5 for commercial buildings will contain specific provisions for air barriers. The proposed Wisconsin modifications and the amendments proposed by the commenter are not coordinated with IECC provisions. The proposed Wisconsin modifications will cause potential compliance confusion without extensive further modification to the IBC and IECC. The proposed Wisconsin air barrier provisions have been withdrawn in light of the developments in the IBC and IECC.
Speaker 2, Exhibit 1	Pat Conway International Masonry Institute Mt. Horeb, WI	Supports the comments and suggested code language submitted by Lynn Lauersdorf relating to air barrier requirements.	See response under Lauersdorf, speaker 1.
Speaker 3 Exhibit 2	Wayne Vandenberg Structural Engineers Association – Wisconsin (SEA-WI) Sun Prairie, WI	Proposes adopting in its entirety Chapter 17 of the IBC so Wisconsin is no longer lagging behind other neighboring states that have already done so. Suggest revising s. Comm 62.1700 to include all IBC Chapter 17 requirements for structural tests and special inspections.	For decades the Department has mandated the use of a supervising professional, s. Comm 61.40, to help facilitate code compliance during construction. The Department will evaluate the concept of special inspections under IBC chapter 17 separately. The concept of special inspections statewide would seem to necessitate the implementation of an inspector certification scheme.
Speaker 4 Exhibit 3	William Babcock Wisconsin Society of Architects (AIA) Madison, WI	<p><b>a.</b> Concerned that the note added to the Department’s plan submittal form, SBD 118, may not be consistent with statutory or rule requirements, and therein confusing with unintended consequences. Offers several possible solutions:</p> <ul style="list-style-type: none"> <li>• Delete the added language, “Note: Building Supervising Professional is also responsible for supervision of the Lighting &amp; Fire Suppression/Alarm installation (If Applicable),” in its entirety.</li> <li>• Strike the added language prior to signing the form. There does not appear anything preventing</li> </ul>	<b>a.</b> The Department has evaluated and will revise the form as appropriate with the implementation of the code revisions.

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		<p>architects and other design professionals from editing such an application form to more accurately reflect their responsibilities.</p> <ul style="list-style-type: none"> <li>• Change the language of the note to clarify the intent of</li> </ul>	
	Babcock continued	<ul style="list-style-type: none"> <li>• “(If Applicable)” included at the end. Does it mean if the component is in the professional’s scope of service or if the component is part of the project? Different plan reviewers have different interpretations.</li> </ul> <p>Revise the SBD-118 form to allow different supervising professionals to check separate boxes and provide signatures related to the installation of different building components and systems [e.g. HVAC, Lighting, Fire Suppression, Fire Alarm, etc.]. Since the form currently allows the supervising professional to indicate whether the compliance statement will apply to the “Building” or “HVAC,” why shouldn’t SBD-118 also identify the installation of other components.</p> <p><b>b.</b> Suggests revising, if necessary, s. Comm 61.40 clarifying that multiple supervising professionals may be responsible for different components of the building project.</p> <p><b>c.</b> Believes the SBD 118 form may be inconsistent with administrative rules with respected to several issues, including:</p> <ul style="list-style-type: none"> <li>• Pre-manufactured and pre-engineered structural components.</li> <li>• Identification of the supervising professional relative to certain types of project delivery approaches.</li> <li>• Signing and sealing of electrical and plumbing plans.</li> </ul>	<p><b>b.</b> Comm 61.40 (1) has been revised to recognize that supervision can be accomplished by one or more individuals.</p> <p><b>c.</b> The Department has evaluated and will revise the form as appropriate.</p>

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Speaker 5 Exhibit 4	Isaac Elnecape Midwest Energy Efficiency Alliance Chicago, IL	<b>a.</b> Believes using the 2009 edition of the International Energy Conservation Code, IECC, represents a significant improvement in energy efficiency.	<b>a.</b> Support noted.
