

# ASHRAE BLUEPRINT

November 2003

**President**  
Dennis Deinert

**President Elect**  
Gregg Welch

**Vice President**  
Marty Christensen

**Secretary**  
Rob deWit

**Treasurer**  
Kasey Abbott

**1st Board Member**  
Wade Myrabo

**2nd Board Member**  
Brent Tjeerdsma

**3rd Board Member**  
Open

**Membership**  
Martin Schmidt

**Student Activities**  
Duff Robinson

**Programs**  
Greg Hintgen

**Historian**  
Kurt Bassett

**Honors & Awards**  
Bob O'Connor

**Resource**  
Pat Ellison

**Tega**  
Todd McInerney

**Newsletter**  
Neal Rabern

**Publicity**  
Dave Jorgenson

**Special Events**  
Sean O'Connor

**Reception**  
Chuck Hauck

**PAOE Watch Dog**  
Todd Williams

## PRESIDENT'S MESSAGE DENNIS DEINERT

There is a chill in the air and a light sprinkling of white snow on the ground. This is a reminder that winter is just around the corner. This is our third meeting of the year, another hint that cold weather and snow are near.

Our November 5<sup>th</sup> meeting will be our Past Presidents' Night where we recognize our Past Presidents. Mike O'Connor, on behalf of Bob O'Connor, Chairman of the Honors and Awards Committee, will confer the South Dakota Chapter's annual "Lifetime Achievement" award. All Honors and Awards Chairmen have quickly realized that society level awards are heavily weighted toward those individuals willing to serve the society at the regional vice-chair level or higher. However, a select few of our local members have led long, distinguished careers that are worthy of our recognition and respect. It is in this vein that we began this effort last year to thank those members that have paved the way and have developed such a great and dynamic ASHRAE Chapter for us younger members. Briefly recalling the highlights of one of those careers should prove inspirational to everyone.

See you at the Westward Ho on Wednesday evening.

### Meeting Information:

Date: Nov. 5th, 2003  
Location: Westward Ho  
Country Club.  
Social Hour: 5:30 pm  
Dinner: 6:30 pm  
Program: 7:30 pm

### PROGRAM GREG HINTGEN

I've received positive feedback from last months program. Thanks again to all that helped make the commissioning round table discussion a success. Any ideas or suggestions for future discussion would be appreciated.

For our November program, long time member Colonel Richard Gustaf, P.E., will discuss the 5 months he spent serving with the US Military liberation forces in Iraq. For those of you not familiar with Mr. Gustaf, he is an SDSU mechanical engineering graduate that has over 25 years of experience in the institutional construction business and has just been promoted to the President-

TSP Group. Not only was his service to our country a personal sacrifice that we owe Dick and all military personnel a huge debt of gratitude for, but how would you like to spend your day in an office that just happens to be 120 F? Along with stories that just might make your hair stand on end, Dick will share a few of his engineering challenges with us also. This program promises to be a true highlight of our ASHRAE year.

December's speaker will be doing a continuing education class the afternoon of December 3rd. Please mark your calendars. The class and program will be on Primary/Secondary pumping as well as some additional pumping information. We are bringing this speaker in to provide local access to continuing education, so we are asking that donation be made for research.

### MEMBERSHIP MARTIN SCHMIDT

Thank you to everyone who has sent in his or her dues, both society and local. If you have not, please do so ASAP. Remember to remit the \$25 local chapter dues as indicated on your billing from society. These dues subsidize meals for our student members and guest speakers, fund scholarships and pay local operating expenses. This fee is a separate line item on your invoice and is payable through society. We will be starting our annual phone campaign this month, so those of you who haven't paid your dues should be expecting a phone call.

Finally, don't forget about our local membership incentive program. We will hold a drawing at the last meeting for a \$50 cash prize. Members will get an entry in the drawing for each new member they get to join ASHRAE. So, the more new members you get to join, the

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## **MEMBERSHIP** **MARTIN SCHMIDT**

more chances you have at winning. Make sure to let me know when you are sponsoring a new member so I can add an entry.

