



# C·A·B·O NEWSLETTER

**Council of American Building Officials** - The Council of American Building Officials is dedicated to the public's health, safety, and related societal needs, in the built environment through the development and use of consensus based regulatory documents, enhancement of professionalism in code administration, and facilitating acceptance of innovative building products and systems.

*News and Views from the Code Enforcement Profession*

## Revised Accessibility Standard Approved

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**April 1998**

**C**ulminating more than three years of intensive review by Accredited Standards Committee A117 of the American National Standards Institute (ANSI), the revision of the nation's private sector accessibility standard has been completed. On February 13, 1998, ANSI's Board of Standards Review (BSR) approved the 1998 edition of CABO/ANSI A117.1, Accessible and Usable Buildings and Facilities, as an American National Standard. CABO serves as Secretariat for the A117 Committee.

The A117 Committee began the process of revising the 1992 edition of the A117.1 standard in early 1995. Drafts of the proposed standard were subjected to three public reviews, and the committee processed more than 1000 proposed changes and comments during 23 days of meetings between June 1995 and October 1997.

### Federal Coordination

The CABO/ANSI A117.1-1998 standard has been developed to work in harmony with Federal accessibility laws, including the current Fair Housing Accessibility Guidelines and the proposed Americans with Disabilities Act Accessibility Guidelines (ADAAG).

...CABO/ANSI A117.1-1998 standard has been developed to work in harmony with Federal accessibility laws...

New provisions for Type B dwelling units are intended to provide technical requirements consistent with the Fair Housing Accessibility Guidelines of the U. S. Department of Housing and Urban Development. HUD is currently in the process of reviewing the 1998 standard to determine equivalency with the Guidelines.

In addition, the A117 committee worked closely with the ADAAG Review Federal Advisory Committee to harmonize the 1998 edition with proposed revisions to ADAAG. The U. S. Architectural and Transportation Barriers Compliance Board (Access Board) is expected to publish a Notice of Proposed Rule Making later this year.

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### MEMBERS:

- *Building Officials and Code Administrators International, Inc.*
- *Southern Building Code Congress International, Inc.*
- *International Conference of Building Officials*

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# House Bill Creates Consensus Process for Manufactured Housing Regulation

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**S**ince 1995, 26 members of the CABO Manufactured Housing Construction and Safety Standards (MHCSS) Consensus Committee have been dedicated to updating and improving standards for the construction of manufactured housing. This strong show of support by industry, regulators, and consumers for the use of private sector standards in the federal government has continued despite the fact that HUD has not committed to considering the committee's recommendations to update the preemptive Federal law.

## Consensus Process Proposed

The Manufactured Housing Improvement Act (HR 3634), introduced by Rep. Rick Lazio on April 1, 1998, proposes the use of a consensus committee to advise HUD in the Federal regulation of manufactured housing. In its title, HR 3634 intends "to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes."

The bill proposes revisions to Section 604 of the Act (42 U. S. C. 5401) that would establish a 25-member consensus committee, with one nonvoting member from HUD. The committee would be responsible for submitting recommendations to the Secretary of HUD for develop-

ing, amending, and revising both the Federal MHCSS and the enforcement regulations. A Notice of the committee's recommendations would be published in the Federal Register for public review and comment prior to submission to the Secretary.

## 2-Year Cycle Established

Under the terms of the agreement with HUD, the consensus committee would be required every two years to review both the Federal

MHCSS and the Procedural and Enforcement Regulations, and submit proposed revisions to HUD. Within 12 months, the Secretary must either adopt, modify, or reject the committee's recommendations. The recommendations would be considered adopted if the Secretary

fails to act within the 12-month period.

The committee would be further authorized to administer a process to interpret the standards and provide recommendations for the enforcement regulations. Interpretive bulletins are currently utilized by the Secretary to clarify the meaning of any technical or procedural requirement. HR 3634 proposes two significant roles for the committee: (1) review of bulletins proposed by the Secretary, and (2) authority to develop and submit a bulletin to the Secretary for consideration.

The bill designates CABO as the initial organization to administer the consensus committee for a period of four years. After four years, the

agreement would be competitively awarded to a qualified technical or building code organization.

The bill would also abolish the current National Manufactured Home Advisory Council which was originally established to review proposed requirements. Based on the establishment of the consensus committee, the Council would no longer be necessary.