	Elnecape continued	<b>b.</b> Supports the inclusion of air barrier requirements into the code. Echoes comments made by Lynn Lauersdorf and Pat Conway. Requests that the Department consider amendments that reflect modifications to the Department of Energy's code change proposal (EC147) for the 2012 edition of the International Energy Conservation Code. Provided suggested code language that incorporated the EC 147 proposal.  <b>c.</b> Suggests deleting s. Comm 63.0502 since it is almost identical to that in s. Comm 62.1211.  <b>d.</b> Points out that under the Rule Analysis Illinois as of February, 2010 implemented a statewide energy code.	<b>b.</b> See response under Lauersdorf, speaker 1. Extensive suggestions and numerous modified amendments were proposed for the 2012 edition of the IECC. The Department is proposing to adopt and reference the 2009 editions of the ICC codes. To incorporate the not yet printed 2012 IECC changes would basically necessitate the Department reprinting the entire 2012 IECC as a Wisconsin modification and possibly have to create additional modifications for the IBC, IMC and IFGC to ensure code consistency. The Department plans on updating the Commercial Building Code in the future to reflect the 2012 editions of the ICC codes. The Department has the statutory mandate under s. 101.027, Stats., to review and update energy conservation standards to reflect the most current IECC. <b>c.</b> The proposed Wisconsin air barrier provisions have been withdrawn in light of the developments in the IBC and IECC. See response under Lauersdorf, speaker 1. <b>d.</b> The Rule Analysis has been revised to reflect this aspect for Illinois.
Speaker 6	Brian Stroik Building Enclosure Council of Wisconsin Board of Directors BETEL/NIBS Richfield, WI	Supports the comments submitted by Lynn Lauersdorf and Pat Conway.	See response under Lauersdorf, speaker 1.
Speaker #7 Exhibit 4 Exhibit 16	Ronald P. Bristol State of Wisconsin, Department of Administration, Division	<b>a.</b> Requests an exception under IMC 607.5.5 and IBC 716.5.3 to eliminate the requirement for smoke dampers on fully ducted exhaust air systems if the building is equipped with an automatic sprinkler system as per Section 903.1.1.1 and	<b>a.</b> The Department's research indicate that requested exception does not exist within NFPA 101 or NFPA 90A with respect to the requirements relating to the protection of ducts and air-transfer openings in shaft enclosures. The

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	of State Facilities Madison, WI	the exhaust fans are powered continuously as per Section 909.11 of the IBC. Cites a similar exception in NFPA 101 Chapter 8.5.4.3 (3) and NFPA 90A chapter 5.3.5.1.4.	cited references pertain to shaft enclosures (IBC s. 716.5.3 and IMC s. 607.5.5) and not smoke barriers (IBC s. 716.5.2 and IMC s. 607.5.2) as are the provisions referenced from within NFPA 101 and NFPA 90A.
	Bristol continued	<b>b.</b> Suggests an exception be provided un IBC 716.3.2.1 and IMC 607.5.4.1 allowing the elimination of smoke detectors in supply air ducts if within 5 feet of smoke damper or spot detectors are located downstream of supply fans and ahead of any branch ducts. Contends that the spot detector is consistent with NFPA 90A 6.4.2.1.	<b>b.</b> The rules have been revised to incorporate modifications as acceptable methods under IBC and IMC that reflect the NFPA 72 provision where duct detectors actuate smoke dampers.
Speaker #8	Matthew Mertens Northshore Fire Department Bayside, WI	<b>a.</b> Requests that Section 62.0904 of the IBC and a cross-reference in a note in Comm 14 relating to manual-wet sprinkler systems be clarified. Points out that the term “manual-wet” is not defined. Believes it is important for local municipalities to be allowed to create ordinances based on what they can do (within their response time) to protect their citizens and customers. <b>b.</b> Points out that IBC 62.1020 relating to rated stairwells has various interpretations including allowing those stairwells to become mechanical shafts. Asks that Wisconsin clarify this language so rated stairwells are used only for egress and are not used for plumbing, HVAC or electrical traces.	<b>a.</b> The Department has decided to eliminate the concept of a manual-wet sprinkler since it is no longer consistent with national fire protection philosophies or concepts. <b>b.</b> Section IBC 1020 has been renumbered 1022. The Department believes that sections IBC 1022.4 and 1022.5 are clear and specific as to what penetrations and mechanical systems are permitted into or through the rated construction that creates an exit enclosure.
Speaker #9	Brad Rowe Thermal Design Stoughton, WI	<b>a.</b> Requests that the Department look at the R-value tables in the proposed code. Believes the three different R-values will confuse engineers and designers. <b>b.</b> Believes the proposed code changes contradict prescriptive requirements for metal building roof and walls. Contends that Wisconsin would be implementing overstated and inflated performance values if it adopts the 2009 IECC. Recommends looking at or waiting for EC 157 and ASHRAE 189.	<b>a.</b> The IECC R-value tables have been in place since the 2006 edition of the IECC and the Department is not aware of problems with the format either with compliance or plan submittals. <b>b.</b> The Department understanding is that changes for 2012 edition of the IECC reflect the concept of a “20 to 30 %” increase energy efficiency. The Department believes that it premature in adjusting one specific area of focus for the utilization of the 2009 edition of the IECC.

