



September 22, 2009

**Mid-cycle amendment to the Oregon
Residential Specialty Code**

Opportunity for public input:

Those who would like to provide public testimony may attend a public hearing on September 22, 2009 at 9:30 a.m. The hearing will be located at the Building Codes Division, Conference Room A. Written comments may also be submitted to the contact below. The last day to submit written comments is 5:00 p.m. September 25, 2009.

Live broadcast via the internet:

To view the public hearing live, click on "[View live meetings](#)"

Purpose of the rule:

This proposed rule adopts an amendment to the 2008 Oregon Residential Specialty Code (ORSC), Sections AG106 Entrapment Protection for Swimming Pool and Spa Suction Outlets, AG107 Abbreviations, and AG108 Standards. This amendment establishes performance requirements on drain covers for private pools and spas at residential dwellings.

This proposed rule would become effective October 1, 2009.

Citation:

Amend: OAR 918-480-0010

History:

Based upon statistics of drowning deaths and emergency room visits involving children younger than age 5 in pools and spas associated with suction entrapment, a new federal law was passed. In December 2008 the new federal law, the Virginia Graeme Baker Pool and Spa Safety Act, went into effect. The Act requires all swimming pool and spa drain covers available for purchase to meet specific performance expectations.

In Oregon, public pools are regulated by the Department of Human Services, Health Division. However, private pools and spas at residential dwellings are regulated by the ORSC. Adoption of this amendment will align the ORSC with the 2009 International Residential Code (IRC), which is the base model code for the next code adoption cycle.

Contact:

If you have questions or need further information, please contact Hearing Officer Mike Ewert at (503) 373-7529, or Mike.D.Ewert@state.or.us.



Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services, Building Codes Division	918
Agency and Division	Administrative Rules Chapter Number

Shauna M. Parker	PO Box 14470, Salem, OR 97309	(503) 373-7438
Rules Coordinator	Address	Telephone

RULE CAPTION

Adopts amendment to 2008 Oregon Residential Specialty Code regarding performance requirements for pool drain covers.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

September 22, 2009	9:30 a.m.	1535 Edgewater Street NW, Salem, OR 97304	Mike Ewert
Hearing Date	Time	Location	Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: 918-480-0010

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 455.020, 455.110, 455.525, & 455.610

Other Auth.:

Stats. Implemented: ORS 455.610

RULE SUMMARY

The proposed rule adopts an amendment to the 2008 Oregon Residential Specialty Code (ORSC) that establishes performance requirements on drain covers for private pools and spas in residential dwellings. In December 2008, the provisions of a new federal law, the Virginia Graeme Baker Pool and Spa Safety Act, went into effect. The Act requires all swimming pool and spa drain covers available for purchase to meet specific performance expectations. This proposed rule clarifies that the use and installation of drain cover products in Oregon must comply with the requirements set forth in the new law.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Friday, September 25, 2009 by 5:00 p.m.

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Patrick Allen	
Signature	Date
Printed name	

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Building Codes Division

918

Agency and Division

Administrative Rules Chapter Number

Adopts amendment to 2008 Oregon Residential Specialty Code regarding performance requirements for pool drain covers.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Amending 918-480-0010

Statutory Authority: ORS 455.020, 455.110, 455.525, & 455.610

Other Authority:

Stats. Implemented: ORS 455.610

Need for the Rule(s): The proposed rule is needed to comply with a new federal law that requires all swimming pool and spa drain covers available for purchase to meet specific performance requirements. Each year, numerous incidents are reported regarding suction entrapment from spa and pool drains, which can result in serious injury or even death. The proposed rule adopts requirements for drain cover equipment in swimming pools and spas and aligns the 2008 ORSC requirements for private pools with the requirements set forth in the new law by adopting provisions of the 2009 International Residential Code (IRC) ahead of the next code adoption cycle.

