



ILLINOIS DEPARTMENT OF LABOR

JB PRITZKER
GOVERNOR

JANE R. FLANAGAN
DIRECTOR

Warehouse Safety Standards Task Force

MEETING MINUTES

Date: July 10, 2024
Time: 11:30 a.m.
Location: In-person: 160 N. LaSalle Street, Chicago, IL
Virtual: By Webex webinar via video conference connection (video)

Call to Order: 11:34a.m - Jane Flanagan, Director of IDOL (Chair)

Roll Call of Task Force Members:

Members Present:

Jane Flanagan, IDOL, Director (Chair) (in-person)
Senator Rachel Ventura (video)
Representative Jeff Keicher (video)
Representative Dan Ugaste (video)
Senator Seth Lewis (video)
Representative Katie Stuart (video) – joined at 11:44a.m.
Senator Erica Harriss (video)
Alec Laird representing retail merchants (video) -
Mayor Risavy representing mayors (video)

Quorum established at 11:44 am

Others Present:

Clayton Cope family members: Alexandra Cope (audio), Parents Lynn and Carla Cope (in-person)

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524 South 2nd Street, Suite 400
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Chicago, Illinois 60601-3150
(312) 793-2800
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2309 West Main Street, Suite 115
Marion, Illinois 62959
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Cathy Hensley, City of Edwardsville (video)
Greg Bryant, Masonry Structural Coalition (video)
Kathryn Gruber – Illinois Counsel of Code Administrators (video)

IDOL Staff Present: Jason Keller, Assistant Director; Elizabeth Guerrero, Director of External Affairs & Community Engagement; Anna Koeppel, Legislative and Policy Director; Erik Kambarian, IDOL OSHA Division Chief; Stephanie Barton, Deputy General Counsel, Nick Bedenk, IDOL Staff Attorney; Israar Ahmed, IDOL Legal Intern; Lam Tru, DOL Intern

Opening Remarks:

Director Flanagan

Approval of 4/8/24 Minutes (12pm) – no changes proposed

- Motion by Rep. Keicher
- Second by Rep. Ventura
- Motion passed

Approval of Quarterly Report (12pm) – no changes proposed

- Motion by Rep. Keicher
- Second by Rep Stuart
- Motion passed

New Business:

I. Expert Testimony – Bernie Arends (BA), Fire Protection Specialist, Office of IL Stat Fire Marshall:

- Largest issues is that there are many and varied codes throughout municipalities, counties, fire district, etc. that are inconsistent and enforcement is an issue.
Director – for States that have unified code is that building and fire standards?
BA -Yes, typically follow international code council. Problem is who enforces, local officials or in some cases state of IL. Kind of like wild west. More than half of towns in IL have no codes at all.
- Senator Ventura – Understand most inspections occur before building is open, but what happens after a building is open?
BA – Typically the authority of jurisdiction applies. State of IL Daycare center, public schools, or group homes, otherwise, typical industrial and residential codes enforced by local jurisdiction.
- Senator Ventura – are inspections complaint driven or on a schedule?
BA: General rule is annual inspection maintained by local authority.
- Anna Koeppel - You mentioned a term “place of assembly,” what does that refer to?
BA – Any occupancy over 50 people at one time.

- **Director: Rep Stuart has been added at 11:45a.m. so quorum is established.**

- Alexandra Cope – Bernie mentioned patchwork of building codes, last year there was a bill passed Sen Bill 2368, is that going forward helping with enforcement by creating unified building code?
Director – Another presenter will touch on that.
BA – Issue is who is enforcing the code. Most Fire Dept Districts – small local departments, do not have code enforcement for accuracy. .Poor compliance particularly in rural areas.
- Director – Anything else you would like to highlight?
BA: We are seeing a lot of development in rural area of warehouse with little input from local fire protection or municipalities.
- Director – Any recommendation of how that should be addressed?
BA: Oversight should be state level at State Fire Marshal, as locals do not have resources for compliance, so falling into a grey area.
- Rep. Stuart – Some warehouses are generic space for various purposes, so if original intent as warehouse and not a lot of people, but then changes and more people involved, would that mean different codes are in play from original code inspection passed?
BA: The way code is written, it is responsibility of owner to notify of changes of commodities, and many times does not occur.
Rep Stuart – There is a separate bill for that this summer.
- Rep Ugaste: You were asked about solutions for problems and said maybe State Fire Marshall and other state agencies, how is that going to affect communities with own code enforcement in places. Not the same in Chicago in East St. Louis, Quincy, Carbondale. How would that impact communities that have code enforcement.
BA – We already assist fire departments and have Fire Inspectors in every county. It's not that locals have to take advantage of for help, but voluntary, and they are still charged for the decision maker.