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Exhibit 5	Len Anastasi, Air Barrier Association of America, Walpole, MA	Supports the comments submitted by Lynn Lauersdorf and Pat Conway. Includes a copy of Lauersdorf and Conway's comments.	See response under Lauersdorf, speaker 1.
Exhibit 6	Pat Stevens, Wisconsin Builders Association, Madison, WI	<p><b>a.</b> Opposes the proposed change to require townhouses containing 20 or fewer units, less than 3-stories in height and not more than 16,000 sq. ft. to be protected by an automatic sprinkler system.</p> <p><b>b.</b> Is concerned that requiring sprinklers will negatively impact the affordability of housing and the Department should consider the cost impacts.</p> <p><b>c.</b> Questions whether the provision will increase safety.</p> <p><b>d.</b> Suggests that the Department include an exemption similar to 2009 IRC R313.1 clarifying that an automatic sprinkler system is not required when additions or alterations are made to existing townhouses that are not protected by such systems.</p>	<p><b>a.</b> The revisions reflect the fire protection requirements for townhouses which occurred under the two national building codes, the International Residential Code, IRC, and the NFPA Building Construction and Safety Code several years ago. Townhouse types of side by side UDC residences can still be designed and built without sprinklers by complying with the concepts and requirements derived from Comm 20.04(6). Examples as to how to create the separation are found in the UDC appendix.</p> <p><b>b.</b> The Department researched the impact of sprinklers for residential occupancies in the last update of the code which became effective March of 2008. The Department believes that the conclusions reached then regarding the potential risk of loss life and property and the benefit of automatic fire suppression have not changed. The implementation of the rule is delayed until July 1, 2014.</p> <p><b>c.</b> Sprinklers are a known and proven element that will increase fire safety.</p> <p><b>d.</b> The suggestion has been incorporated into the proposed rules.</p>

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Exhibit 7	Wade Rudolph, Sacred Heart Hospital, Eau Claire, WI	Proposes not to adopt and reference the <i>Guidelines and Designs for Health Care Facilities</i> relating heating and ventilation standards for health care facilities. Contends the guidelines were not fully developed when published. Believes the guidelines will result in expensive designs that are not justified. Believes that the increased ventilation rates are not substantiated and provide no clinical benefit to patients.	The Department has developed Wisconsin rule modifications to address the specific concerns of the <i>Guidelines and Designs for Health Care Facilities</i> .
Exhibit 8	Laura Leitch, Wisconsin Hospital Association, Madison, WI	Supports the comments submitted by Wade Rudolph.	See response under Rudolph, exhibit 7.
Exhibit 9	Mike Mamayek, Illingworth-Kilgust Mechanical, Milwaukee, WI	Recommends the use of natural ventilation be permitted provided an engineering analysis accounts for the (a) number of occupants, (b) the operation of the operating mechanism for each opening during the entire year, and (c) the distribution of the openings in each space.	Natural ventilation is and has been allowed under the code and utilized without known or documented problems for decades in those uses identified as acceptable candidates for natural ventilation. No documentation has been provided to substantiate requiring an engineering analysis associated with the number of occupants, the operation or controls of windows or their distribution. Natural ventilation is generally provided by openable windows or doors that are under the control of the occupants. In essence, they are opened as needed. For other uses not included in the list, an engineering analysis is already required.
Exhibit 10	Amy Schmidt, Dow Chemical Company, Midland, MI	<b>a.</b> Supports the energy efficiency update for the Wisconsin Commercial Building Code. <b>b.</b> Requests that the Department consider amendments that reflect the Department of Energy's code change proposal (EC147) for the 2012 edition of the International Energy Conservation Code. Provided suggested code language that incorporated the EC 147 proposal.	<b>a.</b> Support noted. <b>b.</b> See response under Elnecave, speaker #5.
Exhibit 11	Bob Neale, International Code Council, Country Club Hills, IL	Supports the proposed rule.	Support noted.

