

GG317-14

1101.4.1, 1101.4.2

Proponent: Brenda Thompson, Chair, representing Sustainability, Energy and High Performance Code Action Committee (SEHPCAC@iccsafe.org)

Revise as follows:

1101.4.1 Existing materials, assemblies, configurations and systems. Materials and systems already in use on a building site in compliance with the requirements or approvals in effect at the time of their installation shall be permitted to remain in use unless determined by the *code official* to be unsafe or dangerous to the environment, life, health or safety. Where such conditions are determined to be unsafe or dangerous to the environment, life, health or safety unsafe, they shall be mitigated or made safe.

Existing buildings and site improvements located within or located closer to protected areas than permitted by Section 402.1 but that are in compliance with the requirements or approvals in effect at the time of their installation shall be permitted to remain in use unless determined by the *code official* to be unsafe or dangerous to the environment, life, health and safety of the community and the occupants of the building site. Where such conditions are determined to be unsafe or dangerous to the environment, life, health or safety, they shall be mitigated or made safe.

1101.4.2 New and replacement materials, assemblies, configurations and systems. Except as otherwise required or permitted by this code, materials, assemblies, configurations and systems permitted by the applicable code for new construction shall be used. Like materials shall be permitted for repairs and alterations provided no hazard to ~~the environment~~, life, health or property is created. Hazardous materials shall not be used where the code for new construction would not permit their use at building sites of similar occupancy, purpose and location.

Reason: The proposed change resolves a conflict between Sec. 1104.4. and Sec. 102.6, Existing Structures, which states that, *“The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Building Code, the International Existing Building Code, the International Property Maintenance Code or the International Fire Code, or as is deemed necessary by the code official for the general safety and welfare of building occupants and the public.”*

The current language of Sec. 1101.4.1 lacks the specificity necessary to correlate with Sec. 102.6.; it gives far too much authority to the code official without providing any guidance on how to use that authority. How is a local code official to decide exactly what *“dangerous to the environment”* means? Could a code official order the replacement of a dark colored roof covering with a roof covering with better solar reflectance and thermal emittance on the basis of the darker roof being dangerous to the environment because of its increased contribution to global warming? Could a code official order removal of a windmill or turbine for being dangerous to the environment because of its hazard to birds? Could a code official order the removal of all landscaping that was not xeriscaped?

Sec 1104.1.4.2 is similarly murky. Every material is potentially hazardous to some aspect of the environment. The code should specifically identify materials that are not to be used if there is a concern with those materials.

The code cannot tolerate such subjectivity. The IEBC provides definitions of *“dangerous”* and *“unsafe.”* It is appropriate to refer to the IEBC for those definitions when a code official is considering ordering mitigation of existing conditions.

This proposal was submitted by the ICC Sustainability Energy and High Performance Code Action Committee (SEHPCAC). The SEHPCAC was established by the ICC Board of Directors to pursue opportunities to improve and enhance International Codes with regard to sustainability, energy and high performance as it relates to the built environment included, but not limited to, how these criteria relate to the International Green Construction Code (IgCC) and the International Energy Conservation Code (IECC). This includes both the technical aspects of the codes as well as the code content in terms of scope and application of referenced standards. In 2012 and 2013, the SEHPCAC has held six two-day open meetings and 50 workgroup calls, which included members of the SEHPCAC as well as any interested parties, to discuss and debate proposed changes and public comments. Related documentation and reports are posted on the SEHPCAC website at: <http://www.iccsafe.org/cs/SEHPCAC/Pages/default.aspx>.

Cost Impact: Will not increase the cost of construction

GG317-14 : 1101.4.1-THOMPSON741