Documents Relied Upon, and where they are available: The 2008 ORSC and draft rules are available from the division's rules coordinator located at 1535 Edgewater Street NW, Salem, Oregon and are available on the division Web site at: www.bcd.oregon.gov/rules.html.

Fiscal and Economic Impact:

The proposed rule aligns with national standards and requirements that, effective December 2008, already limit the types of drain cover products available for purchase. Therefore, these rules should have a minimal fiscal or economic impact because the rules primarily clarify that the use and installation of drain cover products in Oregon must comply with the requirements set forth in the new federal law.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):
There should be no impact on state agencies, units of local government, or the public.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:
Small businesses that work with and install drain cover products in private pools may be minimally impacted by the adoption of these requirements.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

There should be no additional reporting, recordkeeping, or other administrative costs incurred on small businesses in order to comply with these rules.

c. Equipment, supplies, labor and increased administration required for compliance:

No additional equipment, supplies, labor, or increased administration requirements are placed on small businesses by adopting requirements in the proposed rule.

How were small businesses involved in the development of this rule?

Small businesses were represented on the Residential Structures Board, who reviewed and discussed the proposed code amendment at its July 1, 2009 meeting.

Administrative Rule Advisory Committee consulted?: No

If not, why?: The Residential Structures Board reviewed and approved the proposed rules. The board represents a wide segment of the construction industry.

Signature	Patrick Allen	Date
	Printed name	

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

**ORSC Mid-cycle Amendments
DRAFT: 7-31-09**

918-480-0010

Amendments to the Oregon Residential Specialty Code

(1) The **Oregon Residential Specialty Code** is adopted and amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the **Oregon Residential Specialty Code** are placed in this rule, showing the section reference, and a descriptive caption, ~~and a short description of the amendment.~~

(2) Effective April 1, 2008:

(a) The 2006 Edition of the Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials and amended by the division, is adopted to provide the plumbing provisions of the **Oregon Residential Specialty Code**; and

(b) The 2008 Edition of the NFPA 70, National Electrical Code as amended by the division is adopted to provide the electrical provisions of the **Oregon Residential Specialty Code**. See OAR chapter 918, division 305 for Oregon amendments to NFPA 70, National Electrical Code.

(3) Effective April 1, 2007 Appendix N, Low-Rise Multiple-Family Dwelling Construction is moved from the **2005 Oregon Residential Specialty Code** to the **2007 Oregon Structural Specialty Code**.

(4) During the phase-in period established in OAR 918-480-0005(3), plans designed to the **2005 Oregon Residential Specialty Code** must use the plumbing and electrical provisions included in that 2005 code. Plans that are designed to the **2008 Oregon Residential Specialty Code** must use the plumbing and electrical provisions adopted in this rule.

(5) Effective October 1, 2008, the following sections of the 2008 Oregon Residential Specialty Code ~~is~~ are amended as follows:

(a) Section R 109.1.4.1 **Moisture content** ~~is deleted and replaced with the following: The requirement in R318.2 that all moisture sensitive wood framing members used in construction shall have a moisture content of not more than 19 percent of the weight of dry wood framing members is not subject to inspection by the authority having jurisdiction.~~

(b) Section R318.2 **Moisture content.** ~~is amended to read: Moisture content. Prior to issuance of the insulation/vapor barrier approval required by R109.1.5.2 of this code:~~

(A) All moisture sensitive wood framing members used in construction shall have a moisture content of not more than 19 percent of the weight of dry wood framing members.

(B) The general contractor or the owner who was issued the structural permit shall notify the building official, on a division approved form, that the contractor or the owner who was issued the structural permit is aware of and has taken steps to meet the requirement in paragraph (A).