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Exhibit 12	Ben Barrett, Wisconsin Council on Physical Disabilities, Madison, WI	Suggests that parking spaces/stalls meet current accessibility requirements (ADA) relating to parking when the parking lot is restriped or expanded.	The restriping of parking lots falls under the scope of federal ADA requirements. The restriping of a parking lot is not an alteration to a building and therefore outside of the scope of the triggers that require code compliance.
Exhibit 13	Otis Woods, Wisconsin Department of Health Services, Madison, WI	<b>a.</b> Opposes the adoption of the 2010 edition of the Guidelines for <i>Design and Construction of Health Care Facilities</i> . Recommends continuing to reference 2006 AIA Guidelines until a future edition of the Guidelines can resolve application language issues.	<b>a.</b> See response under Rudolph, exhibit 7.
	Woods continued	<b>b.</b> Supports the standard language of 2006 and 2009 editions of section IBC 308 relating to CBRF's and the occupancy classifications of I-1 and I-2. Contends that allowing Class C CBRF residents to be housed in buildings classified as I-1 occupancies imposes unnecessary risks for the residents who by DHS definition are not mentally capable of responding to a fire alarm without help or verbal or physical prompting. <b>c.</b> Contends allowing CBRF's to be classified as something other than I-2 occupancies would conflict with ch. DHS 83. <b>d.</b> Supports the current requirements under s. Comm 61.30 (1) (b). Concerned about the potential of building and converting prior to occupancy to a Class C CBRF without the higher construction requirements needed for Group I-2 occupancy.	<b>b.</b> Support noted.  <b>c.</b> The rules do not propose to change the classification of I-2 occupancies. It does not appear that ch. DHS 83 makes a specific reference to the I-2 classification. <b>d.</b> Support noted. First occupancy concern is addressed under s. Comm 66.0101 (2).
Exhibit 14 (email)	Bert Fredericksen, Fredericksen Engineering, Inc	Recommends clarifying the definition of CBRF and include a separate CBRF occupancy in Table 64.0403 clearly allowing the use of natural ventilation and therein removing the ability of DHS to create a different interpretation.	Table 64.0403 has been modified for other reasons. The Department has clarified the use of the Guidelines under s. Comm 64.0300 limiting its use to hospitals and nursing homes.
Exhibit 15	Ronald Buchholz, Fitchburg, WI	<b>a.</b> Believes clarification is needed as to the application of building code requirements for CBRF's as residential rather than institutional occupancies.	<b>a.</b> It is the Department understanding that revisions concerning occupancy classifications involving CBRF's are to occur under the 2012 edition of the IBC. The Department will evaluate those IBC revisions during the next update of the Wisconsin Commercial Building Code.

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		<p><b>b.</b> Contends that the original intent of the original legislation was to allow residents to live in a residential setting (CBRF) rather than an institutional one such as a nursing home or hospital. The intent was to allow this for all classes of CBRF's.</p> <p><b>c.</b> Advocates clarifications are needed for sections IBC 308.2 and 308.3 the class C CBRF's need not be institutional type occupancies.</p>	<p><b>b.</b> See response under <b>a.</b> The direction under s. 101.127, Stats., does indicate that building code standards are to be "homelike" for certain types of CBRF's. .</p> <p><b>c.</b> See response under <b>a.</b></p>
Exhibit 16	Randy Dahmen, Waunakee, WI	<p><b>a.</b> Suggests an exemption be provided under s. Comm 61.30 (4) (b) not requiring the submission of fire alarm plans for projects involving 20 or fewer alarm units similar to that for sprinklers.</p> <p><b>b.</b> Requests clarification under s. Comm 61.30 (2) whether a snow melt system requires HVAC plan submittal, and further modifications under s. Comm 2.31, if needed?</p> <p><b>c.</b> Recommends that a "catch basin" be recognized as equivalent to an "oil separator" under section IBC 4122.6.</p> <p><b>d.</b> Suggests a modification under sections IBC 7.16.6.2.1 and IMC 607.6.2.1 exemptions so as to refer to "fire rated floor/ceiling roof assembly cavities.</p> <p><b>e.</b> Suggests a modification under s. IBC 1405.3 also exempting box sills in needing a vapor barrier. Note, if acceptable, s. Comm 63.0402 may no longer be necessary.</p> <p><b>f.