## **NEWSLETTER** **NEAL RABERN**

If you have not already signed up to get the Blueprint via email, I encourage you to do so. It is the easiest and fastest way to get the newsletter. All you need to view the newsletter is Acrobat Reader 5.0 program, if you do not have this program, it is a free download at: [www.adobe.com](http://www.adobe.com)

If you wish to receive the Blueprint by email please email me at: [nealr@pfire.net](mailto:nealr@pfire.net)

The 2003-2004 Directory Roster will be ready for the November meeting. Be sure to pick one up.

I would like to thank those who advertised in this years directory with their business card . We collected \$1,050.00. What is not used to cover the printing cost of the directory will be donated to the Resource committee.

Thanks again.

## *Cabin Air Quality of Concern on Capitol Hill*

The U.S. House Subcommittee on Aviation debated the potential health issues related to the air quality in commercial aircraft recently during a Congressional oversight hearing.

The aircraft cabin environment and the potential health issues related to the cabin air quality in commercial aircraft has been a top priority for flight crews and passengers for many years, according to Congressional testimony. More than a decade after the Federal



Aviation Administration (FAA) banned smoking on all domestic flights, there are still complaints that the air on planes is unpleasant and may be unhealthy. There has been much concern regarding the transmission of contagious diseases in-flight, particularly tuberculosis and more recently the risk from the worldwide epidemic of Severe Acute Respiratory Syndrome (SARS), where according to the World Health Organization, 2,652 people have been infected with SARS worldwide and 97 have died.

Often those who fly complain of respiratory difficulties, headaches, fatigue and fever. The question, according to legislators, is whether these complaints are due to poor cabin air quality or to other factors which could include lowered barometric pressure, oxygen deficiency, low humidity, jet-lag, sleep deprivation and motion sickness.

U.S. Representative John Mica (R-FL) noted that during the last legislative bill authorizing funds for the FAA, the agency was directed to study cabin air quality and make recommendations. Thereafter, the FAA requested the National Academy of Science (NAS) to conduct the study, which was entitled, *The Airliner Cabin Environment and Health of Passengers and Crew* stated, “recycled air does not appear to adversely affect cabin air quality as long as the recirculation system is properly designed, operated, and maintained. “Overall, the NAS found that there was a lack of data on contaminant levels or the possible health effects of contaminant exposure to cabin occupants.”

On June 12, 2003, the U.S. Senate approved an amendment sponsored by Senator Feinstein that would require the FAA to study and monitor airline cabin air quality.

While undertaking studies and analysis, the FAA would be required to:

- Monitor ozone levels in the cabin on a representative number of flights and aircraft to determine compliance with existing FAA regulations for ozone;
- Collect pesticide exposure data to determine exposure levels of passengers and crew;
- Analyze samples of residue from aircraft ventilation ducts and filter and air quality incident to identify the contaminants to which passenger and crew were exposed;
- Study cabin air pressure and altitude; and
- Establish an air quality incident reporting system.

The report would have to be submitted to Congress not later than 30 months after enactment of the law. The House passed similar legislation early this summer.

Senator Feinstein has asked Boeing Chairman and CEO Philip Condit for recommendations on how legislation, can best improve airline cabin air quality and alleviate concerns of travelers. The meeting with Boeing is expected this fall.

The Washington office is working with Feinstein's office, who has also been in touch with ASHRAE Headquarters to discuss ASHRAE Standard 161P and 1262 RP.

## *Energy Bill Plods Forward*

The debate on the "Energy Policy Act of 2003", or S.14, continued until late on the eve of the summer Congressional recess. Controversial provisions and a glut of hundreds of amendments to the bill caused gridlock and were threatening to stall the bill on the Senate floor when Senator Pete Domenici (R-NM), Chairman of the Senate Energy and Natural Resources Committee voted to substitute the text of its 2002 bill for the current version.



Of particular interest to ASHRAE members is the amendment that would add energy efficiency tax incentives, which would include a tax credit of up to \$2.25 per square foot for energy efficiency upgrades in commercial buildings if the ASHRAE 90.1 Standard is exceeded by 50 percent.

