2022 GROUP B PUBLIC COMMENT AGENDA

SEPTEMBER 14 - 21, 2022
KENTUCKY INTERNATIONAL CONVENTION CENTER
LOUISVILLE, KY
Proposed Change as Submitted

Proponents: Dennis Richardson, representing self (dennisrichardsonpe@yahoo.com)

2021 International Wildland-Urban Interface Code

Revise as follows:

[A] 101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, repair, rebuilding, maintenance and use of any building, structure or premises within the wildland-urban interface areas in this jurisdiction.

When a fire incident spreads outside of a wildland-urban interface area into an area that is not regulated by this code, rebuilding of new replacement buildings shall comply with this code as applied in the area where the fire spread from.

Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided that such continued use does not constitute a distinct danger to life or property.

Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

Reason: Numerous recent fires in CA have shown that destructive WUI fires are not limited to WUI areas. A misattributed quote “The definition of insanity is doing the same thing over and over again and expecting different results” is applicable to WUI fires. For example: in Santa Rosa, CA, the Tubbs fire traveled over 15 miles in one night before jumping a freeway and burning thousands of home in Coffey Park as well as other neighborhoods. Nearly all of those homes are now rebuilt to non-WUI standards in Coffey Park which is located outside of the official WUI area.

Coffey Park is a flat urban area located west of a canyon regulated by the WUI provisions. Diablo winds from the east to west appear regularly in the fall and can serve to push embers from the WUI area into the non WUI urban area. By the time that happens there is little fire resource to protect those non WUI areas. When portions or entire neighborhoods burn down, these homes can be reasonably be expected to exposed to a similar hazard again some day in the future. The WUI provisions are more effective if all of the homes in a group comply with this code. Clearly homes burned down in mass from a WUI fire should be rebuilt to the WUI standards. Waiting for the wheels of government to reclassify areas after a conflagration does not result in WUI hardened structures being built as replacements.

Cost Impact: The code change proposal will increase the cost of construction

I am the design professional for a homeowner in Coffey Park, Santa Rosa, who wanted to rebuild and have a chance of surviving the next conflagration. Experience has shown it is very difficult and costly to design a single home that can survive such a conflagration when surrounded by homes that do not meet any WUI provisions. Though more costly, it is more effective for a neighborhood to require the WUI provisions spread throughout the neighborhood as a form of herd immunity from blowing embers rather than trying to make single homes have the ability to withstand a future conflagration. If the code requires the WUI provisions for rebuilds then many insurance policies offer coverage for rebuilding under more stringent code requirements.

Public Hearing Results

Committee Action: Disapproved

Committee Reason: The committee stated that the reason for disapproval was that there are big issues with legality as well as enforceability and that there are better ways to address it through adoption. It was also stated that there was concern about the automatic nature of the proposed requirement taking effect without prior analysis. (Vote: 13-0)

Individual Consideration Agenda

Public Comment 1:

IWUIC: [A] 101.2, SECTION 202, SECTION 202 (New)
**2021 International Wildland-Urban Interface Code**

[A] 101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, repair, rebuilding, maintenance and use of any building, structure or premises within the wildland-urban interface areas in this jurisdiction.

When a fire incident spreads outside of a wildland-urban interface area into an area that is not regulated by this code, rebuilding of new replacement buildings shall comply with this code as applied in the area where the fire spread from.

When a wildfire spreads from or through a wildland-urban interface area and causes substantial damage to a building or structure outside the wildland-urban interface area within this jurisdiction, all new construction of such building or structure shall be designed and constructed to conform to the provisions of this code as applicable to the wildland-urban interface area.

Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided that such continued use does not constitute a distinct danger to life or property.

Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

**SECTION 202 DEFINITIONS**

[BS] SUBSTANTIAL DAMAGE. Damage from a wildfire sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Commenter's Reason: This modification takes the intent of the original proponent and addresses the legality and enforceability issues brought up by the committee. The automatic nature of the modification is intentional.

Cost Impact: The net effect of the public comment and code change proposal will increase the cost of construction. The cost of rebuilding to conform to the WUIC will increase the cost of construction, regardless of any offset by the savings from the potential cost of future damage.
Proposed Change as Submitted

Proponents: David Collins, representing Self (dcollins@preview-group.com); Ronald Geren, representing The American Institute of Architects (ron@specsandcodes.com); Paul Karrer, representing The American Institute of Architects (paulkarrer@aia.org)


Revise as follows:

[A] 102.2.10 Maintenance. Maintenance of the performance-based design shall be ensured through the issuance and renewal of certificates over the life of the building in compliance with Sections 102.3.9.2 and 102.3.10.

[A] 102.2.11 Management of change. The owner or the owner’s authorized agent shall prepare written procedures for managing changes to original construction documents, system processes, technology, equipment and facilities shall be established and implemented. These procedures shall also include procedures for the inspection and renewal of the certificate of compliance by the code official in compliance with Section 102.3.9.2.

[A] 102.3.4.2 Reports and manuals. Where required by the code official, design documentation shall include a concept report, design report and operations and maintenance manual. When using performance-based design for alternative materials, design and methods of construction in accordance with one or more of the following, the design documentation shall only be required to the extent of the performance-based design.

2. Section 104.11 of the International Existing Building Code.
4. Section 105.2 of the International Plumbing Code.
5. Section 105.2 of the International Mechanical Code.
7. Section 105.2 of the International Private Sewage Disposal Code.

[A] 102.3.9.2 Certificate of compliance. Prior to use of a building, facility, process or premises subject to Part III of this code, a certificate of compliance shall be obtained from the code official.

[A] 102.3.9.2.1 Continued use. A certificate of compliance is required for the continued use or occupancy of a facility, process or equipment subject to Part III of this code throughout the life of the facility.

[A] 102.3.9.2.2 Renewal frequency. The certificate of compliance issued subject to Part III of this code shall be renewed at a frequency as determined in the design and approved by the code official, of not more than every 2 years. The certificate of compliances shall also be renewed when the building, facilities, equipment, processes, materials, contents, or policies are changed or modified in accordance with Section 102.2.11. Requests for inspections by the building official required for renewal of the certificate of compliance shall be the responsibility of the owner or the owner’s authorized agent.

[A] 102.3.9.2.3 Revocation and renewal. Failure of the owner or the owner’s authorized agent to demonstrate compliance with this section is cause to revoke or not renew the certificate of compliance.

Add new text as follows:

[A] 102.3.9.2.4 Certificate of compliance renewal inspector. The code official may choose to have the building, facilities, equipment, processes, materials, contents, or policies inspected for the certificate of compliance by a special expert. The special expert for the renewal of each certificate of compliance shall meet the requirements of Appendix D101.4.

Revise as follows:

[A] 102.3.10.2 Continued compliance. Compliance with the operations and maintenance manual and bounding conditions shall be verified throughout the life of the building or facility at a frequency in accordance with the approved documents.

[A] 102.3.10.3 Compliance verification. Documents verifying that the building, facilities, premises, processes and contents are in compliance with the approved construction documents and are maintained in a safe manner shall be filed with the code official at a frequency approved by the code official.

Reason: In 2018, the president of the AIA established a Blue Ribbon Panel to examine the future of the architectural profession and its relationship to codes and standards as part of AIA’s public policies.

We stand for protecting communities from the impact of climate change. Global warming and man-made hazards pose an increasing threat to the...
A key finding of the Blue Ribbon Panel was the need to direct the architect’s practices toward higher performing buildings, while meeting and exceeding the standards adopted in our communities. AIA’s 2019 and 2020 Codes and Standards Committee began that effort by reviewing the ICC’s Performance Building Code that has remained largely unchanged since its initial publication in 2003.

This effort has led to the development of a series of changes intended to improve the usefulness of the International Code Council Performance Code for Buildings and Facilities (ICCPC). Many of these changes are proposed to clarify and coordinate the ICCPC with the family of I-Codes that have been advanced since the initial effort to create this performance based code. Some findings are best addressed in the guide for the use of the ICCPC. AIA has already reached out to the ICC staff to facilitate that effort following the completion of these code change.

A significant part of the proposed changes in Group A consolidate various requirements on the same subject that are currently located in different parts of the code for no apparent reason. Doing so left some things unsaid in one part that are stated in another without reference. Design and evaluation of performance designs and the disparate elements of a building aren’t done independently, but are a part of a comprehensive examination of the involved systems and materials associated with the design. In the Group A hearings we submitted Code Changes PC1, PC10, PC11, PC12, PC13, PC14, PC15, PC16, PC17 and PC18 that were all approved.

In addition, ICC’s Board of Directors has authorized a study currently being performed by Brian Meachum, Ph.D., P.E. (CT&MA), CEng. (UK), EUR ING, FIFireE, FSFPE, to evaluate the future of the ICCPC. To date the results appear encouraging. To that end we have prepared a series of changes that take the next step in Group B changes to improve the code for all to use.

This change is proposed to continue the effort to make the Performance Code better. The following are specific to each change.

102.2.10 and 102.2.11:
This change will tie some of the sections of the code together for a more cohesive and direct requirement for inspection and renewal of the certificate of compliance. As most buildings do experience change, we are making it clear that the code requires procedures for how changes are handled that become part of the construction documents for approval by the code official.

102.3.4.2:
The ICC Performance Code (ICCPC) should not be considered solely for whole building designs, but also as another pathway for evaluating alternative materials, designs, and methods of construction. When projects are designed per the prescriptive requirements of any ICC code, there are situations where a single material, element, or system cannot conform to the prescriptive requirements. Also, new materials, elements, or systems are entering the construction market at a pace that the prescriptive codes cannot keep up.

Although the prescriptive provisions in each of the codes provides one pathway for approval of alternative materials, designs, and methods of construction, the ICCPC should not be overlooked as an alternative pathway. The ICCPC may be considered by the building official as an alternative method in and of itself per any of the sections listed, by including it within the text of each section will draw much greater attention to the ICCPC and thereby increase its use and adoption.

102.3.9.2 and 102.3.10:
This change makes it clear that the requirements for when the certificate of compliance is required is not just for just Part III of this code, but is applicable to all Performance Code designs. In addition this change will make it clear that the certificate is to be reviewed on a maximum timeframe of two years, and requires the review to occur when changes are made to any part of the building, facilities, equipment, processes, materials, contents, or policies. It also specifically makes the owner responsible for the renewals.

Cost Impact: The code change proposal will not increase or decrease the cost of construction
This code change proposal is connected with seven other code change proposals offered by AIA modifying the administration and enforcement requirements in Chapter 1 of seven other I-Codes (IBC, IEBC, IFC, IFGC, IPC, IPSDC, and IMC). It provides an additional option connecting those codes to the ICCPC for those projects that wish to pursue more performance-based solutions. It clarifies the scope of the application of the ICCPC in the situations when one of these new proposed options would be used by an individual project. Clarification within the code will allow the owner, designer, and code official a clear path toward approval of projects and clear responsibility for the development of procedures to do so.

This change to the ICCPC does not add a requirement that individual projects must comply with. ICC’s Cost Impact Guide cites code change proposals that modify the design requirements (e.g. greater number of design options, design process efficiencies) as recognized instances of proposals that do not affect the construction or construction cost. Providing projects a route to use the ICC Performance Code to evaluate materials, designs and methods of construction does not impact the cost of construction.
**Public Hearing Results**

Committee Action: Disapproved

Committee Reason: The committee stated that the reasons for disapproval were that there is a lot of work that still needs to be done and maybe it could have been done in multiple modifications had they chose to do that from the floor. There was some support for the proposal itself, but it still in need to be cleaned up and fixed. (Vote: 13-0)

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**Individual Consideration Agenda**

**Public Comment 1:**

ICCPC: [A] 102.3.4.2, [A] 102.3.9.2.2, [A] 102.3.9.2.4

Proponents: Paul Karrer, representing The American Institute of Architects (paulkarrer@aia.org); Ronald Geren, representing The American Institute of Architects (ron@specsandcodes.com) requests As Modified by Public Comment

Modify as follows:

**2021 International Code Council Performance Code**

[A] 102.3.4.2 Reports and manuals. Where required by the code official, design documentation shall include a concept report, design report and operations and maintenance manual. When using performance-based design for alternative materials, design and methods of construction in accordance with one or more of the following, the design documentation shall only be required to the extent of the performance-based design.

2. Section 104.11 of the International Existing Building Code.
4. Section 105.2 of the International Plumbing Code.
5. Section 105.2 of the International Mechanical Code.
7. Section 105.2 of the International Private Sewage Disposal Code.

[A] 102.3.9.2.2 Renewal frequency. The certificate of compliance issued subject to this code shall be renewed at a frequency of not more than every 2 years as determined in the design and approved by the code official. The certificate of compliance shall also be renewed when the building, facilities, equipment, processes, materials, contents, or policies are changed or modified in accordance with Section 102.2.11. Requests for inspections by the building official required for renewal of the certificate of compliance shall be the responsibility of the owner or the owner’s authorized agent.

[A] 102.3.9.2.4 Certificate of compliance renewal inspector. Requests for inspections by the building official required for renewal of the certificate of compliance shall be the responsibility of the owner or the owner’s authorized agent. The code official may choose to Where approved by the code official, the owner is permitted to have the building, facilities, equipment, processes, materials, contents, or policies inspected for the certificate of compliance by a special expert. The special expert for the renewal of each certificate of compliance shall meet the requirements of Appendix D101.4.

Commenter’s Reason: This code change proposal is connected with a separate code change proposal sponsored by AIA modifying the administration and enforcement requirements in Chapter 1 of seven other I-Codes (IBC, IEBC, IFC, IFGC, IPC, IPSDC, and IMC). The ADMIN Committee recommended that code change proposal (ADM35-22) for Approval as Modified at the Group B Committee Action Hearings in Rochester this spring.

This public comment was developed to address concerns or opposition raised by ADMIN Committee members on ADM11-22 during the Group B Committee Action Hearings in Rochester. The proposed fixes here were originally intended to be offered through multiple floor modifications that have been consolidated here into one public comment. Multiple committee members expressed general support for the overall code change.
The public comment addresses issues in three parts of the original code change proposal:

1. **Section 102.3.4.2 Reports and manual:** Corrects typos in the proposed language to be added.

2. **Section 102.3.9.2.2 Renewal frequency:** Removes originally proposed language requiring that certificates of compliance be renewed at a frequency “of not more than every two years” and restores the language currently in the ICCPC (renewed at a frequency “as determined in the design and approved by the code official.”). It also removes the originally proposed addition of a sentence addressing requests for inspection by the building official and transfers it to a new proposed subsection 102.3.9.2.4 (see item #3 below).

3. **Section 102.3.9.2.4 Certificate of compliance renewal inspector:** Relocates a sentence addressing requests for inspection by the building official that had originally been proposed to be added to section 102.3.9.2.2 (see item #2 above) and places it at the beginning of the originally proposed addition here of a new subsection 102.3.9.2.4. It also revises a sentence of the originally proposed addition of this new subsection due to concerns that it contained permissive language directed at the code official. This revision clarifies that, with the approval of the code official, the owner is permitted to have the building inspected by a special expert as defined in Chapter 2 of the ICCPC and meeting the qualifications required by Appendix D101.4.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction.

This code change proposal is connected with a separate code change proposal sponsored by AIA modifying the administration and enforcement requirements in Chapter 1 of seven other I-Codes (IBC, IEBC, IFC, IFGC, IPC, IPSDC, and IMC). The ADMIN Committee recommended that code change proposal (ADM35-22) for Approval as Modified at the Committee Action Hearings in Rochester this spring.

This code change proposal and this public comment provide an additional option connecting those codes to the ICCPC for those projects that wish to pursue more performance-based solutions. It clarifies the scope of the application of the ICCPC in the situations when one of these new proposed options would be used by an individual project. Clarification within the code will allow the owner, designer, and code official a clear path toward approval of projects and clear responsibility for the development of procedures to do so.

This change to the ICCPC does not add a requirement with which individual projects must comply. ICC’s Cost Impact Guide cites code change proposals that modify the design requirements (e.g., greater number of design options, design process efficiencies) as recognized instances of proposals that do not affect the construction or construction cost. Providing projects a route to use the ICC Performance Code to evaluate materials, designs and methods of construction does not impact the cost of construction.
ADM13-22 Part I

Proposed Change as Submitted

Proponents: Robert Marshall, representing FCAC (fcac@iccsafe.org); Mike Nugent, representing Building Code Action Committee (bcac@iccsafe.org); Jeffrey Shapiro, representing Lake Travis Fire Rescue (jeff.shapiro@intlcodeconsultants.com)

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE CODE COMMITTEE. PART II WILL BE HEARD BY THE IRC-BUILDING CODE COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THESE COMMITTEES.

Primary sections and titles shown as deleted include the deletion of all sections and subsections within them. For clarity, the full text of these deletions are not shown.

2021 International Building Code

Revise as follows:

[A] APPROVED AGENCY. An established and recognized agency organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such agency organization has been approved by the building official.

Add new definition as follows:

PEER REVIEW. An independent and objective technical review conducted by an approved third party.

Revise as follows:

SECTION 104
DUTIES AND POWERS OF THE BUILDING OFFICIAL
(Delete entire section and replace as follows)

Add new text as follows:

SECTION 104
DUTIES AND POWERS OF THE BUILDING OFFICIAL.

[A] 104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code.

[A] 104.2 Determination of Compliance. The building official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of this code’s provisions. Such interpretations, policies, procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.

2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.1 Listed compliance. Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer’s instructions. Copies of the listing standard and manufacturer’s instructions shall be made available to the building official upon request.

[A] 104.2.2 Technical assistance. To determine compliance with this code, the building official is authorized to require the owner or owner’s authorized agent to provide a technical opinion and report.

[A] 104.2.2.1 Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

[A] 104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the building official. The building official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.2.2.3 Content. The technical opinion and report shall analyze the safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

[A] 104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the building official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the building official shall approve the testing procedures. Tests shall be performed by a party acceptable to the building official.
**[A] 104.2.3 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved.

**[A] 104.2.3.1 Approval authority.** An alternative material, design or method of construction shall be approved where the building official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

**[A] 104.2.3.2 Application and disposition.** A request to use an alternative material, design or method of construction shall be submitted in writing to the building official for approval. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons the alternative was not approved.

**[A] 104.2.3.3 Compliance with code intent.** An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

**[A] 104.2.3.4 Equivalency criteria.** An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety

**[A] 104.2.3.4.1 Fire safety equivalency.** Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

**[A] 104.2.3.5 Tests.** Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the building official.

**[A] 104.2.3.6 Reports.** Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

**[A] 104.2.3.6.1 Evaluation reports.** Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products. The alternate material, design or method of construction and product evaluated shall be within the scope of accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report, developed using a process that includes input from the public and made available for review by the public.

**[A] 104.2.3.6.2 Other reports.** Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the building official. The building official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

**[A] 104.2.3.7 Peer review.** The building official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the building official.

**[A] 104.2.4 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases provided that the building official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety.

**[A] 104.2.4.1 Flood hazard areas.** The building official shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

[A] 104.3 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] 104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 or Section R322 of the International Residential Code, as applicable.

[A] 104.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at all reasonable times to inspect or to perform the duties imposed by this code. If such structure or premises is occupied, the building official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner, the owner’s authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

[A] 104.4.1 Warrant. Where the building official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner’s authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.

[A] 104.5 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.6 Notices and orders. The building official shall issue necessary notices or orders to ensure compliance with this code in accordance with Section 114.

[A] 104.7 Official records. The building official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] 104.7.1 Approvals. A record of approvals shall be maintained by the building official and shall be available for public inspection during business hours in accordance with applicable laws.

[A] 104.7.2 Inspections. The building official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

[A] 104.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the building official for either shall be in writing and shall be retained in the official records.

[A] 104.7.4 Tests. The building official shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

[A] 104.7.5 Fees. The building official shall keep a record of fees collected and refunded in accordance with Section 109.

[A] 104.8 Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be personally liable, either civilly or criminally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

[A] 104.8.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 104.9 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

[A] 104.9.1 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved.
2021 International Existing Building Code

Add new definition as follows:

**APPROVED AGENCY.** An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such organization has been approved by the code official.

**PEER REVIEW.** An independent and objective technical review conducted by an approved third party.

Revise as follows:

**SECTION 104**

**DUTIES AND POWERS OF THE CODE OFFICIAL**

*(Delete entire section and replace as follows)*

Add new text as follows:

**SECTION 104**

**DUTIES AND POWERS OF THE CODE OFFICIAL**

[A] 104.1 **General.** The code official is hereby authorized and directed to enforce the provisions of this code.

[A] 104.2 **Determination of Compliance.** The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of this code’s provisions. Such interpretations, policies, procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.1 **Listed compliance.** Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer’s instructions. Copies of the listing standard and manufacturer’s instructions shall be made available to the code official upon request.

[A] 104.2.2 **Technical assistance.** To determine compliance with this code, the code official is authorized to require the owner or owner’s authorized agent to provide a technical opinion and report.

[A] 104.2.2.1 **Cost.** A technical opinion and report shall be provided without charge to the jurisdiction.

[A] 104.2.2.2 **Preparer qualifications.** The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.2.2.3 **Content.** The technical opinion and report shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

[A] 104.2.2.4 **Tests.** Where there is insufficient evidence of compliance with the provisions of this code, the code official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Tests shall be performed by a party acceptable to the code official.

[A] 104.2.3 **Alternative materials, design and methods of construction, and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved.

[A] 104.2.3.1 **Approval authority.** An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3.2 through 104.2.3.7, as applicable.

[A] 104.2.3.2 **Application and disposition.** A request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

[A] 104.2.3.3 **Compliance with code intent.** An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

[A] 104.2.3.4 **Equivalency criteria.** An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:
1. **Quality**

2. **Strength**

3. **Effectiveness**

4. **Durability**

5. **Safety**

[A] **104.2.3.4.1 Fire safety equivalency.** Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] **104.2.3.5 Tests.** Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

[A] **104.2.3.6 Reports.** Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

[A] **104.2.3.6.1 Evaluation reports.** Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products. The alternative material, design or method of construction and product evaluated shall be within the scope of accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report, developed using a process that includes input from the public, and made available for review by the public.

[A] **104.2.3.6.2 Other reports.** Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] **104.2.3.7 Peer review.** The code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the code official.

[A] **104.2.4 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety.

[A] **104.2.4.1 Flood hazard areas.** For existing buildings located in flood hazard areas for which repairs, alterations and additions constitute substantial improvement, the code official shall not grant modifications to provisions related to flood resistance unless a determination is made that:

1. The applicant has presented good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render compliance with the flood-resistant construction provisions inappropriate.
2. Failure to grant the modification would result in exceptional hardship.
3. The granting of the modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense nor create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. The modification is the minimum necessary to afford relief, considering the flood hazard.

A written notice will be provided to the applicant specifying, if applicable, the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and that construction below the design flood elevation increases risks to life and property.

[A] **104.3 Applications and permits.** The code official is authorized to receive applications, review construction documents and issue permits for the repair and construction regulated by this code, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

[A] **104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the code official shall determine where the proposed work constitutes substantial improvement or repair of substantial damage. Where the code official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the code official shall require the building to meet the requirements of Section 1612 of the International Building Code, or Section R322 of the International Residential Code, as applicable.
[A] 104.3.2 Preliminary meeting. When requested by the permit applicant or the code official, the code official shall meet with the permit applicant prior to the application for a construction permit to discuss plans for the proposed work or change of occupancy in order to establish the specific applicability of the provisions of this code.

Exception: Repairs and Level 1 alterations.

[A] 104.3.3 Building evaluation. The code official is authorized to require an existing building to be investigated and evaluated by a registered design professional based on the circumstances agreed on at the preliminary meeting. The design professional shall notify the code official if any potential noncompliance with the provisions of this code is identified.

[A] 104.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that there exists in a structure or on a premises any conditions or violations of this code that makes the structure or premises unsafe, dangerous or hazardous, the code official shall have the authority to enter the structure or premises at all reasonable times to inspect or to perform the duties imposed on the code official by this code. If such structure or premises is occupied, the code official shall present credentials to the occupant and request entry. If such structure or premises be unoccupied, the code official shall first make a reasonable effort to locate the owner, the owner’s authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.

[A] 104.4.1 Warrant. Where the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner’s authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

[A] 104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.6 Notices and orders. The code official is authorized to issue such notices or orders as are required to affect compliance with this code in accordance with Section 113.

[A] 104.7 Official records. The code official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] 104.7.1 Approvals. A record of approvals shall be maintained by the code official and shall be available for public inspection during business hours in accordance with applicable laws.

[A] 104.7.2 Inspections. The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

[A] 104.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the code official for either shall be in writing and shall be officially recorded in the permanent records of the code official.

[A] 104.7.4 Tests. The code official shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

[A] 104.7.5 Fees. The code official shall keep a record of fees collected and refunded in accordance with Section 108.

[A] 104.8 Liability. The code official, member of the Board of Appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be personally liable, either civilly or criminally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

[A] 104.8.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 104.9 Approved materials and equipment. Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

[A] 104.9.1 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved.

2021 International Fire Code

Add new definition as follows:

APPROVED AGENCY, An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services or
furnishing product evaluation or certification where such organization has been approved by the fire code official.

PEER REVIEW. An independent and objective technical review conducted by an approved third party.

Revise as follows:

SECTION 104
DUTIES AND POWERS OF THE FIRE CODE OFFICIAL

(Delete entire section and replace as follows)

Add new text as follows:

SECTION 104
DUTIES AND POWERS OF THE FIRE CODE OFFICIAL

[A] 104.1 General. The fire code official is hereby authorized to enforce the provisions of this code.

[A] 104.2 Determination of compliance. The fire code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of this code’s provisions. Such interpretations, policies, procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.1 Listed compliance. Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer’s instructions. Copies of the listing standard and manufacturer’s instructions shall be made available to the fire code official upon request.

[A] 104.2.2 Technical assistance. To determine compliance with this code, the fire code official is authorized to require the owner or owner’s authorized agent to provide a technical opinion and report.

[A] 104.2.2.1 Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

[A] 104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official. The fire code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.2.2.3 Content. The technical opinion and report shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

[A] 104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the fire code official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the fire code official shall approve the testing procedures. Tests shall be performed by a party acceptable to the fire code official.

[A] 104.2.3 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved.

[A] 104.2.3.1 Approval authority. An alternative material, design or method of construction shall be approved where the fire code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3.2 through 104.2.3.7, as applicable.

[A] 104.2.3.2 Application and disposition. A request to use an alternative material, design or method of construction shall be submitted in writing to the fire code official for approval. Where the alternative material, design or method of construction is not approved, the fire code official shall respond in writing, stating the reasons the alternative was not approved.

[A] 104.2.3.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness

4. Durability

5. Safety

[A] 104.2.3.4.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the fire code official.

[A] 104.2.3.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

[A] 104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products. The alternative material, design or method of construction and product evaluated shall be within the scope of accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report, developed using a process that includes input from the public, and made available for review by the public.

[A] 104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official. The fire code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.2.3.7 Peer review. The fire code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the fire code official.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided that the fire code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of fire prevention.

[A] 104.3 Applications and permits. The fire code official is authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] 104.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the fire code official has reasonable cause to believe that there exists in a structure or on a premises any conditions or violations of this code that make the structure or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the structure or premises at all reasonable times to inspect or to perform the duties imposed on the fire code official by this code. If such structure or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner, the owner’s authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the fire code official shall have recourse to every remedy provided by law to secure entry.

[A] 104.4.1 Warrant. Where the fire code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner’s authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the fire code official for the purpose of inspection and examination pursuant to this code.

[A] 104.5 Identification. The fire code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.6 Notices and orders. The fire code official is authorized to issue such notices or orders as are required to affect compliance with this code in accordance with Sections 112.1 and 112.2.

[A] 104.7 Official records. The fire code official shall keep official records as required by Sections 104.7.1 through 104.7.6. Such official records shall be retained for not less than 5 years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] 104.7.1 Approvals. A record of approvals shall be maintained by the fire code official and shall be available for public inspection during business hours in accordance with applicable laws.

[A] 104.7.2 Inspections. The fire code official shall keep a record of each inspection made, including notices and orders issued, showing the
findings and disposition of each.

104.7.3 Fire records. The fire code official fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the fire code official.

[A] 104.7.4 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the fire code official for either shall be in writing and shall be officially recorded in the permanent records of the fire code official.

[A] 104.7.5 Tests. The fire code official shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

[A] 104.7.6 Fees. The fire code official shall keep a record of fees collected and refunded in accordance with Section 107.

[A] 104.8 Liability. The fire code official, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not be personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

[A] 104.8.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties under the provisions of this code shall be defended by the legal representatives of the jurisdiction until the final termination of the proceedings. The fire code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of fire prevention, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

[A] 104.9 Approved materials and equipment. Materials, equipment and devices approved by the fire code official shall be constructed and installed in accordance with such approval.

[A] 104.9.1 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved.

104.10 Fire investigations. The fire code official, the fire department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record, except as directed by a court of law.

104.10.1 Assistance from other agencies. Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires when requested to do so.

104.11 Authority at fires and other emergencies. The fire chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property, or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the fire chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene, and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing that could impede or interfere with the operations of the fire department and, in the judgment of the fire chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

104.11.1 Barricades. The fire chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

104.11.2 Obstructing operations. Persons shall not obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

104.11.3 Systems and devices. Persons shall not render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident.

2021 International Property Maintenance Code

Add new definition as follows:

APPROVED AGENCY. An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such organization has been approved by the code official.

PEER REVIEW. An independent and objective technical review conducted by an approved third party.

Revise as follows:
SECTION 105
DUTIES AND POWERS OF THE CODE OFFICIAL
(Delete entire section and replace as follows)

SECTION 106
APPROVAL
(Delete entire section and replace as follows)

Add new text as follows:

SECTION 105
DUTIES AND POWERS OF THE CODE OFFICIAL

[A] 105.1 General. The code official is hereby authorized and directed to enforce the provisions of this code.

[A] 105.2 Determination of compliance. The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of this code’s provisions. Such interpretations, policies, procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 105.2.1 Technical assistance. To determine compliance with this code, the code official is authorized to require the owner or owner’s authorized agent to provide a technical opinion and report.

[A] 105.2.1.1 Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

[A] 105.2.1.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 105.2.1.3 Content. The technical opinion and report shall analyze the safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

[A] 105.2.1.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the code official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Tests shall be performed by a party acceptable to the code official.

[A] 105.2.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that such alternative is not specifically prohibited by this code and has been approved.

[A] 105.2.2.1 Approval authority. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 105.2.2 through 105.2.2.7, as applicable.

[A] 105.2.2.2 Application and disposition. A request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

[A] 105.2.2.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

[A] 105.2.2.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Strength
2. Quality
3. Strength
4. Durability
5. Safety

[A] 105.2.2.4.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes
applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 105.2.2.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict safety performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

[A] 105.2.2.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 105.2.2.6.1 and 105.2.2.6.2.

[A] 105.2.2.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products. The alternate material, design or method of construction and product evaluated shall be within the scope of accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report, developed using a process that includes input from the public and made available for review by the public.

[A] 105.2.2.6.2 Other reports. Reports not complying with Section 105.2.2.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 105.2.2.7 Peer review. The code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the code official.

[A] 105.2.3 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of the written request for and action granting modifications shall be recorded and entered in the department files.

[A] 105.3 Inspections. The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual.

[A] 105.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at all reasonable times to inspect or perform the duties imposed by this code. If such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner’s authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.

[A] 105.4.1 Warrant. Where the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner’s authorized agent or occupant or person having charge or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

[A] 105.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 105.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code in accordance with Section 111.4.

[A] 105.7 Official records. The code official shall keep official records as required by Sections 105.7.1 through 105.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] 105.7.1 Approvals. A record of approvals shall be maintained by the code official and shall be available for public inspection during business hours in accordance with applicable laws.

[A] 105.7.2 Inspections. The building official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

[A] 105.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in
accordance with Section 105.2.2; modifications in accordance with Section 105.2.3; and documentation of the final decision of the code official for either shall be in writing and shall be retained in the official records.

[A] 105.7.4 Tests. The code official shall keep a record of tests conducted to comply with Sections 105.2.1.4 and 105.2.2.5.

[A] 105.7.5 Fees. The code official shall keep a record of fees collected and refunded in accordance with Section 104.

[A] 105.8 Liability. The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be personally liable, either civilly or criminally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

[A] 105.8.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 105.9 Approved materials and equipment. Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

[A] 105.9.1 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved.

2021 International Wildland-Urban Interface Code

Add new definition as follows:

APPROVED AGENCY. An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such organization has been approved by the code official.

PEER REVIEW. An independent and objective technical review conducted by an approved third party.

REGISTERED DESIGN PROFESSIONAL. An architect or engineer, registered or licensed to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state in which the project is to be constructed.

Revise as follows:

[A] 102.5 404.4 Subjects not regulated by this code. Where applicable standards or requirements are not set forth in this code, or are contained within other laws, codes, regulations, ordinances or policies adopted by the jurisdiction, compliance with applicable standards of other nationally recognized safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the code official to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility.

[A] 102.6 404.5 Matters not provided for. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code, shall be determined by the code official consistent with the necessity to establish the minimum requirements to safeguard the public health, safety and general welfare.

SECTION 104

AURHORITY OF THE CODE OFFICIAL

(Delete Section 104.1 through 104.3.1, 104.6 and 104.7 and replace as follows)

SECTION 105

COMPLIANCE ALTERNATIVES

(Delete entire section and replace as follows)

Add new text as follows:

SECTION 104

DUTIES AND POWERS OF THE CODE OFFICIAL

[A] 104.1 Powers and duties of the code official. The code official is hereby authorized to enforce the provisions of this code.

[A] 104.2 Determination of compliance. The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, procedures, rules and regulations to clarify the application of this code's provisions. Such interpretations, policies, procedures, rules and regulations:
1. Shall be in compliance with the intent and purpose of this code.

2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.1 Technical assistance. To determine compliance with this code, the code official is authorized to require the owner, the owner’s authorized agent or the person in possession or control of the building or premises to provide a technical opinion and report.

[A] 104.2.1.1 Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

[A] 104.2.1.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.2.1.3 Content. The technical opinion and report shall analyze the fire safety of the design, operation or use of the building or premises, the facilities and appurtenances situated thereon and fuel management to identify and propose necessary recommendations.

[A] 104.2.1.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the code official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Tests shall be performed by a party acceptable to the code official.

[A] 104.2.2 Alternative materials, design and methods. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved.

[A] 104.2.2.1 Approval authority. An alternative material, design or method shall be approved where the code official in concurrence with the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.2.2 through 104.2.2.7, as applicable.

[A] 104.2.2.2 Application and disposition. A request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

[A] 104.2.2.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

[A] 104.2.2.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety

[A] 104.2.2.4.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 104.2.2.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

[A] 104.2.2.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.2.6.1 and 104.2.2.6.2.

[A] 104.2.2.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products. The alternative material, design or method of construction and product evaluated shall be within the scope of accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report, developed using a process that includes input from the public, and made available for review by the public.

[A] 104.2.2.6.2 Other reports. Reports not complying with Section 104.2.2.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.
[A] 104.2.2.7 Peer review. The code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the code official.

[A] 104.2.3 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make enforcement of the strict letter of this code impractical, that the modification is in conformance to the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of the written request and action granting modifications shall be recorded and entered into the files of the code enforcement agency.

[A] 104.3 Applications and permits. The code official is authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] 104.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that there exists in a structure or on a premises any conditions or violations that makes such building or premises unsafe, the code official shall have the authority to enter the structure or premises at all reasonable times to inspect or to perform the duties imposed by this code. If such structure or premises is occupied, the code official shall present proper credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, the owner's authorized agent, or other persons having charge or control of the structure or premises and request entry. If such entry is refused, then the code official shall have recourse to every remedy provided by law to secure entry.

[A] 104.4.1 Warrant. Where the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner's authorized agent or occupants or persons having charge, care or control of the building or premises, shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

[A] 104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.6 Notices and orders. The code official is authorized to issue such notices or orders as are required to affect compliance with this code in accordance with Section 110.2.

[A] 104.7 Official records. The code official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] 104.7.1 Approvals. A record of approvals shall be maintained by the code official and shall be available for public inspection during business hours in accordance with applicable laws.

[A] 104.7.2 Inspections. The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

[A] 104.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.2; modifications in accordance with Section 104.2.3; and documentation of the final decision of the code official for either shall be in writing and shall be officially recorded in the permanent records of the code official.

[A] 104.7.4 Tests. The code official shall keep a record of tests conducted to comply with Sections 104.2.1.4 and 104.2.2.5.

[A] 104.7.5 Fees. The code official shall keep a record of fees collected and refunded in accordance with Section 109.

[A] 104.8 Liability. The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be personally liable, either civilly or criminally, and is hereby relieved from all personal liability for damages accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

[A] 104.8.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by the legal representatives of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of fire prevention, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

[A] 104.9 Approved materials and equipment. Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

[A] 104.9.1 Material and equipment reuse. Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.
[A] 104.10 Other agencies. When requested to do so by the code official, other officials of this jurisdiction shall assist and cooperate with the code official in the discharge of the duties required by this code.

2021 International Zoning Code

Revise as follows:

[A] 104.7 Liability. The code official, or designee, member of the board of adjustment or employee charged with the enforcement of this code, while acting in good faith and without malice in the discharge of the duties described in this code or other pertinent law or ordinance, shall not be personally liable, either civilly or criminally, and is hereby relieved from personal liability for any damage that may accrue as a result of an act or by reason of an act or omission in the discharge of such duties.

[A] 104.7.1 Legal defense. Any suit or criminal complaint brought against the code official or employee because of an act or omission performed by the code official or employee in the lawful discharge of duties under the provisions of this code or other pertinent laws or ordinances shall be defended by the jurisdiction until final termination of such proceedings. Any judgment resulting therefrom shall be assumed by the jurisdiction. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency or its jurisdiction be held as assuming any such liability by reason of the reviews or permits issued under this code.

2021 International Green Construction Code

Revise as follows:

SECTION 104
DUTIES AND POWERS OF THE AUTHORITY HAVING JURISDICTION

(Delete entire section and replace as follows)

SECTION 105
APPROVAL

(Delete entire section and replace as follows)

Add new text as follows:

SECTION 104
DUTIES AND POWERS OF THE AUTHORITY HAVING JURISDICTION

104.1 General. The authority having jurisdiction is hereby authorized and directed to enforce the provisions of this code.

104.2 Determination of compliance. The authority having jurisdiction shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of this code’s provisions. Such interpretations, policies, procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

104.2.1 Listed compliance. Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer’s instructions. Copies of the listing standard and manufacturer’s instructions shall be made available to the authority having jurisdiction upon request.

104.2.2 Technical assistance. To determine compliance with this code, the authority having jurisdiction is authorized to require the owner or owner’s authorized agent to provide a technical opinion and report.

104.2.2.1 Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the authority having jurisdiction. The authority having jurisdiction is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.2.3 Content. The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises and the
facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

104.2.2.4 **Tests.** Where there is insufficient evidence of compliance with the provisions of this code, the authority having jurisdiction is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the authority having jurisdiction shall approve the testing procedures. Tests shall be performed by a party acceptable to the authority having jurisdiction.

104.2.3 **Compliance materials.** The authority having jurisdiction shall be permitted to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this code.

104.2.4 **Approved programs.** The authority having jurisdiction shall have the authority to deem a national, state or local program as meeting or exceeding this code. Buildings approved in writing by such a program shall be considered to be in compliance with this code.

104.2.4.1 **Specific approval.** The authority having jurisdiction shall have the authority to approve programs or compliance tools for a specified application, limited scope or specific locale, including approval that is applicable to a specific section or chapter of this code.

104.2.5 **Innovative approaches and alternative materials, design, and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design, innovative approach, or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved.

104.2.5.1 **Approval authority.** An alternative material, design, innovative approach or method of construction shall be approved where the authority having jurisdiction finds that the proposed alternative is satisfactory and complies with Sections 104.2.5 through 104.2.7, as applicable.

104.2.5.2 **Application and disposition.** A request to use an alternative material, design, innovative approach or method of construction shall be submitted in writing to the authority having jurisdiction for approval. Where the alternative material, design, innovative approach or method of construction is not approved, the authority having jurisdiction shall respond in writing, stating the reasons the alternative was not approved.

104.2.5.3 **Compliance with code intent.** An alternative material, design, innovative approach or method of construction shall comply with the intent of the provisions of this code.

104.2.5.4 **Equivalency criteria.** An alternative material, design, innovative approach or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety

104.2.5.4.1 **Fire safety equivalency.** Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

104.2.5.5 **Tests.** Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the authority having jurisdiction.

104.2.5.6 **Reports.** Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.5.6.1 and 104.2.5.6.2.

104.2.5.6.1 **Evaluation reports.** Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products. The alternate material, design or method of construction and product evaluated shall be within the scope of accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report, developed using a process that includes input from the public and made available for review by the public.

104.2.5.6.2 **Other reports.** Reports not complying with Section 104.2.5.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the authority having jurisdiction. The authority having jurisdiction is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.5.7 **Peer review.** The authority having jurisdiction is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the authority having jurisdiction.

104.2.6 **Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the authority having jurisdiction shall have the authority to grant modifications for individual cases, provided the authority having jurisdiction shall first find that one or more special
individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen the minimum requirements of this code. The details of the written request for and granting modifications shall be recorded and entered in the files of the department.

104.3 Enforcement. The authority having jurisdiction shall enforce compliance with the provisions of this code as part of the enforcement of other applicable codes and regulations, including the referenced codes listed in Section 102.4.

104.4 Inspections. The authority having jurisdiction shall have the authority to conduct inspections, as required, to determine code compliance, or the authority having jurisdiction shall have the authority to accept reports of inspection by approved agencies or individuals.

104.5 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the authority having jurisdiction has reasonable cause to believe that there exists in a structure or on a premises any conditions or violations of this code that make the structure or premises unsafe, dangerous or hazardous, the authority having jurisdiction shall have the authority to enter the structure or premises at all reasonable times to inspect or to perform the duties imposed on the authority having jurisdiction by this code. If such structure or premises is occupied, the authority having jurisdiction shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the authority having jurisdiction shall first make a reasonable effort to locate the owner, the owner’s authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the authority having jurisdiction has recourse to every remedy provided by law to secure entry.

104.5.1 Warrant. Where the authority having jurisdiction has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner’s authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the authority having jurisdiction for the purpose of inspection and examination pursuant to this code.

104.6 Identification. The authority having jurisdiction shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.7 Notices and orders. The authority having jurisdiction shall issue all necessary notices or orders to ensure compliance with this code.

104.8 Official records. The authority having jurisdiction shall keep official records as required by Sections 104.8.1 through 104.8.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other regulations.

104.8.1 Approvals. A record of approvals shall be maintained by the authority having jurisdiction and shall be available for public inspection during business hours in accordance with applicable laws.

104.8.2 Inspections. The authority having jurisdiction shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

104.8.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.5; modifications in accordance with Section 104.2.6; and documentation of the final decision of the authority having jurisdiction for either shall be in writing and shall be retained in the official records.

104.8.4 Tests. The authority having jurisdiction shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.5.5.

104.8.5 Fees. The authority having jurisdiction shall keep a record of fees collected and refunded in accordance with Section 108.

104.9 Liability. The authority having jurisdiction, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be personally liable, either civilly or criminally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

104.9.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The authority having jurisdiction or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.10 Approved materials and equipment. Materials, equipment, devices and innovative approaches approved by the authority having jurisdiction shall be constructed, installed and maintained in accordance with such approval.

104.10.1 Material, product and equipment reuse. Materials, products, equipment and devices shall not be reused unless such elements are in good working condition and approved.

Reason: Section 104 (Section 105 in the IPMC) appears in the IFC, IWUIC, IBC, IEBC, IRC, IgCC and IPMC and contains general requirements for the authority and duties of the code official. Among these authorities and duties is the review and approval of alternate methods. The primary purpose of this code change is to update Section 104 to reflect the current manner that alternate methods and materials are evaluated, and to differentiate between evaluations from accredited evaluation agencies and evaluations from others, such as engineers. These provisions have basically been the same since the first edition in 2000, with the exception that the section on “Research Reports” was added in 2003. Industry
This proposal revises general code enforcement provisions to improve organization, improve clarity, and supplement existing provisions to better align the code text with how the code is commonly applied. The end goal is to provide the same wording and procedures in all of the I-Codes with regard to the Duties and Responsibilities of the Code Official. Some of the codes contain unique provisions applicable to only that code. Those nuances are retained so there are some slight differences, but the formatting will be the same in each code and the language will generally bee the same in each code.

As stated earlier, this section has been in the code a long time, and it is believed that it initially envisioned an alternative product or method review and approval process on a project-by-project basis, with substantiating tests and calculations or analyses provided with each permit application. Currently, a more efficient system has evolved where the same product evaluation reports are used in numerous projects, across many jurisdictions, and for many conditions. This evolution causes the need to revise this section to reflect current procedures.

However, the need for designers to be able to apply for one-time approval needs to be maintained, and that is the reason that “research reports” is maintained. In this case, though, when a method or material is not addressed by the code, the code official needs more information on the process that the evaluator used to determine that the method or material complies with the intent of the code.