II. **Tim Schmitz (TS), Regional Director, Governmental Relations, International Code Council**

See Power Point Presentation

- Over 64,000 members, 15 international codes, 2 billion people impacted by I codes
- Work with all Codes – Building codes to product, design, review, etc.
- Self-funded nonprofit association. 30 plus year. Develop maintain safety code/standards used to design, construct and maintain residential and commercial.
- Robust specialized training. Train code officials, code interpretations, strong support with governmental members and stakeholders
- ICC formed to have similar codes and training across the nation
- ICC Code Development Process – anyone can introduce proposal, but it's code officials making determination – standards defined.
- International Plumbing Code and International Property Maintenance Code largest
- International Building Code – adoption map. IL is hybrid because officially do not have state building code, but have a code we require jurisdiction to adopt.
- Director – What does dark blue mean on slide?
TS – Code years. We produce new building code every 3 years
Illinois Specific – IL Adopts several codes at state level. 2 I Codes – International Energy Conservation Code for all jurisdictions and Public Act 103-0510 will require all communicates to use International Building Code, International Residential Code and Building Code 1/1/25

- We are patch work so this will help with consistency for State of IL
- Resilience in the Building Codes – Planning, Response, Recovery, and Resilience
- Director – Sounds like Statute didn’t impact municipalities that do not have code?
TS: IL says if you adopt a code, you can do what you want, if don’t, this is your code. All communities covered under statute, but a code is what you have on books, having it inspected is key in process.
- Director: Are there a range of municipalities, smaller ones?
TS: Generally smaller communities. Some states are at State level passed, but IL has not done so.
- Rep Keicher: Constituents sometimes complain there are onerous parts of the code. A house that was renovated, they had to replace windows to get up to the proper code. Also discussed outlet height. Older buildings that required updates and they don’t want to renovate, because of all the code compliance issues that come along with it. How do we put into place a system to encourage people to do the right thing without fear of the “tyranny” of the building code
TS: One of keys is introducing International Building Code, that code allows in situations designer 3 different pathways within code. Open up new avenues. Not everyone is happy, but more avenues.
- Rep Ugaste: Is it true you once represented the finest district?
TS: Yes, was a representative for 16 years.
- Alexander Cope: Was International Building Codes says anything for weather preparedness, specially for tornadoes or tilt up warehouses withstanding winds as occurred in Edwardsville or anything being considered to be added.
TS: They are in the code, construction of tilt up or other, sometimes community adopts code and locals can amend certain sections. So, communities can amend International Code.
- Director – So, code does speak to natural disasters, such as winds?
TS: yes, regional, we don’t deal with Hurricanes, but we regionalize, to deal with high winds, flooding, etc, for IL. It’s not a one size fits all depending on what section of country or state.
- Rep Stuart: To clarify, your codes are base minimum and State of IL allows to adopts to lessen requirements. I get to impose higher standards for safety, but not to lessen it is troublesome. Is that correct.
TS: yes, IL is home rule state, so we allow locals to govern themselves and building codes is a part of that. State can tell local government to adopt standards, but they can per home rule amend.
- Rep Stuart: Troublesome to race to bottom in terms of safety.
TS: At ICC we produce standards, and State determine whether these standards can be modified.
- Anna Koeppel. – When speak about sprinkler – understand impact. Community says, we want to save water, so local amends requirement for sprinklers? What is affect of removing any given section.
TS: Sprinklers are not for lawn, its’ fire residential or commercial for fire suppression purposes.
- Director: My understanding is your Codes are gold standard, but local municipalities can amend particular sections, right?
TS: Correct, but allows if residential who wants to install sprinklers, they can, it’s just not required. Just as an example, sprinkler, but applies across the board.
- Mr. Cope- When a town amends their code, is it for one building, one permit, or is it for

all buildings in the municipality?

TS: Generally, it is for all buildings in the municipality.