## CABO Supports Bill

CABO supports the proposed legislation because it would bring about improved public health, life safety, and welfare in manufactured homes by ensuring a balanced consensus process to maintain and update technical standards. The use of the consensus committee to develop recommendations for technical requirements gives consumers, state and local building code officials, manufacturers and others a key role in establishing these regulations. This can only lead to a high standard of protection for the public. ♦

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## Last Issue of CABO Newsletter

Due to the incorporation of CABO into the International Code Council (ICC), the April 1998 issue of the CABO Newsletter will be the last. The ICC will continue to publish this newsletter under a different name, beginning with the August 1998 issue. ♦

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## CABO Sponsored Radon Workshop

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**O**n February 1 - 3, 1998, CABO sponsored a workshop on radon-resistant new construction with the National Environmental Health Association (NEHA). The workshop provided attendees with implementation strategies that focused on using building codes to reduce radon risk in their communities.

The workshop was unique in that building officials and health officials were encouraged to jointly apply as a team from their community. More than one hundred applications were received from across the country, from which 35 participants were selected to attend the two- and a half-day workshop.

Dr. Susan Conrath of the U.S. Public Health Service presented a session on the health effects of radon. Doug Kladder of the Western Regional Radon Training Center spoke on the technical aspects of radon-resistant new construction, including Appendix F of the CABO One and Two Family Dwelling Code. Bob Brown, Program Manager for CABO, presented issues related to building code adoption.



*Robert Brown (CABO), Larry Markum (NEHA), Doug Kladder (WRRTC) and David Rowson (EPA) at the Radon-Resistant New Construction Workshop.*

During the final day, participants developed an action plan specific to their own communities. By working together, building and health officials could develop a strategy that could be readily implemented at the local level. ♦

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## Revised OMB Circular A-119 Issued

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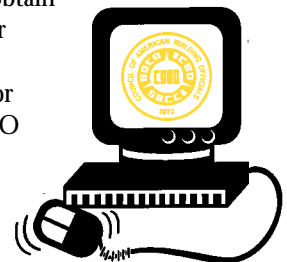
**T**he Office of Management and Budget (OMB), on February 19, 1998, issued a revised Circular A-119 on Federal use and development of voluntary standards. The Circular has been revised to make it consistent with the National Technology Transfer and Advancement Act of 1995, to issue guidance to the Federal agencies on making their reports to OMB, to direct the Secretary of Commerce to issue policy guidance for conformity assessment, and to make changes for clarity.

CABO believes that the revised circular is an improvement over the previous version because it more forcefully

urges agencies to participate in the private sector standards process and has more stringent reporting requirements. Agencies must annually report on their participation or non-participation in the process and adoption of private sector standards.

Anyone who would like to obtain a copy of the A-119 Circular should contact CABO. The document is also available for downloading from the CABO Home Page at:

<http://www.cabo.org>



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## ICC/NFPA Fire Code Agreement Collapses

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**T**he relationship between the International Code Council (ICC) and the National Fire Protection Association (NFPA) for the joint development of the ICC International Fire Code has been terminated by agreement of both parties. Both parties agree that their differences as to the objectives of the ICC are too substantial to result in a long-standing, mutually beneficial relationship.

### ICC Partnership

The main objective of the ICC is to produce a single complete set of model construction codes for use by the nation's cities, counties and states. This objective is in direct response to the stated position of the nation's construction industry. The ICC has sought to partner with national organizations in the codes and standards arena in order to achieve this objective to the mutual benefit of all parties.

The Chairman of the Board of Directors of the International Code Council, Mr. George Walker, C.B.O. building official of Waco, Texas, expressed his disappointment in announcing the termination of the relationship. Chairman Walker stated that, "We were aware at the outset that the ICC relationship with NFPA had several difficult issues to resolve. Unfortunately, as matters unfolded, we learned that an agreeable resolution could not be crafted. In the best interest of all parties, particularly the thousands of state and local governments who comprise the membership of BOCA, ICBO and SBCCI, the Board of Directors of the ICC has decided to continue developing, independently of NFPA, the complete package of International Codes, including the International Fire Code."

