

# Not all model codes are created equally

## What do *you* want in the IAPMO codes or what does government want in the ICC codes?

Be a Part of the IAPMO Code Development Process!

Just recently the installation of residential fire sprinklers was mandated in the ICC 2009 International Residential Code (IRC) to be enforced by 2011. This, as you can imagine, caused quite a stir within the homebuilding community as these devices may add approximately \$3,000 per home (less than 2% of the average home cost). It is the will of fire and safety officials to protect homeowners and their own personnel with these systems. What is striking in this example is only the government employees (building officials and firefighters, in some cases volunteer) and not the homebuilders, plumbers and sprinkler fitters got to vote whether fire sprinklers should be included in the IRC.

The ANSI Accredited Code Development Process provides the opportunities for participation by all interested parties at every level of code development. This process results in codes based on concepts, past and present research, and technology. Anyone may propose code provisions and participate in the discussion and debate on the proposals, as well as the changes proposed by others, in a series of technical committee meetings and conferences. In addition, codes require regular changes to utilize new developments, new products and safety technology in the construction industry. Codes are revised through proposed changes by anyone who has an interest in public safety, health and welfare.

Codes provide a uniformity of requirements in the construction industry. This uniformity allows all to participate to enlarge their market size and efficiently operate in their regions, in their states, or nationally. In order to maintain the *Uniform Plumbing Code* and *Uniform Mechanical Code* in their current state-of-the-art effectiveness, the expertise of the members of the plumbing and heating industry is a much desired and needed asset.

The IAPMO Code Development Process gives *you* the opportunity to answer the following question: **What do you want qualitatively covered in a plumbing or mechanical code?**