</b> Suggests notes be added to IBC Table 2902 recognizing that water tanks with separate sanitized disposable cups and sanitized disposable cups serving lavatories and sinks not located within toilet rooms are acceptable alternatives to drinking fountains.</p>	<p><b>a.</b> The draft has been revised to incorporate a plan review exemption for fire alarms.</p> <p><b>b.</b> The definition under s. Comm 61.04 has been revised to clarify the issue.</p> <p><b>c.</b> A catch basin is just a type of drain inlet and is not equivalent to an oil separator which separates and retains the oil for proper disposal.</p> <p><b>d.</b> Section IBC 716.6.3 is titled "Nonfire-resistance-rated floor assemblies" which to the Department in its understanding of the IBC format is intuitively clear as to the subject matter.</p> <p><b>e.</b> Agree, the provisions relative to s. IBC 1405 have modified.</p> <p><b>f.</b> The suggestion has been incorporated into the rule draft.</p>

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		<p><b>g.</b> Suggests a note be added to IBC Table 2902 indicating the acceptance the number of sanitary fixtures based upon a reasonable actual capacity versus a capacity calculated on square footage.</p> <p><b>h.</b> Suggests that measurements referenced under s. Comm 62.1200 (2) (a) be clarified in terms of “horizontally” or “vertically”.</p>	<p><b>g.</b> The Wisconsin Commercial Building Code already allows for the establishment of reasonable actual capacities within IBC Chapter 10 (refer to the exception found in IBC s. 1004.1) since the 2006 IBC was put into effect in 2008.</p> <p><b>h.</b> Currently, section Comm 62.1200 (2) (a) 3. and 4. clarifies certain aspects of the statutory specified measurements. In light of the fact that the specific gravity of carbon monoxide is equal to that of air, the Department does not believe further clarification is unnecessary.</p>
	Dahmen continued	<p><b>i.</b> Requests references to “additions”, “renovations” and “repairs” be eliminated from ss. Comm 66.0607 (1), 66.0711 and 66.0808, leaving only the reference to “alterations”.</p> <p><b>j.</b> Requests the inclusion of a reference to IECC 101.4.5 under ss. Comm 66.0711 and 66.0808 for unconditioned spaces converted to conditioned space.</p> <p><b>k.</b> Requests the inclusion of wording similar to IECC 101.4.4 under IEBC chapter 9 when an occupancy change increases energy usage.</p> <p><b>l.</b> Suggests that a Wisconsin modification be created clarifying the reference to “area” to mean “fire area” under section IEBC 912.2.1.</p> <p><b>m.</b> Requests the addition of language similar to s. Comm 66.0910 for IEBC chapter 13.</p>	<p><b>i.</b> Comm 66.0607 has been revised to eliminate the referenced terminology; Comm 66.0711 and 66.0808 do not contain this terminology.</p> <p><b>j.</b> The suggestion does identify a problem with the application of current requirements as applied to alterations and changes in occupancies.</p> <p><b>k.</b> The suggestion would be inconsistent with the direction provided under IEBC sections 901.2 and 912. IEBC section 912 references IEBC chapter 8, including section 808.</p> <p><b>l.</b> The suggestion would potentially mandate modifications beyond the space undergoing a change of use. This would be inconsistent with the overall intent and objectives of the IEBC to maintain existing conditions at their current level of compliance and the new construction conform to current requirements.</p> <p><b>m.</b> The Department believes that the current language under sections IEBC 1301.1 and 1301.2.4 assures a building will not be less sanitary than prior to a change in occupancy.</p>

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		<p><b>n.</b> Requests references to IEBC 605, 706 and 906 when using IEBC chapter 13.</p> <p><b>o.</b> Suggests the exemptions under s. Comm 63.0101 be expanded to include:</p> <ul style="list-style-type: none"> <li>• Buildings with a peak design rate of energy usage less than 3.4 btu/h-ft<sup>2</sup> of floor area for space conditioning purposes.</li> <li>• Buildings that do not contain conditioned space.</li> </ul> <p><b>p.</b> Suggests replacing the definition of “conditioned space” and “unconditioned space” under section IECC 202 in order to address heating design concerns/problems for conditioned space adjacent to conditioned space.</p> <p><b>q.</b> Suggests using consistency terminology “daylight zone” and “daylit area” between the IECC definition and the s. Comm 63.505 (1) (b).</p>	<p><b>n.</b> The Department has created a reference to the accessibility provisions under section IEBC 310 when using IEBC chapter 13 for alterations.</p> <p><b>o.</b> The exemptions are addressed under section IECC 101.5.2. The suggestion was proposed to and considered by the HVAC advisory council prior to the creation of the public hearing draft and did not receive their endorsement.</p> <p><b>p.</b> The suggestion was proposed to and considered by the HVAC advisory council prior to the creation of the public hearing draft and did not receive their endorsement.</p> <p><b>q.</b> The Department does not believe an inconsistency exists in that proposed rules repeal s. Comm 63.0505 (1) entirely.</p>