### ICC Pledges Support

In discussing the unresolved matters, Chairman Walker stated that "the NFPA has indicated that they would have continued to produce their own Fire Prevention Code independent of the ICC." NFPA has recently stated that it intends to oppose the use and adoption of other ICC Codes "when such opposition is in the best interests of NFPA." This posture is in marked contrast with the position of the members of the ICC who have pledged

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## ANSI Approves New Manufactured Housing Standard

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**O**n February 23, 1998, the Board of Standards Review (BSR) of the American National Standards Institute (ANSI) approved the new CABO/ANSI 2.0-1998, Manufactured Housing Construction and Safety Standards (MHCSS). The 1998 CABO MHCSS is the first edition of the new standard, which was developed using a consensus committee operating under ANSI's Accredited Organization Method of standards development.

Under the National Mobile Home Construction and Safety Standards Act of 1974, HUD promulgates the preemptive Federal Manufactured Housing Construction and Safety Standards (FMHCSS) to regulate the construction of manufactured housing. Since 1987, under an agreement with HUD, CABO has processed proposed changes to the FMHCSS on an annual basis, and forwarded the results to HUD for consideration as proposed changes to the Federal standards.

Until 1994, a nine-member committee annually considered proposed changes using procedures similar to those used for other building codes. Based on the 1994 Final Report of the National Commission on Manufactured Housing, the code change committee was dissolved and replaced with a 27-member consensus committee to operate under ANSI procedures. CABO intends to submit this document to HUD for consideration as recommended changes to the FMHCSS, developed under consensus procedures by the private sector.

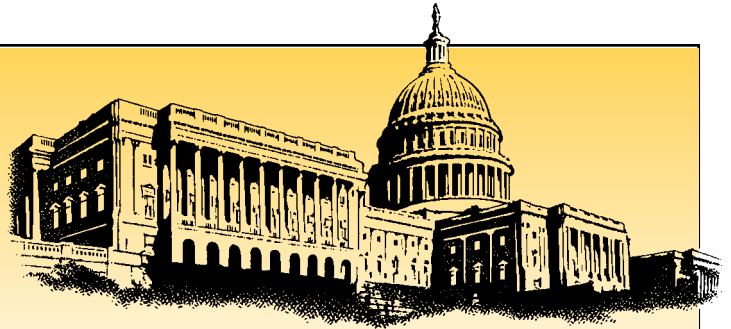
The concept of Federal use of private sector standards is consistent with the National Technology Transfer and Advancement Act of 1995, as reflected in the recently revised OMB Circular A-119. Congress is currently considering a bill (HR 3634) that would establish a consensus committee to recommend changes to the FMHCSS (see related story on Page 3).

The new standard has been updated to eliminate obsolete standards, materials, and methods of construction. It also introduces language more consistent with model building codes, and updates the list of standards currently referenced by the FMHCSS.

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# Congressional UPDATE

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*CABO is tracking the following Congressional Bills of interest to the building code community. For up-to-date status, visit the CABO web site at:*

<http://www.cabo.org>



★ **Manufactured Housing Improvement Act (HR 3634).** Sponsor: Rep. Rick Lazio, NY. Amends the Manufactured Housing Construction and Safety Standards Act of 1974 to modernize the requirements and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes. Designates CABO as the organization to administer the consensus process for an initial four-year period. Referred to the House Committee on Banking and Financial Services on April 1, 1998. (See story on Page 2)

★ **Affordable Housing Barrier Removal Act of 1998. (HR 3435, S 1877).** Sponsors: Rep. Tom Campbell, CA, and Sen. Ron Wyden, OR. Propose numerous measures to address regulatory barriers to affordable housing. Require HUD to sponsor a biennial conference on regulatory barriers to affordable housing, and direct the Secretary of HUD to develop model housing impact analyses. Proposed and final agency rules would be required to be analyzed for impact upon affordable housing availability. Amend the Housing and Community Development Act of 1992 to authorize direct appropriations for State and local grants for regulatory barrier removal, amend the Housing and Community Development Act of 1974 to make affordable housing barrier removal eligible for community development block grant assistance. Amend the National Housing Act and the Federal Home Loan Bank Act to address several barriers. Establish a regulatory barriers clearinghouse within HUD's Office of Policy Development. The Senate version encourages localities to create councils to recommend incentives to provide affordable housing, including regulatory reform. The House bill was referred to the House Committee on Banking and Financial Services, and the Senate bill to the Senate Committee on Banking.