The House passed its version of the energy bill in April (HR 6), which mainly focuses on provisions to encourage fossil fuel use of all kinds. The Senate bill includes plans to help re-license hydropower plants, encourage geothermal power use, improves energy efficiency and the hydrogen fuel cell initiative. The conference committee will take place

during the fall, when its work is completed the House and Senate will have to vote again on whether to accept the conference committee version. Conference decisions this fall will decide the outcome of this bill.

As of September 30<sup>th</sup>, Senate Energy and Natural Resources Chairman Domenici and House Energy and Commerce Chairman Tauzin have produced a revised draft of the energy package which is very similar to their earlier language particularly the controversial provisions opening the Arctic National Wildlife Refuge (ANWR) to oil drilling and fuel efficiency standards, which remained identical.

House and Senate negotiators will convene for a final conference to consider any amendments to the bill and finally to complete work on the total bill.

## *Associations' Contacts With Members Imperiled by New Anti-Fax Rules*

The Federal Communications Commission (FCC) reconsidered the effective date for some provisions of its new “do-not-fax” rules. On August 18, 2003 the FCC issued a hold of its new fax rules in response to an overwhelming reaction from association and business communities, delaying the regulations from taking effect until January 1, 2005.



On July 3, 2003, the Report and Order issued by the Federal Communications Commission amended the regulations that implement the Telephone Consumer Protection Act of 1991 (TCPA). The regulations were published in the Federal Register on July 25, 2003 and were to take effect on August 25, 2003. Most of the attention was aimed at the high-profile “do-not-call” list, but also included significant changes to the rules governing unsolicited faxes, which will have a direct impact on associations and anyone else who engages in marketing by fax.

Among the new regulations was the new proposal to eliminate the “established business relationship” (EBR) provision, which is currently defined as “a prior or existing relationship formed by a voluntary two-way communication between a person or entity and a residential subscriber with or without an exchange of consideration, on the basis of an inquiry, application, purchase or transaction by the residential subscriber regarding products or services offered by such person or entity, which relationship has not been previously terminated by either party.”

The FCC’s new definition imposes specific time limits on the duration of the EBR, meaning the EBR exists for 18 months from the date of the consumer’s last purchase or 3 months from the last inquiry. The new EBR definition also requires that a “do-not-fax list be maintained by the association and that the fax clearly identifies the senders name, date and time sent.

However, the public policy battle now shifts to Capitol Hill to seek a permanent relief from the law governing fax communications after January 1, 2005. This new fax rule would cause marketing challenges for associations by prohibiting associations from sending most faxes to members without first obtaining this written consent.

## *ASHRAE Standards in the Public Domain?*

Standards-developing organizations such as ASHRAE, NFPA and others are closely watching developments in the courts as the question of whether standards that are adopted into code by local governing bodies then preempts the copyright protection of the standards.



The issue addresses whether a standards developer's code enters the public domain when it is adopted or referenced by a government entity and thereby becomes "the law". In June 2002, the U.S. Court of Appeals for the Fifth Circuit answered "yes" to that question, leaving it intact as legal precedent with regard to this issue.

When Peter Veeck decided to post the local building codes of two towns in North Texas on his non-commercial website as those of the building codes of Anna and Savoy, Texas without SBCCI's permission, did he violate the Copyright Act?

The federal circuit court's answer to this question was based on three sources: "the Supreme Court's holding that "the law" is not copyrightable; the Copyright Act's exclusion from its scope of "ideas" or "facts" and the balance of case law. The 5<sup>th</sup> Circuit answer is that as law, the model codes enter the public domain and are not subject to the copyright holder's exclusive prerogatives. As model codes, the organization's works retain their protected status.

The background for this issue begins when Peter Veeck purchased the 1994 model building codes directly from SBCCI and cut and pasted them on his website even though the software licensing agreement and copyright notice indicated that the codes could not be copied and distributed.

This debate will no doubt continue after the U.S. Supreme Court decides not to hear an appeal from the Fifth Circuit's decision. In the final development of the case between the Southern Building Code Congress International v. Veeck, the U.S. Supreme Court has supported an earlier Fifth Circuit decision not to adjudicate an appeal in the standards copyright debate.

For further updates, please see the next issue of this newsletter. The next publication date is in November 2003.