

Radon Control Advisory Committee Meeting
11/01/11

Call to Order:

Don Sivigny the committee chair called the meeting to order at 9:10 A.M. He opened by thanking everyone for attendance and for their participation in this committee and for their expressed commitment.

Formal Introductions:

The “Committee” contains a total of 6 members. All members were present at this meeting. Each committee member identified themselves and identified who they were representing. There were a total of 9 individuals in attendance at this meeting including two of the alternates and one guest, who were also in attendance.

Committee Members in Attendance:

Don Sivigny Committee Chair – Representing the Department of Labor and industry
Herman Hauglid Co-Chair – Representing the Department of Labor and Industry
Josh Kerber Committee Member – Representing MN Dept. Health
Doug Determan Committee Member – Representing Assoc. of MN Bldg. Officials
Karen Linner Committee Member – Representing Bldrs. Assoc. of Twin Cities.
Steve Noble Committee Member – Representing Bldrs. Assoc. of MN

Alternates Identified:

Jane Austin for Steve Noble (Was not in attendance)
James Vagle for Karen Linner (Was not in attendance)
Josh Miller for Josh Kerber (Was in attendance)
Rick Davidson for Doug Determan (Was in attendance)

Guests in Attendance:

Scott Nelson – MN Dept. of Labor and Industry.

Introduction of Colleen Chirhart:

Colleen is the Rules Specialist for the Minnesota Department of Labor and Industry. She has been involved in the rule writing process since the year 2000 when she came to the Department. She was in attendance to provide committee members with a brief overview of the rules process and to explain what our role is as a member of this committee. She stressed that we have no statutory obligation to form advisory committees, however, this is a process that the Department has incorporated in anticipation that the rules process would proceed more efficiently by seeking out the viewpoint from subject matter experts and others in the industry, thereby reducing the potential necessity to resolve issues in a formal process before an Administrative Law Judge. Members of this advisory committee do not make the final decision on what language will be adopted; rather, the advisory committee will produce a document which reflects the general consensus of the advisory committee, providing only a recommendation for appropriate code language. The final decision of the formal language will be made by the Department.

A copy of the contact information for the advisory committee was circulated to all committee members for review. Members were asked to strike out information they did not want to be public and were also asked to correct any unintentional mistakes.

Distribution of Advisory Committee Folders:

Colleen gave a brief overview of the code adoption calendar and expressed the importance of meeting the goal dates. Communication will be conducted electronically for tracking purpose. If committee member has recommendations for consideration by the committee, they must be submitted to the committee chair no less than a week prior to the next scheduled committee meeting. This will allow for recommendations to be posted on the department's website in order to maintain transparency in the code adoption process.

Change Process:

Although the radon provisions are nothing new, they will be moved from Minn. Rule chapter 1322 to Minn. Rule 1303. As such, when the final draft comes out at the conclusion of the advisory committee's work, the whole document will be underlined as it will be new language which is to be added to the 1303 rule. However, if a member is proposing a language change from existing draft, for clarity, those changes will be underlined so the proposed changes can be clearly identified by other committee members when reviewing the change. There is no need to underline the entire provision unless the change applies to the entire section, just underline your proposed language change.

Need & Reason

If a change is proposed by a committee member or outside source, that individual will need to provide a statement which will give the committee and others a thorough explanation of the need for the change and explain why the proposed change is reasonable. This information may be important in order to justify the basis for the code change in the event of a formal hearing.

Colleen stressed that proposed code change form must be submitted electronically so it can be distributed to other members more efficiently and so it may be posted on the Department's web.

Colleen also went through the Department's web site information and explained where committee members will find all the information as it relates to code adoption.

Rick Davidson clarified that any proposed change must be submitted electronically rather than submitting those changes at committee meetings. Colleen confirmed and clarified that it is for the sake of efficiency and being able to forward that information to other committee members electronically prior to Committee meetings. Colleen also commented that it is possible that proposals may come to the Committee from an outside source. Anyone can make a proposal for a code change, though we are hoping that individuals will go through Committee members to submit a proposed change.

Colleen concluded her presentation by encouraging Committee members to thoroughly read through the information provided in each folder. If anyone has a question they can feel free to contact her directly.

Draft Overview

Don Sivigny gave a brief overview of the draft and explained that this language was developed from the language out of Minn. Rule 1322. He explained that this is the Department's proposed draft for Committee members review, discussion and comment. Don highlighted a few changed sections such as the ability to have the fan located within the building and explained the reasoning behind this proposed change. Specifically, added requirements (electrical and mechanical) which would be needed if the fan is located in the attic space.

Karen Linner requested if there was a possibility that Sam Sampson, Electrical Representative at the Department of Labor and Industry, could put together the code references and the requirements for when the fan is located in the attic. Don agreed to talk to Sam and get the information.

Discussion Point:

Karen Linner posed a question to the Committee members representing the Department of Health regarding the use of HRV as a first step in the radon mitigation process in problematic homes. Good discussion resulted.

Review of Scheduled Meetings:

Don briefly gave an overview of the schedule and asked that Committee members focus on the first three pages of the Draft (stop at ventilation) to prepare for the next meeting on November 15, 2011

Rick Davidson brought up another point of discussion regarding slab on grade homes which have limited dwelling space in contact with the soil, as possibly being exempt from having to have the passive system installed. Good discussion resulted which will likely be looked at in the future when reviewing related language in the draft.

Meeting Closed @ 11:10 A.M.