To achieve the common format, a template is shown below which includes comments on each of the sections. Since the wording in each code is intended to be the same, the outline is not shown for every code, however there is an underline/strikeout version for each code provided. The code change for each code is provided as delete and substitute. This was done because the autoformatting process in cdpACCESS did not provide a document to easily follow. The underline/strikeout versions show the specific changes.

The following template is from the IBC. The IBC, IFC, IRC, IEBC, IPMC, and IWUIC are formatted the same as this template, however some codes have additional unique provisions, and other codes don’t contain all of these sections if they are not appropriate for the code content.

OUTLINE FOR PROPOSED SECTION 104

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL – same title used for each code

104.1 General. – This section has been subdivided with numbered/titled subsections to break up the existing paragraph and specifically state that the code official is authorized to determine compliance with the code. While always implied and applied in this manner, the code never specifically states this important fact.

104.2 Determination of Compliance. – reformatted to identify that when reviewing projects for compliance with the code, the code official can develop policies and procedures. It also specifically states that the developed policies and the project approvals are to be based on the intent of the code.

104.2.1 Listed compliance. – In cases where the code specifies a listing standard, it is common for a code official to accept things listed to that standard without further evaluating whether the standard is germane. When a product listing is appropriate, then the fact that the product is listed and installed in accordance with the listing specifications and the manufacturer’s instructions becomes the approval of the product. This section is not included in all codes since not all codes require listed equipment.

104.2.2 Technical assistance. – Nearly all the codes provide for the code official to utilize technical assistance in some form or another. This section is included as a subsection for determining compliance and will be consistent throughout the I-Codes. It is derived from, and replaces, previous text that was originally developed for and limited to hazardous materials related provisions.

104.2.2.1 Cost. – the cost for technical assistance is borne by the applicant or owner. This was previously included in a preceding paragraph and has been separated into its own subsection.
104.2.2 Preparer qualifications. – states that the person or agency providing the technical report must be qualified. The code official has the ability to require that the report is stamped by a registered design professional, since not all reports may need to provide this. For example, a hazardous materials classification report often does not include engineering or design. The definition is added to codes that do not currently contain the definition, such as the IWUIC. This was previously included in a preceding paragraph and has been separated into its own subsection. The new text goes beyond simply recommending changes, recognizing that the report may be a source document, as opposed to a review of documentation prepared by others.

104.2.2.3 Content. – the technical report shall include an analysis and any recommended or necessary changes.

104.2.2.4 Tests. – Tests can often provide valuable information. Where a test standard isn’t specified by this code or a reference standard, the code official may wish to conduct further evaluation of the suitability of the test method used as a basis. Testing can be performed by an approved agency or by any other party/organization approved by the code official. Proposed provisions for tests are largely derived from existing code text on this topic.

104.2.3 Alternative materials, design and methods of construction and equipment. – All codes make reference to accepting some type of alternative. This section is placed under the general compliance approval section and revised to state that a proposed alternative cannot be something that is specifically prohibited by the code. If ICC members have previously voted to specifically disallow something, alternative methods should not be a means of avoiding such a prohibition. Nevertheless, a code modification would still provide an option to make exceptions for unique cases, as opposed to the door being open for an applicant to end run the intent of the code by presenting an analysis or alternative that suggests an alternative to a prohibition is OK. It is important to note that something not contemplated by the code would not be impacted by this statement. Not contemplated is not the same as a specific prohibition in the code.

104.2.3.1 Approval authority. – if the alternative is acceptable, then it is to be approved by the code official. This is from existing text.

104.2.3.2 Application and disposition. – the submittal for an alternative must be accomplished in writing. If it is not approved, the code official must so state in writing and provide reasons why it was not acceptable. This is largely from existing text, however, the requirement for a written application for alternatives was not previously located in this section, where it is appropriate to reference.

104.2.3.3 Compliance with code intent. – the alternative must comply with the code’s intent.

104.2.3.4 Equivalency criteria. – the alternative must provide equivalency to the code’s provisions. The list of characteristics to be addressed is included from the current code. The reference to fire-resistance is removed from the list and fire-resistance is included under safety with additional criteria regarding fire characteristics identified in Section 104.2.3.4.1.

104.2.3.4.1 Fire safety equivalency. – this section was added because “fire-resistance” was removed from the list in Section 104.2.3.4 and recognizing that fire-resistance is not the only fire related characteristic to be addressed. Fire-resistance is only one characteristic of safety with respect to fire. This section is added to clarify that the entire issue of performance under fire conditions is the concern. Previously, aspects of fire safety beyond fire resistance would have been evaluated as part of “safety” in the list with no additional guidance on what to consider. Performance under fire conditions also includes equivalency as to how the alternate will perform structurally when exposed to fire.

104.2.3.5 Tests. – this section is added so the code official can ensure that any testing conducted is performed to a scale that adequately represents the end use of the alternate. This has primarily been added in response to concerns related to Code Change F60-21, which modified Section 2603 to defer alternatives related to fire performance of foam plastics to Section 104.
104.2.3.6.1 Research Reports. This section is relocated and revised to address two different types of reports currently submitted for alternatives.

104.2.3.6.1 Evaluation reports. – This section is added to address reports generated by an approved agency. The definition of “approved agency” was added to several codes in the 2018 editions. The definition is proposed to be revised, as in the IBC, or added as a new definition codes do not contain this definition, as in the IFC. This evaluation report is conducted by an approved agency that is accredited to conduct the tests or evaluations appropriate for the alternative involved. When the applicant provides a product evaluation from an accredited product evaluation agency that uses publicly developed and available criteria for the evaluation, the code official may have increased confidence that the method used for the evaluation does result in a method or material that meets the intent of the code and is at least equivalent to code-prescribed construction. Public development of criteria allows for input from industry experts, the public, and building officials in determining the methods used to evaluate code intent and equivalence, somewhat similar to the code development process where consensus is important. The accreditation ensures that the organization uses a consistent process to perform the evaluations. This section is meant to reflect the current use of evaluation reports from accredited evaluation agencies or organizations.

104.2.3.6.2 Other reports. – this section is added to address reports generated by persons or agencies other than an approved agency. It specifies that the person or agency providing the report must be qualified and must be approved by the code official. The code official has the authority to require the stamp of a registered design professional. When an applicant provides an evaluation from other than an accredited agency, or from a source that does not use publicly developed and available criteria, the code official needs more information in order to perform a proper review. Not only does the code official need to evaluate the product, but also evaluate the method that the applicant has used to determine compliance with code intent and code equivalence. So, in that case, it is proposed that the applicant would also have to provide the criteria that was used to do the evaluation, justification for use of that criteria, and data used for the evaluation, so a complete review can be made.

104.2.3.7 Peer review. – this section is added to address a method of review currently utilized by many jurisdictions. The peer review is an outside, third-party review that is submitted to the code official for use in cases where a jurisdiction may not have qualified resource in-house to perform a sufficient review of an alternative compliance proposal. Again, the peer reviewer must be qualified and approved by the code official.

104.2.4 Modifications. – this section is relocated under the section of compliance. Minor edits occurred to provide consistent language throughout the codes.

104.2.4.1 Flood hazard areas. – this section on flood hazard areas only appears in the IBC, IRC and IEBC. This section is relocated to follow the provisions for modifications.

104.3 Applications and permits. – this section is relocated and revised to provide consistent wording.

104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. – this section on flood hazard areas only appears in the IBC, IRC and IEBC. This section is relocated to follow the provisions for modifications.

104.4 Right of entry. – This section is relocated and revised to provide consistent wording. The issue of right of entry is the same with all enforcement issues.

104.4.1 Warrant. – this section was not found in all codes, so it was added to the IBC to provide the ability to utilize a warrant. This function is
allowed by the courts and currently utilized by jurisdictions.

104.5 Identification. – no change

104.6 Notices and orders. – relocated and revised for consistent wording.

104.7 Department Official records. – This section revised to provide consistent wording and is reformatted by creating subsections. Each subsection addresses a different type of record that the is to be retained. This format clarifies that these records are required to be maintained.

104.7.1 Approvals.

104.7.2 Inspections.

104.7.3 Code alternatives and modifications.

104.7.4 Tests.

104.7.5 Fees.

104.8 Liability. – this section deals with protection from liability of the code official. The sections are revised to provide consistent wording throughout all I-Codes.

104.8.1 Legal defense. – this section deals with legal defense for the code official. The sections are revised to provide consistent wording throughout all I-Codes.

104.9 Approved materials and equipment. – no change

104.9.1 Used materials Material and equipment reuse. – this section addresses the reuse of materials and equipment. The section is revised to provide consistent wording throughout the codes to say that the code official must approve any materials to be reused.

104.10 Modifications – this section is relocated to 104.2.2. Some of the language in this section is not relocated since those portions are already covered in Section 110.

104.10 Modifications – this section is relocated to 104.2.4 for formatting.
104.10.1 Flood hazard areas – this section is relocated to 104.2.4.1 for formatting.

104.11 Alternative materials, design and methods of construction and equipment. – this section is relocated to 104.2.3 for formatting.

104.11.1 Research reports. – this section is relocated to 104.2.3.6 for formatting.

104.11.2 Tests. – this section is relocated 104.2.2.4, 104.2.3.5 and 104.8.4 for formatting.

Additional unique changes are as follows:

1. Sections in IWUIC 105 are relocated to IWUIC 104, so Section 105 is deleted. This also occurs in the IgCC and IPMC.
2. The IZC has a completely different approach application and therefore, only the duplicated sections in the IZC are revised.
3. IWUIC 104.4 Subjects Not Regulated by this Code is relocated to Section 102.5 and IWUIC 104.5 Matters Not Provided For is relocated to Section 102.6 for consistency with IFC format. A minor change was made to the definition of “approved agency” which removes the repeat of the word that is to be defined, agency, and replaces it with organization. Another revision allows the agency to furnish product evaluation in addition to certification, since evaluation and certification are two different things. Evaluation is for materials and methods not addressed by the code, and certification is for materials and methods that are addressed by the code. It is intended that all I-Codes will be formatted in this fashion. There was not sufficient time to process these revisions through the PMG CAC, so only the codes under the review of the Fire CAC and Building CAC are submitted at this time. The revisions for the other codes will occur during Public Comment.

A strikeout/underline version of each code follows to identify specific revisions.

BCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021 the BCAC has held several virtual meetings open to any interested party. In addition, there were numerous virtual Working Group meetings for the current code development cycle, which included members of the committee as well as interested parties. Related documents and reports are posted on the BCAC website at https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/building-code-action-committee-bcac/.

The FCAC was established by the ICC Board of Directors to pursue opportunities to improve and enhance assigned International Codes with regard to fire and life safety in new and existing buildings and facilities as well as the protection of life and property in wildland urban interface areas. In 2020 and 2021 the Fire-CAC held multiple virtual meetings that were open to any interested party. In addition, there were numerous virtual specific working group meetings that were also open to any interested parties, to develop, discuss and debate the proposed changes. Related documentation and reports are posted on the FCAC website at: https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/fire-code-action-committee-fcac/.

The proposal in strikeout and underline text format can be viewed here:

https://www.cdpaccess.com/proposal/8550/25693/files/download/2955/

Cost Impact: The code change proposal will not increase or decrease the cost of construction This proposal simply reformatst the code sections and provides consistency across the codes.

ADM13-22 Part I

Public Hearing Results

Committee Action: As Modified

Committee Modification:

2021 International Building Code
[A] 104.2 Determination of Compliance. The building official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures, rules and regulations in order to clarify the application of this code's provisions. Such interpretations, policies and procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the building official.

[A]-104.2.1 Listed compliance. Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer's instructions. Copies of the listing standard and manufacturer's instructions shall be made available to the building official upon request.

[A] 104.2.2.3 Content. The technical opinion and report shall analyze the safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

[A] 104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the building official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the building official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the building official.

[A] 104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the building official for approval. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons the alternative was not approved.

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety

[A] 104.2.3.4.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 104.2.3.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

[A] 104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products and use of the evaluation report shall require approval by the building official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the building official's recognition accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report and where required, provided to the building official, developed using a process that includes input from the public and made available for review by the public.

[A] 104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the building official. The building official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.
Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

Notices and orders. The building code official shall issue necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 114.

Determination of Compliance. The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, rules and regulations in order to clarify the application of this code's provisions. Such interpretations, policies, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the code official.

Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer's instructions. Copies of the listing standard and manufacturer's instructions shall be made available to the code official upon request.

Content. The technical opinion and report shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

Application and disposition. A request to use an alternative material, design or method of construction shall be submitted in writing to the building official for approval. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons the alternative was not approved. Tests. Where there is insufficient evidence of compliance with the provisions of this code, the building official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the building official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the building official.

Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety

Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

Evaluation reports. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products and use of the evaluation report shall require approval by the code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official's recognition of the approved agency. Criteria used for the evaluation shall be identified within the report and where required, provided to the code official, developed using a process that includes input from the public.
and made available for review by the public. [A] 104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.3 Applications and permits. The code official is authorized to receive applications, review construction documents and issue permits for the repair and construction regulated by this code, inspect the premises for which such permits have been issued; and enforce compliance with the provisions of this code. [A] 104.6 Notices and orders. The code official shall issue necessary notices or orders to ensure such notices or orders as are required to affect compliance with this code. Notices of violations shall be in accordance with Section 113.

2021 International Fire Code

[A] 104.2 Determination of Compliance. The fire code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, and procedures, rules and regulations in order to clarify the application of this code's provisions. Such interpretations, policies, and procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the fire code official.

[A] 104.2.1 Listed compliance. Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer's instructions. Copies of the listing standard and manufacturer's instructions shall be made available to the fire code official upon request.

[A] 104.2.2.3 Content. The technical opinion and report shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

[A] 104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the fire code official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the fire code official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the fire code official.

[A] 104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the building official for approval. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons the alternative was not approved. [A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety

[A] 104.2.3.4.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 104.2.3.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for
in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

[A] 104.2.3.6.1 **Evaluation reports.** Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products, and use of the evaluation report shall require approval by the fire code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the fire code official's recognition accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report and where required, provided to the fire code official, developed using a process that includes input from the public and made available for review by the public.

[A] 104.2.3.6.2 **Other reports.** Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official. The fire code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.6 **Notices and orders.** The fire code official is authorized to issue such notices or orders as are required to affect compliance with this code. Notices of violations shall be in accordance with Sections 112.1 and 112.2.

2021 International Property Maintenance Code

[A] 105.2 **Determination of Compliance.** The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of this code's provisions. Such interpretations, policies, procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 105.2.1.3 **Content.** The technical opinion and report shall analyze the safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

[A] 105.2.2.2 **Application and disposition.** Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the building official for approval. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons the alternative was not approved.

[A] 105.2.2.4 **Equivalency criteria.** An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety

[A] 105.2.2.4.1 **Fire safety equivalency.** Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 105.2.2.5 **Tests.** Where there is insufficient evidence of compliance with the provisions of this code, the building official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the building official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the building official.

[A] 105.2.2.6 **Reports.** Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

[A] 105.2.2.6.1 **Evaluation reports.** Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products, and use of the evaluation report shall require approval by the code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official's recognition accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report and where required, provided to the fire code official, developed using a process that includes input from the public.
and made available for review by the public.

**[A] 105.2.6.2 Other reports.** Reports not complying with Section 105.2.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

**[A] 105.3 Inspections.** The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual.

**[A] 105.6 Notices and orders.** The code official shall issue all necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 111.4.

**[A] 105.7.2 Inspections.** The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual.

The building code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

*2021 International Wildland-Urban Interface Code*

**[A] 104.2 Determination of Compliance.** The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, and procedures, rules and regulations in order to clarify the application of this code’s provisions. Such interpretations, policies, and procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

**[A] 104.2.1.3 Content.** The technical opinion and report shall analyze the fire safety properties of the design, operation or use of the building or premises, the facilities and appurtenances situated thereon and fuel management to identify and propose necessary recommendations.

**[A] 104.2.2.2 Application and disposition.** Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the building official for approval. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons the alternative was not approved.

**[A] 104.2.2.4 Equivalency criteria.** An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety

**[A] 104.2.2.4.1 Fire safety equivalency.** Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

**[A] 104.2.2.5 Tests.** Where there is insufficient evidence of compliance with the provisions of this code, the building official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the building official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the
[A] 104.2.2.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

[A] 104.2.2.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products, and use of the evaluation report shall require approval by the code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official’s recognition of the approved agency. Criteria used for the evaluation shall be identified within the report and, where required, provided to the code official, developed using a process that includes input from the public and made available for review by the public.

[A] 104.2.2.6.2 Other reports. Reports not complying with Section 104.2.2.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.6 Notices and orders. The code official shall issue necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 110.2.

2021 International Green Construction Code

104.2 Determination of Compliance. The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, and procedures, rules and regulations in order to clarify the application of this code’s provisions. Such interpretations, policies, and procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer’s instructions, and where required to verify compliance, the listing standard and manufacturer’s instructions shall be made available to the code official.

104.2.1.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the building official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

104.2.5.4 Equivalency criteria. An alternative material, design, innovative approach or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety

104.2.5.4.1 Fire safety equivalency. Determination of fire safety equivalency with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as, but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of fire safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

104.2.5.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application...
shall be of a scale that is sufficient to predict performance of the end use configuration. Such tests shall be performed by a party acceptable to the authority having jurisdiction.

104.2.5.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.5.6.1 and 104.2.5.6.2.

104.2.5.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products and use of the evaluation report shall require approval by the code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official's recognition accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report and where required, provided to the code official, developed using a process that includes input from the public and made available for review by the public.

104.2.5.6.2 Other reports. Reports not complying with Section 104.2.5.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the authority having jurisdiction. The authority having jurisdiction is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.4 Inspections. The authority having jurisdiction shall have the authority to conduct inspections, as required, to determine code compliance, or the authority having jurisdiction shall have the authority to accept reports of inspection by approved agencies or individuals.

104.7 Notices and orders. The authority having jurisdiction code official shall issue all necessary notices or orders to ensure compliance with this code.

104.8.2 Inspections. The authority having jurisdiction code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

Committee Reason: The committee stated that the reasons for the approval of the modifications by number were as follows:

2: Safety and fire safety should be identified separately as the modification does and it is significantly easier to read especially for the new or small jurisdiction code officials.

19: It clears up the notices section and the items that were identified which is an improvement to the code.

24: It clears up some of the different concerns with the proposal and provides clarity to the sections as noted.

37: It furthers the family of changes in clarifications by improving the language.

38: It creates consistency between the codes.

39: It addresses concerns originally with an agency accredited to certify products by cleaning that up because as was mentioned, an engineering firm may not be accredited by anybody but it is appropriate for them to do this work.

40: It provides clarification and coordination between all the codes.

41: It addresses another concern with the original proposal that requires that the documentation be provided, and the modification allows for field approval of small modifications or alternatives.

The committee stated multiple reasons for approval as well as opposition to the proposal. In support, it was noted that overall the proposal was an improvement to the existing section and specifically the first two paragraphs are better than what is now in the code. The organizing of that portion is worth it and taken together with all the approved modifications the section is better than the current section. In opposition, it was stated that with all the modifications taken together with the complexity of the entire proposal, it is more than can be thoroughly evaluated at this point. (Vote: 9-4)
Further modify as follows:

### 2021 International Building Code

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases provided that the building official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety or structural requirements where considered together with other safety features of the building or other relevant circumstances. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety.

### 2021 International Existing Building Code

[A] 104.2.3 Alternative materials, design and methods of construction, and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any alternative is not specifically prohibited by this code and has been approved. The building official has approved and authorized its use.

[A] 104.2.3.1 Approval authority. The building official shall be permitted to approve an alternative material, design or method of construction shall be approved where the building official finds that provided the proposed alternative is satisfactory and complies with Sections 104.2.3.2 through 104.2.3.7, as applicable.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases provided that the building official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety or structural requirements where considered together with other safety features of the building or other relevant circumstances. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety.

### 2021 International Fire Code

[A] 104.2.3 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any alternative is not specifically prohibited by this code and has been approved. The fire code official has approved and authorized its use.

[A] 104.2.3.1 Approval authority. The fire code official shall be permitted to approve an alternative material, design or method of construction shall be approved where the fire code official finds that provided the proposed alternative is satisfactory and complies with Sections 104.2.3.2 through 104.2.3.7, as applicable.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases provided that the fire code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of the written request for and action granting modifications shall be recorded and entered in the official record of the fire code official files of the department of fire prevention.

### 2021 International Property Maintenance Code

[A] 105.2.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any alternative is not specifically prohibited by this code and has been approved. The code official has approved and authorized its use.

[A] 105.2.2.1 Approval authority. The building official shall be permitted to approve an alternative material, design or method of construction shall be approved where the code official finds that provided the proposed alternative is satisfactory and complies with Sections 105.2.2.7, as applicable.
2021 International Wildland-Urban Interface Code

[A] 104.2.2.1 Approval authority. The code official shall be permitted to approve an alternative material, design, innovative approach or method of construction where the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.2.2 through 104.2.2.7, as applicable.

[A] 104.2.3 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make enforcement of the strict letter of this code impractical, that the modification is in conformance to with the intent and purpose of this code, and that such modification does not lessen health, life safety and fire safety requirements where considered together with other safety features of the building or other relevant circumstances. The details of the written request and action granting modifications shall be recorded and entered maintained in the official record by the code official.

Commenter’s Reason: The code proposal as currently written unduly constrains the building official.
This PC restores flexibility for the building official to use judgement when evaluating alternative means, methods, materials and equipment as well as modifications. Controversial language restricting building official approval of items prohibited elsewhere in this code is removed and replaced with a blanket statement giving the building official the ability to approve alternatives as long as the building official authorizes its use. In a newly formed section, Approval authority, the building official is permitted to approve alternatives that are suitable and comply with the equivalency criteria in Sections 104.2.3.4-104.2.3.7.

In modifications, additional flexibility is provided for the building official to first, evaluate a proposal based on the current criteria, i.e. health, accessibility, safety and fire safety features of the building and second, consider with other safety features of the building or relevant circumstances if necessary. Modifications are by definition not compliant with the strict letter of the code. For instance, a building official might want to consider other issues when approving a proposal such as how their local fire department stages for a fire and whether or not a building has been voluntarily sprinklered. If fire department policy is to “Run the stairs” rather than use ladder trucks to access an upper story it may impact your approval of a modification.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction.
This proposal is mainly aimed at delineating the authority of the building official to approve non-conventional approaches to solving code issues. If anything, costs might be reduced because there is more flexibility to approve a creative approach to a code problem.

Public Comment# 3307
Public Comment 2:

IBC: [A] 104.2.3.5, [A] 104.2.3.5.1 (New); IEBC: [A] 104.2.3.5, 104.2.3.5.1 (New); IFC: [A] 104.2.3.5, [A] 104.2.3.5.1 (New); IPMC: [A] 105.2.2.5, [A] 105.2.2.5.1 (New); IWUIC: [A] 104.2.2.5, 104.2.2.5.1 (New); IGCC: 104.2.5.5, 104.2.5.5.1 (New)

Proponents: Jenifer Gilliland, representing Washington Association of Building Officials (jenifer.gilliland@seattle.gov); Micah Chappell, representing Seattle Department of Construction & Inspections (micah.chappell@seattle.gov) requests As Modified by Public Comment

Further modify as follows:

2021 International Building Code

[A] 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict/simulate performance of in the end use configuration. Tests shall be performed by a party acceptable to the building official.

[A] 104.2.3.5.1 Performance. Tests shall be performed by a party acceptable to the building official.

2021 International Existing Building Code

[A] 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict/simulate performance of in the end use configuration. Tests shall be performed by a party acceptable to the code official.

104.2.3.5.1 Performance. Tests shall be performed by a party acceptable to the code official.

2021 International Fire Code

[A] 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict/simulate performance of in the end use configuration. Tests shall be performed by a party acceptable to the fire code official.

[A] 104.2.3.5.1 Performance. Tests shall be performed by a party acceptable to the fire code official.

2021 International Property Maintenance Code

[A] 105.2.2.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict/simulate performance of in the end use configuration. Tests shall be performed by a party acceptable to the code official.

[A] 105.2.2.5.1 Performance. Tests shall be performed by a party acceptable to the code official.

2021 International Wildland-Urban Interface Code

[A] 104.2.2.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict/simulate performance of in the end use configuration. Tests shall be performed by a party acceptable to the code official.

104.2.2.5.1 Performance. Tests shall be performed by a party acceptable to the code official.

2021 International Green Construction Code

104.2.5.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Such tests shall be performed by a party acceptable to the authority having jurisdiction.

104.2.5.5 Performance. Tests shall be performed by a party acceptable to the authority having jurisdiction.

Commenter’s Reason: This PC seeks to further clarify that full-scale testing is not necessary to support an alternative material, design or method of construction. It only needs to be large enough to give confidence to the building official that a product, component or assembly will perform as expected in the end use configuration. We don’t want to just “predict” performance—we need more assurance than that—we actually want to simulate performance in testing. If the performance is simulated then this knowledge can be used to determine how the product, component or assembly will perform in situ.

Testing doesn’t always occur in a lab. It could be a fire test of the material of a temporary tent that has no labeling witnessed by the fire department. These tests can consist of burning a tiny piece of the fabric. The language here needs to be written in a general manner to cover all situations where testing may be required.
This is one of three public comments submitted related to fire testing found throughout the ICC Family of Codes.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. The changes in the PC should not impact costs. If anything the changes would reduce costs because full-scale testing would not be required.

### Public Comment 3:

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<th>Code</th>
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**Proponents:** Jenifer Gilliland, representing Washington Association of Building Officials (jenifer.gilliland@seattle.gov); Micah Chappell, representing Washington Association of Building Officials Technical Code Development Committee (micah.chappell@seattle.gov) requests As Modified by Public Comment

Further modify as follows:

### 2021 International Building Code

**[A] 104.2.3.2 Application and disposition.** Where required a request to use an alternative material, design or method of construction shall be submitted in writing to the building official for approval. Where the alternative material, design or method of construction is not approved, the building official shall provide a response in writing, stating the reasons the alternative was not approved.

**[A] 104.2.4 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases provided that the building official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and maintained entered in the files of the department of building safety in the official record by the building official.

**[A] 104.7 Official records.** The building official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other laws, regulations, or rules. Such records shall be made available for public inspection.

**[A] 104.7.1 Approvals.** Applications. A record of approvals, the status or the final disposition of shall be maintained by the applications submitted to the building official and shall be maintained available for public inspection during business hours in accordance with applicable laws.

**[A] 104.7.2 Inspections.** The building official shall keep a record of each inspection made, including notices and orders, and notices of violation issued, showing the findings and disposition of each.

**[A] 104.7.3 Code alternatives and modifications.** Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the building official for either shall be in writing and shall be retained in the official records.

**[A] 104.7.4 Tests.** The building official shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

**[A] 104.7.5 Fees.** The building official shall keep a record of fees collected and refunded in accordance with Section 109.

### 2021 International Existing Building Code

**[A] 104.2.3.2 Application and disposition.** Where required a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall provide a response in writing, stating the reasons the alternative was not approved.

**[A] 104.2.4 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of the written request for and action granting modifications shall be recorded and maintained entered in the files of the department of building safety in the official record by the building official.

**[A] 104.7 Official records.** The code official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be maintained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other laws, regulations, or rules. Such records shall be made available for public inspection.
be retained for not less than 5 years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other laws, regulations, or rules. Such records shall be made available for public inspection.

[A] 104.7.1 Approvals. Applications. A record of approvals, the status or the final disposition of shall be maintained by the applications submitted to the code official for review and shall be maintained, available for public inspection during business hours in accordance with applicable laws.

[A] 104.7.2 Inspections. The code official shall keep a record of each inspection made, including notices and orders, and notices of violation issued, showing the findings and disposition of each. Such records shall be made available for public inspection during business hours in accordance with applicable laws.

[A] 104.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the code official for either shall be in writing and shall be retained officially recorded in the permanent official records of the code official.

[A] 104.7.4 Tests. The code official shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

[A] 104.7.5 Fees. The code official shall keep a record of fees collected and refunded in accordance with Section 108.

2021 International Fire Code

[A] 104.2.3.2 Application and disposition. Where required a request to use an alternative material, design or method of construction shall be submitted in writing to the fire code official for approval. Where the alternative material, design or method of construction is not approved, the fire code official shall respond in writing provide a response, stating the reasons the alternative was not approved.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided that the fire code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of fire prevention.

[A] 104.7.1 Approvals. Applications. A record of approvals the status or the final disposition of shall be maintained by the applications submitted to the fire code official for review and shall be maintained as part of the official record, for public inspection during business hours in accordance with applicable laws. Where required, documentation including construction documents and supporting reports shall be retained in the official record.

[A] 104.7.2 Inspections. The fire code official shall keep a record of each inspection made, including notices and orders, and notices of violation issued, showing the findings and disposition of each.

[A] 104.7.3 Fire records. The fire code official fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the fire code official.

[A] 104.7.4 Code alternatives and modifications. Applications for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the code official for either shall be in writing and shall maintained in the official record in the permanent official records of the fire code official.

[A] 104.7.5 Tests. The fire code official shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

[A] 104.7.6 Fees. The fire code official shall keep a record of fees collected and refunded in accordance with Section 107.

2021 International Property Maintenance Code

[A] 105.2.2.2 Application and disposition. Where required a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing provide a response stating the reasons the alternative was not approved.

[A] 105.2.3 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of the written request for and action granting modifications shall be recorded and maintained entered in the department files in the official record by the code official.

[A] 105.7 Official records. The code official shall keep official records as required by Sections 105.7.1 through 105.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise
provided by other laws, regulations, or rules. Such records shall be made available for public inspection.

[A] 105.7.1 Approvals Applications. A record of approvals, the status or final disposition of shall be maintained by the applications submitted to the code official for review and shall be maintained available for public inspection during business hours in accordance with applicable laws. Where required, documentation including construction documents and supporting reports shall be maintained in the official record.

[A] 105.7.2 Inspections. The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official shall keep maintain a record of each inspection made, including notices and orders and notices of violations issued, showing the findings and disposition of each.

[A] 105.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction in accordance with Section 105.2.2; modifications in accordance with Section 105.2.3; and documentation of the final decision of the code official either shall be in writing and shall be maintained in the official records.

[A] 105.7.4 Tests. The code official shall keep a record of tests conducted to comply with Sections 105.2.1.4 and 105.2.2.5.

[A] 105.7.5 Fees. The code official shall keep maintain a record of fees collected and refunded in accordance with Section 104.

2021 International Wildland-Urban Interface Code

[A] 104.2.2.2 Application and disposition. Where required a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing provide a response stating the reasons the alternative was not approved.

[A] 104.2.3 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make enforcement of the strict letter of this code impractical, that the modification is in conformance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of the written request for and action granting modifications shall be recorded and entered into the files of the code enforcement agency maintained in the official record by the code official.

[A] 104.7 Official records. The code official shall keep maintain official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other laws, regulations or rules. Where required, documentation including construction documents and supporting reports shall be maintained in the official record.

[A] 104.7.1 Approvals Applications. A record of approvals, the status or final disposition of shall be maintained by the applications submitted to the code official for review and shall be maintained available for public inspection during business hours in accordance with applicable laws. Where required, documentation including construction documents and supporting reports shall be maintained in the official record.

[A] 104.7.2 Inspections. The code official shall keep maintain a record of each inspection made, including notices and orders and notices of violation issued, showing the findings and disposition of each.

[A] 104.7.3 Code alternatives and modifications. Applications for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.2; modifications in accordance with Section 104.2.3; and documentation of the final decision of the code official either shall be in writing and shall be officially recorded in the permanent records of the code official.

[A] 104.7.4 Tests. The code official shall keep maintain a record of tests conducted to comply with Sections 104.2.1.4 and 104.2.2.5.

[A] 104.7.5 Fees. The code official shall keep maintain a record of fees collected and refunded in accordance with Section 109.

2021 International Green Construction Code

104.2.5.2 Application and disposition. Where required a request to use an alternative material, design, innovative approach or method of construction shall be submitted in writing to the authority having jurisdiction for approval. Where the alternative material, design, innovative approach or method of construction is not approved, the authority having jurisdiction shall respond in writing provide a response stating the reasons the alternative was not approved.

104.2.6 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the authority having jurisdiction shall have the authority to grant modifications for individual cases, provided the authority having jurisdiction shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen the minimum requirements of this code. The details of the written request for and granting modifications shall be recorded and maintained entered in the files of the department in the official record by the authority having jurisdiction.

104.8 Official records. The authority having jurisdiction shall keep official records as required by Sections 104.8.1 through 104.8.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other laws, regulations or rules. Such records shall be made available for public inspections.

104.8.1 Approvals Applications. A record of approvals, the status or final disposition of shall be maintained applications submitted to the
authority having jurisdiction for review and shall be maintained available for public inspection during business hours in accordance with applicable laws. Where required, documentation including construction documents and supporting reports shall be retained in the official record.

104.8.2 Inspections. The code official shall keep maintain a record of each inspection made, including notices and orders and notices of violation issued, showing the findings and disposition of each.

104.8.3 Code alternatives and modifications. Applications for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.5; modifications in accordance with Section 104.2.6; and documentation of the final decision of the authority having jurisdiction for either shall be in writing and shall be retained in the official records.

104.8.4 Tests. The authority having jurisdiction shall keep maintain a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.5.5.

104.8.5 Fees. The authority having jurisdiction shall keep maintain a record of fees collected and refunded in accordance with Section 108.

Commenter’s Reason: This PC attempts to coordinate terms and eliminate dated language, by making the following changes to the original proposal:

· The 5-year minimum time limit for keeping records is eliminated in this PC because public record retention laws vary so much from place to place. There really is no best practice. Some jurisdictions keep permit and inspections records for the life of the building, while others keep no records of residential buildings after a few years. It takes time and money to keep records in a format that allows access to them by the public. Individual jurisdictions will need to customize this section to meet their local conditions.

· More than just approvals need to be kept as part of the official record. Tracking disapprovals of applications and permits is just as important. The requirement to track “status” and “final disposition” makes it clear that records relating to important approval milestones and the final outcome are to be maintained.

· Language is added to make it clear that the building official authority can require the retention of construction documents as part of the public record.

· Language about maintaining construction documents and supporting reports as part of the official record is added but only “where required”. This again allows the building official to keep the records based on local and state retention requirements as well as department capacity.

· All records should be subject to “public inspection”, not just the inspection records. This language has been relocated 104.7.2 inspections from the charging statement to 104.7 Official Records.

· Notices of violation are added to the list of inspection items in 104.7.2 that need to be maintained as the part of the public record.

· Plan review and inspection results are now recorded and maintained almost entirely electronically in most building departments. There is no need to keep outdated language that requires a department to maintain records “in writing” or a “written response”.

· Also, the word “kept” is replaced by “maintained” in this PC. “Kept” implies that the record is being saved “as is”. “Maintained” implies more effort to include actions like moving the record from paper to microfiche and finally to a digitized record. “Maintain” might also include sorting, storing and indexing documents in an organized manner.

This PC is the 1st of 3 submitted public comments dealing with record keeping by the code official.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This PC is just describing the official record that is being kept by the building official/code official or authority having jurisdiction. It should not increase the costs for a department as most of the records, outside of the inspection and plan review results, are permitted to be kept by the code official rather than required.

Public Comment# 3389
Public Comment 4:

IBC: [A] 104.2.3.4; IEBC: [A] 104.2.3.4; IFC: [A] 104.2.3.4; IPMC: [A] 105.2.2.4; IWUIC: [A] 104.2.2.4; IGCC: 104.2.5.4

Proponents: Bill McHugh, representing Firestop Contractors International Assn., National Fireproofing Contractors Assn. (bill@mc-hugh.us) requests As Modified by Public Comment

Further modify as follows:

2021 International Building Code

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety
7. Fire Resistance

2021 International Existing Building Code

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety
7. Fire Resistance

2021 International Fire Code

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety
7. Fire Resistance

2021 International Property Maintenance Code

[A] 105.2.2.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Strength
2. Quality
3. Strength
4. Durability
5. Safety, other than fire safety
6. Fire safety
7. Fire Resistance

**2021 International Wildland-Urban Interface Code**

[A] 104.2.2.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety
7. Fire Resistance

**Commenter’s Reason:** The reason for this public comment is to re-insert the words 'Fire Resistance'. Fire Resistance has been in the BOCA National Building Code 104.11 (’96 and before), the Uniform Building Code (’97 and before), and for a reason. Fire Resistance is a critical part of the building's fire and life safety protection package. Any alternative to fire-resistance needs to be equal to the fire resistance provided. During the Committee Action Hearings, a list of items explaining what's in 'Fire Safety' including Fire Resistance was deleted, leaving 'Fire Safety' with no definition. Because the term Fire-Resistance has in the International Building Code since the 2000 version, and in the BOCA National Building Code, Uniform Building Code - as a stand alone item - we believe it needs to remain a stand alone item in this section.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This code proposal would put a term back in the code that was removed. Therefore, it is cost neutral.

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**Public Comment 5:**


**Proponents:** Shane Nilles, representing Self (snilles@cityofcheney.org) requests As Modified by Public Comment

Further modify as follows:
2021 International Building Code

[A] 104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code and shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Determination of Evaluate for Compliance. The building official shall have the authority to determine evaluate for compliance with this code in accordance with this section and the to render interpretations of this code and to adopt policies and procedures, as authorized by Section 104.1, in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.2 Technical assistance. To determine evaluate for compliance with this code, the building official is authorized to require the owner or owner’s authorized agent to provide a technical opinion and report.

2021 International Existing Building Code

[A] 104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code and shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Determination of Evaluate for Compliance. The code official shall have the authority to determine evaluate for compliance with this code in accordance with this section and the to render interpretations of this code and to adopt policies and procedures, as authorized by Section 104.1, in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.2 Technical assistance. To determine evaluate for compliance with this code, the code official is authorized to require the owner or owner’s authorized agent to provide a technical opinion and report.

2021 International Fire Code

[A] 104.1 General. The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Determination of Evaluate for compliance. The fire code official shall have the authority to determine evaluate for compliance with this code in accordance with this section and the to render interpretations of this code and to adopt policies and procedures, as authorized by Section 104.1, in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.2 Technical assistance. To determine evaluate for compliance with this code, the fire code official is authorized to require the owner or owner’s authorized agent to provide a technical opinion and report.

2021 International Property Maintenance Code

[A] 105.1 General. The code official is hereby authorized and directed to enforce the provisions of this code and shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:
1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 105.2 Determination of Evaluate for compliance. The code official shall have the authority to determine evaluate for compliance with this code in accordance with this section and the, to render interpretations of this code and to adopt ed policies and procedures as authorized by Section 104.1 in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:
1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 105.2.1 Technical assistance. To determine evaluate for compliance with this code, the code official is authorized to require the owner or owner’s authorized agent to provide a technical opinion and report.

2021 International Wildland-Urban Interface Code

[A] 104.1 Powers and duties of the code official. The code official is hereby authorized to enforce the provisions of this code– and shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:
1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Determination of Evaluate for compliance. The code official shall have the authority to determine evaluate for compliance with this code in accordance with this section and the, to render interpretations of this code and to adopt ed policies and procedures as authorized by Section 104.1 in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:
1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.1 Technical assistance. To determine evaluate for compliance with this code, the code official is authorized to require the owner, the owner’s authorized agent or the person in possession or control of the building or premises to provide a technical opinion and report.

2021 International Green Construction Code

104.1 General. The authority having jurisdiction is hereby authorized and directed to enforce the provisions of this code– and shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:
1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Determination of Evaluate for compliance. The code official shall have the authority to determine evaluate for compliance with this code in accordance with this section and the, to render interpretations of this code and to adopt ed policies and procedures as authorized by Section 104.1 in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:
1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

104.2.2 Technical assistance. To determine evaluate for compliance with this code, the authority having jurisdiction is authorized to require the owner or owner’s authorized agent to provide a technical opinion and report.

Commenter’s Reason: Currently the code does not grant the code official the authority to determine that any work fully complies with the code, but rather the authority to enforce the code by reviewing, inspecting, and evaluating for compliance with the code. This is an important distinction because it is not the responsibility of the code official to guarantee that there are no violations when they complete plan reviews or inspections. If that were the case, then contractors, designers, and owners would be able to be absolved of all responsibility for any violations that were not caught by the code official. This public comment corrects that critical oversight that was made by the original proposal and maintains the current intent of the administrative authorities while supporting the original proposal’s effort to clarify these sections.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. The proposal and this public comment only clarifies the current intent of the code and does not directly affect the cost of construction.
Public Comment 6:

IBC: [A] 104.2.1; IEBC: [A] 104.2.1; IFC: [A] 104.2.1; IGCC: 104.2.1

Proponents: John Woestman, representing Composite Lumber Manufacturers Association (CLMA) (jwoestman@kellencompany.com) requests

As Modified by Public Comment

Further modify as follows:

2021 International Building Code

[A] 104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer’s instructions, and where required to verify compliance, the listing standard and the manufacturer’s instructions shall be made available to the building official.

2021 International Existing Building Code

[A] 104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer’s instructions, and where required to verify compliance, the listing standard and the manufacturer’s instructions shall be made available to the code official.

2021 International Fire Code

[A] 104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer’s instructions, and where required to verify compliance, the listing standard and the manufacturer’s instructions shall be made available to the fire code official.

2021 International Green Construction Code

104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer’s instructions, and where required to verify compliance, the listing standard and the manufacturer’s instructions shall be made available to the code official.

Commenter’s Reason: We recommend revising the last sentence in this section for consistency between the installation requirements and the information required to be made available to the code official. That is: install per the listing and the manufacturer’s instructions, and to make this same information available to the code official if needed to verify compliance.

We agree with the intent of the provisions in Section 104.2.1. However, we have concerns with the ambiguity of part of the last sentence of 104.2.1 and the likelihood of job-by-job and product-by-product interpretation and enforcement of this particular part of the that sentence: “... and where required to verify compliance, the listing standard... shall be made available to the building official.”

Regarding ambiguity of “... shall be made available...”, we anticipate some code officials will ask for a printed copy of a specific standard for a specific product on specific projects. Other code officials will consider the standard available if the standard can be viewed online. And, other code officials may interpret this phrase different than either of these examples.

Standards to which products are listed are typically available from the standards development organization (SDO), or from their authorized agent (e.g. techstreet.com). Some standards are posted online by the SDO for downloading at no cost. Some standards are available from the SDO for viewing online at no cost, but have document protection that prevents copying / pasting and / or downloading, and may be purchased for downloading and printing. And, some standards are available online and require purchasing to view, download, or print.

The standard to which a product is listed is almost always a copyrighted document. Typically, only the copyright owner of a standard, the SDO, can make available copyrighted material. The current language implies the party responsible for complying with the code would be responsible for making available an SDO’s copyrighted material, which would likely infringe on the copyright.
Unlike the copyrighted standard, the listing is typically publicly available. With these concerns in mind, we recommend revising Section R104.2.1 as proposed in this public comment.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This public comment will not increase the cost of construction. On the other hand, this public comment may, or may not, decrease the cost of construction. Without this public comment, standards which are referenced in the code could be requested to be made available by the project owner - and that may require purchase of the standard.
Proposed Change as Submitted

Proponents: Robert Marshall, representing FCAC (fcac@iccsafe.org); Mike Nugent, representing Building Code Action Committee (bcac@iccsafe.org); Jeffrey Shapiro, representing Lake Travis Fire Rescue (jeff.shapiro@intlcodeconsultants.com)

Primary sections and titles shown as deleted include the deletion of all sections and subsections within them. For clarity, the full text of these deletions are not shown.

2021 International Residential Code

Revise as follows:

**[RB] APPROVED AGENCY.** An established and recognized agency or organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification, and where such organization has been approved by the building official.

Add new definition as follows:

**PEER REVIEW.** An independent and objective technical review conducted by an approved third party.

Revise as follows:

**SECTION R104**

**DUTIES AND POWERS OF THE BUILDING OFFICIAL**

*(Delete entire section and replace as follows)*

Add new text as follows:

**SECTION R104**

**DUTIES AND POWERS OF THE BUILDING OFFICIAL**

R104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code.

R104.2 Determination of compliance. The building official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of this code's provisions. Such interpretations, policies, procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

R104.2.1 Listed compliance. Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer’s instructions. Copies of the listing standard and manufacturer’s instructions shall be made available to the building official upon request.

R104.2.2 Technical assistance. To determine compliance with this code, the building official is authorized to require the owner or owner’s authorized agent to provide a technical opinion and report.

R104.2.2.1 Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

R104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the building official. The building official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

R104.2.2.3 Content. The technical opinion and report shall analyze the safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

R104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the building official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the building official shall approve the testing procedures. Tests shall be performed by a party acceptable to the building official.

R104.2.3 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such
alternative is not specifically prohibited by this code and has been approved.

R104.2.3.1 Approval authority. An alternative material, design or method of construction shall be approved where the building official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

R104.2.3.2 Application and disposition. A request to use an alternative material, design or method of construction shall be submitted in writing to the building official for approval. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons the alternative was not approved.

R104.2.3.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent and purpose of this code.

R104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety

R104.2.3.4.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to flame spread, heat release rate, heat of combustion, smoke development and fire resistance.

R104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the building official.

R104.2.3.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections R104.2.3.6.1 and R104.2.3.6.2.

R104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products. The alternate material, design or method of construction and product evaluated shall be within the scope of accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report, developed using a process that includes input from the public and made available for review by the public.