	Dahmen continued	<p><b>r.</b> Suggests specifically not recognizing reflective insulation under section IECC 303.1.4 in fulfilling building envelop requirements.</p> <p><b>s.</b> Suggests that section IECC 403.2.1 be modified to match section IECC 503.2.7 to address certain CBRF’s ductwork located outside of the building such as rooftop units.</p> <p><b>t.</b> Believes that the R-values under sections IECC 403.2.1 and 503.2.7 should be the same for consistency.</p> <p><b>u.</b> Proposes that the requirement for pool covers be eliminated because the removal process poses a health hazard.</p> <p><b>v.</b> Suggests updating the note under IECC 404/Comm 63.0404 to reflect the correct year and REScheck edition and revising to reflect the application to 3 stories “above grade”.</p>	<p><b>r.</b> Unless the material poses some type of health or safety risk a specific exclusion is not appropriate within the administrative rule. The material can provide some insulating value even if not much.</p> <p><b>s.</b> The Department believes that section IECC 403.2.1 is sufficiently clear as to insulation requirements for residential rooftop units.</p> <p><b>t.</b> No technical justification is provided for the suggestion. The IECC Chapters 4 and 5 differ on many insulating values for residential buildings versus commercial buildings.</p> <p><b>u.</b> The requirement has been eliminated under the fire prevention code update package, CR 09-104.</p> <p><b>v.</b> The requirement has been eliminated under the fire prevention code update package, CR 09-104.</p>

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		<p><b>w.</b> Is unclear as to the purpose and application of s. Comm 63.0502 as reworded whether this is addressing vapor retarders (covered under section IBC 1405) or building wraps.</p> <p><b>x.</b> Believes that there may be an inconsistency with section IECC 503.2.4.4 with respect to section IFGC 503.15 especially for kitchen hood systems.</p> <p><b>y.</b> Suggests that the requirement for commissioning HVAC systems under section IECC 503.2.9 be eliminated. Questions whether these provisions are redundant with s. Comm 64.0313.</p> <p><b>z.</b> Requests Table 63.0503 be modified to read “Economizers on all split cooling systems and groundwater source cooling systems <math>\geq</math> 54,000 Btu/h, packaged rooftop units and on all other cooling systems <math>\geq</math> 33,000 Btu/h.”</p> <p><b>aa.</b> Suggests that s. Comm 63.0505 be worded to recognize the use of photosensors.</p> <p><b>bb.</b> Indicates that Comcheck under s. Comm 63.0506 does not calculate total building compliance and should modify the note.</p>	<p><b>v.</b> Although there is some overlap with section IBC 1405 which deals with exterior walls, the provisions under s. Comm 63.0502 covers also above-grade floors and ceilings.</p> <p><b>x.</b> The rules addressed exhaust ducts and vents, respectfully. The rules are different and the provisions under section IFGC 503.15 would govern the concern.</p> <p><b>y.</b> The concern is addressed by the global language under s. Comm 61.03 (15).</p> <p><b>z.</b> The table has been replaced with text that clarify the triggers for economizers.</p> <p><b>aa.</b> Photosensors are a type of lighting control and would be an acceptable type of control under the current rule.</p> <p><b>bb.</b> Agree, the note has been modified.</p>
	Dahmen continued	<p><b>cc.</b> Requests clarification for the application of s. Comm 65.0400 as it applies to outdoor equipment and structures.</p> <p><b>dd.</b> Suggests referencing the 2009 edition of NFPA 54.</p> <p><b>ee.</b> Requests a definition for “service area” under section IMC 502.14 to clarify the application relative to Table 64.0403.</p>	<p><b>cc.</b> The commenter did not include enough detail to understand the source of the confusion or to understand which provisions need modification to create the clarity believed to be lacking. Many structures without roofs would still fall under the scope of the code.</p> <p><b>dd.</b> The reference to the 2009 edition of NFPA 54 will be made with the update of the Gas Systems Code Comm 40, that will coordinate the references in the Dwelling Code and the Commercial Building Code.</p> <p><b>ee.</b> Section IMC 502.14 provides an exception for the operation of motor vehicles in any area of a building, not just a service area, when the operation is for the sole purpose of moving the vehicle into or out of the area. The exception exists for all areas.</p>