★ **Plumbing Standards Improvement Act of 1997 (HR 859).** Sponsor: Rep. Joe Knollenberg, MI. Amends the Energy Policy and Conservation Act of 1992 to repeal restrictions on certain plumbing products and appliances, including showerheads, faucets, water closets, and urinals. Referred to the House Committee on Commerce on February 27, 1997. Referred to the Subcommittee on Energy and Power on March 7, 1997.

★ **Natural Disaster Protection and Insurance Act of 1997 (HR 230).** Sponsor: Rep. Bill McCullum, FL. Ensures that insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, is available and affordable; provides for expanded hazard mitigation and relief. Referred to the Committee on Banking and Financial Services and the Committee on Transportation and Infrastructure on January 7, 1997. Referred to the Subcommittee on Water Resources and Environment on February 13, 1997.

★ **National Institute of Standards and Technology Authorization Act of 1997 (HR 1274).** Sponsor: Rep. Constance Morella, MD. Authorizes appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, including building and fire research. Passed House on April 24, 1997, awaiting consideration by Senate Commerce Committee.

★ **OSHA Reform Act of 1997 (HR 1162).** Sponsor: Rep. Joel Hefley, CO. Amends the Occupational Safety and Health Act of 1970 (OSHA) to repeal provisions for inspections, investigations, and record keeping; citations; enforcement procedures; judicial review; and civil and criminal penalties. Requires a continuing economic analysis of the costs and benefits of each OSHA standard. Directs the Secretary of Labor to consider the number of workers exposed to the toxic material or harmful physical agent, the nature and severity of the potential impairment, and the likelihood of such impairment, in determining the priority for establishing standards dealing with such materials or agents. Referred to the House Committee on Education and the Workforce on March 20, 1997. Referred to the Subcommittee on Workforce Protections on April 21, 1997.

## Calendar of Upcoming CABO Events - 1998

April 5 - 11	International Building Safety Week
April 6 - 10	20th Annual National Hurricane Conference, Norfolk, VA
April 13	ICC Industry Advisory Committee Meeting, Alexandria, VA
April 14 - 24	ICC Code Change Hearings, Alexandria, VA
May 3 - 7	Pacific Rim Conference, Maui, HI
May 5 - 9	Second International Conference on Performance-Based Codes and Fire Safety Design Methods, Maui, HI
May 10	CABO Board of Directors Meeting, Maui, HI
May 11	ICC Board of Directors Meeting, Maui, HI
May 17 - 21	NFPA Annual Meeting, Cincinnati, OH
May 29 - 30	ICC Scoping Coordination Committee Meeting, Location TBA
June 11 - 12	ICC Building Performance Committee Meeting, St. Paul, MN
June 18 - 19	ICC Fire Performance Committee Meeting, Location TBA
July 12 - 16	SBCCI Midyear Hearings, Birmingham, AL
August 16 - 20	International Fire Code Institute (IFCI) Annual Meeting, St. Paul, MN
September 6 - 11	ICBO Annual Conference, San Diego, CA
September 13 - 17	BOCA Annual Conference, Pittsburgh, PA
October 4 - 8	SBCCI Annual Conference, Orlando, FL
November 4 - 7	NCSBCS Annual Conference, Dana Point, CA

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## Revised Accessibility Standard Approved

### Expanded Technical Requirements

Other highlights of the new standard include expanded sections on elevators, signs, alarms, and automatic teller machines, a revised unobstructed high side reach requirement, and new criteria for detectable warnings for platform edges.

CABO anticipates that the new standard will be available later this year. ♦

(Continued from Page 4)

## ICC/NFPA Fire Code Agreement Collapses

their support for the International Codes and their intent to withdraw from the promulgation of their own codes on availability of a corresponding International Code.

Walker added that "The mission of the ICC has been and will continue to be the promulgation of a comprehensive and compatible regulatory system for the built environment, through consistent performance-based regulations that are effective, efficient and meet government, industry and public needs. The ICC will continue to pursue the goal of a single code environment meeting this mission and must withdraw from and avoid any activities and partnerships which are not consistent with this goal and mission."

As reported in the last issue of the *CABO Newsletter*, hearings on drafts of the International Fire Code and the International Building Code, as well as proposed changes to other International Codes were conducted in mid-April in Alexandria, Virginia. ♦

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## ANSI Approves New Manufactured Housing Standard

In addition to the list of proposed changes that will be submitted to HUD, CABO will be publishing a reformatted version of the standard that complies with the format suggested by ANSI. ♦

## CABO NEWSLETTER

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