DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Clearinghouse Rule Number:			Hearing Location: Madison
Rule Number: Chapters Commerce 21-25			Hearing Date: Thursday, June 19, 2008
Relating to: Uniform Dwelling Code			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Speaker 1	Brett R. Wittig Squared Away Builders 1710 Tumbleweed West Bend, WI 53095	Is against the wall bracing proposal; training will be required, which will create a hidden cost. Appreciates the considered delay in implementing these changes as it will give everyone time to train. Five different options will take some understanding. Believes the costs in the proposal are on the low end.	Since the first edition of the Uniform Dwelling Code (UDC) that became effective June 1, 1980, the UDC has required construction that resists lateral wind loads of 20 pounds per square foot of external wall area. The proposed rule change would incorporate more design and construction specifications in an effort to assure the long-standing performance requirement is met. The additional specifications are based on those contained in the 2006 edition and 2007 supplement of the International Residential Code, developed by the International Code Council. The department recognizes the need for training and application tools and is proposing an April 1, 2009, effective date to provide time for training on the wall bracing provisions. The department believes that the added construction costs are accurately reflected in its fiscal estimate.
Speaker 2	Michael Coello Coello and Associates, Inc. 2122 S. West Ave,. Waukesha, WI 53189	a. Comm 20.10: Adding a third day to footing inspections can cause serious implications for costs, safety, security, and quality of construction. Adding a foundation reinforcement inspection also will increase costs. Will the inspectors unblanket and properly reblanket foundations in the winter? One set of forms costs about $250,000, but it only takes one day to set up a form. If the form has to sit and wait for an inspector, it could tie up a set of forms for three days, thus costing time and money. Raw scrap metal is expensive and theft on job sites is common. Who will ensure the forms are not stolen? Inspectors can be good or bad about showing up within a reasonable time window. b. Comm 20.14 (13) Table 20.24-1: Supports the upgrade to ACI 318.05, but should also have ACI 332R-2004, which deals specifically with residential issues.	a. The proposed code change clarifies the current language that has been in the code since 2003. The proposal reflects the intent of the existing code and the department's current administration of the notification requirement. b. Support noted. The department will consider adopting the ACI 332R standard with the next code update.

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		c. Supports the weather-resistant barrier section, but it is lacking in the way it's written. Caulk alone as a sealant will leak over time. More communication with people in the field should be done before this section is finalized. d. Asks what problem is being solved with the wall bracing requirement. If the construction community knew, they could help find an effective solution. Thinks the current 40-page requirement as written will be tough to implement. Rebar and strap requirements are confusing as written, and it cannot be fixed or retrofitted if it is done wrong. Liability and risk is raised.	c. The department has modified the proposed code language to limit the size of the gap allowed when caulk is used as a sealing method. d. Same response as to Speaker # 1.
Speaker 3	Ron Klassen Wallner Builders 12424 W Lancaster Ave. Butler, WI 53007	a. Seconds Speaker #2 re: wall bracing, but another concern is supplies. Who will supply rebar, brackets, and fittings, and at what time do they need to be there? Drawings should show a detail of what these things are. b. Water resistant barrier: sealing a five-inch opening with caulk is bad practice. Proper remedies need to be identified. ASTM D226 should be the controlling specification.	a. Same response as to Speaker # 1. In addition, the bracing methods identified in the proposal incorporate the most recent language in the International Residential Code. This version results in more flexible construction types that can be built under conventional methods. The need for hold-downs and reinforced foundations has been greatly reduced. b. Same response as to Speaker #2 Comment c. In addition, ASTM D226 can not be the sole referenced standard as it applies to a specific product type. There are other standards that apply to other products used in this application.
Speaker 4 Exhibit 1	Pattie Stone Metropolitan Builders Association N16W23321 Stone Ridge Dr. Waukesha, WI 53188	a. Comm 21.25 (8), Wall-bracing: confusing, costly, and needlessly stringent. b. Comm 21.24 (4),Water-Resistant Barrier requirement is incomplete and limited in its effectiveness. This section should be removed and reconsidered for a true drainage plane for the home. c. Three day inspection issue: Agrees with Speaker #2.	a. Same response as to Speaker #1. b. Disagree. The proposed requirements are an appropriate improvement over the current code requirements. c. Same response as to Speaker #2 Comment a.