R104.2.3.6.2 Other reports. Reports not complying with Section R104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the building official. The building official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

R104.2.3.7 Peer review. The building official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the building official.

R104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that the modification does not lessen health, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety.

R104.2.4.1 Flood hazard areas. The building official shall not grant modifications to any provisions required in flood hazard areas as established by Table R301.2 unless a determination has been made that:

1. There is good and sufficient cause showing that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section R322 inappropriate.
2. Failure to grant the modification would result in exceptional hardship by rendering the lot undevelopable.
3. The granting of modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. The modification is the minimum necessary to afford relief, considering the flood hazard.
5. Written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and stating that construction below the design flood elevation increases risks to life and property, has been submitted to the applicant.
R104.3 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

R104.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at all reasonable times to inspect or to perform the duties imposed by this code. If such structure or premises is occupied, the building official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner, the owner’s authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

R104.4.1 Warrant. Where the building code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner’s authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the building code official for the purpose of inspection and examination pursuant to this code.

R104.5 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

R104.6 Notices and orders. The building official shall issue necessary notices or orders to ensure compliance with this code in accordance with Section R113.2.

R104.7 Official records. The building official shall keep official records as required in Sections R104.7.1 through R104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other regulations.

R104.7.1 Approvals. A record of approvals shall be maintained by the building official and shall be available for public inspection during business hours in accordance with applicable laws.

R104.7.2 Inspections. The building official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

R104.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section R104.2.3; modifications in accordance with Section R104.2.4; and documentation of the final decision of the building official for either shall be in writing and shall be retained in the official records.

R104.7.4 Tests. The building official shall keep a record of tests conducted to comply with Sections R104.2.2.4 and R104.2.3.5.

R104.7.5 Fees. The building official shall keep a record of fees collected and refunded in accordance with Section R108.

R104.8 Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be personally liable, either civilly or criminally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

R104.8.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

R104.9 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

R104.9.1 Materials and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved.

Reason: Section 104 (Section 105 in the IPMC) appears in the IFC, IWUIC, IBC, IEBC, IRC, IgCC and IPMC and contains general requirements for the authority and duties of the code official. Among these authorities and duties is the review and approval of alternate methods. The primary purpose of this code change is to update Section 104 to reflect the current manner that alternate methods and materials are evaluated, and to differentiate between evaluations from accredited evaluation agencies and evaluations from others, such as engineers. These provisions have basically been the same since the first edition in 2000, with the exception that the section on “Research Reports” was added in 2003. Industry terminology and methods have evolved over the years.

This proposal revises general code enforcement provisions to improve organization, improve clarity, and supplement existing provisions to better align the code text with how the code is commonly applied. The end goal is to provide the same wording and procedures in all of the I-Codes with regard to the Duties and Responsibilities of the Code Official. Some of the codes contain unique provisions applicable to only that code. Those nuances are retained so there are some slight differences, but the formatting will be the same in each code and the language will generally be the
same in each code.

As stated earlier, this section has been in the code a long time, and it is believed that it initially envisioned an alternative product or method review and approval process on a project-by-project basis, with substantiating tests and calculations or analyses provided with each permit application. Currently, a more efficient system has evolved where the same product evaluation reports are used in numerous projects, across many jurisdictions, and for many conditions. This evolution causes the need to revise this section to reflect current procedures.

However, the need for designers to be able to apply for one-time approval needs to be maintained, and that is the reason that “research reports” is maintained. In this case, though, when a method or material is not addressed by the code, the code official needs more information on the process that the evaluator used to determine that the method or material complies with the intent of the code.

To achieve the common format, a template is shown below which includes comments on each of the sections. Since the wording in each code is intended to be the same, the outline is not shown for every code, however there is an underline/strikeout version for each code provided. The code change for each code is provided as delete and substitute. This was done because the autoformatting process in cdpACCESS did not provide a document to easily follow. The underline/strikeout versions show the specific changes.

The following template is from the IBC. The IBC, IFC, IRC, IEBC, IPMC, and IWUIC are formatted the same as this template, however some codes have additional unique provisions, and other codes don’t contain all of these sections if they are not appropriate for the code content.

OUTLINE FOR PROPOSED SECTION 104

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL – same title used for each code

104.1 General. – This section has been subdivided with numbered/titled subsections to break up the existing paragraph and specifically state that the code official is authorized to determine compliance with the code. While always implied and applied in this manner, the code never specifically states this important fact.

104.2 Determination of Compliance. – reformatted to identify that when reviewing projects for compliance with the code, the code official can develop policies and procedures. It also specifically states that the developed policies and the project approvals are to be based on the intent of the code.

104.2.1 Listed compliance. – In cases where the code specifies a listing standard, it is common for a code official to accept things listed to that standard without further evaluating whether the standard is germane. When a product listing is appropriate, then the fact that the product is listed and installed in accordance with the listing specifications and the manufacturer’s instructions becomes the approval of the product. This section is not included in all codes since not all codes require listed equipment.

104.2.2 Technical assistance. – Nearly all the codes provide for the code official to utilize technical assistance in some form or another. This section is included as a subsection for determining compliance and will be consistent throughout the I-Codes. It is derived from, and replaces, previous text that was originally developed for and limited to hazardous materials related provisions.

104.2.2.1 Cost. – the cost for technical assistance is borne by the applicant or owner. This was previously included in a preceding paragraph and has been separated into its own subsection.

104.2.2.2 Preparer qualifications. – states that the person or agency providing the technical report must be qualified. The code official has the ability to require that the report is stamped by a registered design professional, since not all reports may need to provide this. For example, a hazardous materials classification report often does not include engineering or design. The definition is added to codes that do not currently contain the definition, such as the IWUIC. This was previously included in a preceding paragraph and has been separated into its own subsection. The new text goes beyond simply recommending changes, recognizing that the report may be a source document, as opposed to a review of documentation prepared by others.

104.2.2.3 Content. – the technical report shall include an analysis and any recommended or necessary changes.

104.2.2.4 Tests. – Tests can often provide valuable information. Where a test standard isn’t specified by this code or a reference standard, the code official may wish to conduct further evaluation of the suitability of the test method used as a basis. Testing can be performed by an approved agency or by any other party/organization approved by the code official. Proposed provisions for tests are largely derived from existing code text on this topic.

104.2.3 Alternative materials, design and methods of construction and equipment. – All codes make reference to accepting some type of alternative. This section is placed under the general compliance approval section and revised to state that a proposed alternative cannot be something that is specifically prohibited by the code. If ICC members have previously voted to specifically disallow something, alternative methods should not be a means of avoiding such a prohibition. Nevertheless, a code modification would still provide an option to make exceptions for unique
cases, as opposed to the door being open for an applicant to end run the intent of the code by presenting an analysis or alternative that suggests an alternative to a prohibition is OK. It is important to note that something not contemplated by the code would not be impacted by this statement. Not contemplated is not the same as a specific prohibition in the code.

104.2.3.1 Approval authority. – if the alternative is acceptable, then it is to be approved by the code official. This is from existing text.

104.2.3.2 Application and disposition. – the submittal for an alternative must be accomplished in writing. If it is not approved, the code official must so state in writing and provide reasons why it was not acceptable. This is largely from existing text, however, the requirement for a written application for alternatives was not previously located in this section, where it is appropriate to reference.

104.2.3.3 Compliance with code intent. – the alternative must comply with the code’s intent.

104.2.3.4 Equivalency criteria. – the alternative must provide equivalency to the code’s provisions. The list of characteristics to be addressed is included from the current code. The reference to fire-resistance is removed from the list and fire-resistance is included under safety with additional criteria regarding fire characteristics identified in Section 104.2.3.4.1.

104.2.3.4.1 Fire safety equivalency. – this section was added because “fire-resistance” was removed from the list in Section 104.2.3.4 and recognizing that fire-resistance is not the only fire related characteristic to be addressed. Fire-resistance is only one characteristic of safety with respect to fire. This section is added to clarify that the entire issue of performance under fire conditions is the concern. Previously, aspects of fire safety beyond fire resistance would have been evaluated as part of “safety” in the list with no additional guidance on what to consider. Performance under fire conditions also includes equivalency as to how the alternate will perform structurally when exposed to fire.

104.2.3.5 Tests. – this section is added so the code official can ensure that any testing conducted is performed to a scale that adequately represents the end use of the alternate. This has primarily been added in response to concerns related to Code Change F60-21, which modified Section 2603 to defer alternatives related to fire performance of foam plastics to Section 104.

104.2.3.6 Evaluation reports. – This section is relocated and revised to address two different types of reports currently submitted for alternatives.

104.2.3.6.1 Evaluation reports. – This section is added to address reports generate by an approved agency. The definition of “approved agency” was added to several codes in the 2018 editions. The definition is proposed to be revised, as in the IBC, or added as a new definition codes do not contain this definition, as in the IFC. This evaluation report is conducted by an approved agency that is accredited to conduct the tests or evaluations appropriate for the alternative involved. When the applicant provides a product evaluation from an accredited product evaluation agency that uses publicly developed and available criteria for the evaluation, the code official may have increased confidence that the method used for the evaluation does result in a method or material that meets the intent of the code and is at least equivalent to code-prescribed construction. Public development of criteria allows for input from industry experts, the public, and building officials in determining the methods used to evaluate code intent and equivalency, somewhat similar to the code development process where consensus is important. The accreditation ensures that the organization uses a consistent process to perform the evaluations. This section is meant to reflect the current use of evaluation reports from accredited evaluation agencies or organizations.

104.2.3.6.2 Other reports. – this section is added to address reports generated by persons or agencies other than an approved agency. It specifies that the person or agency providing the report must be qualified and must be approved by the code official. The code official has the authority to require the stamp of a registered design professional. When an applicant provides an evaluation from other than an accredited agency, or from a source that does not use publicly developed and available criteria, the code official needs more information in order to perform a proper review. Not only does the code official need to evaluate the product, but also evaluate the method that the applicant has used to determine compliance with code intent and code equivalence. So, in that case, it is proposed that the applicant would also have to provide the criteria that was used to do the evaluation, justification for use of that criteria, and data used for the evaluation, so a complete review can be made.

104.2.3.7 Peer review. – this section is added to address a method of review currently utilized by many jurisdictions. The peer review is an outside, third-party review that is submitted to the code official for use in cases where a jurisdiction may not have qualified resource in-house to perform a sufficient review of an alternative compliance proposal. Again, the peer reviewer must be qualified and approved by the code official.

104.2.4.1 Modifications. – this section is relocated under the section of compliance. Minor edits occurred to provide consistent language throughout the codes.

104.2.4.1.4 Flood hazard areas. – this section on flood hazard areas only appears in the IBC, IRC and IEBC. This section is relocated to follow the provisions for modifications.

104.3.4 Applications and permits. – this section is relocated and revised to provide consistent wording.

104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. – this section on flood hazard areas only appears in the IBC, IRC and IEBC. This section is relocated to follow the provisions for modifications.
104.4 Right of entry. – This section is relocated and revised to provide consistent wording. The issue of right of entry is the same with all enforcement issues.

104.4.1 Warrant. – this section was not found in all codes, so it was added to the IBC to provide the ability to utilize a warrant. This function is allowed by the courts and currently utilized by jurisdictions.

104.5 Identification. – no change

104.6 Notices and orders. – relocated and revised for consistent wording.

104.7 Department Official records. – This section revised to provide consistent wording and is reformatted by creating subsections. Each subsection addresses a different type of record that the is to be retained. This format clarifies that these records are required to be maintained.

104.7.1 Approvals.

104.7.2 Inspections.

104.7.3 Code alternatives and modifications.

104.7.4 Tests.

104.7.5 Fees.

104.8 Liability. – this section deals with protection from liability of the code official. The sections are revised to provide consistent wording throughout all I-Codes.

104.8.1 Legal defense. – this section deals with legal defense for the code official. The sections are revised to provide consistent wording throughout all I-Codes.

104.9 Approved materials and equipment. – no change

104.9.1 Used materials Material and equipment reuse. – this section addresses the reuse of materials and equipment. The section is revised to provide consistent wording throughout the codes to say that the code official must approve any materials to be reused.

104.10 Inspections. – this section is relocated to 104.2.2. Some of the language in this section is not relocated since those portions are already covered in Section 110.

104.11 Modifications – this section is relocated to 104.2.4 for formatting.

104.11.1 Flood hazard areas – this section is relocated to 104.2.4.1 for formatting.

104.11.2 Alternative materials, design and methods of construction and equipment. – this section is relocated to 104.2.3 for formatting.

104.11.3 Research reports. – this section is relocated to 104.2.3.6 for formatting.

104.12 Tests. – this section is relocated 104.2.2.4, 104.2.3.5 and 104.8.4 for formatting.

Additional unique changes are as follows:

1. Sections in IWUIC 105 are relocated to IWUIC 104, so Section 105 is deleted. This also occurs in the IgCC and IPMC.
2. The IZC has a completely different approach application and therefore, only the duplicated sections in the IZC are revised.
3. IWUIC 104.4 Subjects Not Regulated by this Code is relocated to Section 102.5 and IWUIC 104.5 Matters Not Provided For is relocated to Section 102.6 for consistency with IFC format. A minor change was made to the definition of “approved agency” which removes the repeat of the word that is to be defined, agency, and replaces it with organization. Another revision allows the agency to furnish product evaluation in addition to certification, since evaluation and certification are two different things. Evaluation is for materials and methods not addressed by the code, and certification is for materials and methods that are addressed by the code. It is intended that all I-Codes will be formatted in this fashion. There was not sufficient time to process these revisions through the PMG CAC, so only the codes under the review of the Fire CAC and Building CAC are submitted at this time. The revisions for the other codes will occur during Public Comment.

A strikeout/underline version of each code follows to identify specific revisions.

This proposal is submitted by the ICC Building Code Action Committee (BCAC), ICC Fire Code Action Committee (FCAC) and ICC.
Plumbing/Mechanical/Gas Code Action Committee (PMGCAC).

BCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021 the BCAC has held several virtual meetings open to any interested party. In addition, there were numerous virtual Working Group meetings for the current code development cycle, which included members of the committee as well as interested parties. Related documents and reports are posted on the BCAC website at https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/building-code-action-committee-bcac/.

The FCAC was established by the ICC Board of Directors to pursue opportunities to improve and enhance assigned International Codes with regard to fire and life safety in new and existing buildings and facilities as well as the protection of life and property in wildland urban interface areas. In 2020 and 2021 the Fire-CAC held multiple virtual meetings that were open to any interested party. In addition, there were numerous virtual specific working group meetings that were also open to any interested parties, to develop, discuss and debate the proposed changes. Related documentation and reports are posted on the FCAC website at: https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/fire-code-action-committee-fcac/.

Cost Impact: The code change proposal will not increase or decrease the cost of construction
This proposal simply reformats the code sections and provides consistency across the codes.

Public Hearing Results

Committee Action: As Modified

Committee Modification:

PEER REVIEW. An independent and objective technical review conducted by an approved third party.

R104.2 Determination of compliance. The building official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, rules and regulations in order to clarify the application of this code's provisions. Such interpretations, policies, and procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

R104.2.1 Listed compliance. Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer's instructions. Copies of the listing standard and manufacturer's instructions shall be made available to the building official upon request.

R104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the building official.

R104.2.2 Technical assistance. To determine compliance with this code, the building official is authorized to require the owner or owner's authorized agent to provide a technical opinion and report:

R104.2.2.1 Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

R104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the building official. The building official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

R104.2.2.3 Content. The technical opinion and report shall analyze the safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

R104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the building official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the building official shall approve the testing procedure. Tests shall be performed by a party acceptable to the building official.

R104.2.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the building official for approval. Where the alternative material, design or method of construction is not approved, the building
official shall respond in writing, stating the reasons the alternative was not approved.

R104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety

R104.2.3.4.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to flame spread, heat release rate, heat of combustion, smoke development and fire resistance.

R104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Such tests shall be performed by a party acceptable to the building official.

R104.2.3.6 Evaluation reports. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products. Use of the evaluation report shall require approval by the building official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the building official's recognition accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report and where required, provided to the building official developed using a process that includes input from the public and made available for review by the public.

R104.2.3.7 Peer review. The building official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the building official.

R104.3 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

R104.6 Notices and orders. The building official shall issue necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section R113.2.

Committee Reason: This proposal, as modified, is a much needed clean up of Section R104 on Duties and Powers of the Code Official. There was a coordinated series of modifications to address areas of concern.

Section R104.2 - The removal of 'rules and regulations' removes some ambiguity and is positive from a builder's perspective.

Section R104.2.1 - The rewrite of this section adds clarity for compliance for what is considered 'listed'. This also provided listing criteria and manufacturer's instructions.

Sections R104.2.2 through R104.2.2.4 - In the IRC, the sections on technical opinions and reports was removed as a requirement for determination of compliance. Systems in the IRC are not as complex as those in many IBC buildings.

Section R104.2.3.2 - This modification makes testing only required when needed.

Section R104.2.3.5 - Adding 'such' takes the ambiguity out of what testing is required.

Section R104.2.3.6.1 - This modification makes the evaluations reports available to the code official when needed. It took out items of concern, such as costs associated with providing hard copies all the time and a requirement for 'input from the public and made available for review by the public' for evaluations.

Section R104.2.3.7 - The requirement for peer review (and the definition) was removed from the IRC proposal. Systems in the IRC are not as complex as those in many IBC buildings.

Section R104.3 - The modification clarifies the permit process.

Section R104.2.3.4 and R104.2.3.4.1 - Fire safety was include in the list of items required for consideration of 'equivalent'. While fire safety is a subsection of 'safety', pulling it out of the list could be interpreted that fire safety was more important than other items in the list. The criteria for what should be considered 'fire safety' should be included in the commentary for this section.

Section R104.6 - Breaking this requirement into two makes better sense for the reference to Section R113.2.
The work of several organizations to develop modification to this proposal to address multiple issues should be moved forward to the membership for a complete review. (Vote: 10-0)

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**Individual Consideration Agenda**

**Public Comment 1:**

IRC: R104.2.3, R104.2.3.1, R104.2.4

**Proponents:** Jenifer Gilliland, representing Washington Association of Building Officials (jenifer.gilliland@seattle.gov); Micah Chappell, representing Washington Association of Building Officials Technical Code Development Committee (micah.chappell@seattle.gov) requests As Modified by Public Comment

Further modify as follows:

### 2021 International Residential Code

**R104.2.3 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved. The building official has approved and authorized its use.

**R104.2.3.1 Approval authority.** The building official shall be permitted to approve an alternative material, design or method of construction shall be approved where the building official finds provided that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

**R104.2.4 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that the modification does not lessen health, life and safety, fire safety or structural requirements where considered together with other safety features of the building or other relevant circumstances. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety.

**Commenter's Reason:** The code proposal as currently written unduly constrains the building official. The PC restores flexibility for the building official to use judgement when evaluating alternative means, methods, materials and equipment as well as modifications. Controversial language restricting building official approval of items prohibited elsewhere in this code is removed and replaced with a blanket statement giving the building official the ability to approve alternatives as long as the building official authorizes its use. In a newly formed section, Approval authority, the building official is permitted to approve alternatives that are suitable and comply with the equivalency criteria in Sections 104.2.3.4-104.2.3.7.

Under modifications, additional flexibility is provided for the building official to first, evaluate a proposal based on the current criteria, ie. health, accessibility, safety and fire safety features of the building and second, consider with other safety features of the building or relevant circumstances if necessary. Modifications are by definition not compliant with the strict letter of the code. For instance, a building official might want to consider other issues when approving a proposal such as how their local fire department stages for a fire and whether or not a building has been voluntarily sprinklered. If fire department policy is to “Run the stairs” rather than use ladder trucks to access an upper story it may impact your approval of a modification.

This is the second of three proposals addressing the powers of the building official through out the ICC family of codes.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This proposal is mainly aimed at delineating the authority of the building official to approve non-conventional approaches to solving code issues. If anything, costs might be reduced because there is more flexibility to approve a creative approach to a code problem.

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**Public Comment 2:**

IRC: R104.2.3.5, R104.2.3.5.1 (New)

**Proponents:** Jenifer Gilliland, representing Washington Association of Building Officials (jenifer.gilliland@seattle.gov); Micah Chappell, representing Washington Association of Building Officials Technical Code Development Committee (micah.chappell@seattle.gov) requests As Modified by Public Comment

Further modify as follows:

2021 International Residential Code

**R104.2.3 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved. The building official has approved and authorized its use.

**R104.2.3.1 Approval authority.** The building official shall be permitted to approve an alternative material, design or method of construction shall be approved where the building official finds provided that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

**R104.2.4 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that the modification does not lessen health, life and safety, fire safety or structural requirements where considered together with other safety features of the building or other relevant circumstances. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety.

**Commenter's Reason:** The code proposal as currently written unduly constrains the building official. The PC restores flexibility for the building official to use judgement when evaluating alternative means, methods, materials and equipment as well as modifications. Controversial language restricting building official approval of items prohibited elsewhere in this code is removed and replaced with a blanket statement giving the building official the ability to approve alternatives as long as the building official authorizes its use. In a newly formed section, Approval authority, the building official is permitted to approve alternatives that are suitable and comply with the equivalency criteria in Sections 104.2.3.4-104.2.3.7.

Under modifications, additional flexibility is provided for the building official to first, evaluate a proposal based on the current criteria, ie. health, accessibility, safety and fire safety features of the building and second, consider with other safety features of the building or relevant circumstances if necessary. Modifications are by definition not compliant with the strict letter of the code. For instance, a building official might want to consider other issues when approving a proposal such as how their local fire department stages for a fire and whether or not a building has been voluntarily sprinklered. If fire department policy is to “Run the stairs” rather than use ladder trucks to access an upper story it may impact your approval of a modification.

This is the second of three proposals addressing the powers of the building official through out the ICC family of codes.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This proposal is mainly aimed at delineating the authority of the building official to approve non-conventional approaches to solving code issues. If anything, costs might be reduced because there is more flexibility to approve a creative approach to a code problem.
Seattle Department of Construction & Inspections (micah.chappell@seattle.gov) requests As Modified by Public Comment

Further modify as follows:

**2021 International Residential Code**

R104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict stimulate performance of in the end use configuration. Such tests shall be performed by a party acceptable to the building official.

R104.2.3.5.1 Performance. Such tests shall be performed by a party acceptable to the building official.

Commenter’s Reason: This PC seeks to further clarify that full-scale testing is not necessary to support an alternative material, design or method of construction. It only needs to be large enough to give confidence to the building official that a product, component or assembly will perform as expected in the end use configuration. We don’t want to just “predict” performance—we need more assurance than that—we actually want to simulate performance in testing. If the performance is simulated then this knowledge can be used to determine how the product, component or assembly will perform in situ.

Testing doesn’t always occur in a lab. It could be a fire test of the material of a temporary tent that has no labeling witnessed by the fire department. These tests can consist of burning a tiny piece of the fabric. The language here needs to be written in a general manner to cover all situations where testing may be required.

This is the second of three public comments submitted related to fire testing found throughout the ICC Family of Codes.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. If anything, unnecessary costs will be avoided as it is more clear with the amendments that full-scale testing is not required to show compliance.

Public Comment 3:

IRC: R104.2.3.2, R104.2.4, R104.7, R104.7.1, R104.7.2, R104.7.3, R104.7.4, R104.7.5

Proponents: Jenifer Gilliland, representing Washington Association of Building Officials (jenifer.gilliland@seattle.gov); Micah Chappell, representing Washington Association of Building Officials Technical Code Development Committee (micah.chappell@seattle.gov) requests As Modified by Public Comment

Further modify as follows:

**2021 International Residential Code**

R104.2.3.2 Application and disposition. Where required a request to use an alternative material, design or method of construction shall be submitted in writing to the building official for approval. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing provide a response, stating the reasons the alternative was not approved.

R104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that the modification does not lessen health, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety in the official record by the building official.

R104.7 Official records. The building official shall keep official records as required in Sections R104.7.1 through R104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other laws, regulations, or rules. Such records shall be made available for public inspection.

R104.7.1 Approvals Applications. A record of approvals the status or the final disposition of shall be maintained by the applications submitted to the building official for review and shall be maintained available for public inspection during business hours in accordance with applicable laws.

Where required, documentation including construction documents and supporting reports shall be retained in the official record.

R104.7.2 Inspections. The building official shall keep maintain a record of each inspection made, including notices and orders and notices of violation issued, showing the findings and disposition of each.

R104.7.3 Code alternatives and modifications. Applications for alternative materials, design and methods of construction and equipment in accordance with Section R104.2.3; modifications in accordance with Section R104.2.4; and documentation of the final decision of the building official and/or either shall be in writing shall be retained in the official records.
R104.7.4 Tests. The building official shall keep maintain a record of tests conducted to comply with Sections R104.2.2.4 and R104.2.3.5.

R104.7.5 Fees. The building official shall keep maintain a record of fees collected and refunded in accordance with Section R108.

Commenter’s Reason: This PC attempts to coordinate terms and eliminate dated language, by making the following changes to the original proposal:

- The 5-year minimum time limit for keeping records is eliminated in this PC because public record retention laws vary so much from place to place. There really is no best practice. Some jurisdictions keep permit and inspections records for the life of the building, while others keep no records of residential buildings after a few years. It takes time and money to keep records in a format that allows access to them by the public. Individual jurisdictions will need to customize this section to meet their local conditions.

- More than just approvals need to be kept as part of the official record. Tracking disapprovals of applications and permits is just as important. The requirement to track “status” and “final disposition” makes it clear that records relating to important approval milestones and the final outcome are to be maintained.

- Language is added to make it clear that the building official authority can require the retention of construction documents as part of the public record.

- Language about maintaining construction documents and supporting reports as part of the official record is added but only “where required”. This again allows the building official to keep the records based on local and state retention requirements as well as department capacity.

- All records should be subject to “public inspection”, not just the inspection records. This language has been relocated 104.7.2 inspections from the charging statement to 104.7 Official Records.

- Notices of violation are added to the list of inspection items in 104.7.2 that need to be maintained as the part of the public record.

- Plan review and inspection results are now recorded and maintained almost entirely electronically in most building departments. There is no need to keep outdated language that requires a department to maintain records “in writing” or a “written response”.

- Also, the word “kept” is replaced by “maintained” in this PC. “Kept” implies that the record is being saved “as is”. “Maintained” implies more effort to include actions like moving the record from paper to microfiche and finally to a digitized record. “Maintain” might also include sorting, storing and indexing documents in an organized manner.

This PC is the 2nd of 3 submitted public comments dealing with record keeping by the code official.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This PC is just describing the official record that is being kept by the building official. It should not increase the costs for a department as most of the records, outside of the inspection and plan review results, are permitted to be kept by the code official rather than required.

Public Comment# 3383

Public Comment 4:
IRC: R104.2.3.4

Proponents: Bill McHugh, representing Firestop Contractors International Assn., National Fireproofing Contractors Assn. (bill@mc-hugh.us) requests As Modified by Public Comment

Further modify as follows:

2021 International Residential Code
R104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety
7. Fire Resistance

Commenter’s Reason: The reason for this public comment is to re-insert the words ‘Fire Resistance’. Fire Resistance has been in the BOCA National Building Code 104.11 ('96 and before), the Uniform Building Code ('97 and before), and for a reason. Fire Resistance is a critical part of the building's fire and life safety protection package. Any alternative needs to be equal to the fire resistance provided. During the Committee Action Hearings, a list of items including Fire Resistance was deleted, leaving ‘Fire Safety’ with no definition. Because the term Fire Resistance was in the International Building Code since the 2000 version, and in the BOCA National Building Code, Uniform Building Code - as a stand alone item - we believe it needs to remain a stand alone item in this section.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. The net effect of this change is that it returns to text already in the code, and will not increase or decrease the cost of construction.

Public Comment 5:
IRC: R104.1, R104.2

Proponents: Shane Nilles, representing Self (snilles@cityofcheneey.org) requests As Modified by Public Comment

Further modify as follows:

2021 International Residential Code

R104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code and shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code's provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

R104.2 Determination of Evaluation for compliance. The building official shall have the authority to determine evaluate for compliance with this code in accordance with this section and the, to render interpretations of this code and to adopt ed policies and procedures as authorized by Section 104.1, in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

Commenter’s Reason: Currently the code does not grant the code official the authority to determine that any work fully complies with the code, but rather the authority to enforce the code by reviewing, inspecting, and evaluating for compliance with the code. This is an important distinction because it is not the responsibility of the code official to guarantee that there are no violations when they complete plan reviews or inspections. If that were the case, then contractors, designers, and owners would be able to be absolved of all responsibility for any violations that were not caught by the code official. This public comment corrects that critical oversight that was made by the original proposal and maintains the current intent of the administrative authorities while supporting the original proposal's effort to clarify these sections.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. The proposal and this public comment only clarifies the current intent of the code and does not directly affect the cost of construction.
Public Comment 6:

IRC: R104.2.1

Proponents: John Woestman, representing Composite Lumber Manufacturers Association (CLMA) (jwoestman@kellencompany.com) requests

As Modified by Public Comment

Further modify as follows:

2021 International Residential Code

R104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and the manufacturer's instructions shall be made available to the building official.

Commenter’s Reason: We recommend revising the last sentence in this section for consistency between the installation requirements and the information required to be made available to the code official. That is: install per the listing and the manufacturer's instructions, and to make this same information available to the code official if needed to verify compliance.

We agree with the intent of the provisions in Section 104.2.1. However, we have concerns with the ambiguity of part of the last sentence of 104.2.1 and the likelihood of job-by-job and product-by-product interpretation and enforcement of this particular part of the that sentence: “. . . and where required to verify compliance, the listing standard . . . shall be made available to the building official.”

Regarding ambiguity of “. . . shall be made available . . .”, we anticipate some code officials will ask for a printed copy of a specific standard for a specific product on specific projects. Other code officials will consider the standard available if the standard can be viewed online. And, other code officials may interpret this phrase different than either of these examples.

Standards to which products are listed are typically available from the standards development organization (SDO), or from their authorized agent (e.g. techstreet.com). Some standards are posted online by the SDO for downloading at no cost. Some standards are available from the SDO for viewing online at no cost, but have document protection that prevents copying / pasting and / or downloading, and may be purchased for downloading and printing. And, some standards are available online and require purchasing to view, download, or print.

The standard to which a product is listed is almost always a copyrighted document. Typically, only the copyright owner of a standard, the SDO, can make available copyrighted material. The current language implies the party responsible for complying with the code would be responsible for making available an SDO’s copyrighted material, which would likely infringe on the copyright.

Unlike the copyrighted standard, the listing is typically publicly available. With these concerns in mind, we recommend revising Section R104.2.1 as proposed in this public comment.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction

The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This public comment will not increase the cost of construction. On the other hand, this public comment may, or may not, decrease the cost of construction. Without this public comment, standards which are referenced in the code could be requested to be made available by the project owner - and that may require purchase of the standard.
**Proposed Change as Submitted**

**Proponents:** Kevin Scott, representing KH Scott & Associates LLC (khscottassoc@gmail.com)

Primary sections and titles shown as deleted include the deletion of all sections and subsections within them. For clarity, the full text of these deletions are not shown.

**2021 International Mechanical Code**

Revise as follows:

**[A] APPROVED AGENCY.** An established and recognized agency organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such agency organization has been approved by the code official.

Add new definition as follows:

**PEER REVIEW.** An independent and objective technical review conducted by an approved third party.

Revise as follows:

**SECTION 104**

**DUTIES AND POWERS OF THE CODE OFFICIAL**

*(Delete entire section and replace as follows)*

Add new text as follows:

**SECTION 104**

**DUTIES AND POWERS OF THE CODE OFFICIAL**

[A] **104.1 General.** The code official is hereby authorized and directed to enforce the provisions of this code.

[A] **104.2 Determination of compliance.** The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of this code's provisions. Such interpretations, policies, procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

[A] **104.2.1 Listed compliance.** Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer's instructions. Copies of the listing standard and manufacturer's instructions shall be made available to the code official upon request.

[A] **104.2.2 Technical assistance.** To determine compliance with this code, the code official is authorized to require the owner or owner's authorized agent to provide a technical opinion and report.

[A] **104.2.2.1 Cost.** A technical opinion and report shall be provided without charge to the jurisdiction.

[A] **104.2.2.2 Preparer qualifications.** The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by and bear the stamp of a registered design professional.

[A] **104.2.2.3 Content.** The technical opinion and report shall analyze the safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

[A] **104.2.4 Tests.** Where there is insufficient evidence of compliance with the provisions of this code, the code official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Tests shall be performed by a party acceptable to the code official.

[A] **104.2.3 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved.
[A] 104.2.3.1 Approval authority. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

[A] 104.2.3.2 Application and disposition. A request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

[A] 104.2.3.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety

[A] 104.2.3.4.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

[A] 104.2.3.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

[A] 104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products. The alternate material, design or method of construction and product evaluated shall be within the scope of accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report, developed using a process that includes input from the public and made available for review by the public.

[A] 104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.2.3.7 Peer review. The code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the code official.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety.

[A] 104.2.4.1 Flood hazard areas. The code official shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

[A] 104.3 Applications and permits. The code official shall receive applications, review construction documents and issue permits for the
erection, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] 104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the code official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the code official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the code official shall require the building to meet the requirements of Section 1612 or Section R322 of the International Residential Code, as applicable.

[A] 104.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the code official is authorized to enter the structure or premises at all reasonable times to inspect or to perform the duties imposed by this code. If such structure or premises is occupied, the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.

[A] 104.4.1 Warrant. Where the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner’s authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

[A] 104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.6 Notices and orders. The code official shall issue necessary notices or orders to ensure compliance with this code in accordance with Section 114.

[A] 104.7 Official records. The code official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] 104.7.1 Approvals. A record of approvals shall be maintained by the code official and shall be available for public inspection during business hours in accordance with applicable laws.

[A] 104.7.2 Inspections. The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

[A] 104.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the code official for either shall be in writing and shall be retained in the official records.

[A] 104.7.4 Tests. The code official shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

[A] 104.7.5 Fees. The code official shall keep a record of fees collected and refunded in accordance with Section 109.

[A] 104.8 Liability. The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be personally liable, either civilly or criminally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

[A] 104.8.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 104.9 Approved materials and equipment. Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

[A] 104.9.1 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved.

2021 International Fuel Gas Code

Revise as follows:

[A] APPROVED AGENCY. An established and recognized agency or organization that is regularly engaged in conducting tests, furnishing
inspection services or furnishing evaluation or certification, where such agency organization has been approved by the code official.

Add new definition as follows:

**PEER REVIEW.** An independent and objective technical review conducted by and approved third party.

Revise as follows:

**SECTION 104**

**DUTIES AND POWERS OF THE CODE OFFICIAL**

*Deleted entire section and replace as follows*

**SECTION 105**

**APPROVAL**

*Deleted entire section and replace as follows*

Add new text as follows:

**SECTION 104**

**DUTIES AND POWERS OF THE CODE OFFICIAL**

[A] 104.1 **General.** The code official is hereby authorized and directed to enforce the provisions of this code.

[A] 104.2 **Determination of Compliance.** The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of this code’s provisions. Such interpretations, policies, procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.1 **Listed compliance.** Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer’s instructions. Copies of the listing standard and manufacturer’s instructions shall be made available to the code official upon request.

[A] 104.2.2 **Technical assistance.** To determine compliance with this code, the code official is authorized to require the owner or owner’s authorized agent to provide a technical opinion and report.

[A] 104.2.2.1 **Cost.** A technical opinion and report shall be provided without charge to the jurisdiction.

[A] 104.2.2.2 **Preparer qualifications.** The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by and bear the stamp of a registered design professional.

[A] 104.2.2.3 **Content.** The technical opinion and report shall analyze the safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

[A] 104.2.3 **Tests.** Where there is insufficient evidence of compliance with the provisions of this code, the code official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Tests shall be performed by a party acceptable to the code official.

[A] 104.2.3.1 **Alternative materials, design and methods of construction equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved.

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[A] 104.2.3.3 **Compliance with code intent.** An alternative material, design or method of construction shall comply with the intent of the provisions of this code.
[A] **104.2.3.4 Equivalency criteria.** An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety

[A] **104.2.3.4.1 Fire safety equivalency.** Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] **104.2.3.5 Tests.** Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

[A] **104.2.3.6 Reports.** Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

[A] **104.2.3.6.1 Evaluation reports.** Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products. The alternate material, design or method of construction and product evaluated shall be within the scope of accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report, developed using a process that includes input from the public and made available for review by the public.

[A] **104.2.3.6.2 Other reports.** Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

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[A] **104.2.4 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety.

[A] **104.2.4.1 Flood Hazard Areas.** The code official shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

[A] **104.3 Applications and permits.** The code official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] **104.3.1 Determination of substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the code official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the code official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the code official shall require the building to meet the requirements of Section 1612 or Section R322 of the International Residential Code, as applicable.
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[A] 104.4.1 Warrant. Where the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner’s authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

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[A] 104.6 Notices and orders. The code official shall issue necessary notices or orders to ensure compliance with this code in accordance with Section 114.

[A] 104.7 Official records. The code official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other regulations.

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[A] 104.7.2 Inspections. The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

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[A] 104.8 Liability. The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be personally liable, either civilly or criminally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

[A] 104.8.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 104.9 Approved materials and equipment. Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

[A] 104.9.1 Materials and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved.

2021 International Plumbing Code

Revise as follows:

[A] APPROVED AGENCY. An established and recognized agency organization that is regularly engaged in conducting tests or furnishing inspection services, or furnishing product evaluation or certification where such agency organization has been approved by the code official.

Add new definition as follows:

PEER REVIEW. An independent and objective technical review conducted by an approved third party.

Revise as follows:

SECTION 104
DUTIES AND POWERS OF THE CODE OFFICIAL
SECTION 104
DUTIES AND POWERS OF THE CODE OFFICIAL

[A] 104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code.

[A] 104.2 Determination of compliance. The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of this code’s provisions. Such interpretations, policies, procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.

2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.1 Listed compliance. Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer’s instructions. Copies of the listing standard and manufacturer’s instructions shall be made available to the code official upon request.

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[A] 104.2.2.1 Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

[A] 104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by and bear the stamp of a registered design professional.

[A] 104.2.2.3 Content. The technical opinion and report shall analyze the safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

[A] 104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the code official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Tests shall be performed by a party acceptable to the code official.

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[A] 104.2.3.1 Approval authority. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

[A] 104.2.3.2 Application and disposition. A request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

[A] 104.2.3.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety

[A] 104.2.3.4.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.
A 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

A 104.2.3.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

A 104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products. The alternate material, design or method of construction and product evaluated shall be within the scope of accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report, developed using a process that includes input from the public and made available for review by the public.

A 104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

A 104.2.3.7 Peer review. The code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the code official.

A 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety.

A 104.2.4.1 Flood hazard areas. The code official shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the site, configuration or topography of the site render the elevation standards of Section 1612 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

A 104.3 Applications and permits. The code official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

A 104.3.1 Determination of substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the code official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the code official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the code official shall require the building to meet the requirements of Section 1612 or Section R322 of the International Residential Code, as applicable.

A 104.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the code official is authorized to enter the structure or premises at all reasonable times to inspect or to perform the duties imposed by this code. If such structure or premises is occupied, the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.

A 104.4.1 Warrant. Where the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner's authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

A 104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
[A] **104.6 Notices and orders.** The code official shall issue necessary notices or orders to ensure compliance with this code in accordance with Section 114.

[A] **104.7 Official records.** The code official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] **104.7.1 Approvals.** A record of approvals shall be maintained by the code official and shall be available for public inspection during business hours in accordance with applicable laws.

[A] **104.7.2 Inspections.** The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

[A] **104.7.3 Code alternatives and modifications.** Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the code official for either shall be in writing and shall be retained in the official records.

[A] **104.7.4 Tests.** The code official shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

[A] **104.7.5 Fees.** The code official shall keep a record of fees collected and refunded in accordance with Section 109.

[A] **104.8 Liability.** The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be personally liable, either civilly or criminally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

[A] **104.8.1 Legal defense.** Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] **104.9 Approved materials and equipment.** Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

[A] **104.9.1 Material and equipment reuse.** Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved.

### 2021 International Swimming Pool and Spa Code

Revise as follows:

[A] **APPROVED AGENCY.** An established and recognized agency organization regularly engaged in conducting tests or furnishing inspection services, or furnishing product evaluation or certification where such agency organization has been approved by the code official.

Add new definition as follows:

**PEER REVIEW.** An independent and objective technical review conducted by an approved third party.

Add new text as follows:

**REGISTERED DESIGN PROFESSIONAL.** An architect or engineer, registered or licensed to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state in which the project is to be constructed.

Revise as follows:

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SECTION 104

DUTIES AND POWERS OF THE CODE OFFICIAL

(Delete entire section and replace as follows)
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Add new text as follows:

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SECTION 104

DUTIES AND POWERS OF THE CODE OFFICIAL

[A] 104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code.

[A] 104.2 Determination of compliance. The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of this code's provisions. Such interpretations,
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policies, procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.

2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.1 Listed compliance. Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer’s instructions. Copies of the listing standard and manufacturer’s instructions shall be made available to the code official upon request.

[A] 104.2.2 Technical assistance. To determine compliance with this code, the code official is authorized to require the owner or owner’s authorized agent to provide a technical opinion and report.

[A] 104.2.2.1 Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

[A] 104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by and bear the stamp of a registered design professional.

[A] 104.2.2.3 Content. The technical opinion and report shall analyze the safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

[A] 104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the code official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Tests shall be performed by a party acceptable to the code official.

[A] 104.2.3 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved.

[A] 104.2.3.1 Approval authority. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

[A] 104.2.3.2 Application and disposition. A request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

[A] 104.2.3.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety

[A] 104.2.3.4.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

[A] 104.2.3.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

[A] 104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products. The alternate material, design or method of construction and product evaluated shall be within the scope of accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report, developed using a process that includes input from the public and made available for review by the public.
[A] 104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.2.3.7 Peer review. The code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the code official.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety.

[A] 104.2.4.1 Flood hazard areas. The code official shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the site render the elevation standards of Section 1612 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

[A] 104.3 Applications and permits. The code official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] 104.3.1 Determination of substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the code official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the code official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the code official shall require the building to meet the requirements of Section 1612 or Section R322 of the International Residential Code, as applicable.

[A] 104.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the code official is authorized to enter the structure or premises at any reasonable times to inspect or to perform the duties imposed by this code. If such structure or premises is occupied, the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, the owner’s authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.

[A] 104.4.1 Warrant. Where the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner’s authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

[A] 104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.6 Notice and orders. The code official shall issue necessary notices or orders to ensure compliance with this code in accordance with Section 114.

[A] 104.7 Official records. The code official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] 104.7.1 Approvals. A record of approvals shall be maintained by the code official and shall be available for public inspection during business hours in accordance with applicable laws.

[A] 104.7.2 Inspections. The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings.
and disposition of each.

[A] 104.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the code official for either shall be in writing and shall be retained in the official records.

[A] 104.7.4 Tests. The code official shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

[A] 104.7.5 Fees. The code official shall keep a record of fees collected and refunded in accordance with Section 109.

[A] 104.8 Liability. The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be personally liable, either civilly or criminally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

[A] 104.8.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 104.9 Approved materials and equipment. Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

[A] 104.9.1 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved.

2021 International Private Sewage Disposal Code

Add new definition as follows:

APPROVED AGENCY. An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such organization has been approved by the code official.

PEER REVIEW. An independent and objective technical review conducted by an approved third party.

Revise as follows:

SECTION 104
DUTIES AND POWERS OF THE CODE OFFICIAL
(Delete entire section and replace as follows)

Add new text as follows:

SECTION 104
DUTIES AND POWERS OF THE CODE OFFICIAL

[A] 104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code.

[A] 104.2 Determination of compliance. The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of this code's provisions. Such interpretations, policies, procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.1 Listed compliance. Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer’s instructions. Copies of the listing standard and manufacturer’s instructions shall be made available to the code official upon request.

[A] 104.2.2 Technical assistance. To determine compliance with this code, the code official is authorized to require the owner or owner’s authorized agent to provide a technical opinion and report.

[A] 104.2.2.1 Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

[A] 104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by and bear the stamp of a
[A] 104.2.3.1 Approval authority. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

[A] 104.2.3.2 Application and disposition. A request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

[A] 104.2.3.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety

[A] 104.2.3.4.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

[A] 104.2.3.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

[A] 104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products. The alternate material, design or method of construction and product evaluated shall be within the scope of accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report, developed using a process that includes input from the public and made available for review by the public.

[A] 104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specially organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.2.3.7 Peer review. The code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the code official.

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1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate.

2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

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[A] 104.3.1 Determination of substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the code official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the code official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the code official shall require the building to meet the requirements of Section 1612 or Section R322 of the International Residential Code, as applicable.

[A] 104.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the code official is authorized to enter the structure or premises at all reasonable times to inspect or to perform the duties imposed by this code. If such structure or premises is occupied, the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.

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[A] 104.6 Notices and orders. The code official shall issue necessary notices or orders to ensure compliance with this code in accordance with Section 114.

[A] 104.7 Official records. The code official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other regulations.

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[A] 104.7.4 Tests. The code official shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

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[A] 104.8.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties under the provisions of this code or other laws or ordinances implemented through the enforcement of this code.
104.2 Determination of Compliance.