(6) Effective February 1, 2009, **following sections of the 2008 Oregon Residential Specialty Code** is **are** amended as follows:

(a) Section R602.10.9 **Interior braced wall support.** is amended to read: R602.10.9 Interior braced wall support. In buildings located in Seismic Design Category D1 and one-story buildings located in Seismic Design Category D2, interior braced wall lines shall be supported on continuous foundations at intervals not exceeding 70 feet (21,336 mm). Braced wall panels located in interior braced wall lines at less than 70-foot (21,336 mm) intervals shall be supported by double floor joists or blocking between floor joists. Where floor joists are perpendicular to the braced wall line, blocking shall be provided for the length of braced panel and shall extend to the next available joist below for braced panels whose ends are not aligned with joists below. The length to width ratio of the horizontal diaphragm supporting interior braced wall lines shall not exceed 4 to 1. Use of alternate braced panels in interior braced wall lines is not permitted.

(b)(A) Section R613.2 **Window sills** is added to the **2008 Oregon Residential Specialty Code**: R613.2 Window sills. In dwelling units, where the opening of an operable window is located more than 72 inches (1829 mm) above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 24 inches (610 mm) above the finished floor of the room in which the window is located. Operable sections of windows shall not permit openings that allow passage of a 4 inch diameter sphere where such openings are located within 24 inches of the finished floor.

(B) Exceptions.

(i) Windows whose openings will not allow a 4 inch diameter (102 mm) sphere to pass through the opening when the opening is in its largest opened position.

(ii) Openings that are provided with window fall prevention devices that comply with ASTM F 2090-08.

(c) Section R.613.2.1 **Operation for emergency escape** is added to the ~~2008 Oregon Residential Specialty Code~~: R613.2.1 Operation for Emergency Escape. The window opening fall prevention device shall not reduce the minimum net clear opening area of the window unit below what is required by Section R310.1.1 of the code.

(d) Chapter 43 **Referenced Standards** of the ~~2008 Oregon Residential Specialty Code~~ is amended to read: ASTM F 2090-08 (revised/updated 2008).

(7) Effective October 1, 2009, the following sections of the 2008 Oregon Residential Specialty Code are amended:

(a) Section AG106 Entrapment Protection For Swimming Pool And Spa Suction Outlets is added.

(b) Section AG107 Abbreviations.

(c) Section AG108 Standards.

[NOTE: The amendments are published in their entirety at Table 2-R.]

[Publications: Publications referenced are available for review at the division. See division web site for information on where to purchase publications.]

Stat. Auth.: ORS 455.020, 455.110, 455.525 & 455.610

Stats. Implemented: ORS 455.610

Hist.: BCA 18-1993, f. 8-24-93, cert. ef. 8-29-93; BCA 28-1993, f. 10-22-93, cert. ef. 1-1-94; BCA 29-1993, f. 11-24-93, cert. ef. 12-1-93; BCD 6-1995, f. 3-31-95, cert. ef. 4-1-95; BCD 3-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 22-1996(Temp), f. 10-1-96, cert. ef. 10-4-96; BCD 5-1997, f. 3-21-97, cert. ef. 4-1-97; Administrative Reformatting 1-19-98; BCD 3-1998, f. 1-29-98, cert. ef. 4-1-98; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 3-2000, f. 1-14-00 cert. ef. 4-1-00; BCD 19-2000(Temp), f. & cert. ef. 8-15-00 thru 2-10-01; BCD 32-2000, f. 12-27-00, cert. ef. 1-1-01; BCD 3-2001, f. 2-9-01, cert. ef. 3-1-01; BCD 2-2002, f. 3-5-02, cert. ef. 4-1-02; BCD 22-2002(Temp), f. 9-13-02 cert. ef. 10-1-02 thru 3-29-03; BCD 30-2002, f. 12-6-02, cert. ef. 1-1-03; BCD 1-2003(Temp), f. & cert. ef. 1-10-03 thru 3-31-03; BCD 33-2002, f. 12-20-02 cert. ef. 4-1-03; BCD 15-2004, f. 9-10-04, cert. ef. 10-1-04; BCD 5-2005, f. & cert. ef. 3-28-05; BCD 9-2006, f. 6-30-06, cert. ef. 7-1-06; BCD 1-2007, f. 2-15-07, cert. ef. 4-1-07; BCD 5-2008, f. 2-22-08, cert. ef. 4-1-08; BCD 13-2008(Temp), f. & cert. ef. 7-3-08 thru 12-30-08; BCD 21-2008, f. 9-30-08, cert. ef. 10-1-08; BCD 24-2008(Temp), f. & cert. ef. 10-6-08 thru 4-1-09; BCD 1-2009, f. 1-30-09, cert. ef. 2-1-09