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		d. Adopted national standards section has no cost analysis.	d. The department has been unable to find any national standard provision that is likely to increase costs.
		e. Optional fire sprinkler usage should be in the appendix, not in the code proper because it is optional.	e. Disagree. The fire sprinkler issue is conditional. If sprinklers are installed, they shall be installed per the code. There are many similar code provisions.
		f. Table 21.10: “Use Categories” for lumber are not utilized by builders and suppliers in the area.	f. Agree, The use categories table has been removed from the proposal.
		g. Comm 21.26 (8) c. 2. Removal of ropes: ropes are useful for wicking water away and for preventing infestation. Don’t see a reason to immediately remove these.	g. Disagree. Ropes in weep holes should never be used for wicking. The ropes must be removed to provide ventilation and a clear pathway for water removal.
		h. The department failed to provide cost analysis for the proposed new energy chapter.	h. The department did consider the costs of the proposal and did identify them in the hearing documents. Wisconsin statutes require the department to review the latest standards and decide whether they should be incorporated in the UDC. The current ch. Comm 22 code is based on a Department of Energy (DOE) endorsed national standard. This code change proposal reflects the next iteration of a national energy code endorsed by the Department of Energy (DOE) and already incorporated in the 2004 and 2006 International Energy Conservation Code (IECC) and International Residential Codes (IRC). When DOE submitted the code change proposal for inclusion in the IECC and IRC, as reflected in this draft, in 2003 they stated “The intent is to transform the code to a format that is easy to understand, easy for builders and inspectors to remember, relatively unchanging with jurisdictional boundaries, unambiguous, and inexpensive to adopt and enforce.”
		i. Supports the delayed implementation date for training time.	i. Support noted.

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Speaker 5 Exhibits 2 & 3	Cindi Gruebling WI Builders Association 4868 High Crossing Blvd Madison, WI 53704	Similar comments as Speaker #4. Especially is opposed to Comm 21.25 (8), Wall Bracing, because the IRC is developing simplified rules regarding wall bracing.	Same responses as to Speaker #4. In addition, the department has been following the International Code Council (ICC) code change proposal hearings that are taking place at this time. In reviewing the IRC proposals it appears that there are no proposed technical changes to wall bracing from what has been proposed here. Tables and charts have been created to make it easier to apply the code. The department can use those same tools in training or via posting on the website.
Speaker 6 Exhibit 4	Ross Kinzler WI Housing Alliance 301 N. Broom St. Madison, WI 53703	a. Recommends the state of Wisconsin adopt the International Residential Code (IRC) as the basis for the UDC in the next code change cycle. b. Is concerned about the timeliness of inspections, stating that adding another day is a concern. c. Supports a delayed effective date of the code.	a. This recommendation will be discussed with the Dwelling Code Council. b. Same response as to Speaker #2 Comment a. c. Support noted.
Speaker 7 Exhibit 5	Tom Milton American Plywood Assn. 12160 101st Ave. N Maple Grove, MN 55369	a. Supports a delayed effective date of the code because of potential IRC regulations coming in 2009. b. Company will supply training on wall bracing. c. Feels language in proposed change is difficult to read; proposes changes to language in Exhibit #5.	a. Same response as to Speakers #1and #5. b. Comment noted. c. The department has incorporated the suggested change into the proposal.
Speaker 8	Lee Fochs 2207 11½ Ave. Chetek, WI 54728	a. Delayed inspection time: If you work with your inspector and his schedule, you shouldn't have to wait for an inspection. b. Wall bracing: Everybody agrees it's necessary, but the problems are always in the details.	a. Comment noted. b. Agree. The department recognizes the need for training and application tools and is proposing an April 1, 2009, effective date to provide time for training on the wall bracing provisions.

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Exhibit 6	Leonard Hannula Building Inspector Mt. Pleasant, Racine Co. Via e-mail	Proposes a clarification of the vapor retarder exclusion for below-grade walls.	The department has modified the proposal as suggested.
Exhibit 7	Dan Emmerich Semling-Menke Co., Inc. Merrill, WI Via e-mail	Proposes a clarification of Comm 21.24 (3) (b) regarding flashing and exterior covering.	The department has modified the proposal as suggested.
Exhibit 8	Leo Udee Alliant Energy Via e-mail	Encourages the use of High Efficiency furnace toggle for GeoThermal Heat Pump systems in the ResCheck software submittals instead of the lower efficiency 78% AFUE furnace choice.	The department has modified the code language to clarify that calculations for GeoThermal Heat Pump systems use the same insulation values as for High Efficiency furnaces.
Exhibit 9	Steve Meassick, PE Thermo Dynamics 112 N. Lexington Spring Green WI, 53588 Via e-mail	Similar comments as Exhibit #8.	Response same as to Exhibit #8.
Exhibit 10	Joel Gmack Via e-mail	a. Opposes wall bracing regulations because of potential IRC regulations coming in 2009, at least delay the effective date of the code for training time. b. Concerned about Comm. 21.24 (4) Water-resistive barriers and suggests using the term “exterior covering.” c. Opposes Comm. 20.10 allowing three days for inspections. Similar comments to Speaker #2 Comment a. d. Suggests that if outside standards are being used for the UDC that these references are limited and, if vital, included in the code’s appendix.	Response same as to Speakers #1 and #5 Disagree. The term "exterior covering” is already used for another purpose in that same code section. Response same as to Speaker #2 Comment a. Disagree. The references are limited but they are an integral part of the code. National standards have been incorporated in the UDC since 1980.