Specifically states this important fact. That the code official is authorized to determine compliance with the code. While always implied and applied in this manner, the code never specifically states this important fact.

104.1 General. – This section has been subdivided with numbered/titled subsections to break up the existing paragraph and specifically state that the code official is authorized to determine compliance with the code. While always implied and applied in this manner, the code never specifically states this important fact.

104.2.2 Technical assistance.

Nearly all the codes provide for the code official to utilize technical assistance in some form or another. This

OUTLINE FOR PROPOSED SECTION 104

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL – same title used for each code

104.1 General. – This section has been subdivided with numbered/titled subsections to break up the existing paragraph and specifically state that the code official is authorized to determine compliance with the code. While always implied and applied in this manner, the code never specifically states this important fact.

104.2 Determination of Compliance. – reformatted to identify that when reviewing projects for compliance with the code, the code official can develop policies and procedures. It also specifically states that the developed policies and the project approvals are to be based on the intent of the code.

104.2.1 Listed compliance. – In cases where the code specifies a listing standard, it is common for a code official to accept things listed to that standard without further evaluating whether the standard is germane. When a product listing is appropriate, then the fact that the product is listed and installed in accordance with the listing specifications and the manufacturer’s instructions becomes the approval of the product. This section is not included in all codes since not all codes require listed equipment.

104.2.2 Technical assistance. – Nearly all the codes provide for the code official to utilize technical assistance in some form or another. This

Reason: Section 104 appears in the IMC, IFGC, IPC, ISPSC and IPSDC and contains general requirements for the authority and duties of the code official. Among these authorities and duties is the review and approval of alternate methods. The primary purpose of this code change is to update Section 104 to reflect the current manner that alternate methods and materials are evaluated, and to differentiate between evaluations from accredited evaluation agencies and evaluations from others, such as engineers. These provisions have basically been the same since the first edition in 2000, with the exception that the section on “Research Reports” was added in 2003. Industry terminology and methods have evolved over the years.

This proposal revises general code enforcement provisions to improve organization, improve clarity, and supplement existing provisions to better align the code text with how the code is commonly applied. The end goal is to provide the same wording and procedures in all of the I-Codes with regard to the Duties and Responsibilities of the Code Official. Some of the codes contain unique provisions applicable to only that code.

Those nuances are retained so there are some slight differences, but the formatting will be the same in each code and the language will generally be the same in each code.

A separate code change proposal was submitted for the IFC, IWUIC, IBC, IEBC, IRC, IgCC and IPMC. The proposals are separate, however, the content and purpose is the same. Time restraints did not allow for this package to be reviewed by the PMG CAC. Therefore, it is submitted separately, however the content and format is identical.

As stated earlier, this section has been in the code a long time, and it is believed that it initially envisioned an alternative product or method review and approval process on a project-by-project basis, with substantiating tests and calculations or analyses provided with each permit application. Currently, a more efficient system has evolved where the same product evaluation reports are used in numerous projects, across many jurisdictions, and for many conditions. This evolution causes the need to revise this section to reflect current procedures.

However, the need for designers to be able to apply for one-time approval needs to be maintained, and that is the reason that “research reports” is maintained. In this case, though, when a method or material is not addressed by the code, the code official needs more information on the process that the evaluator used to determine that the method or material complies with the intent of the code.

To achieve the common format, a template is shown below which includes comments on each of the sections. Since the wording in each code is intended to be the same, the outline is not shown for every code, however there is an underline/strikeout version for each code provided. The code change for each code is provided as delete and substitute. This was done because the autoformatting process in cdpACCESS did not provide a document to easily follow. The underline/strikeout versions show the specific changes.

The following template is from the IBC. The IMC, IFGC, IPC, ISPSC and IPSDC provisions are formatted the same as this template, however some codes have additional unique provisions, and other codes don’t contain all of these sections if they are not appropriate for the code content. This is the same template used for the other code change for the remaining I-Codes.
section is included as a subsection for determining compliance and will be consistent throughout the I-Codes. It is derived from, and replaces,
previous text that was originally developed for and limited to hazardous materials related provisions.

104.2.2.1 Cost. – the cost for technical assistance is borne by the applicant or owner. This was previously included in a preceding paragraph
and has been separated into its own subsection.

104.2.2.2 Preparer qualifications. – states that the person or agency providing the technical report must be qualified. The code official has the
ability to require that the report is stamped by a registered design professional, since not all reports may need to provide this. For example, a
hazardous materials classification report often does not include engineering or design. The definition is added to codes that do not currently contain
the definition, such as the IWUIC. This was previously included in a preceding paragraph and has been separated into its own subsection. The new
text goes beyond simply recommending changes, recognizing that the report may be a source document, as opposed to a review of
documentation prepared by others.

104.2.2.3 Content. – the technical report shall include an analysis and any recommended or necessary changes.

104.2.2.4 Tests. – Tests can often provide valuable information. Where a test standard isn't specified by this code or a reference standard, the
code official may wish to conduct further evaluation of the suitability of the test method used as a basis. Testing can be performed by an approved
agency or by any other party/organization approved by the code official. Proposed provisions for tests are largely derived from existing code text on
this topic.

104.2.3 104.11.1 Alternative materials, design and methods of construction and equipment. – All codes make reference to accepting some type
of alternative. This section is placed under the general compliance approval section and revised to state that a proposed alternative cannot
be something that is specifically prohibited by the code. If ICC members have previously voted to specifically disallow something, alternative
methods should not be a means of avoiding such a prohibition. Nevertheless, a code modification would still provide an option to make exceptions
for unique cases, as opposed to the door being open for an applicant to end run the intent of the code by presenting an analysis or alternative that
suggests an alternative to a prohibition is OK. It is important to note that something not contemplated by the code would not be impacted by this
statement. Not contemplated is not the same as a specific prohibition in the code.

104.2.3.1 Approval authority. – if the alternative is acceptable, then it is to be approved by the code official. This is from existing text.

104.2.3.2 Application and disposition. – the submittal for an alternative must be accomplished in writing. If it is not approved, the code official must
so state in writing and provide reasons why it was not acceptable. This is largely from existing text, however, the requirement for a written
application for alternatives was not previously located in this section, where it is appropriate to reference.

104.2.3.3 Compliance with code intent. – the alternative must comply with the code's intent.

104.2.3.4 Equivalency criteria. – the alternative must provide equivalency to the code's provisions. The list of characteristics to be addressed
is included from the current code. The reference to fire-resistance is removed from the list and fire-resistance is included under safety with
additional criteria regarding fire characteristics identified in Section 104.2.3.4.1.

104.2.3.4.1 Fire safety equivalency. – this section was added because “fire-resistance” was removed from the list in Section 104.2.3.4
and recognizing that fire-resistance is not the only fire related characteristic to be addressed. Fire-resistance is only one characteristic of safety
with respect to fire. This section is added to clarify that the entire issue of performance under fire conditions is the concern. Previously, aspects of
fire safety beyond fire resistance would have been evaluated as part of “safety” in the list with no additional guidance on what to consider.
Performance under fire conditions also includes equivalency as to how the alternate will perform structurally when exposed to fire.

104.2.3.5 Tests. – this section is added so the code official can ensure that any testing conducted is performed to a scale that
adequately represents the end use of the alternate. This has primarily been added in response to concerns related to Code Change F60-21, which
modified Section 2603 to defer alternatives related to fire performance of foam plastics to Section 104.

104.2.3.6 104.11.1.1 Research Reports. This section is relocated and revised to address two different types of reports currently submitted
for alternatives.

104.2.3.6.1 Evaluation reports. – This section is added to address reports generate by an approved agency. The definition of “approved
agency” was added to several codes in the 2018 editions. The definition is proposed to be revised, as in the IBC, or added as a new definition codes
do not contain this definition, as in the IFC. This evaluation report is conducted by an approved agency that is accredited to conduct the tests
or evaluations appropriate for the alternative involved. When the applicant provides a product evaluation from an accredited product evaluation
agency that uses publicly developed and available criteria for the evaluation, the code official may have increased confidence that the method used
for the evaluation does result in a method or material that meets the intent of the code and is at least equivalent to code-prescribed construction.
Public development of criteria allows for input from industry experts, the public, and building officials in determining the methods used to evaluate
code intent and equivalence, somewhat similar to the code development process where consensus is important. The accreditation ensures that
the organization uses a consistent process to perform the evaluations. This section is meant to reflect the current use of evaluation reports
from accredited evaluation agencies or organizations.

104.2.3.6.2 Other reports. – this section is added to address reports generated by persons or agencies other than an approved agency. It specifies that the person or agency providing the report must be qualified and must be approved by the code official. The code official has the authority to require the stamp of a registered design professional. When an applicant provides an evaluation from other than an accredited agency, or from a source that does not use publicly developed and available criteria, the code official needs more information in order to perform a proper review. Not only does the code official need to evaluate the product, but also evaluate the method that the applicant has used to determine compliance with code intent and code equivalence. So, in that case, it is proposed that the applicant would also have to provide the criteria that was used to do the evaluation, justification for use of that criteria, and data used for the evaluation, so a complete review can be made.

104.2.3.7 Peer review. – this section is added to address a method of review currently utilized by many jurisdictions. The peer review is an outside, third-party review that is submitted to the code official for use in cases where a jurisdiction may not have qualified resource in-house to perform a sufficient review of an alternative compliance proposal. Again, the peer reviewer must be qualified and approved by the code official.

104.2.4 Modifications. – this section is relocated under the section of compliance. Minor edits occurred to provide consistent language throughout the codes.

104.3 Applications and permits. – this section is relocated and revised to provide consistent wording.

104.4 Inspections. – this section is relocated to 104.2.2. Some of the language in this section is not relocated since those portions are already covered in Section 110. 104.4.1 Right of entry. – This section is relocated and revised to provide consistent wording. The issue of right of entry is the same with all enforcement issues.

104.4.1 Warrant. – this section was not found in all codes, so it was added to the IBC to provide the ability to utilize a warrant. This function is allowed by the courts and currently utilized by jurisdictions.

104.5 Identification. – no change

104.6 Notices and orders. – relocated and revised for consistent wording.

104.7 Department Official records. – This section revised to provide consistent wording and is reformatted by creating subsections. Each subsection addresses a different type of record that the is to be retained. This format clarifies that these records are required to be maintained.

104.7.1 Approvals.

104.7.2 Inspections.

104.7.3 Code alternatives and modifications.

104.7.4 Tests.

104.7.5 Fees.

104.8 Liability. – this section deals with protection from liability of the code official. The sections are revised to provide consistent wording throughout all I-Codes.

104.8.1 Legal defense. – this section deals with legal defense for the code official. The sections are revised to provide consistent wording throughout all I-Codes.

104.9 Approved materials and equipment. – no change

104.9.1 Material and equipment reuse. – this section addresses the reuse of materials and equipment. The section is revised to provide consistent wording throughout the codes to say that the code official must approve any materials to be reused.

104.10 Modifications – this section is relocated to 104.2.4 for formatting.

104.11 Alternative materials, design and methods of construction and equipment. – this section is relocated to 104.2.3 for formatting.

104.11.1 Research reports – this section is relocated to 104.2.3.6 for formatting.
104.11.2 Tests. – this section is relocated 104.2.2.4, 104.2.3.5 and 104.8.4 for formatting.

Additional unique changes are as follows:

1. Sections in IMC 105 are relocated to IMC 104, so Section 105 is deleted. This also occurs in the IFGC and IPSDC.
2. A minor change was made to the definition of “approved agency” which removes the repeat of the word that is to be defined, agency, and replaces it with organization. Another revision allows the agency to furnish product evaluation in addition to certification, since evaluation and certification are two different things. Evaluation is for materials and methods not addressed by the code, and certification is for materials and methods that are addressed by the code.

A strikeout/underline version of each code follows to identify specific revisions.

The proposal in strikeout and underline text format can be viewed here:


Cost Impact: The code change proposal will not increase or decrease the cost of construction
This proposal is a reformatting and clarification of the requirements already in the codes.

Public Hearing Results

Committee Action: As Modified

Committee Modification:

2021 International Mechanical Code

[A] 104.2 Determination of compliance. The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, rules and regulations in order to clarify the application of this code's provisions. Such interpretations, policies, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

[A] 104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the code official.

Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer's instructions. Copies of the listing standard and manufacturer's instructions shall be made available to the code official upon request.

[A] 104.2.2.3 Content. The technical opinion and report shall analyze the safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

[A] 104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the code official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the code official.
[A] 104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety

[A] 104.2.3.4.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 104.2.3.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

[A] 104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products, and use of the evaluation report shall require approval by the code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official's recognition accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report, and where required, provided to the code official, developed using a process that includes input from the public and made available for review by the public.

[A] 104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.3 Applications and permits. The code official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] 104.6 Notices and orders. The code official shall issue necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 114.

[A] 104.7.2 Inspections. The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.
[A] 104.2 Determination of compliance. The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of this code's provisions. Such interpretations, policies, procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

[A] 104.2.1 Listed compliance. Where this code or a reference standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer’s instructions, and where required to verify compliance, the listing standard and manufacturer’s instructions shall be made available to the code official.

Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer’s instructions. Copies of the listing standard and manufacturer’s instructions shall be made available to the code official upon request.

[A] 104.2.2.3 Content. The technical opinion and report shall analyze the safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

[A] 104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the code official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the code official.

[A] 104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety

[A] 104.2.3.4.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.
104.2.3.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products and use of the evaluation report shall require approval by the code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official’s recognition accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report and where required, provided to the code official. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official’s recognition accreditation of the approved agency. Criteria used for the evaluation shall be developed using a process that includes input from the public and made available for review by the public.

104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.3 Applications and permits. The code official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.6 Notices and orders. The code official shall issue necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 114.

104.7.2 Inspections. The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

2021 International Plumbing Code

104.2 Determination of compliance. The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, and procedures, rules and regulations in order to clarify the application of this code’s provisions. Such interpretations, policies, and procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

104.2.1 Listed compliance. Where this code or a reference standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer’s instructions, and where required to verify compliance, the listing standard and manufacturer’s instructions shall be made available to the code official.

Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer’s instructions. Copies of the listing standard and manufacturer’s instructions shall be made available to the code official upon request.

104.2.2.3 Content. The technical opinion and report shall analyze the safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.
[A] 104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the code official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the code official.

[A] 104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety

[A] 104.2.3.6 Evaluations. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products and use of the evaluation report shall require approval by the code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official's recognition accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report and where required, provided to the code official, developed using a process that includes input from the public and made available for review by the public.

[A] 104.3 Applications and permits. The code official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] 104.6 Notices and orders. The code official shall issue necessary notices or orders to ensure compliance with this code.
shall be in accordance with Section 114.

[A] 104.7.2 Inspections. The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

2021 International Swimming Pool and Spa Code

[A] 104.2 Determination of compliance. The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, and procedures, rules and regulations in order to clarify the application of this code’s provisions. Such interpretations, policies, and procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

[A] 104.2.1 Listed compliance. Where this code or a reference standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer’s instructions, and where required to verify compliance, the listing standard and manufacturer’s instructions shall be made available to the code official.

Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer’s instructions. Copies of the listing standard and manufacturer’s instructions shall be made available to the code official upon request.

[A] 104.2.2.3 Content. The technical opinion and report shall analyze the safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

[A] 104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the code official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the code official.

[A] 104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety
Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

**[A] 104.2.3.6 Reports.** Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

**[A] 104.2.3.6.1 Evaluation reports.** Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products, and use of the evaluation report shall require approval by the code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official's recognition accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report, and where required, provided to the code official developed using a process that includes input from the public and made available for review by the public.

**[A] 104.2.3.6.2 Other reports.** Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

**[A] 104.3 Applications and permits.** The code official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**[A] 104.6 Notices and orders.** The code official shall issue necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 114.

**[A] 104.7.2 Inspections.** The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

2021 International Private Sewage Disposal Code

**[A] 104.2 Determination of compliance.** The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies, and procedures, rules and regulations in order to clarify the application of this code's provisions. Such interpretations, policies, and procedures, rules and regulations:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

**[A] 104.2.1 Listed compliance.** Where this code or a reference standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the code official.

Determination of compliance for anything required by this code, or a reference standard, to be listed shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be
installed in accordance with the listing and the manufacturer’s instructions. Copies of the listing standard and manufacturer’s instructions shall be made available to the code official upon request.

[A] 104.2.2.3 Content. The technical opinion and report shall analyze the safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to identify and propose necessary recommendations.

[A] 104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the code official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the code official.

[A] 104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety

[A] 104.2.3.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

[A] 104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products, and use of the evaluation report shall require approval by the code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official’s recognition accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report and where required, provided to the code official, developed using a process that includes input from the public and made available for review by the public.

[A] 104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.
[A] 104.3 Applications and permits. The code official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] 104.6 Notices and orders. The code official shall issue necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 114.

[A] 104.7.2 Inspections. The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

Committee Reason: The committee stated that the reason for the approval of the modifications and proposal was based on correlation and consistency with the action taken on ADM13-22 Part I. (Vote: 9-4)

ADM14-22

Individual Consideration Agenda

Public Comment 1:

IMC: [A] 104.2.3, [A] 104.2.3.1, [A] 104.2.4; IFGC: [A] 104.2.3, [A] 104.2.3.1, [A] 104.2.4; IPC: [A] 104.2.3, [A] 104.2.3.1, [A] 104.2.4; ISPSC: [A] 104.2.3, [A] 104.2.3.1, [A] 104.2.4; IPSDC: [A] 104.2.3, [A] 104.2.3.1, [A] 104.2.4

Proponents: Jenifer Gilliland, representing Washington Association of Building Officials (jenifer.gilliland@seattle.gov); Micah Chappell, representing Washington Association of Building Officials Technical Code Development Committee (micah.chappell@seattle.gov) requests As Modified by Public Comment

Further modify as follows:

2021 International Mechanical Code

[A] 104.2.3 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved by the code official has approved and authorized its use.

[A] 104.2.3.1 Approval authority. The building official shall be permitted to approve an alternative material, design, or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and safety, fire safety or structural requirements where considered together with other safety features of the building or other relevant circumstances. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety maintained in the official record by the code official.

2021 International Fuel Gas Code

[A] 104.2.3 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved by the code official has approved and authorized its use.

[A] 104.2.3.1 Approval authority. The building official shall be permitted to approve an alternative material, design, or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and safety, fire safety or structural requirements where considered together with other safety features of the building or other relevant circumstances. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety maintained in the official record by the code official.
2021 International Plumbing Code

[A] 104.2.3 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved by the code official has approved and authorized its use.

[A] 104.2.3.1 Approval authority. The code official shall be permitted to approve an alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and safety, fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety maintained in the official record by the code official.

2021 International Swimming Pool and Spa Code

[A] 104.2.3 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved.

[A] 104.2.3.1 Approval authority. The building official shall be permitted to approve an alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and safety, fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety maintained in the official record by the code official.

2021 International Private Sewage Disposal Code

[A] 104.2.3 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved.

[A] 104.2.3.1 Approval authority. The building official shall be permitted to approve an alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and safety, fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety maintained in the official record by the code official.

Commenter’s Reason: The code proposal as currently written unduly constrains the building official.

This PC restores flexibility for the building official to use judgement when evaluating alternative means, methods, materials and equipment as well as modifications. Controversial language restricting building official approval of items prohibited elsewhere in this code is removed and replaced with a blanket statement giving the building official the ability to approve alternatives as long as the building official authorizes its use. In a newly formed section, Approval authority, the building official is permitted to approve alternatives that are suitable and comply with the equivalency criteria in Sections 104.2.3.4-104.2.3.7.

In modifications, additional flexibility is provided for the building official to first, evaluate a proposal based on the current criteria, i.e., health, accessibility, safety and fire safety features of the building and second, consider with other safety features of the building or relevant circumstances if necessary. Modifications are by definition not compliant with the strict letter of the code. For instance, a building official might want to consider other issues when approving a proposal such as how their local fire department stages for a fire and whether or not a building has been voluntarily sprinklered. If fire department policy is to “Run the stairs” rather than use ladder trucks to access an upper story it may impact your approval of a
This is the third of three proposals addressing the authority of the building official across the ICC Family of Codes.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This proposal is mainly aimed at delineating the authority of the building official to approve non-conventional approaches to solving code issues. If anything, costs might be reduced because there is more flexibility to approve a creative approach to a code problem.

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**Public Comment 2:**

Public Comment 2:

IPC: [A] 104.2.3.5, [A] 104.2.3.5.1 (New); IMC: [A] 104.2.3.5, [A] 104.2.3.5.1 (New); IFGC: [A] 104.2.3.5, [A] 104.2.3.5.1 (New); ISPSC: [A] 104.2.3.5, [A] 104.2.3.5.1 (New); IPSDC: [A] 104.2.3.5, [A] 104.2.3.5.1 (New)

Proponents: Jenifer Gilliland, representing Washington Association of Building Officials (jenifer.gilliland@seattle.gov); Micah Chappell, representing Washington Association of Building Officials (micah.chappell@seattle.gov) requests As Modified by Public Comment

Further modify as follows:

**2021 International Plumbing Code**

[A] 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict simulate performance of in the end use configuration. Tests shall be performed by a party acceptable to the code official.

[A] 104.2.3.5.1 Performance. Tests shall be performed by a party acceptable to the code official.

**2021 International Mechanical Code**

[A] 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict simulate performance of in the end use configuration. Tests shall be performed by a party acceptable to the code official.

[A] 104.2.3.5.1 Performance. Tests shall be performed by a party acceptable to the code official.

**2021 International Fuel Gas Code**

[A] 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict simulate performance of in the end use configuration. Tests shall be performed by a party acceptable to the code official.

[A] 104.2.3.5.1 Performance. Tests shall be performed by a party acceptable to the code official.

**2021 International Swimming Pool and Spa Code**

[A] 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict simulate performance of in the end use configuration. Tests shall be performed by a party acceptable to the code official.

[A] 104.2.3.5.1 Performance. Tests shall be performed by a party acceptable to the code official.

**2021 International Private Sewage Disposal Code**

[A] 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict simulate performance of in the end use configuration. Tests shall be performed by a party acceptable to the code official.

[A] 104.2.3.5.1 Performance. Tests shall be performed by a party acceptable to the code official.

Commenter’s Reason: This PC seeks to clarify that full-scale testing is not necessary to support an alternative material, design or method of construction. It only needs to be large enough to give confidence to the building official that a product, component or assembly will perform as expected in the end use configuration. We don’t want to just “predict” performance—we need more assurance than that—we actually want to simulate performance in testing. If the performance is simulated then this knowledge can be used to determine how the product, component or assembly will perform in situ.
Testing doesn’t always occur in a lab. It could be a fire test of the material of a temporary tent that has no labeling witnessed by the fire department. These often consist of burning a tiny piece of the fabric. The language needs to be written in a general manner to cover all situations where testing may be required.

This is the third PC of three identical PC’s addressing testing.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. The changes in the PC should not impact costs. If anything the changes would reduce costs because full-scale testing would not be required.

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**Public Comment 3:**


**Proponents:** Jenifer Gilliland, representing Washington Association of Building Officials (jenifer.gilliland@seattle.gov); Micah Chappell, representing Washington Association of Building Officials Technical Code Development Committee (micah.chappell@seattle.gov) requests As Modified by Public Comment

Further modify as follows:

### 2021 International Mechanical Code

[A] 104.2.3.2 Application and disposition. Where required a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, providing a response, stating the reasons the alternative was not approved.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and maintained entered in the files of the department of building safety in the official record by the code official.

[A] 104.7 Official records. The code official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other laws, regulations, or rules. Such records shall be made available for public inspection.

[A] 104.7.1 Approvals Applications. A record of approvals, the status or the final disposition of shall be maintained by the applications submitted to the code official for review and shall be available for public inspection during business hours in accordance with applicable laws. Where required, documentation including construction documents and supporting reports shall be maintained in the official record.

[A] 104.7.2 Inspections. The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official shall keep a record of each inspection made, including notices and orders and notices of violations issued, showing the findings and disposition of each.

[A] 104.7.3 Code alternatives and modifications. Applications for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the code official for either shall be in writing and shall be retained in the official records.

[A] 104.7.4 Tests. The code official shall keep maintain a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

[A] 104.7.5 Fees. The code official shall keep maintain a record of fees collected and refunded in accordance with Section 109.

### 2021 International Fuel Gas Code

[A] 104.2.3.2 Application and disposition. Where required a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, providing a response stating the reasons the alternative was not approved.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the
authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and maintained entered in the files of the department of building safety in the official record by the building official.

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[A] 104.7.1 Approvals-Applications. A record of approvals, the status or the final disposition of shall be maintained by the applications submitted to the code official for review shall be maintained available for public inspection during business hours in accordance with applicable laws. Where required, documentation including construction documents and supporting reports shall be maintained in the official record.

[A] 104.7.2 Inspections. The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

[A] 104.7.3 Code alternatives and modifications. Applications for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the code official for either shall be in writing and shall be retained in the official records.

[A] 104.7.4 Tests. The code official shall keep maintain a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

[A] 104.7.5 Fees. The code official shall keep maintain a record of fees collected and refunded in accordance with Section 109.

2021 International Plumbing Code

[A] 104.2.3.2 Application and disposition. Where required a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing provide a response stating the reasons the alternative was not approved.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and maintained entered in the files of the department of building safety in the official record by the code official.

[A] 104.7 Official records. The code official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other laws, regulations, or rules. Such records shall be made available for public inspection.

[A] 104.7.1 Approvals. A record of approvals shall be maintained by the code official and shall be available for public inspection during business hours in accordance with applicable laws.

[A] 104.7.2 Inspections. The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official shall keep a record of each inspection made, including notices and orders and notices of violations issued, showing the findings and disposition of each.

[A] 104.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the code official for either shall be in writing and shall be retained in the official records.

[A] 104.7.4 Tests. The code official shall keep maintain a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

[A] 104.7.5 Fees. The code official shall keep maintain a record of fees collected and refunded in accordance with Section 109.

2021 International Swimming Pool and Spa Code

[A] 104.2.3.2 Application and disposition. Where required a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing provide a response stating the reasons the alternative was not approved.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not
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[A] 104.7 Official records. The code official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other laws, regulations, or rules. Such records shall be made available for public inspection.

[A] 104.7.1 Approvals Applications. A record of approvals, the status or the final disposition of shall be maintained by applications submitted to the code official and shall be available for public inspection during business hours in accordance with applicable laws. Where required, documentation including construction documents and supporting reports shall be retained in the official records.

[A] 104.7.2 Inspections. The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official shall keep maintain a record of each inspection made, including notices and orders and notices of violation issued, showing the findings and disposition of each.

[A] 104.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the code official for either shall be in writing and shall be retained in the official records.

[A] 104.7.4 Tests. The code official shall keep maintain a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

[A] 104.7.5 Fees. The code official shall keep maintain a record of fees collected and refunded in accordance with Section 109.

2021 International Private Sewage Disposal Code

[A] 104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, provide a response, stating the reasons the alternative was not approved.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and maintained entered in the files of the department of building safety in the official record by the code official.

[A] 104.7 Official records. The code official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other laws, regulations, or rules. Such records shall be made available for public inspection.

[A] 104.7.1 Approvals Applications. A record of approvals, the status or the final disposition of shall be maintained by applications submitted to the code official and shall be maintained available for public inspection during business hours in accordance with applicable laws. Where required, documentation including construction documents and supporting reports shall be retained in the official record.

[A] 104.7.2 Inspections. The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official shall keep maintain a record of each inspection made, including notices and orders and notices of violation issued, showing the findings and disposition of each.

[A] 104.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the code official for either shall be in writing and shall be retained in the official records.

[A] 104.7.4 Tests. The code official shall keep maintain record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

[A] 104.7.5 Fees. The code official shall keep maintain a record of fees collected and refunded in accordance with Section 109.

Commenter’s Reason: This PC attempts to coordinate terms and eliminate dated language, by making the following changes to the original proposal:

- The 5-year minimum time limit for keeping records is eliminated in this PC because public record retention laws vary so much from place to place. There really is no best practice. Some jurisdictions keep permit and inspections records for the life of the building, while others keep no records of residential buildings after a few years. It takes time and money to keep records in a format that allows access to them by the public. Individual jurisdictions will need to customize this section to meet their local conditions.
More than just approvals need to be kept as part of the official record. Tracking disapprovals of applications and permits is just as important. The requirement to track “status” and “final disposition” makes it clear that records relating to important approval milestones and the final outcome are to be maintained.

Language is added to make it clear that the building official authority can require the retention of construction documents as part of the public record.

Language about maintaining construction documents and supporting reports as part of the official record is added but only “where required”. This again allows the building official to keep the records based on local and state retention requirements as well as department capacity.

All records should be subject to “public inspection”, not just the inspection records. This language has been relocated 104.7.2 inspections from the charging statement to 104.7 Official Records.

Notices of violation are added to the list of inspection items in 104.7.2 that need to be maintained as the part of the public record.

Plan review and inspection results are now recorded and maintained almost entirely electronically in most building departments. There is no need to keep outdated language that requires a department to maintain records “in writing” or a “written response”.

Also, the word “kept” is replaced by “maintained” in this PC. “Kept” implies that the record is being saved “as is”. “Maintained” implies more effort to include actions like moving the record from paper to microfiche and finally to a digitized record. “Maintain” might also include sorting, storing and indexing documents in an organized manner.

This is the third of three public comments submitted to make changes to the record keeping sections in the ICC family of codes.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This PC just describes the official record that is being kept by the building official. It should not increase the costs for a department as most of the records, outside of the inspection and plan review results, are permitted to be kept by the code official rather than required.

Public Comment 4:

IMC: [A] 104.2.3.4; IFGC: [A] 104.2.3.4; IPC: [A] 104.2.3.4; ISPSC: [A] 104.2.3.4; IPSDC: [A] 104.2.3.4

Proponents: Bill McHugh, representing National Fireproofing Contractors Association, Firestop Contractors International Association (bill@mc-hugh.us) requests As Modified by Public Comment

Further modify as follows:

2021 International Mechanical Code

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety
7. Fire resistance

2021 International Fuel Gas Code
[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety
7. Fire resistance

2021 International Plumbing Code

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety
7. Fire resistance

2021 International Swimming Pool and Spa Code

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety
7. Fire resistance

2021 International Private Sewage Disposal Code

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety
7. Fire resistance

Commenter's Reason: The reason for this public comment is to re-insert the words 'Fire Resistance'. Fire Resistance has been in the BOCA National Building Code 104.11 ('96 and before), the Uniform Building Code ('97 and before), and for a reason. Fire Resistance is a critical part of the building's fire and life safety protection package. Any alternative to fire-resistance needs to be equal to the fire resistance provided. During the Committee Action Hearings, a list of items explaining what's in 'Fire Safety' including Fire Resistance was deleted, leaving 'Fire Safety' with no definition. Because the term Fire-Resistance has in the International Building Code since the 2000 version, and in the BOCA National...
Building Code, Uniform Building Code - as a stand alone item - we believe it needs to remain a stand alone item in this section.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This code proposal would put a term back in the code that was removed. Therefore, it is cost neutral.

Public Comment 5:


Proponents: Shane Nilles, representing Self (snilles@cityofcheney.org) requests As Modified by Public Comment

Further modify as follows:

2021 International Mechanical Code

[A] 104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code and shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Determination of Evaluate for Compliance. The building official shall have the authority to determine, evaluate for compliance with this code, in accordance with this section and the, to render interpretations of this code and to adopt policies and procedures as authorized by section 104.1, in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.2 Technical assistance. To determine evaluate for compliance with this code, the building official is authorized to require the owner or owner’s authorized agent to provide a technical opinion and report.

2021 International Fuel Gas Code

[A] 104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code, and shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Determination of Evaluate for Compliance. The building official shall have the authority to determine, evaluate for compliance with this code, in accordance with this section and the, to render interpretations of this code and to adopt policies and procedures as authorized by section 104.1, in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.2 Technical assistance. To determine evaluate for compliance with this code, the building official is authorized to require the owner or owner’s authorized agent to provide a technical opinion and report.

2021 International Plumbing Code

[A] 104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code, and shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code’s provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Determination of Evaluate for compliance. The building official shall have the authority to determine, evaluate for compliance with this code, in accordance with this section and the, to render interpretations of this code and to adopt ed policies and procedures, as authorized by Section 104.1, in order to clarify the application of this code's provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.

2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.2 Technical assistance. To determine evaluate for compliance with this code, the building official is authorized to require the owner or owner's authorized agent to provide a technical opinion and report.

2021 International Swimming Pool and Spa Code

[A] 104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code, and shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code's provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.

2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Determination of Evaluate for compliance. The building official shall have the authority to determine, evaluate for compliance with this code, in accordance with this section and the, to render interpretations of this code and to adopt ed policies and procedures, as authorized by Section 104.1, in order to clarify the application of this code's provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.

2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.2 Technical assistance. To determine evaluate for compliance with this code, the building official is authorized to require the owner or owner's authorized agent to provide a technical opinion and report.

2021 International Private Sewage Disposal Code

[A] 104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code, and shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code's provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.

2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Determination of Evaluate for compliance. The building official shall have the authority to determine, evaluate for compliance with this code, in accordance with this section and the, to render interpretations of this code and to adopt ed policies and procedures, as authorized by Section 104.1, in order to clarify the application of this code's provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.

2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.2 Technical assistance. To determine evaluate for compliance with this code, the building official is authorized to require the owner or owner's authorized agent to provide a technical opinion and report.

Commenter's Reason: Currently the code does not grant the code official the authority to determine that any work fully complies with the code, but rather the authority to enforce the code by reviewing, inspecting, and evaluating for compliance with the code. This is an important distinction because it is not the responsibility of the code official to guarantee that there are no violations when they complete plan reviews or inspections. If that were the case, then contractors, designers, and owners would be able to be absolved of all responsibility for any violations that were not caught by the code official. This public comment corrects that critical oversight that was made by the original proposal and maintains the current intent of the administrative authorities while supporting the original proposal's effort to clarify these sections.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. The proposal and this public comment only clarifies the current intent of the code and does not directly affect the cost of construction.
Public Comment 6:

IMC: 104.2.1; IFGC: [A] 104.2.1; IPC: [A] 104.2.1; ISPSC: [A] 104.2.1; IPSDC: [A] 104.2.1

Proponents: John Woestman, representing Composite Lumber Manufacturers Association (CLMA) (jwoestman@kellencompany.com) requests

As Modified by Public Comment

Further modify as follows:

2021 International Mechanical Code

[A] 104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a
listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on
an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the
manufacturer's instructions, and where required to verify compliance, the listing standard and the manufacturer's instructions shall be made
available to the code official.

2021 International Fuel Gas Code

[A] 104.2.1 Listed compliance. Where this code or a reference standard requires equipment, materials, products or services to be listed and a
listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on
an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the
manufacturer's instructions, and where required to verify compliance, the listing standard and the manufacturer's instructions shall be made
available to the code official.

2021 International Plumbing Code

[A] 104.2.1 Listed compliance. Where this code or a reference standard requires equipment, materials, products or services to be listed and a
listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on
an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the
manufacturer's instructions, and where required to verify compliance, the listing standard and the manufacturer's instructions shall be made
available to the code official.

2021 International Swimming Pool and Spa Code

[A] 104.2.1 Listed compliance. Where this code or a reference standard requires equipment, materials, products or services to be listed and a
listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on
an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the
manufacturer's instructions, and where required to verify compliance, the listing standard and the manufacturer's instructions shall be made
available to the code official.

2021 International Private Sewage Disposal Code

[A] 104.2.1 Listed compliance. Where this code or a reference standard requires equipment, materials, products or services to be listed and a
listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on
an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the
manufacturer's instructions, and where required to verify compliance, the listing standard and the manufacturer's instructions shall be made
available to the code official.

Commenter's Reason: We recommend revising the last sentence in this section for consistency between the installation requirements and the
information required to be made available to the code official. That is: install per the listing and the manufacturer's instructions, and to make this
same information available to the code official if needed to verify compliance.

We agree with the intent of the provisions in Section 104.2.1. However, we have concerns with the ambiguity of part of the last sentence of 104.2.1
and the likelihood of job-by-job and product-by-product interpretation and enforcement of this particular part of the that sentence: "... and where
required to verify compliance, the listing standard . . . shall be made available to the building official."

Regarding ambiguity of "... shall be made available . . .", we anticipate some code officials will ask for a printed copy of a specific standard for a
specific product on specific projects. Other code officials will consider the standard available if the standard can be viewed online. And, other code
officials may interpret this phrase different than either of these examples.

Standards to which products are listed are typically available from the standards development organization (SDO), or from their authorized agent
(e.g. techstreet.com). Some standards are posted online by the SDO for downloading at no cost. Some standards are available from the SDO for
viewing online at no cost, but have document protection that prevents copying / pasting and / or downloading, and may be purchased for
downloading and printing. And, some standards are available online and require purchasing to view, download, or print.
The standard to which a product is listed is almost always a copyrighted document. Typically, only the copyright owner of a standard, the SDO, can make available copyrighted material. The current language implies the party responsible for complying with the code would be responsible for making available an SDO's copyrighted material, which would likely infringe on the copyright.

Unlike the copyrighted standard, the listing is typically publicly available. With these concerns in mind, we recommend revising Section 104.2.1 as proposed in this public comment.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This public comment will not increase the cost of construction. On the other hand, this public comment may, or may not, decrease the cost of construction. Without this public comment, standards which are referenced in the code could be requested to be made available by the project owner - and that may require purchase of the standard.
ADM17-22 Part I

Proposed Change as Submitted

Proponents: John-Jozef Proczka, representing Self (john-jozef.proczka@phoenix.gov)

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE CODE COMMITTEE. PART II WILL BE HEARD BY THE IRC-BUILDING CODE COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THESE COMMITTEES.

2021 International Building Code

Revise as follows:

[A] 104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

2021 International Existing Building Code

Revise as follows:

[A] 104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

2021 International Fire Code

Revise as follows:

[A] 104.1 General. The fire code official is hereby authorized to enforce the provisions of this code. The fire code official shall have the authority to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code. Such interpretations, policies, procedures, rules and regulations shall not have the effect of waiving requirements specifically provided for in this code.

2021 International Fuel Gas Code

Revise as follows:

[A] 104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

2021 International Mechanical Code

Revise as follows:

[A] 104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

2021 International Plumbing Code

Revise as follows:

[A] 104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

2021 International Property Maintenance Code

Revise as follows:
[A] 105.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

2021 International Private Sewage Disposal Code

Revise as follows:

[A] 104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

2021 International Swimming Pool and Spa Code

Revise as follows:

[A] 104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

2021 International Wildland-Urban Interface Code

Revise as follows:

[A] 104.1 Powers and duties of the code official. The code official is hereby authorized to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

2021 International Green Construction Code

Revise as follows:

104.1 General. The authority having jurisdiction is hereby authorized and directed to enforce the provisions of this code. The authority having jurisdiction shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions and how this code relates to other applicable codes and ordinances. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code and other applicable codes and ordinances. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

Reason: Not only can policies and procedures not waive requirements of the code, but it is also the intent that individual case-by-case interpretations not waive the specific requirements of the code. The current absence of this word leaves an odd situation where it is potentially OK for a building or code official to waive code requirements on case-by-case situations, but not in policies. This type of approach could lead to favoritism in enforcement of the code and every code section being optional and up to the discretion of the building or code official. Code modifications and alternatives are already present in the code, and as such when those provisions are used code requirements are not being waived.

This one word change is already present in the International Wildland-Urban Interface Code (good job IWUIC!) and this proposal only slightly changes the wording in that code to exactly agree.

Cost Impact: The code change proposal will not increase or decrease the cost of construction
There is no cost impact since the proposed word addition is only clarifying what is already stated and required by the code section.

ADM17-22 Part 1

Public Hearing Results

Committee Action: Disapproved

Committee Reason: The committee stated that the reason for the disapproval was that the change focuses on the use of the adding the word interpretations throughout and that seems to create some conflicts. Additionally, it was stated that a code official can wave code requirements in certain situations with an example provided by the committee in response to the concern about arbitrary and capricious enforcement. (Vote: 9-3)
**Individual Consideration Agenda**

**Public Comment 1:**

**Proponents:** John-Jozef Proczka, representing Self (john-jozef.proczka@phoenix.gov) requests As Submitted

**Commenter’s Reason:** This one word addition is to make it crystal clear that you can’t waive a specific code requirement. The current absence of this word leaves an odd situation where it is potentially OK for a code official to waive code requirements on a case-by-case basis, but not in policies. When a requirement is impractical there is already a code provision for how to deal with that situation - code modification - where an impracticality of the code provision is demonstrated for that case. Note that there is no requirement that a separate application has to be filed every time a code modification approach is used. Voluntary enforcement of some of the provisions of the building code while waiving other requirements on a case-by-case basis doesn't make for an International Building Code or any other base code, it makes for the code only according to the specific building official. That is not the overall intent of having a base code. As stated in the original proposal's reason statement the lack of this one word can lead to favoritism in enforcement of building codes.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction
This is a clarification only.
Proposed Change as Submitted

Proponents: John-Jozef Proczka, representing Self (john-jozef.proczka@phoenix.gov)

2021 International Residential Code

Revise as follows:

R104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

Reason: Not only can policies and procedures not waive requirements of the code, but it is also the intent that individual case-by-case interpretations not waive the specific requirements of the code. The current absence of this word leaves an odd situation where it is potentially OK for a building or code official to waive code requirements on case-by-case situations, but not in policies. This type of approach could leave to favoritism in enforcement of the code and every code section being optional and up to the discretion of the building or code official. Code modifications and alternatives are already present in the code, and as such when those provisions are used code requirements are not being waived.

This one word change is already present in the International Wildland-Urban Interface Code (good job IWUIC!) and this proposal only slightly changes the wording in that code to exactly agree.

Cost Impact: The code change proposal will not increase or decrease the cost of construction

Committee Action: Disapproved

Committee Reason: This proposal was disapproved for consistency with the Administrative committee action on ADM17-22 Part 1. Adding 'interpretation' could be read to waive code requirements. (Vote: 10-0)

Individual Consideration Agenda

Public Comment 1:

Proponents: John-Jozef Proczka, representing Self (john-jozef.proczka@phoenix.gov) requests As Submitted

Commenter's Reason: This one word addition is to make it crystal clear that you can't waive a specific code requirement. The current absence of this word leaves an odd situation where it is potentially OK for a building official to waive code requirements on a case-by-case basis, but not in policies. When a requirement is impractical there is already a code provision for how to deal with that situation - code modification - where an impracticality of the code provision is demonstrated for that case. Note that there is no requirement that a separate application has to be filed every time a code modification approach is used.

Voluntary enforcement of some of the provisions of the building code while waiving other requirements on a case-by-case basis doesn't make for an International Residential Code or any other base code, it makes for the code only according to the specific building official. That is not the overall intent of having a base code. As stated in the original proposal's reason statement the lack of this one word can lead to favoritism in enforcement of building codes.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction

This is a clarification only.
Proposed Change as Submitted

Proponents: Jeffrey Shapiro, Lake Travis Fire Rescue, representing Lake Travis Fire Rescue (jshapiro@ltfr.org)

2021 International Fire Code

Revise as follows:

[A] 104.1 General. The fire code official is hereby authorized to enforce the provisions of this code. The fire code official shall have the authority to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code. Such policies, procedures, rules and regulations shall not have the effect of waiving requirements specifically provided for in this code, except as provided in Section 104.9.

[A] 104.9 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications. The fire code official shall have the authority to grant modifications for individual cases, provided that the fire code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.

Add new text as follows:

[A] 104.9.1 Individual cases. The fire code official shall have the authority to grant modifications for individual cases, provided that the fire code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.

[A] 104.9.2 Natural disasters. In preparation for, during and after a natural disaster event, as determined by the fire code official, the fire code official shall have the authority to issue written policies, procedures, rules or regulations that modify this code as necessary to protect life and property. Such policies, procedures, rules or regulations shall be made available to the public and shall include start and end dates, which can be extended at the fire code official’s discretion.

Reason: Winter Storm Uri in 2021 is a good example demonstrating the need for granting authority to the fire code official to allow, by policy, conditions that would otherwise constitute code violations. For example, long-term power outages will eventually render many alarm systems non-functional, and extended loss of heat in buildings can lead to catastrophic freezing of fire suppression systems. Shutting down such systems and draining them can prevent catastrophic damage, allowing a system that might otherwise take months to repair to be placed back into service more quickly. If water remains in a system and freezing occurs, the system is non-functional anyway, so whether drained or not, protection is going to be impaired for some period of time. But, allowing more of a system to freeze vs. draining can be expected to result in increased water damage when the system thaws and much more extensive and time consuming repairs, This section could also be used to allow temporary emergency shelters that may not fully meet code requirements for a congregate residential use.

By adding text to the code that specifically addresses this concern, the fire code official will be guided to develop written documentation that should globally address special allowances that will be permitted during a disaster event, and as written, the authority to make any such allowances will remain solely in the hands of the fire code official.

This text is proposed only for the IFC because the IFC is unique among ICC codes with respect to its application to operation of existing buildings and to emergency response.