III. Jeff Stehman(JS), Mayor, City of Collinsville, IL

See Power Point

- ICCA is the State of Illinois Chapter of ICC – represents 9 local organizations
- Represent all the chapters, their municipalities and inspectors
- Speaks with unified voice on state issues and legislation related to building and code enforcement regulations.
- Works closely with IML to ensure work for common goals
- Role of the Code Official – reviewing, permitting, compliance with applicable codes, plan review, on-site inspections. Complaint driven or proactive community wide inspection
- Training and Certification – If we do not have trained, certified personnel to enforce codes, it is an issue. First step is getting ICC adopted and now need to figure out increased code enforcement staff, funded, and qualified.
- No requirements for Building Code Officials, this needs to change. IL School Code requires certified trained and certified that could be used as a model.
- Maintaining Current Codes, 1/1/2025 state law will help. FEMA was indicating money could be lost.
- Director – Is that proactive or disaster relief funds?
JS: My understanding is its both.
- Take aways – What Can be done:
 - Taken first step to adopt ICC Codes, now uniform enforcement is necessary by trained and certified code officials.
 - Ensure community stays current on building code updates
 - Encourage or require participation in local code organizations
 - Require staff certifications and continuing education
 - Ensure code officials work closely with the fire department
- Rep Stuart: Clarify – State of IL does not required licensure or certification for code enforcement official?
JS: No. Only what city requires. No state recognized.
- Director- A private entity does that certification?
JS: The ICC.
- Rep Stuart: There are some places where even a building permit is not required.
JS: Yes, there is.
- Rep. Stuart: What is your opinion in community 25,000 size or much smaller, how many do you think code official needed in city size of Collinsville to inspect initial and follow-up.
JS: Most communities have staff of 4-5 for that size community.
- Rep. Stuart: Is that Adequate or need for more?
JS: Hard to say, depending on code requirements and growth, and gets into managing department. Rely on City administration.
- Rep. Stuart: May not want to tie to population. Worry about communities small communities that we have to afford highly qualified individuals needed. Hired by municipality individually, so if Madison county to have a pool of inspectors so communities could share and contract. In this task force, we want building safe, but first step, need follow through. Not a specific question, but an idea.

JS: St. Claire does have that system; they contract and believe it's a good model to look into. Having no requirement is not the answer, so good way to close the gap.

- Bernie Arends – State Fire Marshall. Grundy County – Have no adopted codes, have 3 full time personnel in Fire Dept that cover 340 miles in district. One week corn filed another week Distribution center. This is happening all over state. No adopted codes. Fire Chief relies on State Fire Marshall, but responsibility is local jurisdiction. Fire Marshall in every county, could be a resource for a lot of these communities.

- Rep Keicher: Running into field career shortage where expertise is needed. Some communities use private engineering firm. Can municipality share this?

JS: Yes, some companies do plan review, and needs to be a pass through.

- Rep Keicher: Direct bill to builder.

JS: Yes, some builders pass through.

- Rep Keicher: So, if private organization is footing the bill, but if we start having too many people on government payroll with outside engineering firm, and better use of resources. Thoughts?

JS: Likely combination of both. If have active county like St. Claire, hire as needed and communicates that tie on. In Northern Rural, contract inspector may be best.

IV. Setting Agenda for Next Meeting:

Director: I have been on a lot of task forces and amazed and thankful for amount of expertise and robust conversations held. Would like to talk about what the next meeting looks like?

Final report due 1/1/2024 – Have one more scheduled fall meeting. Department as administrative support, role, before next meeting start putting together an outline for a report summarizing steps, background of creation of taskforce, summary of all expert testimony and expert recommendation and then circulate format prior to next meeting as a working meeting for possible Task Force Recommendation. Does that approach sound sufficient?

Seeing some thumbs up. Given time, will deal with logistics by email, drafts circulated.

Rep Stuart: I believe as background we should acknowledge families impacted by the tragedy was really that participating event and report to acknowledge that.

Rep. Keicher: What is deadline for our final report?

Director: Final Report is due January 1, 2025

Rep Keicher: Then for next time timeline and approval process running into holidays, lame duck, veto session, etc.

Director: May need to look at holding this next meeting earlier.

Public Comment:

Jane Flanagan, Director: opened the floor to public comment:

- Cope Family – Appreciate all what task force has done and look forward to outcomes for safety of those going forward.

Votes Taken:

Minutes from last April 8, 2024, meeting and Quarterly Report approved after quorum established.

Adjournment:

Meeting adjourned: 1:05 p.m.

Motion by Rep Reicher

Second by Rep. Katie Stuart

Motion Passes