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		e. Opposes Comm. 21.095 that might require fire sprinklers in single family homes in the future. f. Concerned about the "use categories" in Comm. 21.10 (3) and Table 21.10 and suggests the use of standard labels instead of new categories. g. Opposes the Energy Chapter because it doesn't include a cost analysis.	e. The department cannot predict what might happen with fire sprinklers in the future. The fire sprinkler issue is conditional. If sprinklers are installed, they shall be installed per the code. There are many similar code provisions. f. Agree. The use categories table has been removed from the proposal. g. Same response as to Speaker #4 Comment h.
Exhibit 11	Chris Luster Southwestern WI Building Inspectors Assn	Requests a delay in the adoption of these regulations for training purposes.	Agree. The proposed effective date has been changed to April 1, 2009.
Exhibit 12	Phil Scanlan 7776 Hwy 51 DeForest, WI 53532	Suggests a change to Comm. 21.17 to require pumps for sump systems with no exceptions.	Disagree. Different parts of the state have different slopes and soil conditions that make it unnecessary to require pumps in all situations.
Exhibit 13	Ronald L. Derrick Derrick Homes, LLC 1505 Hwy 65 New Richmond, WI 54017	Similar comments as Exhibit #10 (all).	Same response as to Exhibit #10.
Exhibit 14	Greg Kirschling Lumber Dealers Supply, Inc. 310 S Taylor St. Green Bay, WI 54307	a. Supports adoption of new brick proposal as it will clarify questions residential masons frequently ask. b. Proposes adoption of a single water hold criterion for weather resistant barriers. Believes the three test options required to meet this proposal are very different and set three different and potentially conflicting standards. c. Proposes adding flashing recommendations for exterior windows, doors and penetrations. Suggests adopting the American Architectural Manufacturers Association (AAMA) standards.	Support noted. b. Disagree. Several different types of material can be used and they use different test standards. c. The department will consider adopting the AAMA flashing standards with the next code update.

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Exhibit 15	Randy Fenske Wausau Supply Co. 4200 White Ave. Eau Claire, WI 54702	a. Similar comments as Exhibit #14 Comment b. and suggests one particular test and standard: AATCC127 with a minimum spec of 55 cm of water holdout. b. Would like to see some language added regarding stone veneer installation similar to the 2006 International Building Code (Section 1405.6). c. Similar comments as Exhibit #14 Comment c.	a. Same response as to Exhibit #14 Comment b. b. The department will discuss this recommendation with the code council. c. Same response as to Exhibit #14 Comment c.
Exhibit 16	Jeff Springer GEN-SYS Energy 3200 E. Avenue South La Crosse, WI 54601	a. Rules in Comm. 22 must accurately reflect Act 67, Senate Bill 381 because as written, Comm 22 subject electric heat sources to higher insulation requirements than propane, natural gas, or fuel oil. b. Similar comments as Exhibit #8.	a. Agree. The proposed rules have been amended to more accurately reflect the Act 67 requirements. b. Same response as to Exhibit #8.
Exhibit 17	George Digman Kolbe & Kolbe Millwork Co., Inc. 1323 So. 11th Ave. Wausau, WI 54401	Similar comments as Exhibit #14 Comment c.	Same response as to Exhibit #14 Comment c.
Exhibit 18	Jim Reif Jim Reif Builders 150 Semi Drive Frances Creek, WI 54214	a. Similar comments as Speakers #1 and #4 Comment b.	Same response as to Speakers #1 and #4 Comment b.
Exhibit 19	Mike Koslowski Heritage Woodworks, Inc. 1874 Commercial Way Green Bay, WI 54311	Similar comments as Speakers #1 and #4 Comment b. (Exact comments as Exhibit #18.)	Same response as to Speakers #1 and #4 Comment b.
Exhibit 20	Dave Johnson Manitowoc Co. Home Builders Assn. 820 S. 8th St. Manitowoc, WI 54220	Similar comments as Speakers #1 and #4 Comment b. (Exact comments as Exhibit #18.)	Same response as to Speakers #1 and #4 Comment b.

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Exhibit 21	Bob Jakel City of Kaukauna Via e-mail	Requests clarification of Comm. 21.035 (3) Interior circulation for kitchens. Regarding the required 30″ clearance between a wall and a range, cook top, oven, sink, refrigerator or freezer; Asks should the language read "measurements taken from face to face?"	Comment noted. The proposal indicates measurement from face of appliance.
Exhibit 22	Fred Baumgart Building Inspector City of Franklin Via e-mail	Comm 21.04 requires a higher standard for risers and treads than the International Building Code (IBC), section 1009.3.2 and suggests that the IBC standard be used.	Agree. The proposal has been changed to reflect the IBC standard.