Cost Impact: The code change proposal will decrease the cost of construction
This proposal does not apply to construction, except to the possible extent that it might influence construction of emergency shelters or similar uses, in which case costs would presumably be reduced by allowing what might otherwise constitute non-compliant uses. There is no way to quantitatively measure any such cost impact.

Public Hearing Results

Committee Action: As Modified

Committee Modification:

[A] 104.9 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the
authority to grant modifications in accordance with Section 104.9.1 or 104.9.2.

[A] 104.9.1 Individual cases. The fire code official shall have the authority to grant modifications for individual cases, provided that the fire code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention code compliance agency.

[A] 104.9.2 Natural disasters. In preparation for, during and after a natural disaster event, as determined by the fire code official, the fire code official shall have the authority to issue written policies, procedures, or rules or regulations that modify this code as necessary to protect life and property. Such policies, procedures, or rules or regulations shall be made available to the public and shall include start and end dates, which can be extended at the fire code official’s discretion.

Committee Reason: The committee stated that the reason for the approval of the modifications were the improvement of the language to clarify the requirements and consistency with existing language and terms. The committee stated multiple reasons for approval as well as opposition to the proposal. It was noted that it is important that some authority beyond one individual person be able to make these decisions. This could be the mayor of the city or the City Council or the governing body of the county. This would give more meaning to the declaration rather than leaving it up to the fire code official to make the only determination. However, there was acknowledgement that this is something that has already been done during emergencies in Texas and over the last couple years with COVID. Inspection requirements and procedures have had to be modified within the codes and jurisdictions or allowed entities to not have inspections in order to not send somebody who could possibly be infected into an assisted living facility as a result of emergencies. (Vote: 7-6)

ADM18-22

Individual Consideration Agenda

Public Comment 1:


Proponents: Kota Wharton, representing City of Grove City (kwharton@grovecityohio.gov) requests As Modified by Public Comment

Further modify as follows:

2021 International Fire Code

[A] 104.9 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications in accordance with Section 104.9.1 or and 104.9.2.

[A] 104.9.1 Individual cases. The fire code official shall have the authority to grant modifications for individual cases, upon application of the owner or the owner’s authorized agent, provided that the fire code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the code compliance agency.

[A] 104.9.2 Natural disasters. In preparation for, during and reasonably after a natural disaster event, as determined by the fire code official, the fire code official shall have the authority to issue written policies, procedures, or rules or regulations that modify this code as necessary to protect life and property. Such policies, procedures or rules or regulations shall be made available to the public and shall include start and end dates and expiration dates and shall recorded and entered into the files of the code compliance agency, which can be extended at the fire code official’s discretion.

[A] 104.9.2.1 Extensions. The fire code official shall have the authority to reasonably extend policies, rules and procedures issued pursuant to Section 104.9.2. Such extensions shall be made available to the public, shall include the original effective date and new expiration date and shall be recorded and entered into the fires of the code compliance agency.

[A] 104.9.2 Notification to the building official. The fire code official prior to issuing or extending any policies, procedures or rules shall notify the building official in writing.

Commenter’s Reason: The reason statement from the original proposal stands with exception to the uniqueness of the IFC from the other ICodes. The following modifications were made:

- International Fire Code Section 104.9. Replace or with and for clarity.
- International Fire Code Section 104.9.1. Added upon application of the owner or the owner’s authorized agent for clarity of process.
- International Fire Code Section 104.9.2.
  - Replaced In preparation for with Imminently before to limit the authority of the fire code official.
Added reasonably to after to read reasonably after to limit the fire code official's authority to the disaster's span (including recovery). Modifications to the code made under this section should be confined.

- Replaced fire code official to chief executive officer of the jurisdiction to vest the power to declare a natural disaster, as it relates to this code. Chief executive officer is not defined in this code or any other code, however should be defined in the adopting body’s charter, constitution or similar founding document. For this modification, the chief executive officer may refer to City’s mayor, County’s commissioner, State’s governor, Tribe’s chieftain, Country’s president or another elected person of the like.

- Replaced or with and for clarity.

- Struck and for clarity of next.

- Expanded the requirements for policies, procedures and rules.
  - Replaced start with effective and end with expiration for clarity. An order should not start, stop, and start; it should be effective and subsequently, once need is met, expire. If needed again it should be recreated.
  - Added and shall be recorded... to require documentation for accountability.

- International Fire Code Section 104.9.2.1 Extensions. Subsection added to clarify the intent of the initial proposals “which can be extended at the fire code official’s discretion”. The term reasonably is used to restrict any extension of policies, procedures and rules relevant. The requirements of publication are maintained to maintain transparency and accountability.

- International Fire Code Section 104.9.2.2 Notification to the building official. Added to ensure the building official is aware the policies, procedures and rules prior to their enactment and to give the building official the opportunity to make comments to the fire code official.

- International Building Code and International Residential Code. The IRC and IBC should be considered for correlation in the next code cycle.

The terms imminently and reasonably are throughout intentionally as a check on the fire code official’s authority. Where wide interpretation is an issue, either jurisdictional legislation or case law shall be used to determine each term's extent.

Cost Impact: The net effect of the public comment and code change proposal will decrease the cost of construction
No change to the initial proposals cost statement.

Public Comment# 3360
ADM19-22

**Proposed Change as Submitted**

Proponents: Manny Muniz, representing Representing self (mannymuniz.mm@gmail.com)

2021 International Fire Code

Add new definition as follows:

**APPROVED AGENCY.** An established and recognized agency that is regularly engaged in conducting tests, furnishing inspection services or furnishing product certification where such agency has been approved by the building official.

Reason: The term “approved agency” appears in the IFC and should, therefore, be defined in Chapter 2. This will provide consistency with the IBC and the IRC which already have this definition.

Cost Impact: The code change proposal will not increase or decrease the cost of construction. This is only defining a term used in the IFC.

ADM19-22

**Public Hearing Results**

Committee Action: Disapproved

Committee Reason: The committee stated that the reasons for disapproval were language issues, it should be across codes and the preference for other code change proposals specifically including ADM13. (Vote: 10-3)

ADM19-22

**Individual Consideration Agenda**

Public Comment 1:

IFC: SECTION 202; IBC: SECTION 202; IPMC: SECTION 202 (New); IWUIC: SECTION 202 (New)

Proponents: Manny Muniz, representing Representing self (mannymuniz.mm@gmail.com); Kristen Owen, representing Myself (kowen4568@gmail.com) requests As Modified by Public Comment

Modify as follows:

2021 International Fire Code

**APPROVED AGENCY.** An established and recognized agency organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such agency organization has been approved by the building official.

2021 International Building Code

[A] **APPROVED AGENCY.** An established and recognized agency organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such agency organization has been approved by the building official.

2021 International Property Maintenance Code

**APPROVED AGENCY.** An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such organization has been approved by the building official.

2021 International Wildland-Urban Interface Code

**APPROVED AGENCY.** An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services
or furnishing product evaluation or certification where such organization has been approved by the building official.

**Commenter’s Reason:** In response to the committee reason for disapproval which preferred the language in ADM13, the proposed modification now uses the same language as ADM13 and now applies across the codes. If ADM13 is not approved, this proposed modification will allow this single code change to be considered on its own for approval.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction
This is only defining a term already used in the codes.
ADM20-22

Proposed Change as Submitted

Proponents: Manny Muniz, representing Representing self (mannymuniz.mm@gmail.com)

2021 International Existing Building Code

Add new definition as follows:

[A] APPROVED AGENCY. An established and recognized agency that is regularly engaged in conducting tests, furnishing inspection services or furnishing product certification where such agency has been approved by the fire code official.

Reason: The term “approved agency” appears in the IEBC and should, therefore, be defined in Chapter 2. This will provide consistency with the IBC and the IRC which already have this definition.

Cost Impact: The code change proposal will not increase or decrease the cost of construction
This is only defining a term in the IEBC to be consistent with the IBC and IRC.

Public Hearing Results

Committee Action: Disapproved

Committee Reason: The committee stated that the reason for disapproval was consistency with the action taken on ADM19. (Vote: 11-2)

Individual Consideration Agenda

Public Comment 1:

Proponents: Manny Muniz, representing Representing self (mannymuniz.mm@gmail.com); Kristen Owen, representing Myself (kowen4568@gmail.com) requests As Submitted

Commenter’s Reason: In response to the committee reason for disapproval which preferred the language in ADM13, the proposed modification now uses the same language as ADM13 and now applies across the codes. If ADM13 is not approved, this proposed modification will allow this single code change to be considered on its own for approval.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction
This only defines a term already in the codes.

Public Comment# 3436
Proposed Change as Submitted

Proponents: Manny Muniz, representing self (mannymuniz.mm@gmail.com)

2021 International Building Code

Add new text as follows:

[A] 104.1.1 Listed compliance. Listings required by this code shall be based on a test standard or approved listing evaluation that is germane to the provision requiring the listing. Anything required by this code, or a reference standard, to be listed shall be installed in accordance with the listing and the manufacturer’s instructions. Copies of the listing standard and manufacturer’s instructions shall be made available to the building official upon request.

Reason: When the code requires something to be listed, the test standard used or the listing evaluation must be germane to the code provision that is requiring the listing. Additionally, the installation must be in accordance with the manufacturer’s instructions and copies of the listing standard and manufacturer’s instructions must be made available to the code official.

Cost Impact: The code change proposal will not increase or decrease the cost of construction

This only clarifies that when something is required to be listed, the test standard used or the listing evaluation must be germane to the code provision that is requiring the listing. As with any listing, the installation must be in accordance with the manufacturer’s instructions and the building official must have access to the listing standard and manufacturer’s instructions.

Public Hearing Results

Committee Action: Disapproved

Committee Reason: The committee stated that the reasons for disapproval were that it is not clear where the listing is currently problematic, there is no approved listing evaluation and the language is just not what it should be and not achieving what it is trying to do. Additionally, it was noted that the use of the language of “anything required by this code” is confusing. (Vote: 13-0)

Individual Consideration Agenda

Public Comment 1:

IBC: 104.1.1 (New)

Proponents: Manny Muniz, representing self (mannymuniz.mm@gmail.com); Kristen Owen, representing Myself (kowen4568@gmail.com) requests As Modified by Public Comment

Replace as follows:

2021 International Building Code

104.1.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer’s instructions, and where required to verify compliance, the listing standard and manufacturer’s instructions shall be made available to the building official.

Commenter’s Reason: In response to the committee reason for disapproval, the proposed modification now uses the same language as ADM13 and now applies across the codes. If ADM13 is not approved, this proposed modification will allow this single code change to be considered on its own for approval.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction
The proposal does not require new listings other than what is already required.
ADM25-22

Proposed Change as Submitted

Proponents: Manny Muniz, representing Representing self (mannymuniz.mm@gmail.com)

2021 International Fire Code

Revise as follows:

[A] 104.10 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the fire code official finds that the proposed alternative meets all of the following:

1. The alternate material, design or method of construction is satisfactory and complies with the intent of the provisions of this code, and that
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:
   2.1. Quality
   2.2. Strength
   2.3. Effectiveness
   2.4. Fire resistance
   2.5. Durability
   2.6. Safety

Where the alternative material, design or method of construction is not approved, the fire code official shall respond in writing, stating the reasons why the alternative was not approved.

Reason: This section can be written more clearly as to the various criteria that must be met in order to be approved as an alternate material, design or method of construction. This will make it easier for the building official to make the necessary evaluation and decision. Should the alternate not be approved, it will also make it easier for the building official to cite the reasons for disapproval. There are no changes to the various requirements that the building official or fire code official must consider. During the last code cycle, this change was approved in the IBC and was well received by the committee and membership who agreed that it made it easier to read.

Cost Impact: The code change proposal will not increase or decrease the cost of construction There are no changes to the requirements in this section.

Public Hearing Results

Committee Action: As Submitted

Committee Reason: The committee stated that the reason for approval was that the change provides clarity in the code. (Vote: 11-2)

Individual Consideration Agenda

Public Comment 1:

Proponents: Jeffrey Shapiro, representing Self (jeff.shapiro@intlcodeconsultants.com) requests Disapprove

Commenter’s Reason: The text of ADM13 and ADM14 is preferred.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction
No change to code.
ADM26-22

Proposed Change as Submitted

Proponents: Manny Muniz, representing Representing self (mannymuniz.mm@gmail.com)

2021 International Existing Building Code

Revise as follows:

[A] 104.11 Alternative materials, design and methods of construction, and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternate meets all of the following:

1. The alternate material, design or method of construction is satisfactory and complies with the intent of the provisions of this code, and that

2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:
   2.1. Quality
   2.2. Strength
   2.3. Effectiveness
   2.4. Fire resistance
   2.5. Durability
   2.6. Safety

Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

Reason: This section can be written more clearly as to the various criteria that must be met in order to be approved as an alternate material, design or method of construction. This will make it easier for the building official to make the necessary evaluation and decision. Should the alternate not be approved, it will also make it easier for the building official to cite the reasons for disapproval. There are no changes to the various requirements that the building official must consider. During the last code cycle, this change was approved in the IBC and was well received by the committee and membership who agreed that it made it easier to read.

Cost Impact: The code change proposal will not increase or decrease the cost of construction

There are no changes to the existing requirements.

Public Hearing Results

Committee Action: As Submitted

Committee Reason: The committee stated that the reason for approval was the same as ADM25. (Vote: 12-1)

Individual Consideration Agenda

Public Comment 1:

Proponents: Jeffrey Shapiro, representing Self (jeff.shapiro@intlcdeconsultants.com) requests Disapprove

Commenter's Reason: The text of ADM13 and ADM14 is preferred.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction
No change to code.
Proposed Change as Submitted

Proponents: Manny Muniz, representing Representing self (mannymuniz.mm@gmail.com)

2021 International Wildland-Urban Interface Code

Revise as follows:

[A] 105.3 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official in concurrence with the fire chief finds that the proposed alternate meets all of the following:

1. The alternate material, design or method of construction is satisfactory and complies with the intent of the provisions of this code, and that
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in its pertains to the following:
   2.1 Quality
   2.2 Strength
   2.3 Effectiveness
   2.4 Fire resistance
   2.5 Durability
   2.6 Safety

Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

Reason: This section can be written more clearly as to the various criteria that must be met in order to be approved as an alternate material, design or method of construction. This will make it easier for the building official to make the necessary evaluation and decision. Should the alternate not be approved, it will also make it easier for the building official to cite the reasons for disapproval. The word “construction” has been added after the word “method” and the word “equipment” has been added in the heading so it is consistent with the IBC, IEBC, IFC, and IRC. There are no changes to the various requirements that the building official or fire code official must consider. During the last code cycle, this change was approved in the IBC and was well received by the committee and membership who agreed that it made it easier to read.

Cost Impact: The code change proposal will not increase or decrease the cost of construction. There are no changes to the requirements in this section.

Public Hearing Results

Committee Action: As Submitted

Committee Reason: The committee stated that the reason for approval was the same as ADM25. (Vote: 12-1)

Individual Consideration Agenda

Public Comment 1:

Proponents: Jeffrey Shapiro, representing Self (jeff.shapiro@intcodeconsultants.com) requests Disapprove

Commenter's Reason: The text of ADM13 and ADM14 is preferred.
Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction.
No change to code.
**Proposed Change as Submitted**

**Proponents:** Manny Muniz, representing Representing self (mannymuniz.mm@gmail.com)

**2021 International Wildland-Urban Interface Code**

Revise as follows:

[A] 105.3 Alternative materials, design and methods. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method shall be submitted in writing and be approved where the building official in concurrence with the fire chief finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

**Reason:** A request to use an alternative material, design or method of construction must be explained and documented in writing so a proper evaluation can be made. Placing this requirement in this section makes it clear that a request for an alternate must be submitted in writing.

**Cost Impact:** The code change proposal will not increase or decrease the cost of construction. This will avoid needless delays and misunderstandings over a verbal request for an alternate.

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**Public Hearing Results**

**Committee Action:** Disapproved

**Committee Reason:** The committee stated that the reasons for disapproval were that it is inconsistent with the other codes to make the change to just the proposed code, it is not necessarily something that always has to be in writing, and it could restrict code officials by making it a requirement. (Vote: 11-2)

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**Individual Consideration Agenda**

**Public Comment 1:**

**IWUIC: [A] 105.3**

**Proponents:** Manny Muniz, representing Representing self (mannymuniz.mm@gmail.com); Kristen Owen, representing Myself (kowen4568@gmail.com) requests As Submitted

**Commenter’s Reason:** ADM28-22 for the IWUIC and ADM29-22 for the IEBC was also discussed in ADM13-22. Towards the end of the ADMIN hearings and after considerable discussions with various stake holders, ADM13 was approved with a requirement that a request to use an alternative material, design or method of construction shall be submitted in writing to the building official for approval. If ADM13 is not approved, this proposed modification will allow this single code change to be considered on its own for approval.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. It will avoid confusion and misunderstandings as to what the alternate is.
ADM29-22

**Proposed Change as Submitted**

**Proponents:** Manny Muniz, representing Representing self (mannymuniz.mm@gmail.com)

**2021 International Existing Building Code**

Revise as follows:

[A] 104.11 Alternative materials, design and methods of construction, and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be submitted in writing and be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

**Reason:** A request to use an alternative material, design or method of construction must be explained and documented in writing so a proper evaluation can be made. Placing this requirement in this section makes it clear that a request for an alternate must be submitted in writing.

**Cost Impact:** The code change proposal will not increase or decrease the cost of construction This will avoid needless delays and misunderstandings over a verbal request for an alternate

ADM29-22

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**Public Hearing Results**

**Committee Action:** Disapproved

**Committee Reason:** The committee stated that the reason for disapproval was based on the action taken on ADM28. (Vote: 11-2)

ADM29-22

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**Individual Consideration Agenda**

**Public Comment 1:**

**Proponents:** Manny Muniz, representing Representing self (mannymuniz.mm@gmail.com); Kristen Owen, representing Myself (kowen4568@gmail.com) requests As Submitted

**Commenter’s Reason:** ADM28-22 for the IWUIC and ADM29-22 for the IEBC was also discussed in ADM13-22. At the end of the ADMIN hearings and after considerable discussions with various stake holders, ADM13 was approved with a requirement that a request to use an alternative material, design or method of construction shall be submitted in writing to the building official for approval.

The proposed modification now uses the same language as ADM13. If ADM13 is not approved, this proposed modification will allow this single code change to be considered on its own for approval.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction It will avoid confusion and misunderstandings as to what the alternate is.
**ADM30-22**

**Proposed Change as Submitted**

**Proponents:** Manny Muniz, representing Representing self (mannymuniz.mm@gmail.com)

**2021 International Building Code**

Revise as follows:

[A] 104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from an approved source agency accredited to evaluate or certify products. The alternative material, design or method of construction and product evaluated shall be within the scope of accreditation and the criteria used for the evaluation shall be referenced within the report.

**Reason:** It is sometimes difficult to determine the legitimacy of a research report. Agency accreditation is an excellent way to determine the legitimacy and reliability of research reports issued by such agencies. This will be valuable when the building official reviews a research report.

**Cost Impact:** The code change proposal will not increase or decrease the cost of construction.

The new language only requires that the approved agency be accredited to evaluate or certify products.

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**Public Hearing Results**

Committee Action: **Disapproved**

Committee Reason: The committee stated that the reason for disapproval was that it limits the flexibility of both design professionals and building officials. (Vote: 13-0)

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**Individual Consideration Agenda**

**Public Comment 1:**

IBC: 104.11.1 (New), 104.11.1.1 (New), 104.11.1.2 (New)

**Proponents:** Manny Muniz, representing Representing self (mannymuniz.mm@gmail.com); Kristen Owen, representing Myself (kowen4568@gmail.com) requests As Modified by Public Comment

Replace as follows:

**2021 International Building Code**

**104.11.1 Reports.** Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.11.1.1 and 104.11.1.2.

**104.11.1.1 Evaluation reports.** Evaluation reports shall be issued by an approved agency accredited to evaluate or certify products and use of the evaluation report shall require approval by the building official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the building official's recognition accreditation of the approved agency. Criteria used for the evaluation shall be identified within the report and where required, provided to the building official developed using a process that includes input from the public and made available for review by the public.

**104.11.1.2 Other reports.** Reports not complying with Section 104.11.1.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence, including but not limited to any referenced testing or analysis. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the building official. The building official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

**Commenter’s Reason:** ADM30-22 for the IBC, ADM31-22 for the IEBC, ADM32-22 for the IFC, ADM33-22 for the IWUIC saw discussions.
regarding the difficulties of determining the legitimacy of research reports. This was also discussed in ADM13-22. At the end of the ADMIN hearings and after considerable discussions with various stake holders, ADM13 was approved with specific requirements for reports and supporting documentation.

The proposed modification now uses the same language as ADM13 and now applies across the codes. If ADM13 is not approved, this proposed modification will allow this single code change to be considered on its own for approval.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction

The proposal clarifies the requirements for reports.
ADM34-22 Part I

*Proposed Change as Submitted*

**Proponents:** Mike Nugent, representing Building Code Action Committee (bcac@iccsafe.org); Robert Marshall, representing FCAC (fcac@iccsafe.org)

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE CODE COMMITTEE. PART II WILL BE HEARD BY THE IRC-BUILDING CODE COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THESE COMMITTEES.

2021 International Existing Building Code

Revise as follows:

[A] 104.11 Alternative materials, design and methods of construction, and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code, and that
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in as it pertains to the following:
   2.1. Quality,
   2.2. Strength,
   2.3. Effectiveness,
   2.4. Fire resistance,
   2.5. Durability, and
   2.6. Safety.

Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

[A] 104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

2021 International Fire Code

Revise as follows:

[A] 104.10 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the fire code official finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code, and that

The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:

2.1. Quality
2.2. Strength
2.3. Effectiveness
2.4. Fire resistance
2.5. Durability
2.6. Safety.

Where the alternative material, design or method of construction is not approved, the fire code official shall respond in writing, stating the reasons why the alternative was not approved.

[A] 104.10.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

2021 International Fuel Gas Code

Revise as follows:

[A] 105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code, and that
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:
   2.1. Quality
   2.2. Strength
   2.3. Effectiveness
   2.4. Fire effectiveness
   2.5. Durability
   2.6. Safety.

Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

[A] 105.2.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

2021 International Mechanical Code

Revise as follows:

[A] 105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code, and that
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:
   2.1. Quality
   2.2. Strength
   2.3. Effectiveness
   2.4. Fire effectiveness
   2.5. Durability
   2.6. Safety.

Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

[A] 105.2.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.
The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:

2.1. Quality
2.2. Strength
2.3. Effectiveness
2.4. Fire effectiveness
2.5. Durability
2.6. Safety.

Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

[A] 105.2.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

2021 International Plumbing Code

Revise as follows:

[A] 105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code, and that

2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:

   2.1. Quality
   2.2. Strength
   2.3. Effectiveness
   2.4. Fire effectiveness
   2.5. Durability
   2.6. Safety.

Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

[A] 105.2.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

2021 International Property Maintenance Code

Revise as follows:

[A] 106.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code, and that

2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:

   2.1. Quality
   2.2. Strength
   2.3. Effectiveness
   2.4. Fire effectiveness
   2.5. Durability
   2.6. Safety.

Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

[A] 105.2.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:

2.1. Quality
2.2. Strength
2.3. Effectiveness
2.4. Fire effectiveness
2.5. Durability and
2.6. Safety.

Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

[A] 106.2.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

2021 International Private Sewage Disposal Code

Revise as follows:

[A] 105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code, and
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:

2.1. Quality
2.2. Strength
2.3. Effectiveness
2.4. Fire effectiveness
2.5. Durability and
2.6. Safety.

Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

[A] 105.2.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

2021 International Swimming Pool and Spa Code

Revise as follows:

[A] 104.10 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code, and
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:

2.1. Quality
2.2. Strength
2.3. Effectiveness
2.4. Fire effectiveness
2.5. Durability and
2.6. Safety.

Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

[A] 105.2.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in as it pertains to the following:

2.1. Quality
2.2. Strength
2.3. Effectiveness
2.4. Fire effectiveness
2.5. Durability and
2.6. Safety.

Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

Add new text as follows:

104.10.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

2021 International Wildland-Urban Interface Code

Revise as follows:

[A] 105.3 Alternative materials, design and methods. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method shall be approved where the building official in concurrence with the fire chief finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official in concurrence with the fire chief finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code, and
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in as it pertains to the following:

2.1. Quality
2.2. Strength
2.3. Effectiveness
2.4. Fire effectiveness
2.5. Durability and
2.6. Safety.

Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

Add new text as follows:

105.3.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

2021 International Green Construction Code

Revise as follows:

105.4 Innovative approaches and alternative Alternative materials, design, and methods of construction and equipment. The provisions
of this code are not intended to prevent the installation of any material or to prohibit any design, innovative approach, or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design, innovative approach, or method of construction shall be reviewed and approved where the authority having jurisdiction finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code, and
2. The material, design, method or work offered is, for the purpose intended, not less than at least the equivalent of that prescribed in this code.

The details of granting the use of alternative materials, designs, innovative approach and methods of construction shall be recorded and entered in the files of the department.

Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons the alternative was not approved.

105.4.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

Reason: ADM19-19 modified IBC Section 104.11, but did not make the same suggestion across all the codes. The changes to this section were primarily formatting, with some slight reordering. This same change to be applicable to all the codes. It was also noted that not all of the codes included a subsection on research reports as an aid to alternative approval.

This proposal is submitted by the ICC Building Code Action Committee (BCAC), ICC Fire Code Action Committee (FCAC) and ICC Plumbing/Mechanical/Gas Code Action Committee (PMGCAC).

BCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021 the BCAC has held several virtual meetings open to any interested party. In addition, there were numerous virtual Working Group meetings for the current code development cycle, which included members of the committee as well as interested parties. Related documents and reports are posted on the BCAC website at https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/building-code-action-committee-bcac/.

The FCAC was established by the ICC Board of Directors to pursue opportunities to improve and enhance assigned International Codes with regard to fire and life safety in new and existing buildings and facilities as well as the protection of life and property in wildland urban interface areas. In 2020 and 2021 the Fire-CAC held multiple virtual meetings open to any interested party. In addition, there were numerous virtual specific working group meetings that were also open to any interested parties, to develop, discuss and debate the proposed changes. Related documentation and reports are posted on the FCAC website at: https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/fire-code-action-committee-fcac/.

The PMGCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021, the PMGCAC has held several virtual meetings open to any interested party. Numerous interested parties attended the committee meetings and offered their input.

Cost Impact: The code change proposal will not increase or decrease the cost of construction.

This is primarily a format change.

Public Hearing Results

Committee Action: As Submitted

Committee Reason: The committee stated that the reason for approval was that it is very similar to the previous changes made in Section 104.11 for alternate materials and it provides consistency in the codes. (Vote: 11-2)
Proposed Change as Submitted

Proponents: Mike Nugent, representing Building Code Action Committee (bcac@iccsafe.org); Robert Marshall, representing FCAC (fcac@iccsafe.org)

2021 International Residential Code

Revise as follows:

R104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code. The building official shall have the authority to approve an alternative material, design or method of construction upon application of the owner or the owner's authorized agent. The alternative shall be approved where the building official shall first finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code, and that:
   2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:
      2.1. Quality
      2.2. Strength
      2.3. Effectiveness
      2.4. Fire effectiveness
      2.5. Durability
      2.6. Safety.

Compliance with the specific performance-based provisions of the International Codes shall be an alternative to the specific requirements of this code. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

Add new text as follows:

R104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

Reason: ADM19-19 modified IBC Section 104.11, but did not make the same suggestion across all the codes. The changes to this section were primarily formatting, with some slight reordering. This same change to be applicable to all the codes. It was also noted that not all of the codes included a subsection on research reports as an aid to alternative approval. This proposal is submitted by the ICC Building Code Action Committee (BCAC), ICC Fire Code Action Committee (FCAC) and ICC Plumbing/Mechanical/Gas Code Action Committee (PMGCAC).

BCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021 the BCAC has held several virtual meetings open to any interested party. In addition, there were numerous virtual Working Group meetings for the current code development cycle, which included members of the committee as well as interested parties. Related documents and reports are posted on the BCAC website at https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/building-code-action-committee-bcac/.

The FCAC was established by the ICC Board of Directors to pursue opportunities to improve and enhance assigned International Codes with regard to fire and life safety in new and existing buildings and facilities as well as the protection of life and property in wildland urban interface areas. In 2020 and 2021 the Fire-CAC held multiple virtual meetings open to any interested party. In addition, there were numerous virtual specific working group meetings that were also open to any interested parties, to develop, discuss and debate the proposed changes. Related documentation and reports are posted on the FCAC website at: https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/fire-code-action-committee-fcac/.

The PMGCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021, the PMGCAC has held several virtual meetings open to any interested party. Numerous interested parties attended the committee meetings and offered their input.
Cost Impact: The code change proposal will not increase or decrease the cost of construction. This is primarily a format change.

Public Hearing Results

Committee Action:

Disapproved

Committee Reason: The proposal was disapproved because there was concern about a list not being all inclusive. Building officials should be 'granted authority' rather than 'shall' approve alternative means. There were concerns that the IRC does not currently appear to allow research reports as part of a justification. (Vote: 8-2)

Individual Consideration Agenda

Public Comment 1:

IRC: R104.11.1

Proponents: Mike Nugent, representing Building Code Action Committee (bcac@icc.org) requests As Modified by Public Comment

Modify as follows:

2021 International Residential Code

R104.11.1 Research reports. Supporting data documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

Commenter's Reason: The committee disapproved this proposal because they did not like the laundry list. This change is not adding a laundry list. It is simply reformatting the existing text for consistency with the other codes.

The committee supported an allowance for research reports, which is currently not specifically addressed in the IRC. This proposal should be approved so that research reports are permitted as an option in the IRC.

It is also the intent of this proposal to be consistent with the ADM13-22 Part 2. If ADM13-22 Part 2 is approved, this section would be replaced with the more extensive information for reports in that proposal for reports.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. The change to alternative means is editorial only. Adding an allowance for research reports increases options to provide information on alternative means.
**Proposed Change as Submitted**

**Proponents:** David Collins, representing Self (dcollins@preview-group.com); Ronald Geren, representing The American Institute of Architects (ron@specsandcodes.com); Paul Karrer, representing The American Institute of Architects (paulkarrer@aia.org)

### 2021 International Building Code

Revise as follows:

[A] 104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code,
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:
   2.1. Quality.
   2.2. Strength.
   2.3. Effectiveness.
   2.4. Fire resistance.
   2.5. Durability.
   2.6. Safety.

Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

**Exception:** Performance-based alternative materials, designs or methods of construction complying with the ICC Performance Code.

### 2021 International Existing Building Code

Revise as follows:

[A] 104.11 Alternative materials, design and methods of construction, and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

**Exception:** Performance-based alternative materials, designs or methods of construction complying with the ICC Performance Code.

### 2021 International Fire Code

Revise as follows:

[A] 104.10 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the fire code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the fire code official shall respond in writing, stating the reasons why the alternative was not approved.

**Exception:** Performance-based alternative materials, designs or methods of construction and equipment complying with the ICC Performance Code.

### 2021 International Fuel Gas Code

Revise as follows:
[A] 105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

   Exception: Performance-based alternative materials, designs or methods of construction and equipment complying with the ICC Performance Code.

2021 International Mechanical Code

Revise as follows:

[A] 105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

   Exception: Performance-based alternative materials, designs or methods of construction and equipment complying with the ICC Performance Code.

2021 International Plumbing Code

Revise as follows:

[A] 105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

   Exception: Performance-based alternative materials, designs or methods of construction and equipment complying with the ICC Performance Code.

2021 International Private Sewage Disposal Code

Revise as follows:

[A] 105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

   Exception: Performance-based alternative materials, designs or methods of construction and equipment complying with the ICC Performance Code.

Reason: The ICC Performance Code (ICCPC) should not be considered solely for whole building designs, but also as another pathway for evaluating alternative materials, designs, and methods of construction. When projects are designed per the prescriptive requirements of any ICC code, there are situations where a single material, element, or system cannot conform to the prescriptive requirements. Also, new materials, elements, or systems are entering the construction market at a pace that the prescriptive codes cannot keep up. This provision will allow owners, designers and building officials to consider such advances in such materials, elements of designs using the Performance Code for guidance. Although the prescriptive provisions in each of the codes provides one pathway for approval of alternative materials, designs, and methods of construction, the ICCPC should not be overlooked as an alternative pathway. The ICCPC may be considered by the building official as an alternative method in and of itself per any of the sections listed, by including it within the text of each section will draw much greater attention to the ICCPC and thereby increase its use and adoption.
**Cost Impact:** The code change proposal will not increase or decrease the cost of construction

This change to the above mentioned codes do not add a requirement that individual projects must comply with. It provides an additional option for those projects that wish to pursue more performance-based solutions. ICC’s Cost Impact Guide cites code change proposals that modify the design requirements (e.g. greater number of design options, design process efficiencies) as recognized instance of proposals that do not affect the construction or construction cost. Providing projects a route to use the ICC Performance Code to evaluate materials, designs and methods of construction does not impact the cost of construction.

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**Public Hearing Results**

**Committee Action:** As Modified

**Committee Modification:**

**2021 International Building Code**

[A]104.11 **Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code,
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:
   1. Quality.
   2. Strength.
   3. Effectiveness.
   4. Fire resistance.
   5. Durability.

Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

**Exception:** Performance-based alternative materials, designs or methods of construction and equipment complying with the ICC Performance Code. This exception shall not apply to alternative structural materials or to alternative structural designs.

**2021 International Existing Building Code**

[A]104.11 **Alternative materials, design and methods of construction, and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

**Exception:** Performance-based alternative materials, designs or methods of construction and equipment complying with the ICC Performance Code. This exception shall not apply to alternative structural materials or to alternative structural designs.

**Committee Reason:** The committee stated that the reason for the approval of the modification was that since the exception is referring to the performance code and if the performance code is not ready for structural type situations you need to have this exception in there to make sure that somebody doesn’t try to use it for that purpose. The stated reasons for the approval were that this is another tool in the toolbox and owners can take advantage of this requirement and it brings more attention to it and this path especially with the modification. It was additionally stated that this proposal and the modification are critical as it brings another type of alternative that is performance based. (Vote: 7-6)
Individual Consideration Agenda

Public Comment 1:

Proponents: Bill McHugh, representing Firestop Contractors International Assn., National Fireproofing Contractors Assn. (bill@mc-hugh.us) requests Disapprove

Commenter’s Reason: This new addition to the administrative section of the code is not needed, because the code already allows this to occur. Also, Proposal S134-22 was Disapproved by the structural committee, heard later in the week in Rochester, NY. This is a similar performance based design proposal. The same reason was provided for that disapproval, that I propose above.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction
No change to code.
Proposed Change as Submitted

Proponents: Marcelo Hirschler, representing GBH International (mmh@gbhint.com)

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE CODE COMMITTEE. PART II WILL BE HEARD BY THE IRC-BUILDING CODE COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THESE COMMITTEES.

2021 International Building Code

Revise as follows:

[A] 104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code,
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:
   1. Quality.
   2. Strength.
   3. Effectiveness.
   4. Fire resistance.
   5. Durability.

Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

Add new text as follows:

[A] 104.11.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 104.11.2 Fire Tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

Revise as follows:

[A] 104.11.3 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

[A] 104.11.4 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made without expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

2021 International Existing Building Code

Revise as follows:

[A] 104.11 Alternative materials, design and methods of construction, and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for
the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

Add new text as follows:

[A] 104.11.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 104.11.2 Fire Tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

Revise as follows:

[A] 104.11.3 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

[A] 104.11.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made without expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the code official for the period required for retention.

2021 International Fire Code

Revise as follows:

[A] 104.10 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the fire code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the fire code official shall respond in writing, stating the reasons why the alternative was not approved.

Add new text as follows:

[A] 104.10.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 104.10.2 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the fire code official.

Revise as follows:

[A] 104.10.3 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

[A] 104.10.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the fire code official shall have the authority to require tests as evidence of compliance to be made without expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the fire code official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the fire code official for the period required for retention of public records.

2021 International Fuel Gas Code

Revise as follows:

[A] 105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such
alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

Add new text as follows:

[A] 105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

Add new text as follows:

[A] 105.2.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 105.2.2 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

Revise as follows:

[A] 105.2.3 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

2021 International Mechanical Code

Revise as follows:

[A] 105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

Add new text as follows:

[A] 105.2.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 105.2.2 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

Revise as follows:

[A] 105.2.3 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

2021 International Plumbing Code

Revise as follows:

[A] 105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

Add new text as follows:

[A] 105.2.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.
[A] 105.2.2 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

Revise as follows:

[A] 105.2.4 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

### 2021 International Property Maintenance Code

Revise as follows:

[A] 106.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

Add new text as follows:

[A] 106.2.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 106.2.2 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

### 2021 International Wildland-Urban Interface Code

Revise as follows:

[A] 105.3 Alternative materials, design and methods. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method shall be approved where the building official in concurrence with the fire chief finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

Add new text as follows:

[A] 105.3.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

[A] 105.3.2 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the building official.

Reason: The intent of this code proposal is to clarify equivalency in terms of fire safety, which is incorrect and misleading as described simply in terms of fire resistance at present. In fact, fire resistance is only a subset of all aspects of fire safety. Therefore, it is better to have a safety analysis look at the issue of fire safety more comprehensively. As revised, fire resistance would be deleted from the list, and a separate section added that more fully addresses fire safety. A proper fire safety analysis performed under this section should always have taken these considerations into account, but having them specifically stated, and removing the incorrect term “fire resistance” item from the list will help code officials and code users by providing more thorough guidance for preparation of alternative method proposals. Additional guidance has also been provided to ensure that fire testing done in support of an alternative method proposal is of a sufficient scale to be relevant to the end use application.

This proposal is a portion of a more wide-ranging proposal that revises the entire section 104. The language relating to the fire safety aspects is identical to that agreed to for that proposal.
Equivalent changes are being proposed to all 9 ICC codes for which fire safety is a relevant issue in terms of alternate materials and methods.

**Cost Impact:** The code change proposal will not increase or decrease the cost of construction. There is no cost impact since this code proposal only clarifies the intent of the section and provides clearer guidance to the building, fire or code officials.

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**Public Hearing Results**

**Committee Action:** As Modified

**Committee Modification:**

2021 International Building Code

[A] 104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code,
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:
   2.1. Quality.
   2.2. Strength.
   2.3. Effectiveness.
   2.4. Durability.
   2.5. Safety, other than fire safety
   2.6 Fire Safety

Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

[A] 104.11.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

2021 International Existing Building Code

[A] 104.11 Alternative materials, design and methods of construction, and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, durability, fire safety, and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

[A] 104.11.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

2021 International Fire Code
104.10 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the fire code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, durability, fire safety, and safety. Where the alternative material, design or method of construction is not approved, the fire code official shall respond in writing, stating the reasons why the alternative was not approved.

105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, durability, fire safety, and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

2021 International Fuel Gas Code

105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, durability, fire safety, and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

2021 International Mechanical Code

105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, durability, fire safety, and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

2021 International Plumbing Code

105.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, durability, fire safety, and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

2021 International Property Maintenance Code

106.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent
the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, durability, fire safety, and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

[A] 106.2.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

2021 International Wildland-Urban Interface Code

[A] 105.3 Alternative materials, design and methods. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method shall be approved where the building official in concurrence with the fire chief finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, durability, fire safety, and safety. Where the alternative material, design or method is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

[A] 105.3.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

Committee Reason: The committee stated that the reason for the approval of the modification was that proposed fire safety equivalency section is not needed in the code. The stated reason for the approval of the proposal is that it correlates with the other code changes that were previously approved. (Vote: 13-0)

Public Comment 1: IBC: [A] 104.11.2; IEBC: [A] 104.11.2; IFC: [A] 104.10.2; IFGC: [A] 105.2.2; IMC: [A] 105.2.2; IPC: [A] 105.2.2; IPMC: [A] 106.2.2; IWUIC: [A] 105.3.2

Proponents: Mike Nugent, representing Building Code Action Committee (bcac@iccose.org) requests As Modified by Public Comment

Further modify as follows:

2021 International Building Code

[A] 104.11.2 Fire Tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Where there is insufficient evidence of compliance with the provisions of this code, the building official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the building official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the code official.

2021 International Existing Building Code

[A] 104.11.2 Fire Tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Where there is insufficient evidence of compliance with the provisions of this code, the building official is authorized to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the building official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the code official.

2021 International Fire Code
This modification allows testing as an option for alternative means, therefore, by increasing options, which could reduce costs.

The net effect of the public comment and code change proposal will not increase or decrease the cost of construction.


Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This modification allows testing as an option for alternative means, therefore, by increasing options, which could reduce costs.
Proposed Change as Submitted

Proponents: Marcelo Hirschler, representing GBH International (mmh@gbhint.com)

2021 International Residential Code

Revise as follows:

R104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code. The building official shall have the authority to approve an alternative material, design or method of construction upon application of the owner or the owner’s authorized agent. The building official shall first find that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Compliance with the specific performance-based provisions of the International Codes shall be an alternative to the specific requirements of this code. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

Add new text as follows:

R104.11.1 Fire safety equivalency. Determination of safety equivalency, with respect to fire, shall be based on an analysis that includes applicable fire safety performance properties, such as but not limited to ignitability, flame spread, heat release rate, heat of combustion, smoke development, and fire resistance. Determination of safety equivalency, with respect to structural fire safety, shall also include a structural system analysis.

R104.11.2 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the building official.

Revise as follows:

R104.11.4R104.11.3 Tests. Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

Reason: The intent of this code proposal is to clarify equivalency in terms of fire safety, which is incorrect and misleading as described simply in terms of fire resistance at present. In fact, fire resistance is only a subset of all aspects of fire safety. Therefore, it is better to have a safety analysis look at the issue of fire safety more comprehensively. As revised, fire resistance would be deleted from the list, and a separate section added that more fully addresses fire safety. A proper fire safety analysis performed under this section should always have taken these considerations into account, but having them specifically stated, and removing the incorrect term “fire resistance” item from the list will help code officials and code users by providing more thorough guidance for preparation of alternative method proposals. Additional guidance has also been provided to ensure that fire testing done in support of an alternative method proposal is of a sufficient scale to be relevant to the end use application.

This proposal is a portion of a more wide-ranging proposal that revises the entire section 104. The language relating to the fire safety aspects is identical to that agreed to for that proposal.

Equivalent changes are being proposed to all 9 ICC codes for which fire safety is a relevant issue in terms of alternate materials and methods.

Cost Impact: The code change proposal will not increase or decrease the cost of construction

There is no cost impact since this code proposal only clarifies the intent of the section and provides clearer guidance to the building official.

Committee Action: Disapproved

Committee Reason: The proposal was disapproved because the committee felt that fire safety equivalency and fire tests should not be pulled out
and described separately. This appears to set this as a higher priority over the other items considered for equivalency. The committee preferred the modifications approved in ADM13-22. (Vote: 10-0)

**Individual Consideration Agenda**

**Public Comment 1:**

IRC: R104.11

**Proponents:** Marcelo Hirschler, representing GBH International (mmh@gbhint.com) requests As Modified by Public Comment

Modify as follows:

**2021 International Residential Code**

**R104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code. The building official shall have the authority to approve an alternative material, design or method of construction upon application of the owner or the owner’s authorized agent. The building official shall first find that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, and safety (other than fire safety) and fire safety. Compliance with the specific performance-based provisions of the International Codes shall be an alternative to the specific requirements of this code. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

**Commenter’s Reason:** The proposed language in the public comment is equivalent to the language approved in ADM 13 and ADM 14 for the section dealing with the equivalency properties without dealing with any other section of chapter 1. It is also equivalent to what the committee approved for ADM 36 part I for all other codes dealing with fire issues. It simply deletes the incorrect term “fire resistance” (because fire resistance is simply one aspect of fire safety) and replaces it with “fire safety”. In order to clarify further, the proposal (just like ADM 13, ADM 14 and ADM 36 part I) replaces “safety” with “safety (other than fire safety)”. If ADM 13 Part II is approved as the committee approved it, this proposal becomes moot but will not create a conflict.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This proposal and public comment clarifies the intent of the section.
Proposed Change as Submitted

Proponents: Peter Zvingilas, ICC Region VI, representing Region VI (pzvingilas@groton-ct.gov)

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE CODE COMMITTEE. PART II WILL BE HEARD BY THE IRC-BUILDING CODE COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THESE COMMITTEES.

2021 International Building Code

Revise as follows:

[A] 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:
1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet (11 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall to the finish grade unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:
1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:
1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
Mechanical:
1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

Plumbing:
1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Reason: The current code defines the measurement by height measured from the bottom of the footing to the top of the wall. Footing depth varies due to frost protection requirements. By changing the language to measuring a difference in finished grade, this will be consistent on all applications.

Cost Impact: The code change proposal will not increase or decrease the cost of construction. This will have no cost impact on the cost of construction, it is showing a different way of measuring a retaining wall.

Public Hearing Results

Committee Action: Disapproved

Committee Reason: The committee stated that the reason for disapproval was that the code change as proposed does not do what it was intended to do and will cause more confusion. It was noted that although there is a problem that should be addressed, it is not done appropriately in the proposed language to address the issue. (Vote: 13-0)

Public Comment 1:

Proponents: Robert Frances, representing Self (bfrances@howardcountymd.gov) requests As Modified by Public Comment

Modify as follows:

2021 International Building Code

[A] 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:
Building:
1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet (11 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the lowest adjacent finished grade to the top of the wall to the finish grade unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:
1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:
1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:
1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

Plumbing:
1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstalla­tion of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
Commenter's Reason: What is intended to be excluded from needing a permit is a retaining wall with an unbalanced fill condition of 4 feet or less. The current language in the code references a measurement from the footing to the top of the wall, which is not necessarily relevant to an unbalanced fill situation and as such should be changed. I think this language captures what the original proponent intended in a more clear manner in that the measurement should be from the lowest adjacent grade to the top of the wall. The original proponent's language of "the finish grade" was too ambiguous.