ANSI Accredited IAPMO Code Development Process	ICC Governmental Process
<p><i>Phase 1 of the code development process may be simplified into the following steps:</i></p> <ul style="list-style-type: none"> <li>• Call for proposals to amend existing document or a draft of a new document.</li> <li>• Plumbing or Mechanical Code Development Committee meets to act on proposals, to develop its own proposals and to prepare its Report.</li> <li>• Committee is letter balloted on action on proposals. If two-thirds approve – Report goes forward.</li> <li>• Lacking two-thirds approval, Report returned to Committee.</li> <li>• Report on Proposals (ROP) is published for public review and comment.</li> <li>• IAPMO Membership meets and acts on ROP at Assembly Consideration Session.</li> </ul> <p><i>Phase 2 of the code development process may be simplified into the following steps:</i></p> <ul style="list-style-type: none"> <li>• Committee meets to act on each public and Assembly comment, and develops its own comments.</li> <li>• Committee is letter balloted on action on comments. If two-thirds approve, action is published.</li> <li>• Lacking two-thirds approval, action is returned to Committee.</li> <li>• IAPMO membership meets and acts on Committee Reports (ROP and ROC) at Association Technical Meeting Convention.</li> <li>• Committee balloted on any amendments to Reports adopted by the IAPMO meeting.</li> <li>• Notification of intent to file an appeal to IAPMO Standards Council on Association action filed within 20 days of the IAPMO meeting.</li> <li>• IAPMO Standards Council decides whether or not to issue a code or standard or to take other action based on all evidence before it, including any appeals.</li> <li>• Report on Comments (ROC) is published for public review.</li> </ul> <p><i>Phase 3 of the code development process may be simplified into the following steps:</i></p> <ul style="list-style-type: none"> <li>• IAPMO membership meets and acts on Committee Reports (ROP and ROC) at Association Technical Meeting Convention.</li> <li>• Committee balloted on any amendments to Reports adopted by the IAPMO meeting.</li> <li>• Notification of intent to file an appeal to IAPMO Standards Council on Association action filed within 20 days of the IAPMO meeting.</li> <li>• IAPMO Standards Council decides whether or not to issue a code or standard or to take other action based on all evidence before it, including any appeals.</li> </ul> <ul style="list-style-type: none"> <li>• Code or Standard is published</li> </ul>	<p>Code Change Submittal</p> <ul style="list-style-type: none"> <li>• Code changes due. Announcement posted on the website and other media.</li> <li>• <u>Anyone</u> can submit a code change</li> <li>• Download Public Proposal form             <ul style="list-style-type: none"> <li>– <a href="http://www.iccsafe.org/cs/codes/publicforms.html">http://www.iccsafe.org/cs/codes/publicforms.html</a></li> </ul> </li> <li>• Name and entity represented</li> <li>• Proposed language:             <ul style="list-style-type: none"> <li>– Legislative revisions to current text: <u>Underline proposed new text</u> and strike out text to be deleted</li> </ul> </li> <li>• Reason for change</li> <li>• Email file as an attachment to ICC – instructions on form</li> <li>• Staff review             <ul style="list-style-type: none"> <li>– Form and format: Legislative format</li> <li>– Proposals must be based on current text</li> </ul> </li> <li>• Publish             <ul style="list-style-type: none"> <li>– Website: Approx. 90 days prior to Code Development Hearing</li> <li>– Published: Approx. 60 days prior to Code Development Hearing</li> </ul> </li> </ul> <p>Code Development Hearing</p> <ul style="list-style-type: none"> <li>• 13 Code Committees. One for each code, except:             <ul style="list-style-type: none"> <li>– IBC 4 Subcommittees</li> <li>– IFC &amp; IWUIC combined</li> <li>– IPC &amp; IPSDC combined</li> <li>– IPMC &amp; IZC combined</li> <li>– IRC 2 Subcommittees</li> </ul> </li> <li>• Anyone can attend and testify. No cost to attend the hearings</li> <li>• Committee action             <ul style="list-style-type: none"> <li>– Approval as Submitted (AS)</li> <li>– Approval as Modified (AM)</li> <li>– Disapproval (D)</li> </ul> </li> <li>• Assembly action             <ul style="list-style-type: none"> <li>– <u>All</u> members of ICC can vote in response to committee action</li> <li>– Successful assembly action results in an automatic public comment</li> </ul> </li> </ul> <p>Report of Hearing</p> <ul style="list-style-type: none"> <li>• Committee action</li> <li>• Reason for committee action</li> <li>• Assembly action</li> <li>• Publish             <ul style="list-style-type: none"> <li>– Website: Approx. 30 days after Code Development Hearing</li> <li>– Published: Approx. 60 days after Code Development Hearing</li> </ul> </li> </ul> <p>Public Comment Submittal</p> <ul style="list-style-type: none"> <li>• Public Comments on Report of Hearing (ROH) – due approximately 45 days after ROH published.</li> <li>• Allows anyone to submit a comment in response to the results of the Code Development Hearing</li> <li>• Download Public Comment form             <ul style="list-style-type: none"> <li>– <a href="http://www.iccsafe.org/cs/codes/publicforms.html">http://www.iccsafe.org/cs/codes/publicforms.html</a></li> </ul> </li> <li>• Disagree with the committee action</li> <li>• Disagree with the assembly action</li> <li>• Propose revisions (“modifications”) to the code change. Further revisions</li> </ul>

	<ul style="list-style-type: none"> <li>• proposed in legislative format.</li> <li>• Published in the Final Action Agenda</li> </ul> <p>Final Action Agenda</p> <ul style="list-style-type: none"> <li>• Original code change with the committee action and assembly action (if any)</li> <li>• Public commenters requested action, including any changes to the code change in legislative format</li> <li>• Publish <ul style="list-style-type: none"> <li>- Website: Approx. 60 days prior to Final Action Hearing</li> <li>- Published: Approx. 30 days prior to Final Action Hearing</li> </ul> </li> <li>• Anyone can attend and testify. No cost to attend the hearings.</li> <li>• Agenda: <ul style="list-style-type: none"> <li>- Consent agenda: Block vote on all code changes which did not receive a public comment or successful assembly action</li> <li>- Individual Consideration Agenda: Vote individually on each code change which received a public comment or successful assembly action</li> </ul> </li> </ul> <p>Final vote on whether or not to change the code rests with the Governmental Member Representatives</p>
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The ICC Code Development Process focuses on the governmental employees as the only approvers of building codes rather than including those that have to work within the code standards. This limits the expertise in code approval to only those involved in code enforcement rather than including everyone from manufacturer to end user. NAHB only believes that confirmed members involved in "code enforcement" that hold ICC certifications should be able to vote. So basically, NAHB wants to hand pick people as qualified voters. This sounds "fair and balanced". "There may have been hundreds of members who claim to be qualified, but are not" stated Larry Brown, NAHB.