**DEPARTMENT OF COMMERCE**  
**SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 10-103		Hearing Location: Madison, WI	
Rule Number: Chapters Comm 2, 5, 14, 21 and 61 to 66		Hearing Date: October 5, 2010	
Relating to: Commercial Buildings			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		<p><b>ff.</b> Contends that s. Comm 64.0301 (3) (b) 2. should just not reference engineers, but also architects and HVAC designers.</p> <p><b>gg.</b> Finds it unclear as to the choice between IMC 403 and Comm 64.0403 (1) and (4) of whether it is one or the other or a mix of both.</p> <p><b>hh.</b> Suggests that the exception under s. Comm 64.0401 (1) also be applicable to air change requirements under s. Comm 64.0403 (6) (d).</p> <p><b>ii.</b> Is confused whether the HVAC provisions apply to processing equipment; cites the former code provisions under s. Comm 64.21.</p> <p><b>jj.</b> Indicates there is an inconsistency with IMC Table 403 and Comm Table 64.0403 concerning exhaust requirements for nail salons.</p> <p><b>kk.</b> Indicates that s. Comm 64.0403 (8) (b) 4. a. makes reference to Comm Table 64.0403 concerning air change rates, but the proposed Table does not contain any rates.</p> <p><b>ll.</b> Indicates that there is an inconsistency between IMC Table 403 and Comm Table 64.0403 concerning dwelling kitchen exhaust rates.</p>	<p><b>ff.</b> Agree, the rule has been revised.</p> <p><b>gg.</b> In light of the modification to Table 64.0403, the application of Comm 64.0403 is clear.</p> <p><b>hh.</b> Sections Comm 64.0401, 64.0403 and Table 64.0403 have been modified to address other hearing comments, making this suggestion moot.</p> <p><b>ii.</b> Section Comm 64.21 dealt with the location of equipment based upon the type of fuel source which is no longer addressed under the HVAC provisions.</p> <p><b>jj.</b> The proposed use and application of the alternative Table 64.0403 has been dropped and single mechanical ventilation table has been developed.</p> <p><b>kk.</b> The proposed use and application of the alternative Table 64.0403 has been dropped and single mechanical ventilation table has been developed.</p> <p><b>ll.</b> The proposed use and application of the alternative Table 64.0403 has been dropped and single mechanical ventilation table has been developed..</p>
	Dahmen continued	<p><b>mm.</b> Suggests modifying footnote g in Comm Table 64.0403 eliminating the provision of providing outdoor air contending that this addressed under sections IMC 403.1 and 508 and does not appear in IMC Table 403.</p> <p><b>nn.</b> Indicates that there is an inconsistency between Comm Table 64.0403 and sections IBC 406.3.3.1 and 406.3.12 concerning the percent of wall area openings needed not to require ventilation.</p> <p><b>oo.</b> Believes that reference to footnote i under Comm Table 64.403 for private dwelling garages is applicable.</p>	<p><b>mm.</b> The proposed use and application of the alternative Table 64.0403 has been dropped and single mechanical ventilation table has been developed.</p> <p><b>nn.</b> The proposed use and application of the alternative Table 64.0403 has been dropped and single mechanical ventilation table has been developed.</p> <p><b>oo.</b> The proposed use and application of the alternative Table 64.0403 has been dropped and single mechanical ventilation table has been developed.</p>

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		<p><b>pp.</b> Suggests that footnote c should be added to Comm Table 64.0403 for enclosed parking garages.</p> <p><b>qq.</b> Suggests that footnote c should be added to Comm Table 64.0403 for toilet rooms and bathrooms.</p> <p><b>rr.</b> Suggests that wording be added to s. Comm 64.0403 (6) (c) 3. to define shower and locker room areas by solid and complete separations.</p> <p><b>ss.</b> Suggests that janitor closets require exhausts for air quality purposes.</p> <p><b>tt.</b> Suggests that wording “per chemical or septic toilet” be added to the end of s. Comm 64.0407 which would be consistent with s. Comm 64.0401 (1) (b) 2.</p>	<p><b>pp.</b> The proposed use and application of the alternative Table 64.0403 has been dropped and single mechanical ventilation table has been developed.</p> <p><b>qq.</b> The proposed use and application of the alternative Table 64.0403 has been dropped and single mechanical ventilation table has been developed.