Bibliography: N/A

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This will have no impact on the cost of construction.


ADM37-22 Part II

Proposed Change as Submitted

Proponents: Peter Zvingilas, ICC Region VI, representing Region VI (pzvingilas@voluntown.gov)

THIS IS A TWO PART CODE CHANGE. PART 1 WILL BE HEARD BY THE ADMINISTRATIVE COMMITTEE AND PART 2 WILL BE HEARD BY THE INTERNATIONAL RESIDENTIAL CODE BUILDING COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THESE COMMITTEES.

2021 International Residential Code

Revise as follows:

R105.2 Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Other than storm shelters, one-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall to the finish grade, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**Reason:** The current code defines the measurement by height measured from the bottom of the footing to the top of the wall. Footing depth varies due to frost protection requirements. By changing the language to measuring a difference in finished grade, this will be consistent on all applications.

**Cost Impact:** The code change proposal will not increase or decrease the cost of construction. This will have no cost impact on the cost of construction, it is showing a different way of measuring a retaining wall.

Public Hearing Results

**Committee Action:** Disapproved

**Committee Reason:** This proposal was disapproved because the proposed language does not match the intent expressed in the reason.

Retaining walls may have soil at different height to the top of the wall on each side. This could allow tall walls that could be unreinforced. (Vote: 10-0)
Proposed Change as Submitted

Proponents: Joseph Summers, representing ICC Region VI (summersj@cityofgroton-ct.gov)

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE CODE COMMITTEE. PART II WILL BE HEARD BY THE IRC-BUILDING CODE COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THESE COMMITTEES.

2021 International Building Code

Revise as follows:

[A] 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:
1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet (11 m²).
2. Fences, other than swimming pool barriers, not over 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:
1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:
1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
Mechanical:
1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

Plumbing:
1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Reason: Fences are used as the barrier to a swimming pool and this proposal provides continuity with the ISPSC.

Cost Impact: The code change proposal will not increase or decrease the cost of construction
This only provides clarification

Public Hearing Results

Committee Action: As Submitted

Committee Reason: The committee stated that the reason for approval was that ISPSC has requirements for pool barriers and this change ensures that those requirements are still subject to a permit. It was also stated that this alleviates a potential conflict between the IBC and the ISPSC. (Vote: 13-0)

Individual Consideration Agenda

Public Comment 1:

Proponents: Kota Wharton, representing City of Grove City (kwharton@grovecityohio.gov) requests Disapprove

Commenter's Reason: The ISPSC does not require a permit for a fence used as a barrier (2021 International Swimming Pool and Spa Code 105.1). Nor does it require a permit when a fence used as a barrier is altered or replaced. This is an issue. Regardless, because the ISPSC does not require a permit it does not make sense to require a permit for a pool barrier in the IBC. This proposal is well-intended but is not ready for submittal. A proposal should be submitted first to the ISPSC to require a permit specifically, then or concomitantly a proposal should be submitted to resolve any conflict.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction
No change to code.
ADM38-22 Part II

Proposed Change as Submitted

Proponents: Joseph Summers, representing ICC Region VI (summersj@cityofgroton-ct.gov)

2021 International Residential Code

Revise as follows:

R105.2 Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Other than storm shelters, one-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m²).
2. Fences, other than swimming pool barriers, not over 7 feet (2134 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:
1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**Reason:** Fences are used as the barrier to a swimming pool and this proposal provides continuity with the ISPSC.

**Cost Impact:** The code change proposal will not increase or decrease the cost of construction

This only provides clarification

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**Public Hearing Results**

**Committee Action:** Disapproved

**Committee Reason:** The proposal was disapproved because the committee found the way it is written, the 7 foot height requirement will be confusing. (Vote: 9-1)
Proposed Change as Submitted

Proponents: Mike Nugent, representing Building Code Action Committee (bcac@iccsave.org); Joseph J. Summers, representing Plumbing, Mechanical and Fuel Gas Code Action Committee (pmgcac@iccsave.org)

2021 International Private Sewage Disposal Code

Add new text as follows:

SECTION 107
FEES

Revise as follows:

[A] 106.4.1 Fees Payment of fees. A permit shall not be issued valid until the fees prescribed in Section 106.4.2 by law have been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the private sewage disposal system, has been paid.

Add new text as follows:

107.2 Schedule of permit fees. Where work requires a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

Delete without substitution:

[A] 106.4.2 Fee schedule. The fees for all private sewage disposal work shall be as indicated in the following schedule: [JURISDICTION TO INSERT APPROPRIATE SCHEDULE].

Add new text as follows:

107.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the building official, the valuation is underestimated, the permit shall be denied, unless the applicant can show detailed estimates acceptable to the building official. The building official shall have the authority to adjust the final valuation for permit fees.

Revise as follows:

[A] 106.4.3 107.4 Work commencing before permit issuance. Any person who commences any work on a private sewage disposal system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee, a fee established by the code official that shall be in addition to the required permit fees.

Delete without substitution:

[A] 106.4.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid where no work has been done under a permit issued in accordance with this code.
3. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee no later than 180 days after the date of fee payment.

Add new text as follows:

107.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

107.6 Refunds. The code official is authorized to establish a refund policy.

Reason: The intent of this proposal is coordination for the section Fees in IPSDC with the other ICC codes. Since one city department will handle permit fees for construction, the requirements for administration should be the same across codes.
There were two different proposals to address consistency in the Fees section (ADM 27-19 and ADM 33-19) – the end result was coordination between the 2021 codes for – IBC, IFC, IEBC, IMC, IPC, IPMC, IFGC, ISPSC, IWJIC and IZC. ADM27-19 should have included IPSDC, however it was missed.

The IPSDC required the insertion of a table for fees and sets a policy for refunds. If the jurisdiction is on a code for 3 to 6 years, this would prohibit them from adjusting their fees. What the policy is for refunds should also be determined by the department. ADM27-19 removed similar text in the IMC, IPC, IPMC, IFGC, and ISPSC.

The current text does not address permit valuations or related fees. The more generic language for refunds allows for the department to establish a policy rather than have that set in the codes.

The BCAC is working from the philosophy that ICC is a family of codes, so administrative requirements should be consistent across books. Most administrative and enforcement matters are the same for any code. Those matters unique for a specific code remain unchanged. This is one of a series of proposals being submitted relating to technical, editorial and organizational changes proposed for the Administrative chapters (Chapter 1) in all of the I-Codes.

This proposal is submitted by the ICC Plumbing/Mechanical/Gas Code Action Committee (PMGCAC) in coordination with the ICC Building Code Action Committee (BCAC).

The PMGCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021, the PMGCAC has held several virtual meetings open to any interested party. Numerous interested parties attended the committee meetings and offered their input.

Cost Impact: The code change proposal will not increase or decrease the cost of construction
This is an editorial change that provides consistency between I-codes.

ADM40-22

Public Hearing Results

Committee Action: As Submitted

Committee Reason: The committee stated that the reason for approval was for consistency across the codes. (Vote: 13-0)

ADM40-22

Individual Consideration Agenda

Public Comment 1:
IPSDC: 107.3
Proponents: Kota Wharton, representing City of Grove City (kwharton@grovecityohio.gov) requests As Modified by Public Comment

Modify as follows:

2021 International Private Sewage Disposal Code

107.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the building code official, the valuation is underestimated, the applicant underestimates the valuation of the work on the application, and the applicant fails to provide detailed estimates acceptable to the building code official, the permit shall be denied. The building code official shall have the authority to deny the permit unless the applicant can show detailed estimates acceptable to the building code official. The building code official shall have the authority to adjust the final valuation for permit fees.
Commenter’s Reason: Will request that this proposal be heard after ADM43 Part I and Part II.
- Gives authority to the code official to deny a permit, rather than requires the code official to deny the permit.
- Changes building official with code official for consistency within this code.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction
No net change in cost. This is for coordination and clarity.
Proposed Change as Submitted

Proponents: Mike Nugent, representing Building Code Action Committee (bcac@iccsafe.org); Joseph J. Summers, representing Chair of PMGCAC (pmgcac@iccsafe.org); Robert Marshall, representing FCAC (fcac@iccsafe.org)

2021 International Residential Code

Revise as follows:

SECTION R107
TEMPORARY STRUCTURES, USES, EQUIPMENT AND USES SYSTEMS

R107.1 General. The building official is authorized to issue a permit for temporary structures, uses, equipment or systems. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

R107.2 Conformance. Temporary structures, uses, equipment or systems shall conform to the structural strength, fire safety, means of egress, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

R107.3 Temporary power service utilities. The building official is authorized to give permission to temporarily supply service utilities in accordance with Section R111, and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

R107.4 Termination of approval. The building official is authorized to terminate such permit for a temporary structure, uses, equipment or system, and to order the temporary structure or use same to be discontinued.

SECTION R111
SERVICE UTILITIES

R111.1 Connection of service utilities. A person shall not make connections from a utility, a source of energy, fuel, or power to any building or system that is regulated by this code for which a permit is required, until approved by the building official.

R111.2 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

R111.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section R102.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section R111.1 or R111.2. The building official shall notify the serving utility and where possible the owner or the owner’s authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner, the owner’s authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

Reason: The purpose of this proposal is coordination between codes for the section on temporary structures. A version was proposed last cycle, ADM32-19. As requested by the development committee, the BCAC worked with FCAC and PMGCAC to develop this proposal. This proposal modified the section for temporary facilities where it was already in the code. The committee felt that it was very important to add these safety options to the IFC as well, so this proposal adds this section to IFC and ISPSC. When looking for coordination, some of the codes did not include ‘structure’ and some did. The residential committee felt it was important to keep ‘structures’, so that is remaining in the proposed text.

Generally - The word use is moved to the front, and the lists are made the same throughout.

Temporary power - The allowances for temporary connection under inspection and testing address more than just utilities, so the language in this section should match. The phrase “certificate of completion” is not defined, so “approved” would be a better choice.

The section on Conformance includes a laundry list “structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary”, that is not needed for the section and includes provisions that are not addressed in all of the codes (e.g. IPC does not address structural strength, means of egress, or light).

The BCAC is working from the philosophy that ICC is a family of codes, so administrative requirements should be consistent across books. Most administrative and enforcement matters are the same for any code. Those matters unique for a specific code remain unchanged. This is one of a series of proposals being submitted relating to technical, editorial and organizational changes proposed for the Administrative chapters (Chapter 1)
This proposal is submitted by the ICC Building Code Action Committee (BCAC), ICC Fire Code Action Committee (FCAC) and ICC Plumbing/Mechanical/Gas Code Action Committee (PMGCAC).

BCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021 the BCAC has held several virtual meetings open to any interested party. In addition, there were numerous virtual Working Group meetings for the current code development cycle, which included members of the committee as well as interested parties. Related documents and reports are posted on the BCAC website at https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/building-code-action-committee-bcac/.

The FCAC was established by the ICC Board of Directors to pursue opportunities to improve and enhance assigned International Codes with regard to fire and life safety in new and existing buildings and facilities as well as the protection of life and property in wildland urban interface areas. In 2020 and 2021 the Fire-CAC held multiple virtual meetings that were open to any interested party. In addition, there were numerous virtual specific working group meetings that were also open to any interested parties, to develop, discuss and debate the proposed changes. Related documentation and reports are posted on the FCAC website at: https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/fire-code-action-committee-fcac/.

The PMGCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021, the PMGCAC has held several virtual meetings open to any interested party. Numerous interested parties attended the committee meetings and offered their input.

Cost Impact: The code change proposal will not increase or decrease the cost of construction. This change is only removing repeating requirements, therefore this revision is strictly editorial and will not have any changes to the construction requirements.

Public Hearing Results

Committee Action: Disapproved

Committee Reason: The proposal was disapproved because the revision uses the undefined term 'system'. (Vote: 6-5)

Individual Consideration Agenda

Public Comment 1:

Proponents: Mike Nugent, representing Building Code Action Committee (bcac@iccsafe.org) requests As Submitted

Commenter’s Reason: We respectively disagree with the decision of the IRC committee. ‘Systems’ is used throughout the existing text in Section R111 and is a commonly used and understood term. A definition is not needed. Words not defined are addressed in Sections R201.3 and R201.4. Elements of mechanical, electrical, plumbing or other system must be compatible and listed together. BCAC feels that this term is appropriate in this context.

The intent of this proposal is consistent terminology between Section R107 and R111 and with the other I-codes. The deletion in Section R107.3 is strictly to remove redundant language in Section 107.3 and replace it with a reference.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This change is only removing repeating requirements, therefore this revision is strictly editorial and will not have any changes to the construction requirements.

Public Comment# 3020
ADM41-22 Part I

Proposed Change as Submitted

Proponents: Mike Nugent, representing Building Code Action Committee (bcac@iccsafe.org); Joseph J. Summers, representing Chair of PMGCAC (pmgcac@iccsafe.org); Robert Marshall, representing FCAC (fcac@iccsafe.org)

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE CODE COMMITTEE. PART II WILL BE HEARD BY THE IRC-BUILDING CODE COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THESE COMMITTEES.

2021 International Building Code

Revise as follows:

SECTION 108
TEMPORARY STRUCTURES AND USES, EQUIPMENT AND SYSTEMS

[A] 108.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses, equipment or systems. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

[A] 108.2 Conformance. Temporary structures and uses shall comply with the requirements in Section 3103.

[A] 108.3 Temporary power service utilities. The building official is authorized to give permission to temporarily supply service utilities in accordance with Section 112, and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

[A] 108.4 Termination of approval. The building official is authorized to terminate such permit for a temporary structure, equipment, or use system and to order the temporary structure or use same to be discontinued.

SECTION 112
SERVICE UTILITIES

[A] 112.1 Connection of service utilities. A person shall not make connections from a utility, a source of energy, fuel, or power, or a water system or sewer system to any building or system that is regulated by this code for which a permit is required, until approved by the building official.

[A] 112.2 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility, the source of energy, fuel, or power, or the water system or sewer system for the purpose of testing systems or for use under a temporary approval.

[A] 112.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The building official shall notify the serving utility, and wherever possible the owner or the owner’s authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or the owner’s authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

2021 International Existing Building Code

Revise as follows:

SECTION 107
TEMPORARY STRUCTURES AND USES, EQUIPMENT AND SYSTEMS

[A] 107.1 General. The code official is authorized to issue a permit for temporary uses, equipment and systems. Such permits shall be limited as to time of service but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

[A] 107.2 Conformance. Temporary uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.
[A] 107.3 Temporary power service utilities. The code official is authorized to give permission to temporarily supply service utilities in accordance with Section 111, and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

[A] 107.4 Termination of approval. The code official is authorized to terminate such permit for a temporary use and to order the temporary use same to be discontinued.

SECTION 111
SERVICE UTILITIES

[A] 111.1 Connection of service utilities. A person shall not make connections from a utility, source of energy, fuel, power, water system or sewer system to any building or system that is regulated by this code for which a permit is required, until approved by the code official.

[A] 111.2 Temporary connection. The code official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel, power, water system or sewer system for the purpose of testing systems or for use under a temporary approval.

[A] 111.3 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 111.1 or 111.2. The code official shall notify the serving utility and, wherever possible, the owner or the owner’s authorized agent and the occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, then the owner, the owner’s authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

2021 International Fire Code

Add new text as follows:

SECTION 106
TEMPORARY STRUCTURES, USES, EQUIPMENT AND SYSTEMS

106.1 General. The fire code official is authorized to issue a permit for temporary structures, uses, equipment or systems as required in Sections 105.5 and 105.6. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The fire code official is authorized to grant extensions for demonstrated cause.

106.2 Conformance. Temporary uses, equipment and systems shall conform to the requirements of this code as necessary to ensure health, safety and general welfare.

106.3 Temporary service utilities. The fire code official is authorized to give permission to temporarily supply service utilities in accordance with Section 110.

106.4 Termination of approval. The fire code official is authorized to terminate such permit for a temporary use, equipment, or system and to order the same to be discontinued.

SECTION 110
SERVICE UTILITIES

[A] 110.1 Authority to disconnect service utilities. The fire code official shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The fire code official shall notify the serving utility and, where possible, the owner or the owner’s authorized agent and the occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, then the owner, the owner’s authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

2021 International Fuel Gas Code

SECTION 110
SERVICE UTILITIES

[A] 110.1 Connection of service utilities. A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required until authorized by the code official.

[A] 110.2 Temporary connection. The code official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel, power, water system or sewer system for the purpose of testing the installation or for use under a temporary approval.

110.3 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the
Revise as follows:

SECTION 111
TEMPORARY USES, EQUIPMENT, AND SYSTEMS AND USES

[A] 111.1 General. The code official is authorized to issue a permit for temporary uses, equipment, and systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

[A] 111.2 Conformance. Temporary uses, equipment, and systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

[A] 111.3 Temporary utilities. The code official is authorized to give permission to temporarily supply service utilities in accordance with Section 110 before an installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the code.

[A] 111.4 Termination of approval. The code official is authorized to terminate such permit for temporary structure or use, equipment or systems and to order the temporary structure or use, same, to be discontinued.

2021 International Mechanical Code
Revise as follows:

SECTION 107
TEMPORARY USES, EQUIPMENT, AND SYSTEMS AND USES

[A] 107.1 General. The code official is authorized to issue a permit for temporary uses, equipment, and systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

[A] 107.2 Conformance. Temporary uses, equipment, and systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

[A] 107.3 Temporary service utilities. The code official is authorized to give permission to temporarily supply service utilities in accordance with Section 112 before an installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the code.

[A] 107.4 Termination of approval. The code official is authorized to terminate such permit for temporary uses, equipment, or systems or uses and to order the temporary equipment, systems or uses, same, to be discontinued.

SECTION 112
SERVICE UTILITIES

[A] 112.1 Connection of service utilities. A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until authorized by the code official.

[A] 112.2 Temporary connection. The code official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel, power, water system or sewer system for the purpose of testing systems or for use under a temporary approval.

[A] 112.3 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The code official shall notify the serving utility, and wherever possible the owner or the owner's authorized agent and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.
SECTION 107
TEMPORARY USES, EQUIPMENT, AND SYSTEMS AND USES

[A] 107.1 General. The code official is authorized to issue a permit for temporary uses, equipment, and systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

[A] 107.2 Conformance. Temporary uses, equipment, and systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

[A] 107.3 Temporary service utilities. The code official is authorized to give permission to temporarily supply service utilities in accordance with Section 112, before an installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the code.

[A] 107.4 Termination of approval. The code official is authorized to terminate such permit for temporary uses, equipment, or systems and uses and to order the temporary equipment, systems or uses same to be discontinued.

SECTION 112
SERVICE UTILITIES

[A] 112.1 Connection of service utilities. A person shall not make connections from a utility, source of energy, fuel, power, water system or sewer system to any building or system that is regulated by this code for which a permit is required until authorized by the code official.

[A] 112.2 Temporary connection. The code official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel, power, water system or sewer system for the purpose of testing plumbing systems or for use under a temporary approval.

[A] 112.3 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The code official shall notify the serving utility, and wherever possible the owner or the owner's authorized agent and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

2021 International Private Sewage Disposal Code

Revise as follows:

SECTION 109
TEMPORARY USES, EQUIPMENT, AND SYSTEMS AND USES

[A] 109.1 General. The code official is authorized to issue a permit for temporary uses, equipment, or systems. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

Revise as follows:

[A] 109.2 Conformance. Temporary uses, equipment and systems shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the health, safety and general welfare.

[A] 109.3 Temporary utilities. The code official is authorized to give permission to temporarily supply service utilities in accordance with Section 110, sources of energy, fuel, power, water systems or sewer systems before an installation has been fully completed and the final approval has been issued. The part covered by the temporary approval shall comply with the requirements specified for temporary lighting, heat or power in this code.

[A] 109.4 Termination of approval. The code official is authorized to terminate such permit for temporary uses, equipment or system and to order the same to be discontinued.

SECTION 110
SERVICE UTILITIES

[A] 110.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required until authorized by the code official.

[A] 110.2 Temporary connection. The code official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel, water system or sewer system for the purpose of testing systems or for use under a temporary approval.
[A] 110.3 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 110.1 or 110.2. The code official shall notify the serving utility, and wherever possible the owner or the owner’s authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner’s authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

2021 International Swimming Pool and Spa Code

Add new text as follows:

SECTION 106
TEMPORARY STRUCTURES, EQUIPMENT AND SYSTEMS

106.1 General. The code official is authorized to issue a permit for temporary structures, equipment or systems. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

106.2 Conformance. Temporary structures, equipment and systems shall conform to the requirements of this code as necessary to ensure health, safety and general welfare.

106.3 Temporary service utilities. The code official is authorized to give permission to temporarily supply service utilities in accordance with Section 112.

106.4 Termination of approval. The code official is authorized to terminate such permit for a temporary structures, equipment, or system and to order the same to be discontinued.

SECTION 109
SERVICE UTILITIES

[A] 109.1 Connection of service utilities. A person shall not make connections from a utility, source of energy, fuel, power, water system or sewer system to any building or system that is regulated by this code for which a permit is required until authorized by the code official.

[A] 109.2 Temporary connection. The code official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel, power, water system or sewer system for the purpose of testing systems or for use under a temporary approval.

[A] 109.3 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 108.2 or 108.3. The code official shall notify the serving utility, and wherever possible the owner or the owner’s authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner’s authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

2021 International Wildland-Urban Interface Code

Revise as follows:

SECTION 108
TEMPORARY STRUCTURES AND USES, EQUIPMENT AND SYSTEMS

[A] 108.1 General. The code official is authorized to issue a permit for temporary structures and temporary uses, equipment and systems. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

[A] 108.2 Conformance. Temporary structures and uses, equipment and systems shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

Add new text as follows:

108.3 Temporary service utilities. The code official is authorized to give permission to temporarily supply service utilities in accordance with Section 112.

Revise as follows:

[A] 108.4 Termination of approval. The code official is authorized to terminate such permit for a temporary structure or use, equipment or systems, and to order the temporary structure or use same to be discontinued.
SECTION 112
SERVICE UTILITIES

[A] 112.1 Connection of service utilities. A person shall not make connections from a utility, source of energy, fuel, power, water system or sewer system to any building or system that is regulated by this code for which a permit is required until authorized by the code official.

[A] 112.2 Temporary connection. The code official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel, power, water system or sewer system for the purpose of testing systems or for use under a temporary approval.

[A] 112.3 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Sections 112.1 and 112.2. The code official shall notify the serving utility and, where possible, the owner or the owner’s authorized agent and the occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner, the owner’s authorized agent or the occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

Reason: The purpose of this proposal is coordination between codes for the section on temporary structures. A version was proposed last cycle, ADM32-19. As requested by the development committee, the BCAC worked with FCAC and PMGCAC to develop this proposal. This proposal modified the section for temporary facilities where it was already in the code. The committee felt that it was very important to add these safety options to the IFC as well, so this proposal adds this section to IFC and ISPSC. When looking for coordination, some of the codes did not include ‘structure’ and some did. The residential committee felt it was important to keep ‘structures’, so that is remaining in the proposed text.

Generally - The word use is moved to the front, and the lists are made the same throughout.

Temporary power - The allowances for temporary connection under inspection and testing address more than just utilities, so the language in this section should match. The phrase “certificate of completion” is not defined, so “approved” would be a better choice.

The section on Conformance includes a laundry list “ structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary”, that is not needed for the section and includes provisions that are not addressed in all of the codes (e.g. IPC does not address structural strength, means of egress, or light).

The BCAC is working from the philosophy that ICC is a family of codes, so administrative requirements should be consistent across books. Most administrative and enforcement matters are the same for any code. Those matters unique for a specific code remain unchanged. This is one of a series of proposals being submitted relating to technical, editorial and organizational changes proposed for the Administrative chapters (Chapter 1) in all of the I-Codes.

This proposal is submitted by the ICC Building Code Action Committee (BCAC), ICC Fire Code Action Committee (FCAC) and . ICC Plumbing/Mechanical/Gas Code Action Committee (PMGCAC).

BCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021 the BCAC has held several virtual meetings open to any interested party. In addition, there were numerous virtual Working Group meetings for the current code development cycle, which included members of the committee as well as interested parties. Related documents and reports are posted on the BCAC website at https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/building-code-action-committee-bcac/.

The FCAC was established by the ICC Board of Directors to pursue opportunities to improve and enhance assigned International Codes with regard to fire and life safety in new and existing buildings and facilities as well as the protection of life and property in wildland urban interface areas. In 2020 and 2021 the Fire-CAC held multiple virtual meetings that were open to any interested party. In addition, there were numerous virtual specific working group meetings that were also open to any interested parties, to develop, discuss and debate the proposed changes. Related documentation and reports are posted on the FCAC website at: https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/fire-code-action-committee-fcac/.

The PMG CAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021, the PMGCAC has held several virtual meetings open to any interested party. Numerous interested parties attended the committee meetings and offered their input.

Cost Impact: The code change proposal will not increase or decrease the cost of construction This change is only removing repeating requirements, therefore this revision is strictly editorial and will not have any changes to the construction requirements.
Committee Action: As Submitted

Committee Reason: The committee stated that the reason for the approval was that it coordinates the requirements for temporary structures across the codes using the same language while making it appropriate for each code. (Vote: 13-0)
Proposed Change as Submitted

Proponents: Mike Nugent, representing Building Code Action Committee (bcac@iccsafe.org); Joseph J. Summers, representing Plumbing, Mechanical and Fuel Gas Code Action Committee (pmgcac@iccsafe.org)

2021 International Plumbing Code

Add new text as follows:

109.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the building official, the valuation is underestimated, the permit shall be denied, unless the applicant can show detailed estimates acceptable to the building official. The building official shall have the authority to adjust the final valuation for permit fees.

Reason: ADM27-19 was approved last cycle for the coordination of the Fees section in IMC, IPC, IPMC, IFGC, ISPSC. This section was left out of IPC by accident. There is another proposal from BCAC that has some adjustment to this section across codes. That revised language has been incorporated into this proposal.

This proposal is submitted by the ICC Plumbing/Mechanical/Gas Code Action Committee (PMGCAC) in coordination with the ICC Building Code Action Committee (BCAC).

The PMGCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021, the PMGCAC has held several virtual meetings open to any interested party. Numerous interested parties attended the committee meetings and offered their input.

Cost Impact: The code change proposal will not increase or decrease the cost of construction. This is an administrative section and will not change the cost of construction.

Public Hearing Results

Committee Action: As Submitted

Committee Reason: The committee stated that the reason for the approval was to provide consistency with previous actions and consistency across the codes. (Vote: 12-0)

Individual Consideration Agenda

Public Comment 1:

IPC: 109.3

Proponents: Mike Nugent, representing Building Code Action Committee (bcac@iccsafe.org) requests As Modified by Public Comment

Modify as follows:

2021 International Plumbing Code

[AI] 109.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the building official, the valuation is underestimated, the permit shall be denied, unless the applicant can show detailed estimates acceptable to the code official. The code official shall have the authority to adjust the final valuation for permit fees. Where inconsistencies occur within the submitted valuation, the final building permit valuation shall be determined by the building official. The building official shall notify the applicant in writing, stating the reasons why the valuation was
Commenter’s Reason: BCAC received comments after the spring hearings with concern about the possible mis-interpretation of the last two sentences. The public comment removes the last two sentences and replaces them with clarifying text. This proposed language provides the building official the authority to set accurate building valuations as currently regulated within the I codes. At the same time provides the applicant the documentation they are entitled in order to proceed with any potential appeals, the same as any other code section. This eliminates potential subjectivity from either party and ensures consistency in fees implemented by the locality.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This is an editorial change that provides consistency between I-codes.

Public Comment 2:

IPC: 109.3

Proponents: Kota Wharton, representing City of Grove City (kwharton@grovecityohio.gov) requests As Modified by Public Comment

Modify as follows:

2021 International Plumbing Code

[A] 109.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the building code official, the valuation is underestimated, the applicant underestimates the valuation of the work on the permit, and the applicant fails to provide detailed estimates acceptable to the code official, the permit shall be denied. The code official shall have the authority to deny the permit, unless the applicant can show detailed estimates acceptable to the code official. The building code official shall have the authority to adjust the final valuation for permit fees.

Commenter’s Reason: This proposal addresses an issue brought up in ADM43-22 Part II, which applies here, where the committee had an issue with the restrictiveness of requiring the official to deny a permit that isn't estimated correctly. The solution is to give the official authority, which is done.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. No net change for construction costs.
ADM43-22 Part I

Proposed Change as Submitted

Proponents: Mike Nugent, representing Building Code Action Committee (bcac@iccSAFE.org); Joseph J. Summers, representing Plumbing, Mechanical and Fuel Gas Code Action Committee (pmgac@iccSAFE.org); Robert Marshall, representing FCAC (fcac@iccSAFE.org)

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE CODE COMMITTEE. PART II WILL BE HEARD BY THE IRC-BUILDING CODE COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THESE COMMITTEES.

2021 International Building Code

Revise as follows:

[A] 109.3 Permit valuations. The applicant for a permit shall provide an estimated permit value of the work for which the permit is being issued at time of application. Permit valuations shall reflect Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of acceptable to the building official. Final building permit valuation shall be set by the building official. The building official shall have the authority to adjust the final valuation for permit fees.

2021 International Existing Building Code

Revise as follows:

[A] 108.3 Permit valuations. The applicant for a permit shall provide an estimated permit value of the work for which the permit is being issued at time of application. Permit valuations shall reflect Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the code official, the valuation is underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of acceptable to the code official. Final building permit valuation shall be set by the code official. The code official shall have the authority to adjust the final valuation for permit fees.

2021 International Fire Code

Revise as follows:

107.3 Permit valuations. The applicant for a permit shall provide an estimated permit value of the work for which the permit is being issued at time of application. Permit valuations shall reflect Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the fire code official, the valuation is underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of acceptable to the fire code official. Final building permit valuation shall be set by the fire code official. The fire code official shall have the authority to adjust the final valuation for permit fees.

2021 International Fuel Gas Code

Revise as follows:

109.3 Permit valuations. The applicant for a permit shall provide an estimated permit value of the work for which the permit is being issued at time of application. Permit valuations shall reflect Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the code official, the valuation is underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of acceptable to the code official. Final building permit valuation shall be set by the code official. The code official shall have the authority to adjust the final valuation for permit fees.

2021 International Mechanical Code

Revise as follows:

[A] 109.3 Permit valuations. The applicant for a permit shall provide an estimated permit value of the work for which the permit is being issued at time of application. Permit valuations shall reflect Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the code official, the valuation is underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of acceptable to the code official. Final building permit valuation shall be set by the code official. The code official shall have the authority to adjust the final valuation for permit fees.
2021 International Swimming Pool and Spa Code

Revise as follows:

[A] 108.3 Permit valuations. The applicant for a permit shall provide an estimated permit value of the work for which the permit is being issued at time of application. Permit valuations shall reflect Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the code official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of acceptable to the code official. Final building permit valuation shall be set by the code official. The code official shall have the authority to adjust the final valuation for permit fees.

2021 International Wildland-Urban Interface Code

Revise as follows:

[A] 109.3 Permit valuations. The applicant for a permit shall provide an estimated permit value of the work for which the permit is being issued at time of application. Permit valuations shall reflect Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued. Where, in the opinion of the applicable governing authority, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of acceptable to the applicable governing authority. Final building permit valuation shall be set by the applicable governing authority. The applicable governing authority shall have the authority to adjust the final valuation for permit fees.

2021 International Green Construction Code

Revise as follows:

108.3 Permit valuations. The applicant for a permit shall provide an estimated permit value of the work for which the permit is being issued at time of application. Permit valuations shall consist of Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of acceptable to the building official. Final building permit valuation shall be set by the building official. The building official shall have the authority to adjust the final valuation for permit fees.

Reason: The intent of this proposal is to coordinate the provisions for fees in the I-codes. Last cycle there were two different proposals to address consistency in the Fees section (ADM 27-19 and ADM 33-19) – the end result was coordination between the 2021 codes. for – IBC, IFC, IEBC, IMC, IPC, IPMC, IFGC, ISPSC, IWUIC and IZC.

The revisions to Section 109.3 is based on some concerns raised during discussion. The change to the first and second sentence is a clarification of application. The cost of the permit is the value of the work being performed, not the value of the permit. The current last sentence could be read to say the code official can arbitrarily set the permit valuation, or it could be read to say the code official had to calculate the valuation. The proposed language allows for the code official to make adjustments if warranted.

There is another code change to add this section to IPC. ADM27-19 was approved last cycle for the coordination of the Fees section in IMC, IPC, IPMC, IFGC, ISPSC. This section was left out of IPC by accident. This revised text has been submitted to be added to the IPC Section 109.3.

The BCAC is working from the philosophy that ICC is a family of codes, so administrative requirements should be consistent across books. Most administrative and enforcement matters are the same for any code. Those matters unique for a specific code remain unchanged. This is one of a series of proposals being submitted relating to technical, editorial and organizational changes proposed for the Administrative chapters (Chapter 1) in all of the I-Codes.

This proposal is submitted by the ICC Building Code Action Committee (BCAC), ICC Fire Code Action Committee (FCAC) and . ICC Plumbing/Mechanical/Gas Code Action Committee (PMGAC).

BCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021 the BCAC has held several virtual meetings open to any interested party. In addition, there were numerous virtual Working Group meetings for the current code development cycle, which included members of the committee as well as interested parties. Related documents and reports are posted on the BCAC website at https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/building-code-action-committee-bcac/.

The FCAC was established by the ICC Board of Directors to pursue opportunities to improve and enhance assigned International Codes with regard to fire and life safety in new and existing buildings and facilities as well as the protection of life and property in wildland urban interface areas. In 2020 and 2021 the Fire-CAC held multiple virtual meetings that were open to any interested party. In addition, there were numerous virtual specific working group meetings that were also open to any interested parties, to develop, discuss and debate the proposed changes. Related documentation and reports are posted on the FCAC website at: https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/fire-code-action-committee-fcac/.
The PMG CAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021, the PMGCAC has held several virtual meetings open to any interested party. Numerous interested parties attended the committee meetings and offered their input.

**Cost Impact:** The code change proposal will not increase or decrease the cost of construction. This is an editorial change that provides consistency between I-codes.

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**Public Hearing Results**

**Committee Action:** As Submitted

**Committee Reason:** The committee stated that the reason for the approval was that the permit valuation needs to be in the hands of the building, code or fire code official and this change clarifies it by making it consistent across the other codes in a plain language correction. (Vote: 12-1)

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**Individual Consideration Agenda**

**Public Comment 1:**


**Proponents:** Mike Nugent, representing Building Code Action Committee (bcac@iccserve.org) requests As Modified by Public Comment

**Modify as follows:**

**2021 International Building Code**

[A] 109.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, work such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the building official, the valuation is underestimated, the permit shall be denied, unless the applicant can show detailed estimates acceptable to the building official. The building official shall have the authority to adjust the final valuation for permit fees. Where inconsistencies occur within the submitted valuation, the final building permit valuation shall be determined by the building official. The building official shall notify the applicant in writing, stating the reasons why the valuation was altered.

**2021 International Existing Building Code**

[A] 108.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, work such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the code official, the valuation is underestimated, the permit shall be denied, unless the applicant can show detailed estimates acceptable to the code official. The code official shall have the authority to adjust the final valuation for permit fees. Where inconsistencies occur within the submitted valuation, the final building permit valuation shall be determined by the building official. The building official shall notify the applicant in writing, stating the reasons why the valuation was altered.

**2021 International Fire Code**

107.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, work such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the fire code official, the valuation is underestimated, the permit shall be denied, unless the applicant can show detailed estimates acceptable to the fire code official. The fire code official shall have the authority to adjust the final valuation for permit fees. Where inconsistencies occur within the submitted valuation, the final building permit valuation shall be determined by the building official. The building official shall notify the applicant in writing, stating the reasons why the
This is an editorial change that provides consistency between I-codes. The net effect of the public comment and code change proposal will not increase or decrease the cost of construction.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This is an editorial change that provides consistency between I-codes.
Public Comment 2:


Proponents: Kota Wharton, representing City of Grove City (kwharton@grovecityohio.gov) requests As Modified by Public Comment

Modify as follows:

2021 International Building Code

[A] 109.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the building official, the valuation is underestimated, the applicant underestimates the valuation of the work on the application, and the applicant fails to provide detailed estimates acceptable to the building official, the permit shall be denied. The building official shall have the authority to deny the permit, unless the applicant can show detailed estimates acceptable to the building official. The building official shall have the authority to adjust the final valuation for permit fees.

2021 International Existing Building Code

[A] 108.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the code official, the valuation is underestimated, the applicant underestimates the valuation of the work on the application, and the applicant fails to provide detailed estimates acceptable to the code official, the permit shall be denied. The code official shall have the authority to deny the permit, unless the applicant can show detailed estimates acceptable to the code official. The code official shall have the authority to adjust the final valuation for permit fees.

2021 International Fire Code

107.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the fire code official, the valuation is underestimated, the applicant underestimates the valuation of the work on the application, and the applicant fails to provide detailed estimates acceptable to the fire code official, the permit shall be denied. The fire code official shall have the authority to deny the permit, unless the applicant can show detailed estimates acceptable to the fire code official. The fire code official shall have the authority to adjust the final valuation for permit fees.

2021 International Fuel Gas Code

109.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the code official, the valuation is underestimated, the applicant underestimates the valuation of the work on the application, and the applicant fails to provide detailed estimates acceptable to the code official, the permit shall be denied. The code official shall have the authority to deny the permit, unless the applicant can show detailed estimates acceptable to the code official. The code official shall have the authority to adjust the final valuation for permit fees.

2021 International Mechanical Code

[A] 109.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the code official, the valuation is underestimated, the applicant underestimates the valuation of the work on the permit, and the applicant fails to provide detailed estimates acceptable to the code official, the permit shall be denied. The code official shall have the authority to deny the permit, unless the applicant can show detailed estimates acceptable to the code official. The code official shall have the authority to adjust the final valuation for permit fees.

2021 International Swimming Pool and Spa Code

[A] 108.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the code official, the valuation is underestimated, the applicant underestimates the valuation of the work on the application, and the applicant fails to provide detailed estimates acceptable to the code official, the permit shall be denied. The code official shall have the authority to deny the permit, unless the applicant can show detailed estimates acceptable to the code official. The code official shall have the authority to adjust the final valuation for permit fees.

2021 International Wildland-Urban Interface Code
[A] 109.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the applicable governing authority, the valuation is underestimated, the applicant underestimates the valuation of the work on the application, and the applicant fails to provide detailed estimates acceptable to the applicable governing body, the permit shall be denied, the applicable governing body shall have the authority to deny the permit, unless the applicant can show detailed estimates acceptable to the applicable governing authority. The applicable governing authority shall have the authority to adjust the final valuation for permit fees.

2021 International Green Construction Code

108.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at the time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, and plumbing equipment and permanent systems. Where, in the opinion of the building official, the valuation is underestimated, the applicant underestimates the valuation of the work on the application, and the applicant fails to provide detailed estimates acceptable to the building official, the permit shall be denied unless the applicant can show detailed estimates acceptable to the building official. The code official shall have the authority to deny the permit. The building official shall have the authority to adjust the final valuation for permit fees.

Commenter's Reason: This proposal addresses an issue brought up in ADM43-22 Part II, which applies here, where the committee had an issue with the restrictiveness of requiring the official to deny a permit that isn't estimated correctly. The solution is to give the official authority, which is done.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. No net change for construction costs.
ADM43-22 Part II

**Proposed Change as Submitted**

**Proponents:** Mike Nugent, representing Building Code Action Committee (bcac@iccsafe.org); Joseph J. Summers, representing Plumbing, Mechanical and Fuel Gas Code Action Committee (pmgcac@iccsafe.org); Robert Marshall, representing FCAC (fcac@iccsafe.org)

### 2021 International Residential Code

Revise as follows:

**R108.3 Building permit Permit valuations.** The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated building permit valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems, including materials and labor. Where, in the opinion of the building official, the valuation is underestimated, the permit shall be denied, unless the applicant can show detailed estimates acceptable to the building official. The building official shall have the authority to adjust the final valuation for permit fees.

**R108.4 Work commencing before permit issuance.** Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required permit fees.

**R108.5 Related fees.** The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

**R108.6 Refunds.** The building official is authorized to establish a refund policy.

**Reason:** The intent of this proposal is to coordinate the provisions for fees in the I-codes. Last cycle there were two different proposals to address consistency in the Fees section (ADM 27-19 and ADM 33-19) – the end result was coordination between the 2021 codes. for – IBC, IFC, IEBC, IMC, IPC, IPMC, IFGC, ISPSPC, IWUIC and IZC.

The revisions to Section 109.3 is based on some concerns raised during discussion. The change to the first and second sentence is a clarification of application. The cost of the permit is the value of the work being performed, not the value of the permit. The current last sentence could be read to say the code official can arbitrarily set the permit valuation, or it could be read to say the code official had to calculate the valuation. The proposed language allows for the code official to make adjustments if warranted.

There is another code change to add this section to IPC. ADM27-19 was approved last cycle for the coordination of the Fees section in IMC, IPC, IPMC, IFGC, ISPSPC. This section was left out of IPC by accident. This revised text has been submitted to be added to the IPC Section 109.3.

The BCAC is working from the philosophy that ICC is a family of codes, so administrative requirements should be consistent across books. Most administrative and enforcement matters are the same for any code. Those matters unique for a specific code remain unchanged. This is one of a series of proposals being submitted relating to technical, editorial and organizational changes proposed for the Administrative chapters (Chapter 1) in all of the I-Codes.

This proposal is submitted by the ICC Building Code Action Committee (BCAC), ICC Fire Code Action Committee (FCAC) and . ICC Plumbing/Mechanical/Gas Code Action Committee (PMGCAC).

BCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021 the BCAC has held several virtual meetings open to any interested party. In addition, there were numerous virtual Working Group meetings for the current code development cycle, which included members of the committee as well as interested parties. Related documents and reports are posted on the BCAC website at https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/building-code-action-committee-bcac/.

The FCAC was established by the ICC Board of Directors to pursue opportunities to improve and enhance assigned International Codes with regard to fire and life safety in new and existing buildings and facilities as well as the protection of life and property in wildland urban interface areas. In 2020 and 2021 the Fire-CAC held multiple virtual meetings that were open to any interested party. In addition, there were numerous virtual specific working group meetings that were also open to any interested parties, to develop, discuss and debate the proposed changes. Related documentation and reports are posted on the FCAC website at: https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/fire-code-action-committee-fcac/.

The PMG CAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021, the PMGCAC has held several virtual meetings open to any interested party. Numerous interested parties attended the committee meetings and offered their input.

**Cost Impact:** The code change proposal will not increase or decrease the cost of construction.
Public Hearing Results

Committee Action: Disapproved

Committee Reason: The proposal was disapprove because of concerns over the revisions to the last sentence in Section R108.3. Some of the committee members felt that "shall be denied" is too restrictive and "in the opinion" was too open for interpretation. The valuation did not include the significant rise in construction materials during the pandemic, but the existing intent is about valuation, not cost. (Vote: 7-3)

Individual Consideration Agenda

Public Comment 1:
IRC: R108.3

Proponents: Mike Nugent, representing Building Code Action Committee (bcac@icc.lics.org) requests As Modified by Public Comment

Modify as follows:

2021 International Residential Code

R108.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the building official, the valuation is underestimated, the permit shall be denied, unless the applicant can show detailed estimates acceptable to the building official. The building official shall have the authority to adjust the final valuation for permit fees. Where inconsistencies occur within the submitted valuation, the final building permit valuation shall be determined by the building official. The building official shall notify the applicant in writing, stating the reasons why the valuation was altered.

Commenter's Reason: The IRC code development committee was concerned about the last two sentences of Section R108.3 of the original proposal. These sentences have been removed. This proposed language provides the BO the authority to set accurate building valuations as currently regulated within the I codes. At the same time provides the applicant the documentation they are entitled in order to proceed with any potential appeals, the same as any other code section. This eliminates potential subjectivity from either party and ensures consistency in fees implemented by the locality.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This is an editorial change that provides consistency between I-codes.

Public Comment 2:
IRC: R108.3, R108.4, R108.5, R108.6

Proponents: Kota Wharton, representing City of Grove City (kwharton@grovecityohio.gov) requests As Modified by Public Comment

Modify as follows:

2021 International Residential Code

R108.3 Permit valuations. The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the building official, the valuation is...
The applicant underestimates the valuation of the work on the application, and the applicant fails to provide detailed estimates acceptable to the building official, the permit shall be denied. The building official shall have the authority to deny the permit, unless the applicant can show detailed estimates acceptable to the building official. The building official shall have the authority to adjust the final valuation for permit fees.

R108.4 Work commencing before permit issuance. Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required permit fees.

R108.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

R108.6 Refunds. The building official is authorized to establish a refund policy.