When issues regarding plumbing and mechanical are voted on by the ICC generally less than 50 votes are counted. That is remarkable when UPC code amendments are balloted by IAPMO at Technical Committee meetings, there quite often 200 or more voting. Which method listens to your voice and which method counts your vote? Government and industry are working together for the public benefit, not only commercial interest.

*ICC and its main supporter are in a battle for power*

During the recent hearing on residential fire sprinklers Ed Sutton of the NAHB stated "The whole governmental process is in jeopardy". NAHB wants the ICC's governmental process to be like the US Senate rather than the US House of Representatives. They don't want the ICC to allow multiple agency votes per municipality or jurisdiction. Basically, only one vote from the Building Official regardless of the population of the jurisdiction or municipality. Currently, the ICC allows a "governmental" member to designate 4 to 12 voting representatives (based on population) who are employees or officials of that "governmental" member and are actively engaged full or part-time in the administration, formulation or enforcement of laws, regulations or ordinances relating to public health, safety and welfare and should be open, fair and objective with no proprietary interest.

By NAHB raising the question about these two votes, then every vote since 1995 should be in question. Ron Burton, BOMA stated "The ICC over the past years has lacked control over the process". If this is true, perhaps NAHB is the cause. Jeff Shapiro stated that he has an email from NAHB from 2007 which specifically states that they are aware that multiple agencies within a jurisdiction may be able to vote depending on how the jurisdiction is structured. NAHB says that corporations should not hold a vote either however, many cities are corporations and of course they should have a vote.

This was countered by Jeff Shapiro, of the International Residential Code Fire Sprinkler Committee. "The government process allows committees to make decisions behind closed doors regardless of the vote."

The purpose of the International Association of Plumbing and Mechanical Officials (IAPMO) Code Development Process is to insure the continued development and maintenance of the Uniform Codes with the following goals in the forefront:

- Effectiveness in preserving the public health, safety and welfare,
- The timely evaluation and recognition of technological developments pertaining to construction regulations,
- ANSI process, which provides for the open discussion of proposals by all parties desiring to participate, not to cater to special interest groups.

**Some helpful hints when submitting a proposed change:**

- Applicable code section (current code text is cited, and section number is appropriate).
- Names of person or persons, organization represented with a mailing address, phone number and email address.
- Scope and intent of the proposed change.
- Existing and revised text (proprietary methods or materials are not being proposed and language is consistent with that currently used in the code. In addition, proposed wording is technically consistent and does not cause a conflict with other existing provisions).
- Substantiation statements for each proposed change, which specify:

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- Purpose of the proposed change, which may be to clarify the code; revise outdated material; substitute new or revised current provisions; add new requirements; or delete current requirements.
  - Reason for the Proposed Change includes stating why the proposed change is superior to the current provisions and specifying the shortcomings of the current provisions. Changes adding or deleting requirements must be supported by logical arguments, which clearly show the reasons current code provisions are inadequate or overly restrictive, and how the change will improve the code.
  - Substantiation of the Proposed Change includes submitting all available substantiating material such as, but not limited to research reports; field-related experiences, statistical analysis and ease or difficulty in enforcing or interpreting. Provide technical data whenever possible to substantiate the need for a change. The burden of furnishing all proof lies with the proponent of the proposed change.

Public testimony during the plumbing or mechanical code development technical meetings gives the proponent and supporters a chance to answer questions in regard to the proposed change. This is very important part of the process as it gives the technical committee members a chance to ask questions or clarify information. When presenting your position here are some helpful hints to remember:

- Verify the correct time of the hearing and type of testimony that will be taken.
- Familiarize yourself with the names of all committee members in the event you must address them by name.
- Know your issue and research your position.
- Deliver as many supporters for your position
- Provide copies of your testimony and any supporting material to distribute to the committee and other interested parties.

The International Association of Plumbing and Mechanical Officials continually urge their members and other interested parties to get involved in the code development process to ensure that these goals are maintained. A cooperative relationship between installers, plumbing and mechanical officials, construction industry, engineers and manufacturers all benefit from a cooperative effort in the code development process.

*IAPMO is prepared to enter this year with ever evolving services; increased cooperation with organizations who share our visions of a rational coordinated codes and standards system; and effectiveness in preserving the public health and safety and welfare.*

For more information visit, the IAPMO website at [www.iapmo.org](http://www.iapmo.org)