Table 2-R
Amendments to the 2008 Oregon Residential Specialty Code

918-480-0010(5)(a)	R109.1.4.1 Moisture content. The requirement in R318.2 that all moisture-sensitive wood framing members used in construction shall have a moisture content of not more than 19 percent of the weight of dry wood framing members is not subject to inspection by the authority having jurisdiction.
918-480-0010(5)(b)	R318.2 Moisture content. Prior to issuance of the insulation/vapor barrier approval required by R109.1.5.2 of this code: (A) All moisture-sensitive wood framing members used in construction shall have a moisture content of not more than 19 percent of the weight of dry wood framing members. (B) The general contractor or the owner who was issued the structural permit shall notify the building official, on a division-approved form, that the contractor or the owner who was issued the structural permit is aware of and has taken steps to meet the requirement in paragraph (A).
918-480-0010(6)(a)	R602.10.9 Interior braced wall support. In buildings located in Seismic Design Category D1 and one-story buildings located in Seismic Design Category D2, interior braced wall lines shall be supported on continuous foundations at intervals not exceeding 70 feet (21,336 mm). Braced wall panels located in interior braced wall lines at less than 70-foot (21,336 mm) intervals shall be supported by double floor joists or blocking between floor joists. Where floor joists are perpendicular to the braced wall line, blocking shall be provided for the length of braced panel and shall extend to the next available joist below for braced panels whose ends are not aligned with joists below. The length to width ratio of the horizontal diaphragm supporting interior braced wall lines shall not exceed 4 to 1. Use of alternate braced panels in interior braced wall lines is not permitted.
918-480-0010(6)(b)	R613.2 Window sills. In dwelling units, where the opening of an operable window is located more than 72 inches (1829 mm) above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 24 inches (610 mm) above the finished floor of the room in which the window is located. Operable sections of windows shall not permit openings that allow passage of a 4 inch diameter sphere where such openings are located within 24 inches of the finished floor. Exceptions. 1. Windows whose openings will not allow a 4-inch-diameter (102 mm) sphere to pass through the opening when the opening is in its largest opened position. 2. Openings that are provided with window fall prevention devices that comply with ASTM F 2090-08.
918-480-0010(6)(c)	R613.2.1 Operation for Emergency Escape. The window opening fall prevention device shall not reduce the minimum net clear opening area of the window unit below what is required by Section R310.1.1 of the code.
918-480-0010(6)(d)	Chapter 43 Referenced Standards. ASTM F 2090–08 (revised/updated 2008).

Table 2-R
Amendments to the 2008 Oregon Residential Specialty Code

918-480-0010(7)(a)

SECTION AG106
ENTRAPMENT PROTECTION FOR SWIMMING
POOL AND SPA SUCTION OUTLETS

AG106.1 General. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

918-480-0010(7)(b)

SECTION AG~~106~~-107
ABBREVIATIONS
AG107.1 General.

APSP—Association of Pool and Spa Professionals
NSPI—National Spa and Pool Institute
2111 Eisenhower Avenue
Alexandria, VA 22314

918-480-0010(7)(c)

SECTION AG~~107~~-108
STANDARDS
AG108.1 General.

ANSI/APSP
ANSI/APSP-7-06 Standard for Suction Entrapment avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins. AG106.1