Commenter’s Reason: This modification coordinates changes proposed in ADM43-22-WHARTON-4 and addresses the issue where the committee had an issue with the restrictiveness of requiring the official to deny a permit that isn’t estimated correctly. The solution is to give the official authority, which is done.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. No net change for construction costs. Coordination and clarity only.
Proposed Change as Submitted

Proponents: Mike Nugent, representing Building Code Action Committee (bcac@icc.org)

2021 International Fuel Gas Code

SECTION 110
SERVICE UTILITIES

Revise as follows:

[A] 110.3 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The code official shall notify the serving utility, and wherever possible the owner or the owner's authorized agent and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

SECTION 115
VIOLATIONS

Revise as follows:

[A] 115.6.2 Authority to disconnect service utilities. The code official shall have the authority to require disconnection of utility service in accordance with Section 110.3 to the building, structure or system regulated by the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The code official shall notify the serving utility and, where possible, the owner or the owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practicable thereafter.

2021 International Mechanical Code

SECTION 112
SERVICE UTILITIES

[A] 112.3 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The code official shall notify the serving utility, and wherever possible the owner or the owner's authorized agent and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

SECTION 115
VIOLATIONS

Revise as follows:

[A] 115.6.2 Authority to order disconnection of energy sources. The code official shall have the authority to order disconnection of utility services in accordance with Section 112.3 energy sources supplied to a building, structure or mechanical system regulated by this code, where it is determined that the mechanical system or any portion thereof has become hazardous or unsafe. Written notice of such order to disconnect service and the causes thereof shall be given within 24 hours to the owner, the owner's authorized agent and occupant of such building, structure or premises, provided, however, that in case of immediate danger to life or property, such disconnection shall be made immediately without such notice. Where energy sources are provided by a public utility, the code official shall immediately notify the serving utility in writing of the issuance of such order to disconnect.

2021 International Plumbing Code

SECTION 112
SERVICE UTILITIES
[A] 112.3 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The code official shall notify the serving utility, and wherever possible the owner or the owner’s authorized agent and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner’s authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

SECTION 115
VIOLATIONS

Revise as follows:

[A] 115.6.2 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service in accordance with Section 112.3 to the building, structure or system regulated by the technical codes in case of an emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner or the owner’s authorized agent and occupant of the building, structure or service system shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner, the owner’s authorized agent or occupant of the building, structure or service systems shall be notified in writing, as soon as practical thereafter.

2021 International Private Sewage Disposal Code

SECTION 110
SERVICE UTILITIES

[A] 110.3 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 110.1 or 110.2. The code official shall notify the serving utility, and wherever possible the owner or the owner’s authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner’s authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 114
VIOLATIONS

Revise as follows:

[A] 114.6.2 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service in accordance with Section 110.3 to the building, structure or system regulated by the technical codes in case of emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner or the owner’s authorized agent and occupant of the building, structure or service system shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner, the owner’s authorized agent or occupant of the building, structure or service systems shall be notified in writing as soon as practical thereafter.

2021 International Swimming Pool and Spa Code

SECTION 109
SERVICE UTILITIES

[A] 109.3 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 108.2 or 108.3. The code official shall notify the serving utility, and wherever possible the owner or the owner’s authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner’s authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 113
VIOLATIONS

Revise as follows:

[A] 113.6.2 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service in accordance with Section 109.3 to the pool or spa regulated by the technical codes in case of an emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner or the owner’s authorized agent and occupant of the building where the pool or spa is located shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner, the owner’s authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.
Reason: ADM 39-19 was a coordinating proposal for Service Utilities. There was an inadvertent duplication of language in the section on Violations. This proposal is intended to editorially remove the repeated sections. A reference to the same section in Service Utilities is provided instead.

This proposal is submitted by the Plumbing/Mechanical/Gas Code Action Committee (PMGCAC) working with the Building Code Action Committee (BCAC).

The PMGCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021, the PMGCAC has held several virtual meetings open to any interested party. Numerous interested parties attended the committee meetings and offered their input.

Cost Impact: The code change proposal will not increase or decrease the cost of construction. These are administration requirements, so there will be no change in construction requirements.

Public Hearing Results

Committee Action: As Submitted

Committee Reason: The committee stated that the reason for approval was that it provides good clarification to the code. (Vote: 13-0)

Individual Consideration Agenda

Public Comment 1:


Proponents: Robert Frances, representing Self (bfrances@howardcountymd.gov) requests As Modified by Public Comment

Modify as follows:

2021 International Fuel Gas Code

SECTION 115

VIOLATIONS

[A] 115.6.2 Authority to disconnect service utilities. The code official shall have the authority to require disconnection of utility service in accordance with Section 110.3.

2021 International Mechanical Code

SECTION 115

VIOLATIONS

[A] 115.6.2 Authority to order disconnect service utilities. The code official shall have the authority to authorize disconnection of utility services in accordance with Section 112.3.

2021 International Plumbing Code

SECTION 115

VIOLATIONS

[A] 115.6.2 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service in
2021 International Private Sewage Disposal Code

SECTION 114
VIOLATIONS

[A] 114.6.2 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service in accordance with Section 110.3.

2021 International Swimming Pool and Spa Code

SECTION 113
VIOLATIONS

[A] 113.6.2 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service in accordance with Section 109.3.

Commenter's Reason: Each of these sections is stating that the code official has the authority to disconnect service utilities as authorized by an earlier "service utilities" section. However, the earlier "service utilities" section already states that the code official has the authority to disconnect service utilities. Therefore, each of these sections that were significantly changed to remove duplicated language could have been completely deleted; this is what my proposal is intending to do.

Bibliography: N/A

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This will not have any impact on the cost of construction.
ADM48-22 Part I

Proposed Change as Submitted

Proponents: Mike Nugent, representing Building Code Action Committee (bcac@icc.safe.org); Joseph J. Summers, representing Plumbing, Mechanical and Fuel Gas Code Action Committee (pmgcac@icc.safe.org); Robert Marshall, representing FCAC (fcac@icc.safe.org)

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE ADMINISTRATIVE CODE COMMITTEE. PART II WILL BE HEARD BY THE IRC-BUILDING CODE COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THESE COMMITTEES.

2021 International Building Code

SECTION 113
MEANS OF APPEALS

[A] 113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

Revise as follows:

[A] 113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

[A] 113.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction, provisions of this code and are not employees of the jurisdiction.

[A] 113.4 Administration. The building official shall take immediate action in accordance with the decision of the board.

2021 International Existing Building Code

SECTION 112
MEANS OF APPEALS

[A] 112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

Revise as follows:

[A] 112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

[A] 112.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction, provisions of this code and are not employees of the jurisdiction.

[A] 112.4 Administration. The code official shall take immediate action in accordance with the decision of the board.

2021 International Fire Code

SECTION 111
MEANS OF APPEALS

[A] 111.1 Board of appeals established General. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

Revise as follows:

[A] 111.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted
thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

[A] 111.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems, the provisions of this code and are not employees of the jurisdiction.

[A] 111.4 Administration. The fire code official shall take immediate action in accordance with the decision of the board.

2021 International Fuel Gas Code

Revise as follows:

SECTION 113
MEANS OF APPEALS

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

Revise as follows:

[A] 113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

[A] 113.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.

[A] 113.4 Administration. The code official shall take immediate action in accordance with the decision of the board.

2021 International Mechanical Code

SECTION 114
MEANS OF APPEALS

114.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

Revise as follows:

[A] 114.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

[A] 114.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.

[A] 114.4 Administration. The code official shall take immediate action in accordance with the decision of the board.

2021 International Plumbing Code

SECTION 114
MEANS OF APPEALS

114.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

Revise as follows:

[A] 114.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent or better form of construction is
proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

[A] 114.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.

[A] 114.4 Administration. The code official shall take immediate action in accordance with the decision of the board.

2021 International Property Maintenance Code

Revise as follows:

SECTION 107
MEANS OF APPEALS

107.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

Revise as follows:

[A] 107.2 Limitations of authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

107.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.

107.4 Administration. The code official shall take immediate action in accordance with the decision of the board.

2021 International Private Sewage Disposal Code

Revise as follows:

SECTION 112
MEANS OF APPEALS

[A] 112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

Revise as follows:

[A] 112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

[A] 112.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.

[A] 112.4 Administration. The code official shall take immediate action in accordance with the decision of the board.

2021 International Swimming Pool and Spa Code

Revise as follows:

SECTION 111
MEANS OF APPEALS

[A] 111.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

Revise as follows:
111.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

111.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.

111.4 Administration. The code official shall take immediate action in accordance with the decision of the board.

2021 International Wildland-Urban Interface Code

SECTION 113
MEANS OF APPEALS

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the code official.

Revise as follows:

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

113.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.

113.4 Administration. The code official shall take immediate action in accordance with the decision of the board.

2021 International Green Construction Code

SECTION 111
MEANS OF APPEALS

111.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the authority having jurisdiction relative to the application and interpretation of this code, there shall be, and is hereby created, a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the authority having jurisdiction.

Revise as follows:

111.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

111.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.

111.4 Administration. The authority having jurisdiction shall take immediate action in accordance with the decision of the board.

Reason: ADM40-19 was approved for IBC, IEBC, IFC, IWUIC, IPC, IMC, IFGC, ISPSC, IPMC, IPSDC, IECC-R and IGCC for revisions to the section on Means of Appeals. This item was disapproved for IECC Commercial and IRC. The result is an inconsistency with IECC Commercial and IRC.

The intent of this proposal is coordination for the means of appeals within the family of codes. Most of this was accomplished through ADM40-19 during the last cycle. Comments during the testimony, from the code development committees and subsequent discussions have suggested some improvements.

General: In the IRC and IECC Residential, the sentence about the code official not being a voting member of the board of appeals is proposed to be deleted. The fact about city employees not being a voting member of the board is already included in the section on qualifications. The code official is an important advisor for the Board of Appeals. The deletion of this sentence will not change that.

Limitation on authority. The deletion of ‘or interpret the administration of this code’ is proposed to be deleted so that the board could consider appeals on any part of the codes.

Qualifications: The phrase for experience and training is slightly different in each code. Adding this idea to all codes would provide consistency.
Administration: The IRC code change committee felt that ‘immediate’ was unreasonable. With the word removed, the board, or jurisdiction can set a reasonable timeframe.

This proposal is submitted by the ICC Building Code Action Committee (BCAC), ICC Fire Code Action Committee (FCAC) and ICC Plumbing/Mechanical/Gas Code Action Committee (PMGCAC).

BCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021 the BCAC has held several virtual meetings open to any interested party. In addition, there were numerous virtual Working Group meetings for the current code development cycle, which included members of the committee as well as interested parties. Related documents and reports are posted on the BCAC website at https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/building-code-action-committee-bcac/.

The FCAC was established by the ICC Board of Directors to pursue opportunities to improve and enhance assigned International Codes with regard to fire and life safety in new and existing buildings and facilities as well as the protection of life and property in wildland urban interface areas. In 2020 and 2021 the Fire-CAC held multiple virtual meetings that were open to any interested party. In addition, there were numerous virtual specific working group meetings that were also open to any interested parties, to develop, discuss and debate the proposed changes. Related documentation and reports are posted on the FCAC website at: https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/fire-code-action-committee-fcac/.

The PMGCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021, the PMGCAC has held several virtual meetings open to any interested party. Numerous interested parties attended the committee meetings and offered their input.

Cost Impact: The code change proposal will not increase or decrease the cost of construction. These are administration requirements, so there will be no change in construction requirements.

Public Hearing Results

Committee Action: As Submitted

Committee Reason: The committee stated that the reason for approval was the proponent’s reason statement which includes coordination of the codes. It was specifically noted that most jurisdictions have a single board of appeals that covers all the codes in that jurisdiction, so it is important to only have one set of requirements that is consistent within each code. (Vote: 13-0)

Individual Consideration Agenda

Public Comment 1:

IBC: [A] 113.3; IEBC: [A] 112.3

Proponents: Robert Frances, representing Self (bfrances@howardcountymd.gov) requests As Modified by Public Comment

Modify as follows:

2021 International Building Code

[A] 113.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.

2021 International Existing Building Code

[A] 112.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to the provisions of this code and are not employees of the jurisdiction.

Commenter’s Reason: These are two minor editorial corrections to add the word “the” to Section 113.3 of the IBC, and striking out the words “to
pass" from Section 112.3 of the IEBC.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This will have no cost impact on what has already been passed; it is editorial in nature only.

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**Public Comment 2:**

IBC: [A] 113.4; IEBC: [A] 112.4; IFC: [A] 111.4; IFGC: 113.4; IMC: [A] 114.4; IPC: [A] 114.4; IPMC: 107.4; IPSDC: [A] 112.4; ISPSC: [A] 111.4; IWUIC: [A] 113.4; IGCC: 111.4

**Proponents:** Mike Nugent, representing Building Code Action Committee (bcac@iccsafe.org) requests As Modified by Public Comment

**Modify as follows:**

**2021 International Building Code**

[A] 113.4 Administration. The *building official* shall take action *without delay* in accordance with the decision of the board.

**2021 International Existing Building Code**

[A] 112.4 Administration. The *code official* shall take action *without delay* in accordance with the decision of the board.

**2021 International Fire Code**

[A] 111.4 Administration. The *fire code official* shall take action *without delay* in accordance with the decision of the board.

**2021 International Fuel Gas Code**

113.4 Administration. The *code official* shall take action *without delay* in accordance with the decision of the board.

**2021 International Mechanical Code**

[A] 114.4 Administration. The *code official* shall take action *without delay* in accordance with the decision of the board.

**2021 International Plumbing Code**

[A] 114.4 Administration. The *code official* shall take action *without delay* in accordance with the decision of the board.

**2021 International Property Maintenance Code**

107.4 Administration. The *code official* shall take action *without delay* in accordance with the decision of the board.

**2021 International Private Sewage Disposal Code**

[A] 112.4 Administration. The *code official* shall take action *without delay* in accordance with the decision of the board.

**2021 International Swimming Pool and Spa Code**

[A] 111.4 Administration. The *code official* shall take action *without delay* in accordance with the decision of the board.

**2021 International Wildland-Urban Interface Code**

[A] 113.4 Administration. The *code official* shall take action *without delay* in accordance with the decision of the board.

**2021 International Green Construction Code**

111.4 Administration. The authority having jurisdiction shall take action *without delay* in accordance with the decision of the board.

**Commenter’s Reason:** Last cycle the Administrative Committee asked the BCAC to remove the word ‘immediate’ as it could be read to require the code official to respond immediately after the board made its decision - as in that night immediately following the conclusion of the meeting. This proposal did that. However, after the spring hearings, BCAC received comments that no timeline could be read the opposite - in that a code official could delay indefinitely. It is hope that ‘without delay’ is a reasonable compromise.
Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This is an editorial correction with no changes to construction requirements.
ADM48-22 Part II

Proposed Change as Submitted

Proponents: Mike Nugent, representing Building Code Action Committee (bcac@iccsafe.org); Joseph J. Summers, representing Plumbing, Mechanical and Fuel Gas Code Action Committee (pmgcac@iccsafe.org); Robert Marshall, representing FCAC (fcac@iccsafe.org)

2021 International Residential Code

Revise as follows:

SECTION R112
BOARD MEANS OF APPEALS

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board of appeals shall be appointed by the applicable governing body authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

R112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

R112.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass judgment on matters pertaining to building construction, the provisions of this code and are not employees of the jurisdiction.

R112.4 Administration. The building official shall take immediate action in accordance with the decision of the board.

Reason: ADM40-19 was approved for IBC, IEBC, IFC, IWUIC, IPC, IMC, IFGC, ISPSC, IPMC, IPSDC, IECC-R and IGCC for revisions to the section on Means of Appeals. This item was disapproved for IECC Commercial and IRC. The result is an inconsistency with IECC Commercial and IRC.

The intent of this proposal is coordination for the means of appeals within the family of codes. Most of this was accomplished through ADM40-19 during the last cycle. Comments during the testimony, from the code development committees and subsequent discussions have suggested some improvements.

General: In the IRC and IECC Residential, the sentence about the code official not being a voting member of the board of appeals is proposed to be deleted. The fact about city employees not being a voting member of the board is already included in the section on qualifications. The code official is an important advisor for the Board of Appeals. The deletion of this sentence will not change that.

Limitation on authority. The deletion of ‘or interpret the administration of this code’ is proposed to be deleted so that the board could consider appeals on any part of the codes.

Qualifications: The phrase for experience and training is slightly different in each code. Adding this idea to all codes would provide consistency.

Administration: The IRC code change committee felt that ‘immediate’ was unreasonable. With the word removed, the board, or jurisdiction can set a reasonable timeframe.

This proposal is submitted by the ICC Building Code Action Committee (BCAC), ICC Fire Code Action Committee (FCAC) and ICC Plumbing/Mechanical/Gas Code Action Committee (PMGCAC).

BCAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021 the BCAC has held several virtual meetings open to any interested party. In addition, there were numerous virtual Working Group meetings for the current code development cycle, which included members of the committee as well as interested parties. Related documents and reports are posted on the BCAC website at https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/building-code-action-committee-bcac/.

The FCAC was established by the ICC Board of Directors to pursue opportunities to improve and enhance assigned International Codes with regard to fire and life safety in new and existing buildings and facilities as well as the protection of life and property in wildland urban interface areas. In 2020 and 2021 the Fire-CAC held multiple virtual meetings that were open to any interested party. In addition, there were numerous virtual specific working group meetings that were also open to any interested parties, to develop, discuss and debate the proposed changes. Related documentation and reports are posted on the FCAC website at: https://www.iccsafe.org/products-and-services/i-codes/code-development/cs/fire-code-action-committee-fcac/
The PMG CAC was established by the ICC Board of Directors in July 2011 to pursue opportunities to improve and enhance assigned International Codes or portions thereof. In 2020 and 2021, the PMGCAC has held several virtual meetings open to any interested party. Numerous interested parties attended the committee meetings and offered their input.

Cost Impact: The code change proposal will not increase or decrease the cost of construction
These are administration requirements, so there will be no change in construction requirements.

Public Hearing Results

Committee Action: Disapproved

Committee Reason: The proposal was disapproved. In R112.4 the word ‘immediate’ should not be struck. It leaves the timing ambiguous. Striking the sentence in Section R112.1 would remove the restriction that the code official could not vote, leaving the question, why would the building official be voting? Some also felt the building official should be an ex officio, non-voting member. This language is more confusing than the original. (Vote: 7-3)
One argument against disapproval was that removing the building official from the board is not giving them a vote.

Individual Consideration Agenda

Public Comment 1:
IRC: R112.4
Proponents: Mike Nugent, representing Building Code Action Committee (bcac@iccsafe.org) requests As Modified by Public Comment
Replace as follows:

2021 International Residential Code

R112.4 Administration. The building official shall take action immediate without delay in accordance with the decision of the board.

Commenter’s Reason: The public comments are dividing the question into two parts - R112 through R112.3 is Part 1 and R112.4 is Part 2.

PART 2

This modification is to revise Section R112.4 to so that the term 'immediate' is replaces with 'without delay' as a reasonable compromise for a building official to react promptly to a board of appeals decision, without having to respond immediately following the meeting.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction
This is an editorial change with no change in construction requirements.

Public Comment 2:
IRC: SECTION R112, R112.1, R112.2, R112.3
Proponents: Mike Nugent, representing Building Code Action Committee (bcac@iccsafe.org) requests As Modified by Public Comment
Replace as follows:

2021 International Residential Code

SECTION R112
BOARD MEANS OF APPEALS

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board of appeals shall be appointed by the applicable governing body authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

R112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

R112.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass judgment on matters pertaining to building construction, the provisions of this code and are not employees of the jurisdiction.

Commenter’s Reason: The public comments are dividing the question into two parts - R112 through R112.3 is Part 1 and R112.4 is Part 2.

PART 1

The BCAC respectively disagrees with the IRC committee's comment on the deleted sentence in Section R112.1. During the last cycle, ADM40-19 edited the sections for the Board of Appeals in each code book to limit the section to just the right and process for someone to have a means of appeal and ADM43-19 Part II, created Appendix AV for the Board of Appeals which is intended to provide a template for jurisdictions that do not already have such language. (The appendix for Board of Appeals now exists in all code books except IZC and ICCPC.) The make-up of the board is addressed in the Appendix. The role of the code official in the Board of Appeals is addressed in Sections AV101.1 and AV101.3. Since language regarding the makeup of the Board of Appeals is in the appendix and Section R112 is limited to the means of appeal, this change removes any requirements for the Board of Appeals from Section R112, which allows the jurisdiction to determine the makeup of the Board of Appeals in their specific ordinances or through the adoption of the appendix.

Appendix AV - Board of AppealsAV101.1 Scope. A board of appeals shall be established within the jurisdiction for the purpose of hearing applications for modification of the requirements of this code pursuant to the provisions of Section R112. The board shall be established and operated in accordance with this section, and shall be authorized to hear evidence from appellants and the building official pertaining to the application and intent of this code for the purpose of issuing orders pursuant to these provisions.

AV101.3 Membership of board. The board shall consist of five voting members appointed by the chief appointing authority of the jurisdiction. Each member shall serve for [INSERT NUMBER OF YEARS] years or until a successor has been appointed. The board member's terms shall be staggered at intervals, so as to provide continuity. The building official shall be an ex officio member of said board but shall not vote on any matter before the board.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. These are administration requirements, so there will be no change in construction requirements.
### Proposed Change as Submitted

Proponents: Janita Talmadge, representing International Code Council

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<td>Residential Equipment Selection</td>
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<td>Fabric Structures-Associated Air Structures Design and Standards Manual</td>
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<td>Prequalified Connections for Special and Intermediate Steel Moment Frames for Seismic Applications, Including Supplement No. 1</td>
<td>IBC</td>
</tr>
<tr>
<td>ALI ALCTV—2016-2022</td>
<td>Standard for Automotive Lifts—Safety Requirements for Construction, Testing and Validation (ANSI)</td>
<td>IBC</td>
</tr>
<tr>
<td>AMCA</td>
<td>Air Movement and Control Association International</td>
<td></td>
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<tr>
<td>ANSI/AMCA 550—09 (Rev. 09/18)</td>
<td>Test Method for High Velocity Wind Driven Rain Resistant Louvers</td>
<td>IMC</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-------------------------------------------------------------</td>
<td>-----</td>
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<tr>
<td>ANSI/AMCA 220—19</td>
<td>Laboratory Methods of Testing Air Curtain Units for Aerodynamic Performance Rating</td>
<td>IECC®</td>
</tr>
<tr>
<td>ANSI/AMCA 230—45—23</td>
<td>Laboratory Methods of Testing Air Circulating Fans for Rating and Certification</td>
<td>IMC</td>
</tr>
<tr>
<td>ANSI/AMCA 540—13</td>
<td>Test Method for Louvers Impacted by Windborne Debris</td>
<td>IBC</td>
</tr>
<tr>
<td>ANSI/AMCA 210-ANSI/ASHRAE 51—16</td>
<td>Laboratory Methods of Testing Fans for Aerodynamic Performance Rating</td>
<td>IRC®</td>
</tr>
<tr>
<td>ANSI/AMCA 210—16/ANSI/ASHRAE 51—16</td>
<td>Laboratory Methods of Testing Fans for Aerodynamic Performance Rating</td>
<td>IMC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>ANSI</strong></th>
<th><strong>American National Standards Institute</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard Reference Number</strong></td>
<td><strong>Title</strong></td>
</tr>
<tr>
<td>LC1/CSA 6.26—2016 - CSA/ANSI LC 1:19/CSA 6.26:19</td>
<td>Fuel Gas Piping Systems Using Corrugated Stainless Steel Tubing (CSST)</td>
</tr>
<tr>
<td>Standard Number</td>
<td>Title</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>ANSI Z21.50 :19/CSA 2.22—2016 :19</td>
<td>Vented Decorative Gas Fireplaces</td>
</tr>
<tr>
<td>ANSI Z21.75 -2016/CSA 6.27—2016 (R2020)</td>
<td>Connectors for Outdoor Gas Appliances and Manufactured Homes</td>
</tr>
<tr>
<td>ANSI Z83.11 -2016 (R2021)/CSA 1.8—2016 (R2021)</td>
<td>Gas Food Service Equipment</td>
</tr>
<tr>
<td>ANSI Z83.18—2017 (R2021)</td>
<td>Recirculating Direct Gas-fired Heating and Forced Ventilation Appliances for Commercial and Industrial Applications</td>
</tr>
<tr>
<td>CSA/ANSI Z21.11.2—2016 :19</td>
<td>Gas-fired Room Heaters—Volumell—Unvented Room Heaters</td>
</tr>
<tr>
<td>CSA/ANSI Z21.10.3 :19/CSA 4.3—2047 :19</td>
<td>Gas Water Heaters—Volume III —Storage, Water Heaters with Input Ratings above 75,000 Btu per Hour, Circulating and Instantaneous</td>
</tr>
<tr>
<td>CSA/ANSI Z21.58 :22/CSA 1.6—2015 :22</td>
<td>Outdoor Cooking Gas Appliances</td>
</tr>
<tr>
<td>Standard Number</td>
<td>Description</td>
</tr>
<tr>
<td>-----------------</td>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>CSA/ANSI Z21.10.1 :19/CSA 4.1—2017:19</td>
<td>Gas Water Heaters—Volume I—Storage, Water Heaters with Input Ratings of 75,000 Btu per Hour or Less</td>
</tr>
<tr>
<td>A108.11—10:18</td>
<td>Interior Installation of Cementitious Backer Units</td>
</tr>
<tr>
<td>A108.4—09:19</td>
<td>Installation of Ceramic Tile with Organic Adhesives or Water-cleanable Tile-setting Epoxy Adhesive</td>
</tr>
<tr>
<td>A108.5—19:21</td>
<td>Installation of Ceramic Tile with Dry-set Portland Cement Mortar or Latex-Portland Cement Mortar. Setting of Ceramic Tile with Dry-Set Cement Mortar. Modified Dry Set Cement Mortar, EGP (Exterior Glue Plywood) Modified Dry-Set Cement Mortar, or Improved Modified Dry-Set Cement Mortar</td>
</tr>
<tr>
<td>A108.6—19—99(R2019)</td>
<td>Installation of Ceramic Tile with Chemical-resistant, Water Cleanable Tile-setting and Grouting Epoxy</td>
</tr>
<tr>
<td>A108.8—19—99(R2019)</td>
<td>Installation of Ceramic Tile with Chemical-resistant Furan Resin Mortar and Grout</td>
</tr>
<tr>
<td>Code</td>
<td>Standard Title</td>
</tr>
<tr>
<td>------</td>
<td>----------------</td>
</tr>
<tr>
<td>A118.10—14(R2019)</td>
<td>Standard Specifications for Load Bearing, Bonded, Waterproof Membranes for Thin-Set Ceramic Tile and Dimension Stone Installation</td>
</tr>
<tr>
<td>A118.1—18—19</td>
<td>American National Standard Specifications for Dry-set Portland Cement Mortar</td>
</tr>
<tr>
<td>A118.3—20—21</td>
<td>American National Standard Specifications for Chemical resistant, Water-cleanable Tile-setting and-grouting Epoxy and Water Cleanable Tile-setting Epoxy Adhesive</td>
</tr>
<tr>
<td>A118.4—18—19</td>
<td>American National Standard Specifications for Modified Dry-set Cement Mortar</td>
</tr>
<tr>
<td>A118.5—99(R2021)</td>
<td>American National Standard Specifications for Chemical Resistant Furan Mortar and Grouts for Tile Installation</td>
</tr>
<tr>
<td>A118.6—19</td>
<td>American National Standard Specifications for Standard Cement Grouts for Tile Installation</td>
</tr>
<tr>
<td>A136.1—19—20</td>
<td>American National Standard Specifications for Organic Adhesives for the Installation of Ceramic Tile</td>
</tr>
<tr>
<td>A137.1—19—22</td>
<td>American National Standard Specifications for Ceramic Tile</td>
</tr>
<tr>
<td>A137.3—17—22</td>
<td>American National Standard Specifications for Gauged Porcelain Tiles and Gauged Porcelain Tile Panel/Slabs</td>
</tr>
<tr>
<td>CSA/ANSI NGV 5.1—2016:22</td>
<td>Residential Fueling Appliances</td>
</tr>
<tr>
<td>CSA/ANSI NGV 5.2—2017—22</td>
<td>Vehicle Fueling Appliances (VFA)</td>
</tr>
<tr>
<td>Standard Number</td>
<td>Description</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>CSA/ANSI Z21.88/CSA 2.33—19</td>
<td>Vented Gas Fireplace Heaters</td>
</tr>
<tr>
<td>LC 1/CSA 6.26—2016—19</td>
<td>Fuel Gas Piping Systems Using Corrugated Stainless Steel Tubing (CSST)</td>
</tr>
<tr>
<td>Z21.1/CSA 1.1—2016—2018</td>
<td>Household Cooking Gas Appliances</td>
</tr>
<tr>
<td>Z21.47/CSA 2.3—2016</td>
<td>Gas-fired Central Furnaces</td>
</tr>
<tr>
<td>Z21.56/CSA 4.7—2017</td>
<td>Gas-fired Pool Heaters</td>
</tr>
<tr>
<td>Z21.56a:19/CSA 4.7—2017—19</td>
<td>Gas Fired Pool Heaters</td>
</tr>
<tr>
<td>Z83.20—08—2016</td>
<td>Gas-fired Tubular Low-intensity Infrared Heaters Outdoor Decorative Appliances</td>
</tr>
<tr>
<td>Standard Reference Number</td>
<td>Title</td>
</tr>
<tr>
<td>---------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>ANSI/A190.1—2017 2022</td>
<td>Product Standard for Structural Glued-laminated Timber</td>
</tr>
<tr>
<td>ANSI/APA PRS 610.1—2018—2023</td>
<td>Standard for Performance-Rated Structural Insulated Panels in Wall Applications</td>
</tr>
<tr>
<td>APA PDS Supplement 1—12—23</td>
<td>Design and Fabrication of Plywood Curved Panels (revised 2013)</td>
</tr>
<tr>
<td>APA PDS Supplement 2—12—23</td>
<td>Design and Fabrication of Plywood-lumber Beams (revised 2013)</td>
</tr>
<tr>
<td>APA PDS Supplement 3—12—23</td>
<td>Design and Fabrication of Plywood Stressed-skin Panels (revised 2013)</td>
</tr>
<tr>
<td>APA PDS Supplement 4—12—23</td>
<td>Design and Fabrication of Plywood Sandwich Panels (revised 2013)</td>
</tr>
<tr>
<td>APA PDS Supplement 5—16—23</td>
<td>Design and Fabrication of All-plywood Beams (revised 2013)</td>
</tr>
<tr>
<td>APA T300—16—23</td>
<td>Glulam Connection Details</td>
</tr>
<tr>
<td>APA X450—18—23</td>
<td>Glulam in Residential Construction—Building—Construction Guide</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>API</th>
<th>American Petroleum Institute</th>
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</thead>
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<tr>
<td>Standard Reference Number</td>
<td>Title</td>
</tr>
</tbody>
</table>

2022 ICC PUBLIC COMMENT AGENDA 199
<table>
<thead>
<tr>
<th>Publication</th>
<th>Title</th>
<th>Editions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Std 653 Addendum 3</td>
<td>Tank Inspection, Repair, Alteration and Reconstruction</td>
<td>5th Edition (2018)-(2022)</td>
</tr>
<tr>
<td>ASABE</td>
<td>American Society of Agricultural and Biological Engineers</td>
<td></td>
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<tr>
<td><strong>Standard Reference Number</strong></td>
<td><strong>Title</strong></td>
<td><strong>Referenced in Code(s):</strong></td>
</tr>
<tr>
<td>EP 484.3 DEC2017 (R2022)</td>
<td>Diaphragm Design of Metal-clad, Wood-frame Rectangular Buildings</td>
<td>IBC</td>
</tr>
<tr>
<td>EP 486.3 SEP2017 (R2021)</td>
<td>Shallow-post and Pier Foundation Design</td>
<td>IBC</td>
</tr>
<tr>
<td>S640—JUL2017 (R2022)</td>
<td>Quantities and Units of Electromagnetic Radiation for Plants (Photosynthetic Organisms)</td>
<td>IECC®</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ASCE/SEI</th>
<th>American Society of Civil Engineers Structural Engineering Institute</th>
</tr>
</thead>
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<tr>
<td><strong>Standard Reference Number</strong></td>
<td><strong>Title</strong></td>
</tr>
<tr>
<td>19—16 22</td>
<td>Structural Applications of Steel Cables for Buildings</td>
</tr>
<tr>
<td>29—49 05</td>
<td>Standard Calculation Methods for Structural Fire Protection</td>
</tr>
<tr>
<td>49—42 21</td>
<td>Wind Tunnel Testing for Buildings and Other Structures</td>
</tr>
<tr>
<td>55—46 22</td>
<td>Tensile Membrane Structures</td>
</tr>
<tr>
<td>7—16 22</td>
<td>Minimum Design Loads and Associated Criteria for Buildings and Other Structures</td>
</tr>
<tr>
<td>8—20 21</td>
<td>Standard Specification for the Design of Cold-formed Stainless Steel Structural Members</td>
</tr>
<tr>
<td>ASCE/SEI 24—20—14</td>
<td>Flood Resistant Design and Construction</td>
</tr>
<tr>
<td>Standard Reference Number</td>
<td>Title</td>
</tr>
<tr>
<td>---------------------------</td>
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<tr>
<td>140—2014—2020</td>
<td><strong>Standard Method of Test for the Evaluation of Building Energy</strong></td>
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<tr>
<td></td>
<td><strong>Analysis Computer Programs Method of Test for Evaluating</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Building Performance Simulation Software</strong></td>
</tr>
<tr>
<td>146—2014—2020</td>
<td><strong>Testing Method of Test for Rating Pool Heaters</strong></td>
</tr>
<tr>
<td>15—2019—2022</td>
<td><strong>Safety Standard for Refrigeration Systems</strong></td>
</tr>
<tr>
<td></td>
<td><strong>IMC</strong></td>
</tr>
<tr>
<td>170—2017—2021</td>
<td><strong>Ventilation of Health Care Facilities</strong></td>
</tr>
<tr>
<td></td>
<td><strong>IMC</strong></td>
</tr>
<tr>
<td></td>
<td><strong>IMC</strong></td>
</tr>
<tr>
<td>34—2019—2022</td>
<td><strong>Designation and Safety Classification of Refrigerants</strong></td>
</tr>
<tr>
<td></td>
<td><strong>IMC</strong></td>
</tr>
<tr>
<td>55—2017—2020</td>
<td><strong>Thermal Environmental Conditions for Human Occupancy</strong></td>
</tr>
<tr>
<td>62.1—2019—2022</td>
<td><strong>Ventilation for Acceptable Air Quality</strong></td>
</tr>
<tr>
<td>62.1—2019—2022</td>
<td><strong>Ventilation for Acceptable Indoor Air Quality</strong></td>
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<tr>
<td></td>
<td><strong>IMC</strong></td>
</tr>
<tr>
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<tr>
<td>90.1—2016—2022</td>
<td><strong>Energy Standard for Buildings Except Low-rise Residential Buildings</strong></td>
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<td><strong>IMC</strong></td>
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<td>90.1—2019—2022</td>
<td><strong>Energy Standard for Buildings Except Low-rise Residential Buildings</strong></td>
</tr>
<tr>
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<td><strong>IECC®</strong></td>
</tr>
<tr>
<td>90.4—2016—2022</td>
<td><strong>Energy Standard for Data Centers</strong></td>
</tr>
<tr>
<td>ANSI/ASHRAE/ACCA Standard</td>
<td><strong>Peak Cooling and Heating Load Calculations in Buildings Except Low-rise Residential Buildings</strong></td>
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**ASME**

<table>
<thead>
<tr>
<th>Standard Reference Number</th>
<th>Title</th>
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<tbody>
<tr>
<td>Code</td>
<td>Title</td>
<td>Organization</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------------------------------------------------------</td>
<td>--------------</td>
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<tr>
<td>A112.1.3—2000 (R2020—2024)</td>
<td>Air Gap Fittings for Use with Plumbing Fixtures, Appliances and Appurtenances</td>
<td>IRC®</td>
</tr>
<tr>
<td>A112.1.3—2000—2024—2024</td>
<td>Air Gap Fittings for Use with Plumbing Fixtures, Appliances and Appurtenances</td>
<td>IPC</td>
</tr>
<tr>
<td>A112.14.1—2003 (R2022)</td>
<td>Backwater Valves</td>
<td>IPC</td>
</tr>
<tr>
<td>A112.14.3—2021—2023</td>
<td>Grease Interceptors</td>
<td>IPC</td>
</tr>
<tr>
<td>A112.14.6—2010 (R2020—2024)</td>
<td>FOG (Fats, Oils and Greases) Disposal Systems</td>
<td>IPC</td>
</tr>
<tr>
<td>A112.18.1—2009/CSA B125.1—2020—2023</td>
<td>Plumbing Supply Fittings</td>
<td>IPC</td>
</tr>
<tr>
<td>A112.18.2—2019/CSA B125.2—2019—2023</td>
<td>Plumbing Waste Fittings</td>
<td>IPC</td>
</tr>
<tr>
<td>A112.18.2—2019—2023/CSA B125.2—2019—2023</td>
<td>Plumbing Waste Fittings</td>
<td>IRC®</td>
</tr>
<tr>
<td>A112.18.3M—2002(R2020—2022)</td>
<td>Performance Requirements for Backflow Protection Devices and Systems in Plumbing Fixture Fittings</td>
<td>IRC®</td>
</tr>
<tr>
<td>A112.18.6—2021/CSA B125.6—21</td>
<td>Flexible Water Connectors</td>
<td>IPC</td>
</tr>
<tr>
<td>Code</td>
<td>Title</td>
<td>IPC</td>
</tr>
<tr>
<td>------</td>
<td>----------------------------------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>A112.19.15—2012 (R2022)</td>
<td>Bathtub/Whirlpool Bathtubs with Pressure Sealed Doors</td>
<td>IPC</td>
</tr>
<tr>
<td>A112.19.19 2016 (R2021)—2021</td>
<td>Vitreous China Nonwater Urinals</td>
<td>IPC</td>
</tr>
<tr>
<td>A112.19.1—2020-2022/CSA B45.2—20-2022</td>
<td>Enameled Cast Iron and Enameled Steel Plumbing Fixtures</td>
<td>IPC</td>
</tr>
<tr>
<td>A112.19.1—2020-2022/CSA B45.2—20-2022</td>
<td>Enameled Cast-iron and Enameled Steel Plumbing Fixtures</td>
<td>IRC®</td>
</tr>
<tr>
<td>A112.19.2—CSA B45.1—2020-2021</td>
<td>Ceramic Plumbing Fixtures</td>
<td>IPC</td>
</tr>
<tr>
<td>A112.19.2—2020-2021/CSA B45.1—2020-2021</td>
<td>Ceramic Plumbing Fixtures</td>
<td>IPC</td>
</tr>
<tr>
<td>A112.19.3—2021/CSA B45.4—08- (R2021)</td>
<td>Stainless Steel Plumbing Fixtures</td>
<td>IPC</td>
</tr>
<tr>
<td>A112.19.7-2012/CSA B45.10—2012 (R2021)—2023</td>
<td>Hydromassage Bathtub Systems</td>
<td>IRC®</td>
</tr>
<tr>
<td>A112.19.7—CSA B45.10—R-2012/2012 (R2021)—2012(R2023)</td>
<td>Hydromassage Bathtub Systems</td>
<td>IPC</td>
</tr>
<tr>
<td>A112.21.3—1985 (R2042)—2022</td>
<td>Hydrants for Utility and Maintenance Use</td>
<td>IPC</td>
</tr>
<tr>
<td>A112.3.4—2020-2022/CSA B45.9—20-2022</td>
<td>Macerating Toilet Systems and Related Components</td>
<td>IRC®</td>
</tr>
<tr>
<td>A112.36.2M—1991 (R2017) (R2022)</td>
<td>Cleanouts</td>
<td>IPC</td>
</tr>
<tr>
<td>A112.4.14—2004 (R2019)—2022</td>
<td>Manually Operated, Quarter-Turn Shutoff Valves for Use in Plumbing Systems</td>
<td>IPC</td>
</tr>
<tr>
<td>A112.4.1—2049—2024</td>
<td>Water Heater Relief Valve Drain Tubes</td>
<td>IRC®</td>
</tr>
<tr>
<td>Code</td>
<td>Title</td>
<td>IBC</td>
</tr>
<tr>
<td>--------------------</td>
<td>-----------------------------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>A112.4.2—2020/CSA B45.16—20—2021</td>
<td>Water Closet Personal Hygiene Devices</td>
<td></td>
</tr>
<tr>
<td>A112.4.3—1999 (R2020)—2024</td>
<td>Plastic Fittings for Connecting Water Closets to the Sanitary Drainage System</td>
<td></td>
</tr>
<tr>
<td>A112.4.4—2017—2022</td>
<td>Plastic Push-Fit Drain, Waste, and Vent (DWV) Fittings</td>
<td></td>
</tr>
<tr>
<td>A112.6.1M—1997 (R2017)—2022</td>
<td>Floor-Affixed Supports for Off-the-Floor Plumbing Fixtures for Public Use</td>
<td></td>
</tr>
<tr>
<td>A112.6.2—2012—2022</td>
<td>Framing-Affixed Supports for Off-the-Floor Water Closets with Concealed Tanks</td>
<td></td>
</tr>
<tr>
<td>A112.6.3—2010—2022</td>
<td>Floor and Trench Drains</td>
<td></td>
</tr>
<tr>
<td>A112.6.4—2009 (R2012) (R2020)</td>
<td>Roof, Deck, and Balcony Drains</td>
<td></td>
</tr>
<tr>
<td>A112.6.7—2010 (R2020) (R2024)</td>
<td>Sanitary Floor Sinks</td>
<td></td>
</tr>
<tr>
<td>A112.6.9—2005 (R2020) (R2024)</td>
<td>Siphonic Roof Drains</td>
<td></td>
</tr>
<tr>
<td>A17.3—2020—2023</td>
<td>Safety Code for Existing Elevators and Escalators</td>
<td></td>
</tr>
<tr>
<td>A18.1—2020—2023</td>
<td>Safety Standard for Platform Lifts and Stairway Chairlifts</td>
<td>IBC</td>
</tr>
<tr>
<td>Standard</td>
<td>Year Range</td>
<td>Description</td>
</tr>
<tr>
<td>----------</td>
<td>------------</td>
<td>-------------</td>
</tr>
<tr>
<td>ASSE 1016—2020-2021/ASME 112.1016—2020-2021</td>
<td>Performance Requirements for Automatic Compensating Valves for Individual Showers and Tub/Shower Combinations</td>
<td>IPC, IRC®</td>
</tr>
<tr>
<td>B1.13M—2006—2020</td>
<td>Metric Screw Threads: M Profile</td>
<td>IMC</td>
</tr>
<tr>
<td>B1.1—2003—2024</td>
<td>Unified Inch Screw Threads, UN and UNR Thread Form</td>
<td>IMC</td>
</tr>
<tr>
<td>B1.20.1—2019—2023</td>
<td>Pipe Threads, General Purpose (inch)</td>
<td>IFGC, IMC, IPC, IRC®</td>
</tr>
<tr>
<td>B1.20.3—1976—2023</td>
<td>Dryseal Pipe Threads, Inch</td>
<td>IMC</td>
</tr>
<tr>
<td>B16.12—2009 (R2019)—2024</td>
<td>Cast Iron Threaded Drainage Fittings</td>
<td>IPC, IRC®</td>
</tr>
<tr>
<td>B16.15—2014—2023</td>
<td>Cast Alloy Threaded Fittings: Classes 125 and 250</td>
<td>ISPSC</td>
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<td>B16.15—2014—2023</td>
<td>Cast Alloy Threaded Fittings: Classes 125 and 250</td>
<td>IMC, IPC, IRC®</td>
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<tr>
<td>B16.18—2018—2023</td>
<td>Cast Copper Alloy Solder Joint Pressure Fittings</td>
<td>IMC, IPC, IBC, IFC, IRC®</td>
</tr>
<tr>
<td>B16.22—2018—2023</td>
<td>Wrought-Copper and Copper-Alloy Solder Joint Pressure Fittings</td>
<td>IMC, IPC, IBC, IFC, IRC®</td>
</tr>
<tr>
<td>B16.26—2018—2023</td>
<td>Cast Copper Alloy Fittings for Flared Copper Tubes</td>
<td>IMC, IPC, IRC®</td>
</tr>
<tr>
<td>B16.29—2017—2022</td>
<td>Wrought Copper and Wrought Copper Alloy Solder Joint Drainage Fittings (DWV)</td>
<td>IPC, IRC®</td>
</tr>
<tr>
<td>B16.33—2012 (R2012)—2022</td>
<td>Manually Operated Metallic Gas Valves for Use in Gas Piping Systems up to 125 psig (Sizes 1/2 through 2)</td>
<td>IRC®</td>
</tr>
<tr>
<td>B16.33—2012(2017)—2022</td>
<td>Manually Operated Metallic Gas Valves for Use in Gas Piping Systems up to 125 psig (Sizes 1/2 through 2)</td>
<td>IFGC</td>
</tr>
<tr>
<td>B16.34—2020—2023</td>
<td>Valves—Flanged, Threaded and Welding End</td>
<td>IPC, IRC®</td>
</tr>
<tr>
<td>Standard Number</td>
<td>Description</td>
<td>IFGC</td>
</tr>
<tr>
<td>-----------------</td>
<td>-------------</td>
<td>------</td>
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<tr>
<td>B16.44—2012 (R2017)  2022</td>
<td>Manually Operated Metallic Gas Valves for Use in Above-ground Piping Systems up to 5 psi</td>
<td>IFGC</td>
</tr>
<tr>
<td>B16.47—2020—2023</td>
<td>Large Diameter Steel Flanges: NPS 26 through NPS 60 Metric/Inch Standard</td>
<td>IFGC</td>
</tr>
<tr>
<td>B16.5—2019—2024</td>
<td>Pipe Flanges and Flanged Fittings: NPS (\frac{1}{2}) through NFPS 24 Metric/Inch Standard</td>
<td>IFGC</td>
</tr>
<tr>
<td>B16.9—2018—2023</td>
<td>Factory-Made Wrought Steel Butt Welding Fittings</td>
<td>IMC</td>
</tr>
<tr>
<td>B20.1—2021—2024</td>
<td>Safety Standard for Conveyors and Related Equipment</td>
<td>IBC</td>
</tr>
<tr>
<td>B251/B251M—2017</td>
<td>Specification for General Requirements for Wrought Seamless Copper and Copper-alloy Tube</td>
<td>IPSDC</td>
</tr>
<tr>
<td>B31.12—2019—2024</td>
<td>Hydrogen Piping and Pipelines</td>
<td>IFGC</td>
</tr>
<tr>
<td>B31.1—2020—2022</td>
<td>Power Piping</td>
<td>IFC</td>
</tr>
<tr>
<td>B31.3—2020—2022</td>
<td>Process Piping</td>
<td>IFGC</td>
</tr>
<tr>
<td>B31.4—2018—2022</td>
<td>Pipeline Transportation Systems for Liquids and Slurries</td>
<td>IFC</td>
</tr>
<tr>
<td>B31.5—2018—2022</td>
<td>Refrigeration Piping and Heat Transfer Components</td>
<td>IMC</td>
</tr>
<tr>
<td>B31.9—2020—2023</td>
<td>Building Services Piping</td>
<td>IMC</td>
</tr>
<tr>
<td>B36.10M—2018—2023</td>
<td>Welded and Seamless Wrought-steel Pipe</td>
<td>IFGC</td>
</tr>
<tr>
<td>BPVC—2019—2023</td>
<td>ASME Boiler and Pressure Vessel Code (Sections I, II, IV, V &amp; VI, VIII)</td>
<td>IFGC</td>
</tr>
<tr>
<td>CSD-1—2021—2024</td>
<td>Controls and Safety Devices for Automatically Fired Boilers</td>
<td>IFGC</td>
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</tbody>
</table>