</p> <p><b>rr.</b> Adding such wording could lead users of the code to believe that every shower and locker room has to be separated from one another by solid walls and doors, preventing the use of the common shower rooms commonly found in the team locker room areas of schools, colleges, arenas and other similar occupancies.</p> <p><b>ss.</b> Suggestion does not indicate what safety or health risk needs to be addressed.</p> <p><b>tt.</b> Although the openable window area limit found within Comm 64.0401 (1) (b) 2. reflects a single fixture room, that was based on aligning with the language that existed in the previous edition of the Wisconsin Commercial Building Code. The intent of the language proposed in the draft for this provision is the same that existed in the previous edition of the WCBC. They have been dealt with differently in the WCBC previous iterations of the Wisconsin modifications and there is no justification for them to be changed to be consistent with one another.</p>
	Dahmen continued	<p><b>uu.</b> Contends that allowing natural ventilation will result in indoor air quality problems. Contends the model codes in recognizing natural ventilation is based upon warmer southern climates and will not work in wintertime. Contends the code’s silence as to the control of the windows will result in problems.</p> <p><b>w.</b> Requests an additional footnote to Comm Table 64.0403 recognizing the acceptable use of recirculative kitchen hood systems.</p>	<p><b>uu.</b> Natural ventilation is currently allowed and utilized under the current code requirements. No documentation has been provided to substantiate claims associated with the control of windows.</p> <p><b>w.</b> The proposed use and application of the alternative Table 64.0403 has been dropped and single mechanical ventilation table has been developed.</p>

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		<p><b>ww.</b> Believes that the capacity for seasonal occupancies should be based upon 67 people per 1,000 sq. ft. not 15 sq. ft. per person in Comm Table 64.05.</p> <p><b>xx.</b> Requests adding something similar to s. Comm 64.14 (pre-2002) addressing maintaining minimum interior temperatures in providing tempered outside aid when the total volume of exhaust is ½ air change or greater.</p> <p><b>yy.</b> Requests a modification for IMC 502.14 also recognizing Comm Table 64.0403 for garage mechanical ventilation.</p> <p><b>zz.</b> Suggest the exception 3 under IMC 502.14 be eliminated.</p>	<p><b>ww.</b> The proposed use and application of the alternative Table 64.0403 has been dropped and single mechanical ventilation table has been developed.</p> <p><b>xx.</b> Maintaining minimum interior temperatures is addressed under s. IMC 309. The previous requirement under s. Comm 64.14 did not pertain to maintaining minimum temperatures; it did establish a temperature range for tempered air, but it could be as low as 50° F.</p> <p><b>yy.</b> The proposed use and application of the alternative Table 64.0403 has been dropped and single mechanical ventilation table has been developed.</p> <p><b>zz.</b> No technical justification was provided that a mechanical exhaust ventilation system or a source capture system is warranted for those instances described by exception 3.</p>
	Dahmen continued	<p><b>aaa.</b> Suggests adding a provision recognizing the use of hose extension for vehicle tailpipes as an acceptable exhaust method under section IMC 502.14.</p> <p><b>bbb.</b> Suggests adding a provision under section IMC 507.2.2 recognizing ventless electric dishwashers.</p>	<p><b>aaa.</b> The rules have revised to incorporate this alternative method.</p> <p><b>bbb.</b> Creating a provision to address one type of dishwasher or a laundry list of types is not necessary given the plethora of kitchen appliances and dishwashers that can be met by the provision indicating the Class II hood is not needed where the designer determines the heat and moisture loads are incorporated into the design of the HVAC system.</p>
Exhibit 16 (email)	Amy Waggoner Coverra Insurance Services, Inc	Requests the addition of a provision to address the securing of hotel window screens which pose a risk to children falling out.	The details associated with the protection of some windows are found within IBC s. 1405.13.2 Window screens are designed and intended to keep debris and/or insects out of a building. The Department does not agree that a modification is in order requiring hotels to have specially designed and secured window screens capable of holding back individuals.