ASPE  
American Society of Plumbing Engineers

Standard Reference Number  
Title  
Referenced in Code(s):
### ASSE

<table>
<thead>
<tr>
<th>Standard Reference Number</th>
<th>Title</th>
<th>Referenced in Code(s):</th>
</tr>
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<tbody>
<tr>
<td>1003—2020</td>
<td>Performance Requirements for Water Pressure Reducing Valves for Domestic Water Distribution</td>
<td>IPC</td>
</tr>
<tr>
<td>1003—2020</td>
<td>Performance Requirements for Water-pressure-reducing Valves for Domestic Water Distribution Systems</td>
<td>IRC®</td>
</tr>
<tr>
<td>1008—2020</td>
<td>Performance Requirements for Plumbing Aspects of Food Waste Disposer Units</td>
<td>IPC</td>
</tr>
<tr>
<td>1008—2006—2020</td>
<td>Performance Requirements for Plumbing Aspects of Residential Food Waste Disposer Units</td>
<td>IRC®</td>
</tr>
<tr>
<td>1013—2021</td>
<td>Performance Requirements for Reduced Pressure Principle Backflow Prevention Assemblies Preventers and Reduced Pressure Principle Fire Protection Backflow Preventers</td>
<td>IRC®</td>
</tr>
<tr>
<td>1015—2017—2021</td>
<td>Performance Requirements for Double Check Backflow Prevention Assemblies and Double Check Fire Protection Backflow Prevention Assemblies</td>
<td>IPC, IRC®</td>
</tr>
<tr>
<td>1018—2001—2021</td>
<td>Performance Requirements for Trap Seal Primer Valves; Potable Water Supplied</td>
<td>IPC, IRC®</td>
</tr>
<tr>
<td>1019—2011 (R2016)</td>
<td>Performance Requirements for Vacuum Breaker Wall Hydrants, Freeze Resistant, Automatic Draining Types—Performance Requirements for Freeze-resistant Wall Hydrants, Vacuum Breaker, Draining Types</td>
<td>IPC, IRC®</td>
</tr>
<tr>
<td>Standard</td>
<td>Description</td>
<td>Code</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-------</td>
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<tr>
<td>1020—04 2020</td>
<td>Performance Requirements for Pressure Vacuum Breaker Assembly</td>
<td>IPC</td>
</tr>
<tr>
<td>1020—2004 2020</td>
<td>Performance Requirements for Pressure Vacuum Breaker Assembly</td>
<td>IRC®</td>
</tr>
<tr>
<td>1022—2017 2021</td>
<td>Performance Requirements for Backflow Preventer for Beverage Dispensing Equipment</td>
<td>IPC</td>
</tr>
<tr>
<td>1023—1979 2020</td>
<td>Performance Requirements for Electrically Heated or Cooled Hot Water Dispensers, Household-storage-type—Electrical</td>
<td>IRC®</td>
</tr>
<tr>
<td>1024—2017 2021</td>
<td>Performance Requirements for Dual Check Valve Type Backflow Preventers, Anti-siphon-type, Residential Applications</td>
<td>IPC</td>
</tr>
<tr>
<td>1024—2017 2021</td>
<td>Performance Requirements for Dual Check Valve Type Backflow Preventers, Anti-siphon-type, Residential Applications</td>
<td>IRC®</td>
</tr>
<tr>
<td>1035—08 2020</td>
<td>Performance Requirements for Laboratory Faucet Backflow Preventers</td>
<td>IPC</td>
</tr>
<tr>
<td>1035—08 2020</td>
<td>Performance Requirements for Laboratory Faucet Backflow Preventers</td>
<td>IRC®</td>
</tr>
<tr>
<td>1044—2016 2020</td>
<td>Performance Requirements for Trap Seal Primer Devices—Drainage Types and Electronic Design Types</td>
<td>IPC</td>
</tr>
<tr>
<td>1044—2016 2020</td>
<td>Performance Requirements for Trap Seal Primer Devices—Drainage Types and Electronic Design Types</td>
<td>IRC®</td>
</tr>
<tr>
<td>1047—2014 2021</td>
<td>Performance Requirements for Reduced Pressure Detector Fire Protection Backflow Prevention Assemblies</td>
<td>IPC</td>
</tr>
<tr>
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<td>Performance Requirements for Reduced Pressure Detector Fire Protection Backflow Prevention Assemblies</td>
<td>IRC®</td>
</tr>
<tr>
<td>1048—2014 2021</td>
<td>Performance Requirements for Double Check Detector Fire Protection Backflow Prevention Assemblies</td>
<td>IPC</td>
</tr>
<tr>
<td>1048—2014 2021</td>
<td>Performance Requirements for Double Check Detector Fire Protection Backflow Prevention Assemblies</td>
<td>IRC®</td>
</tr>
<tr>
<td>1049—2009 2021</td>
<td>Performance Requirements for Individual and Branch Type Air Admittance Valves for Chemical Waste Systems</td>
<td>IPC</td>
</tr>
<tr>
<td>1050—2009 2021</td>
<td>Performance Requirements for Stack Air Admittance Valves for Sanitary Drainage Systems</td>
<td>IPC</td>
</tr>
<tr>
<td>1050—2009 2021</td>
<td>Performance Requirements for Stack Air Admittance Valves for Sanitary Drainage Systems</td>
<td>IRC®</td>
</tr>
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<td>Title</td>
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<tr>
<td>1051—2009—2021</td>
<td>Performance Requirements for Individual and Branch Type Air Admittance Valves for Sanitary Drainage Systems fixture and Branch Devices</td>
<td>IPC</td>
</tr>
<tr>
<td>1056—2013—2021</td>
<td>Performance Requirements for Spill-Resistant Vacuum Breaker</td>
<td>IPC</td>
</tr>
<tr>
<td>1060—2016—2020</td>
<td>Performance Requirements for Outdoor Enclosures for Fluid-conveying Components</td>
<td>IRC®</td>
</tr>
<tr>
<td>1060—2017—2020</td>
<td>Performance Requirements for Outdoor Enclosures for Fluid Conveying Components</td>
<td>IPC</td>
</tr>
<tr>
<td>1061—2015—2020</td>
<td>Performance Requirements for Push Fit Fittings</td>
<td>IMC</td>
</tr>
<tr>
<td>1062—2017—2021</td>
<td>Performance Requirements for Temperature Actuated, Flow Reduction (TAFR) Valves to Individual Supply Fittings</td>
<td>IPC</td>
</tr>
<tr>
<td>1064—2006 (R2011)—2020</td>
<td>Performance Requirements for Backflow Prevention Assembly Field Test Kits</td>
<td>IPC</td>
</tr>
<tr>
<td>1069—05—2020</td>
<td>Performance Requirements for Automatic Temperature Control Mixing Valves</td>
<td>IPC</td>
</tr>
<tr>
<td>1071—2012—2021</td>
<td>Performance Requirements for Temperature Actuated Mixing Valves for Plumbed Emergency Equipment</td>
<td>IPC</td>
</tr>
<tr>
<td>1072—07—2020</td>
<td>Performance Requirements for Barrier Type Floor Drain Tap Seal Protection Devices</td>
<td>IPC</td>
</tr>
<tr>
<td>1072—2007—2020</td>
<td>Performance Requirements for Barrier-type Trap Seal Protection for Floor Drain Trap Seal Protection Devices</td>
<td>IRC®</td>
</tr>
<tr>
<td>1079—2005—2021</td>
<td>Performance Requirements for Dielectric Pipe Unions</td>
<td>IMC</td>
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<td>Standard Reference Number</td>
<td>Title</td>
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<td>ANSI/ASSP Z359.1—2020</td>
<td>The Fall Protection Code</td>
<td>IFGC</td>
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<td>IBC</td>
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<tr>
<td>A105/A105M—18—21</td>
<td>Standard Specification for Carbon Steel Forgings for Piping Applications</td>
<td>IMC</td>
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<tr>
<td>Standard Specification for Carbon Steel Forgings, for General-purpose Piping</td>
<td>IMC</td>
<td></td>
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<tr>
<td>Standard Specification for Forged or Rolled Alloy and Stainless Steel Pipe Flanges, Forged Fittings, and Valves and Parts for High-temperature Service</td>
<td>ISPSC</td>
<td></td>
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<tr>
<td>Standard Specification for Alloy-steel and Stainless Steel Bolting for High Temperature or High Pressure Service and Other Special Purpose Applications</td>
<td>IMC</td>
<td></td>
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<tr>
<td>Standard Specification for Piping Fittings of Wrought Carbon Steel and Alloy Steel for Moderate and High Temperature Service</td>
<td>IMC</td>
<td></td>
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<tr>
<td>Standard Specification for Chromium and Chromium-nickel Stainless Steel Plate, Sheet, and Strip for Pressure Vessels and for General Applications</td>
<td>IMC, IBC, ISPSC, IRC®</td>
<td></td>
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<tr>
<td>Specification for Welded and Seamless Steel Pipe Piles</td>
<td>IBC</td>
<td></td>
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<tr>
<td>Specification for Copper Brazed Steel Tubing</td>
<td>IFGC, IMC, IRC®</td>
<td></td>
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<tr>
<td>Standard Specification for Seamless and Welded Ferritic and Martensitic Stainless Steel Tubing for General Service</td>
<td>IRC®</td>
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<td></td>
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<td>Standard Specification for Seamless and Welded Austenitic Stainless Steel Tubing for General Service</td>
<td>IFGC, IMC, IPC, IRC®</td>
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<tr>
<td>Specification for Carbon Steel Bolts and Studs, and Threaded Rod 60,000 psi PSI Tensile Strength</td>
<td>IRC®</td>
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<td>Year(s)</td>
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<tr>
<td>A312/A312M— 2018—21</td>
<td>Specification for Seamless, Welded, and Heavily Cold Worked Austenitic Stainless Steel Pipes</td>
<td>IPC</td>
</tr>
<tr>
<td>A312/A312M—2018—21</td>
<td>Standard Specification for Seamless, Welded and Heavily Cold Worked Austenitic Stainless Steel Pipes</td>
<td>IFGC</td>
</tr>
<tr>
<td>A312/A312M—17—21</td>
<td>Standard Specification for Seamless, Welded, and Heavily Cold Worked Austenitic Stainless Steel Pipes</td>
<td>IMC</td>
</tr>
<tr>
<td>A312/A312M—2018—21</td>
<td>Specification for Seamless, Welded and Heavily Cold Worked Austenitic Stainless Steel Pipes</td>
<td>IRC®</td>
</tr>
<tr>
<td>A36/A36M—14—19</td>
<td>Specification for Carbon Structural Steel</td>
<td>IBC</td>
</tr>
<tr>
<td>A416/A416M—2016—2018</td>
<td>Standard Specification for Low-Relaxation, Uncoated Seven-Wire Steel Strand for Prestressed Concrete</td>
<td>IBC</td>
</tr>
<tr>
<td>A420/A420M—2020—20</td>
<td>Specification for Piping Fittings of Wrought Carbon Steel and Alloy Steel for Low-temperature Service</td>
<td>IMC</td>
</tr>
<tr>
<td>A53/A53M—2018—2020</td>
<td>Specification for Pipe, Steel, Black and Hot-dipped, Zinc-coated Welded and Seamless</td>
<td>IPC</td>
</tr>
<tr>
<td>Specification Reference</td>
<td>Description</td>
<td>IFGC</td>
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<tr>
<td>-------------------------</td>
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<td>A53/A53M—2018—2020</td>
<td>Specification for Pipe, Steel, Black and Hot Dipped Zinc-coated Welded and Seamless</td>
<td></td>
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<tr>
<td>A563/A563M—15—21a</td>
<td>Standard Specification for Carbon and Alloy Steel Nuts</td>
<td></td>
</tr>
<tr>
<td>A572/A572M—2018—21e1</td>
<td>Specification for High-strength Low-alloy Columbium-Vanadium Structural Steel</td>
<td></td>
</tr>
<tr>
<td>A588/A588M—15—19</td>
<td>Standard Specification for High-strength Low-alloy Structural Steel with up to 50 ksi (345 MPa) Minimum Yield Point with Atmospheric Corrosion Resistance</td>
<td></td>
</tr>
<tr>
<td>A615/A615M—15e1—20</td>
<td>Standard Specification for Deformed and Plain Carbon-s Steel Bars for Concrete Reinforcement</td>
<td></td>
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<tr>
<td>A615/A615M—2016aE1—20</td>
<td>Standard Specification for Deformed and Plain Carbon-s Steel Bars for Concrete Reinforcement</td>
<td></td>
</tr>
<tr>
<td>A641/A641M—99a(2014)—19</td>
<td>Specification for Zinc-coated (Galvanized) Carbon Steel Wire</td>
<td></td>
</tr>
<tr>
<td>A653/A653M—2017—2020</td>
<td>Specification for Steel Sheet, Zinc-coated (Galvanized) or Zinc-iron Alloy-coated (Galvannealed) by the Hot-dip Process</td>
<td></td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>IBC</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------------------------------------------------------------</td>
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<tr>
<td>A706/A706M-2016</td>
<td><strong>Standard Specification for Deformed and Plain Low-a-Alloy Steel Bars for Concrete Reinforcement</strong></td>
<td></td>
</tr>
<tr>
<td>A74—17-2021</td>
<td><strong>Specification for Cast-iron Soil Pipe and Fittings</strong></td>
<td>IPC</td>
</tr>
<tr>
<td>A74—2017</td>
<td><strong>Specification for Cast-iron Soil Pipe and Fittings</strong></td>
<td>IRC®</td>
</tr>
<tr>
<td>A755/A755M-2016E1-18</td>
<td><strong>Specification for Steel Sheet, Metallic-coated by the Hot-dip Process and Pre-painted by the Coating Process for Exterior Exposed Building Products</strong></td>
<td>IBC</td>
</tr>
<tr>
<td>A755M/A755M-2016E1-18</td>
<td><strong>Specification for Steel Sheet, Metallic Coated by the Hot-dip Process and Pre-painted by the Coating Process for Exterior Exposed Building Products</strong></td>
<td>IRC®</td>
</tr>
<tr>
<td>A778/A778M-16(2021)</td>
<td><strong>Specification for Welded Unannealed Austenitic Stainless Steel Tubular Products</strong></td>
<td>IPC</td>
</tr>
<tr>
<td>A778M/A778M—2016 (2021)</td>
<td><strong>Specification for Welded Unannealed Austenitic Stainless Steel Tubular Products</strong></td>
<td>IRC®</td>
</tr>
<tr>
<td>A792/A792M-10(2015)—21a</td>
<td><strong>Specification for Steel Sheet, 55% Aluminum-zinc Alloy-coated by the Hot-dip Process</strong></td>
<td>IBC</td>
</tr>
<tr>
<td>A875/A875M—13—21</td>
<td><strong>Standard Specification for Steel Sheet, Zinc-5%, Aluminum Alloy-coated by the Hot-dip Process</strong></td>
<td>IBC</td>
</tr>
<tr>
<td>A888—20+6-21a</td>
<td><strong>Specification for Hubless Cast-iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Application</strong></td>
<td>IPC</td>
</tr>
<tr>
<td>A924/A924M—2047A-20</td>
<td><strong>Standard Specification for General Requirements for Steel Sheet, Metallic-coated by the Hot-dip Process</strong></td>
<td>IBC</td>
</tr>
<tr>
<td>A924M—2047A-20</td>
<td><strong>Standard Specification for General Requirements for Steel Sheet, Metallic-coated by the Hot-dip Process</strong></td>
<td>IRC®</td>
</tr>
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<td>Code</td>
<td>Description</td>
<td>IMC</td>
</tr>
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<td>------------------------------------------------------------------------------</td>
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<tr>
<td>B152/B152M—13—19</td>
<td>Standard Specification for Copper Sheet, Strip, Plate, and Rolled Bar</td>
<td></td>
</tr>
<tr>
<td>B209—14—21</td>
<td>Specification for Aluminum and Aluminum Alloy Steel and Plate</td>
<td></td>
</tr>
<tr>
<td>B210/B210M—19a</td>
<td>Standard Specification for Aluminum and Aluminum-alloy Drawn Seamless Tubes</td>
<td></td>
</tr>
<tr>
<td>B280—18—20</td>
<td>Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service</td>
<td></td>
</tr>
<tr>
<td>B306—18—20</td>
<td>Specification for Copper Drainage Tube (DWV)</td>
<td></td>
</tr>
<tr>
<td>B32—08(2014)—20</td>
<td>Specification for Solder Metal</td>
<td></td>
</tr>
<tr>
<td>B42—15—20</td>
<td>Specification for Seamless Copper Pipe, Standard Sizes</td>
<td></td>
</tr>
<tr>
<td>B447—12a(2021)</td>
<td>Specification for Welded Copper Tube</td>
<td></td>
</tr>
<tr>
<td>B68/B68M—14—19</td>
<td>Standard Specification for Seamless Copper Tube, Bright Annealed (Metric)</td>
<td></td>
</tr>
<tr>
<td>B75/B75M—14—20</td>
<td>Specification for Seamless Copper Tube</td>
<td></td>
</tr>
<tr>
<td>B819—2018—19</td>
<td>Standard Specification for Seamless Copper Tube for Medical Gas Systems</td>
<td></td>
</tr>
<tr>
<td>B88—2016—20</td>
<td>Specification for Seamless Copper Water Tube</td>
<td></td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>IBC</td>
</tr>
<tr>
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<td>C1002—2018-20</td>
<td>Specification for Steel Self-piercing Tapping Screws for the Application of Gypsum Panel Products or Metal Plaster Bases to Wood Studs or Steel Studs</td>
<td>IBC</td>
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<td>C1007—14a(2015)-20</td>
<td>Specification for Installation of Load Bearing (Transverse and Axial) Steel Studs and Related Accessories</td>
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<tr>
<td>C1029—15-20</td>
<td>Specification for Spray-applied Rigid Cellular Polyurethane Thermal Insulation</td>
<td>IBC</td>
</tr>
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<td>C1047—14a-19</td>
<td>Specification for Accessories for Gypsum Wallboard and Gypsum Veneer Base</td>
<td>IRC®</td>
</tr>
<tr>
<td>C1088—2018-20</td>
<td>Specification for Thin Veneer Brick Units Made from Clay or Shale</td>
<td>IBC</td>
</tr>
<tr>
<td>C1280—13a-18</td>
<td>Specification for Application of Exterior Gypsum Panel Products for Use as Sheathing</td>
<td>IBC</td>
</tr>
<tr>
<td>C1283—2015(2021)</td>
<td>Practice for Installing Clay Flue Lining</td>
<td>IBC</td>
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<td>Standard Code</td>
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<td>C1328/C1328M—12-19</td>
<td>Specification for Plastic (Stucco Cement)</td>
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<td>C140/C140M—2018—21</td>
<td>Test Method Sampling and Testing Concrete Masonry Units and Related Units</td>
<td>IBC</td>
</tr>
<tr>
<td>C1405—2016</td>
<td>Standard Specification for Glazed Brick (Single Fired, Brick Units)</td>
<td>IRC®</td>
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<td>C143/C143M—15A—20</td>
<td>Test Method for Slump of Hydraulic Cement Concrete</td>
<td>IRC®</td>
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<td>Description</td>
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<td>C1460—2017 21</td>
<td>Specification for Shielded Transition Couplings for Use with Dissimilar DWV Pipe and Fittings Above Ground</td>
<td></td>
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<tr>
<td>C1460—2017 21</td>
<td>Specification for Shielded Transition Couplings for Use with Dissimilar DWV Pipe and Fittings Above Ground</td>
<td></td>
</tr>
<tr>
<td>C14—15a—20</td>
<td>Specification for Nonreinforced Concrete Sewer, Storm Drain and Culvert Pipe</td>
<td>IPC</td>
</tr>
<tr>
<td>C150/C150M—2018 21</td>
<td>Specification for Portland Cement</td>
<td>IBC</td>
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<td>C1540—2017 20</td>
<td>Specification for Heavy Duty Shielded Couplings Joining Hubless Cast-iron Soil Pipe and Fittings</td>
<td>IPC</td>
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<tr>
<td>C1600/C1600M—2017 19</td>
<td>Standard Specification for Rapid Hardening Hydraulic Cement</td>
<td>IBC</td>
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<tr>
<td>C1629/C1629M—2018A 19</td>
<td>Standard Classification for Abuse-resistant Nondecorated Interior Gypsum Panel Products and Fiber-reinforced Cement Panels</td>
<td>IBC</td>
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<tr>
<td>C1634—2017 20</td>
<td>Standard Specification for Concrete Facing Brick and Other Concrete Masonry Facing Units</td>
<td>IRC®</td>
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<td>C1658/C1658M—2018  19e1</td>
<td>Standard Specification for Glass Mat Gypsum Panels</td>
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<td>C1670/C1670M—2018—201a</td>
<td>Standard Specification for Adhered Manufactured Stone Masonry Veneer Units</td>
<td>IRC®</td>
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<td>C216—2017A—21</td>
<td>Specification for Facing Brick (Solid Masonry Units Made from Clay or Shale)</td>
<td>IBC</td>
</tr>
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<td>C22/C22M—00(2015)—(2021)</td>
<td>Specification for Gypsum</td>
<td>IBC</td>
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<td>C270—14A_19ae1</td>
<td>Specification for Mortar for Unit Masonry</td>
<td>IRC®</td>
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<tr>
<td>C31/C31M—2018B—21a</td>
<td>Practice for Making and Curing Concrete Test Specimens in the Field</td>
<td>IBC</td>
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<tr>
<td>C34—2017</td>
<td>Standard Specification for Structural Clay Load-bearing Loadbearing Wall Tile</td>
<td>IRC®</td>
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<tr>
<td>C475M—2017</td>
<td>Specification for Joint Compound and Joint Tape for Finishing Gypsum Wallboard</td>
<td>IRC®</td>
</tr>
<tr>
<td>C476—2018—2020</td>
<td>Specification for Grout for Masonry</td>
<td>IRC®</td>
</tr>
<tr>
<td>Code</td>
<td>Title</td>
<td>Year</td>
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<td>C547—2017- 19</td>
<td>Specification for Mineral Fiber Pipe Insulation</td>
<td>IBC</td>
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<tr>
<td>C549—06(2012)- 18</td>
<td>Specification for Perlite Loose Fill Insulation</td>
<td>IBC</td>
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<td>C552—2017E4- 21a</td>
<td>Standard Specification for Cellular Glass Thermal Insulation</td>
<td>IBC</td>
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<td>C564—14- 20a</td>
<td>Specification for Rubber Gaskets for Cast-iron Soil Pipe and Fittings</td>
<td>IPC</td>
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<tr>
<td>C59/C59M—00(2015)—(2020)</td>
<td>Specification for Gypsum Casting Plaster and Molding Plaster</td>
<td>IBC</td>
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<td>C595/C595M—2018—21</td>
<td>Specification for Blended Hydraulic Cements</td>
<td>IBC</td>
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<tr>
<td>C636/C636M—13—19</td>
<td>Practice for Installation of Metal Ceiling Suspension Systems for Acoustical Tile and Lay-in Panels</td>
<td>IBC</td>
</tr>
<tr>
<td>C652—2017A—21</td>
<td>Specification for Hollow Brick (Hollow Masonry Units Made from Clay or Shale)</td>
<td>IBC</td>
</tr>
<tr>
<td>C67/C67M—2018—21</td>
<td>Test Methods of Sampling and Testing Brick and Structural Clay Tile</td>
<td>IBC</td>
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<td>Year</td>
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<td>C754—2018</td>
<td>Specification for Installation of Steel Framing Members to Receive Screw-attached Gypsum Panel Products</td>
<td>20</td>
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<td>C76—2018</td>
<td>Specification for Reinforced Concrete Culvert, Storm Drain and Sewer Pipe</td>
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<td>C840—2018</td>
<td>Specification for Application and Finishing of Gypsum Board</td>
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<td>C842—2018</td>
<td>Specification for Application of Interior Gypsum Plaster</td>
<td>20</td>
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<td>C844—2015</td>
<td>Specification for Application of Gypsum Base to Receive Gypsum Veneer Plaster</td>
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<tr>
<td>C847—2018</td>
<td>Specification for Metal Lath</td>
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<tr>
<td>C887—2018</td>
<td>Specification for Packaged, Dry Combined Materials for Surface Bonding Mortar</td>
<td>20</td>
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<td>C897—2020</td>
<td>Specification for Aggregate for Job-mixed Portland Cement-based Plaster</td>
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<td>C926—2018</td>
<td>Specification for Application of Portland Cement-based Plaster</td>
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<td>C94/C94M—2019</td>
<td>Specification for Ready-mixed Concrete</td>
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<td>Specification for Ready-mixed Concrete</td>
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<td>C956—2019</td>
<td>Specification for Installation of Cast-in-place Reinforced Gypsum Concrete</td>
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<td>D1003—13</td>
<td>Standard Test Method for Haze and Luminous Transmittance of Transparent Plastics</td>
<td>IECC®</td>
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<td>D1227—13</td>
<td>Specification for Emulsified Asphalt Used as a Protective Coating for Roofing</td>
<td>IBC</td>
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<tr>
<td>D1557—12</td>
<td>Test Methods for Laboratory Compaction Characteristics of Soil Using Modified Effort [56,000 ft-lb/ft³ (2,700 kN m/m³)]</td>
<td>IBC</td>
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<tr>
<td>D1593—13</td>
<td>Standard Specification for Nonrigid Vinyl Chloride Plastic Film and Sheeting</td>
<td>ISPSC</td>
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<td>D1693—15</td>
<td>Test Method for Environmental Stress-cracking of Ethylene Plastics</td>
<td>IMC</td>
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<td>D1785—2015E1—21a</td>
<td>Specification for Poly (Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80 and 120</td>
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<td>D1785—15E1</td>
<td>Specification for Poly (Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80 and 120</td>
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<td>D1929—16</td>
<td>Standard Test Method for Determining Ignition Temperature of Plastics</td>
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<td>D2239—12A—21</td>
<td>Specification for Polyethylene (PE) Plastic Pipe (SIDR-PR) Based on Controlled Inside Diameter</td>
<td>IRC®</td>
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<tr>
<td>D2241—16—20</td>
<td>Specification for Poly (Vinyl Chloride) (PVC) Pressure-rated Pipe (SDR-Series)</td>
<td>IMC, IPC, ISPSC, IRC®</td>
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<td>D2466—2017—21</td>
<td>Specification for Poly (Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 80</td>
<td>IMC, ISPSC, IRC®</td>
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<td>D2467—15—20</td>
<td>Specification for Poly (Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 80</td>
<td>IMC, IPC, ISPSC, IRC®</td>
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<tr>
<td>D2487—2017—17e1</td>
<td>Practice for Classification of Soils for Engineering Purposes (Unified Soil Classification System)</td>
<td>IBC</td>
</tr>
<tr>
<td>D2513—2018A—20</td>
<td>Specification for Polyethylene (PE) Gas Pressure Pipe, Tubing and Fittings</td>
<td>IFGC, IRC®</td>
</tr>
<tr>
<td>D2609—15—21</td>
<td>Specification for Plastic Insert Fittings for Polyethylene (PE) Plastic Pipe</td>
<td>IPC, IRC®</td>
</tr>
<tr>
<td>Code</td>
<td>Title</td>
<td>Organization(s)</td>
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<td>D2672—2014</td>
<td>Specification for Joints for IPS PVC Pipe Using Solvent Cement</td>
<td>IPC, ISPSC, IRC®</td>
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<tr>
<td>D2680—2014</td>
<td>Standard Specification for Acrylonitrile-Butadiene-Styrene (ABS) and Poly(Vinyl Chloride) (PVC) Composite Sewer Piping</td>
<td>IPC, IRC®</td>
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<tr>
<td>D2683—2014</td>
<td>Specification for Socket-type Polyethylene Fittings for Outside Diameter-controlled Polyethylene Pipe and Tubing</td>
<td>IMC, IPC, IRC®</td>
</tr>
<tr>
<td>D2822/D2822M—2015</td>
<td>Specification for Asphalt Roof Cement, Asbestos Containing</td>
<td>IBC, IRC®</td>
</tr>
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<td>D2843—2016</td>
<td>Standard Test Method for Density of Smoke from the Burning or Decomposition of Plastics</td>
<td>IBC</td>
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<td>Code</td>
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<td>D3035—15—21</td>
<td>Specification for Polyethylene (PE) Plastic Pipe (DR-PR) Based on Controlled Outside Diameter</td>
<td>IMC, IPC, IRC®</td>
</tr>
<tr>
<td>D312/D312M—2016M—a</td>
<td>Specification for Asphalt Used in Roofing</td>
<td>IBC, IRC®</td>
</tr>
<tr>
<td>D3138—04(2011)</td>
<td>Standard Specification for Solvent Cements for Transition Joints Between Acrylonitrile-Butadiene-Styrene (ABS) and Poly (Vinyl Chloride) (PVC) Non-Pressure Piping Components</td>
<td>IRC®</td>
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<td>D3139—98(2011)—19</td>
<td>Specification for Joints for Plastic Pressure Pipes Using Flexible Elastomeric Seals</td>
<td>IPC</td>
</tr>
<tr>
<td>D3161/D3161M—2016A—20</td>
<td>Test Method for Wind Resistance of Steep Slope Roofing Products (Fan Induced Method)</td>
<td>IBC, IRC®</td>
</tr>
<tr>
<td>D323—15A—20a</td>
<td>Test Method for Vapor Pressure of Petroleum Products (Reid Method)</td>
<td>IFC</td>
</tr>
<tr>
<td>D3278—96(2011)—21</td>
<td>Test Methods for Flash Point of Liquids by Small Scale Closed-cup Apparatus</td>
<td>IMC, IBC, IFC</td>
</tr>
<tr>
<td>D3350—14—21</td>
<td>Specification for Polyethylene Plastic Pipe and Fitting Materials</td>
<td>IRC®</td>
</tr>
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<td>Standard Number</td>
<td>Title</td>
<td>Cross-Reference</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------------------------------------------------------------------</td>
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<tr>
<td>D3462/D3462M—2016</td>
<td>Specification for Asphalt Shingles Made from Glass Felt and Surfaced with Mineral Granules</td>
<td>IBC</td>
</tr>
<tr>
<td>D3462/D3462M—19A—19</td>
<td>Specification for Asphalt Shingles Made from Glass Felt and Surfaced with Mineral Granules</td>
<td>IRC®</td>
</tr>
<tr>
<td>D3498—03(2011) 19</td>
<td>Standard Specification for Adhesives for Field-Gluing Plywood to Lumber Framing for Floor Systems - Standard Specification for Adhesives for Field-Gluing Wood Structural Panels (Plywood or Oriented Strand Board) to Wood Based Floor System Framing</td>
<td>IBC</td>
</tr>
<tr>
<td>D3679—2017 21</td>
<td>Specification for Rigid Poly (Vinyl Chloride) (PVC) Siding</td>
<td>IBC</td>
</tr>
<tr>
<td>D4434/D4434M—2015 21</td>
<td>Specification for Poly (Vinyl Chloride) Sheet Roofing</td>
<td>IBC</td>
</tr>
<tr>
<td>D4829—14—21</td>
<td>Test Method for Expansion Index of Soils</td>
<td>IBC</td>
</tr>
<tr>
<td>Test Method/Specification</td>
<td>Description</td>
<td>Year</td>
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<tr>
<td>---------------------------</td>
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<td>------</td>
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<td>D4990—97a(2013)</td>
<td>Specification for Coal Tar Glass Felt Used in Roofing and Waterproofing</td>
<td>IBC</td>
</tr>
<tr>
<td>D5055—2016—2019e1</td>
<td>Specification for Establishing and Monitoring Structural Capacities of Prefabricated Wood I-joists</td>
<td>IBC, IRC®</td>
</tr>
<tr>
<td>D5456—2018—21e1</td>
<td>Specification for Evaluation of Structural Composite Lumber Products</td>
<td>IBC, IRC®</td>
</tr>
<tr>
<td>D56—2016A</td>
<td>Test Method for Flash Point by Tag Closed Cup Tester</td>
<td>IMC, IBC</td>
</tr>
<tr>
<td>D56—16e—21</td>
<td>Test Method for Flash Point by Tag Closed Cup Tester</td>
<td>IFC</td>
</tr>
<tr>
<td>D5726—98(2013)—(2020)</td>
<td>Specification for Thermoplastic Fabrics Used in Hot-applied Roofing and Waterproofing</td>
<td>IBC, IRC®</td>
</tr>
<tr>
<td>D6305—08(2016)64—21</td>
<td>Practice for Calculating Bending Strength Design Adjustment Factors for Fire-retardant-treated Plywood Roof Sheathing</td>
<td>IRC®</td>
</tr>
<tr>
<td>D635—14—18</td>
<td>Test Method for Rate of Burning and/or Extent and Time of Burning of Plastics in a Horizontal Position</td>
<td>IBC</td>
</tr>
<tr>
<td>Code</td>
<td>Title</td>
<td>Organizational Code(s)</td>
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<tr>
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<td>D7254—2017</td>
<td>Standard Specification for Polypropylene (PP) Siding</td>
<td>IBC</td>
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<tr>
<td>D7672—14E+ _19</td>
<td>Standard Specification for Evaluating Structural Capacities of Rim Board Products and Assemblies</td>
<td>IBC</td>
</tr>
<tr>
<td>D86—2017 _20b</td>
<td>Test Method for Distillation of Petroleum Products and Liquid Fuels at Atmospheric Pressure</td>
<td>IBC</td>
</tr>
<tr>
<td>D93—18 _20</td>
<td>Test Method for Flash Point by Pensky-Martens Closed Up Tester</td>
<td>IMC</td>
</tr>
<tr>
<td>D93—2018 _20</td>
<td>Test Methods for Flash Point by Pensky-Martens Closed Cup Tester</td>
<td>IMC</td>
</tr>
<tr>
<td>E136—16A _19a</td>
<td>Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C</td>
<td>IEBC</td>
</tr>
<tr>
<td>E1677—41—19</td>
<td>Specification for Air Barrier (AB) Material or Systems for Low-rise Framed Building Walls</td>
<td>IECC®</td>
</tr>
<tr>
<td>E1886—2043A—19</td>
<td>Standard Test Method for Performance of Exterior Windows, Curtain Walls, Doors and Impact Protective Systems Impacted by Missile(s) and Exposed to Cyclic Pressure Differentials</td>
<td>IBC</td>
</tr>
<tr>
<td>E2174—2048 20a</td>
<td>Standard Practice for On-site Inspection of Installed Fire Stops</td>
<td>IBC</td>
</tr>
<tr>
<td>E2178—2043 21a</td>
<td>Standard Test Method for Determining Air Leakage Rate and Calculation of Air Permanence of Building Materials</td>
<td>IECC®</td>
</tr>
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<td>E2231—2018 21a</td>
<td>Standard Practice for Specimen Preparation and Mounting of Pipe and Duct Insulation Materials to Assess Surface Burning Characteristics</td>
<td>IMC</td>
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<td>Standard Test Method/Standard Practice</td>
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<td>Year(s)</td>
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<td>E2336-16</td>
<td>Standard Test Methods for Fire Resistant Grease Duct Enclosure Systems</td>
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<td>E2573-17</td>
<td>Standard Practice for Specimen Preparation and Mounting of Site-fabricated Stretch Systems to Assess Surface Burning Characteristics</td>
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<tr>
<td>E2579-16</td>
<td>Standard Practice for Specimen Preparation and Mounting of Wood Products to Assess Surface Burning Characteristics</td>
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<td>IBC</td>
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<td>E3082-17_20</td>
<td>Standard Test Methods for Determining the Effectiveness of Fire-retardant Treatments for Natural Christmas Trees</td>
<td>IFC</td>
</tr>
<tr>
<td>E605/E605M-93(2015)e1</td>
<td>Test Method for Thickness and Density of Sprayed Fire-resistive Material (SFRM) Applied to Structural Members</td>
<td>IBC</td>
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<td>E648-17a_19ae1</td>
<td>Standard Test Method for Critical Radiant Flux of Floor-covering Systems Using a Radiant Heat Energy Source</td>
<td>IFC</td>
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<td>E779-10(2018)-19</td>
<td>Standard Test Method for Determining Air Leakage Rate by Fan Pressurization</td>
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<tr>
<td>Number</td>
<td>Title</td>
<td>Organization(s)</td>
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<tr>
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<td>F1085—14—19</td>
<td>Standard Specification for Mattress and Box Springs for Use in Berths in Marine Vessels</td>
<td>IFC</td>
</tr>
<tr>
<td>F1495—2014a—20</td>
<td>Standard Specification for Combination Oven Electric or Gas Fired</td>
<td>IECC®</td>
</tr>
<tr>
<td>F1504—2014—21</td>
<td>Standard Specification for Folded Poly (Vinyl Chloride) (PVC) for Existing Sewer and Conduit Rehabilitation</td>
<td>IRC®</td>
</tr>
<tr>
<td>F1554—2018—20</td>
<td>Specification for Anchor Bolts, Steel, 36, 55 and 105-ksi Yield Strength</td>
<td>IRC®</td>
</tr>
<tr>
<td>F1667—2018—21</td>
<td>Specification for Driven Fasteners: Nails, Spikes and Staples</td>
<td>IBC, IRC®</td>
</tr>
<tr>
<td>F1807—2018—19b</td>
<td>Specification for Metal Insert Fittings Utilizing a Copper Crimp Ring, or Alternate Stainless Steel Clamps, for SDR9 Cross-linked Polyethylene (PEX) Tubing and SDR9 Polyethylene of Raised Temperature (PE-RT) Tubing</td>
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<td>Code</td>
<td>Title</td>
<td>Standard</td>
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<td>F1871—2011</td>
<td>Standard Specification for Folded/Formed Poly (Vinyl Chloride) Pipe Type A for Existing Sewer and Conduit Rehabilitation</td>
<td>IRC®</td>
</tr>
<tr>
<td>F1920—2016</td>
<td>Standard Test Method for Performance of Rack Conveyor Commercial Dishwashing Machines</td>
<td>IECC®</td>
</tr>
<tr>
<td>F1924—2019</td>
<td>Standard Specification for Plastic Mechanical Fittings for Use on Outside Diameter Controlled Polyethylene Gas Distribution Pipe and Tubing</td>
<td>IMC</td>
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<tr>
<td>F1960—2018</td>
<td>Standard Specification for Cold Expansion Fittings with PEX Reinforcing Rings for Use with Cross-linked Polyethylene (PEX) and Polyethylene of Raised Temperature (PE-RT) Tubing</td>
<td>IPC</td>
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<tr>
<td>F1970—2018</td>
<td>Special Engineered Fittings, Appurtenances or Valves for Use in Poly (Vinyl Chloride) (PVC) OR Chlorinated Poly (Vinyl Chloride) (CPVC) Systems</td>
<td>IPC</td>
</tr>
<tr>
<td>F1974—2019</td>
<td>Specification for Metal Insert Fittings for Polyethylene/Aluminum/Polyethylene and Cross-linked Polyethylene/Aluminum/Cross-linked Polyethylene Composite Pressure Pipe</td>
<td>IPC</td>
</tr>
<tr>
<td>F2080—2016</td>
<td>Specifications for Cold-expansion Fittings with Metal Compression-sleeves for Cross-linked Polyethylene (PEX), Pipe Standard Specification for Cold-Expansion Fittings with Metal Compression-Sleeves for Crosslinked Polyethylene (PEX) Pipe and SDR9 Polyethylene of Raised Temperature (PE-RT) Pipe</td>
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<td>Standard Number</td>
<td>Standard Title</td>
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</tr>
<tr>
<td>-----------------</td>
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<td>F2090—17-21</td>
<td>Specification for Window Fall Prevention Devices with Emergency Escape (Egress)</td>
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<td></td>
<td>Release Mechanisms</td>
<td>IBC</td>
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<td>Polyethylene (PEX) Tubing and SDR9 Polyethylene of Raised Temperature (PE-RT) to</td>
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<td></td>
<td>Metal Insert and Plastic Fittings</td>
<td>IBC</td>
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<td>Polyethylene (PEX) Tubing and SDR9 Polyethylene of Raised Temperature (PE-RT) to</td>
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</tr>
<tr>
<td></td>
<td>Metal Insert and Plastic Insert Fittings</td>
<td></td>
</tr>
<tr>
<td>F2144—2017-21</td>
<td>Standard Test Method for Performance of Large Open Vat Fryers</td>
<td></td>
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<tr>
<td>F2159—2018-21</td>
<td>Standard Specification for Plastic Insert Fittings Utilizing a Copper Crimp Ring</td>
<td></td>
</tr>
<tr>
<td></td>
<td>or Alternate Stainless Steel Clamps for SDR9 Cross-linked Polyethylene (PEX)</td>
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<td>Tubing and SDR9 Polyethylene of Raised Temperature (PE-RT) Tubing</td>
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<td>Standard Specification for Plastic Insert Fittings Utilizing a Copper Crimp Ring</td>
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<td>or Alternate Stainless Steel Clamps for SDR9 Cross-linked Polyethylene (PEX)</td>
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<td>Tubing and SDR9 Polyethylene of Raised Temperature (PE-RT) Tubing</td>
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<tr>
<td>F2200—47-20</td>
<td>Standard Specification for Automated Vehicular Gate Construction</td>
<td></td>
</tr>
<tr>
<td>F2306/F2306M—2018-20</td>
<td>12” to 60” Annular Corrugated Profile-wall Polyethylene (PE) Pipe and Fittings</td>
<td></td>
</tr>
<tr>
<td></td>
<td>for Gravity Flow Storm Sewer and Subsurface Drainage Applications</td>
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<td>Standard Number</td>
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</tr>
<tr>
<td>------------------</td>
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<tr>
<td>F2389—2017A</td>
<td>Specification for Pressure-rated Polypropylene Piping Systems</td>
<td></td>
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<tr>
<td>F2434—14_19</td>
<td>Standard Specification for Metal Plastic Insert Fittings Utilizing a Copper Crimp Ring for SDR9 Cross-linked Polyethylene (PEX) Tubing and SDR9 Cross-linked Polyethylene/Aluminum/Cross-linked Polyethylene (PEX-AL-PEX) Tubing</td>
<td>IMC</td>
</tr>
<tr>
<td>F2561—17_20</td>
<td>Standard Practice for Rehabilitation of a Sewer Service Lateral and its Connection to the Main Using a One Piece Main and Lateral Cured-in-Place Liner</td>
<td></td>
</tr>
<tr>
<td>F2599—16_20</td>
<td>Standard Practice for The Sectional Repair of Damaged Pipe by Means of an Inverted Cured-in-Place Liner</td>
<td></td>
</tr>
<tr>
<td>F2623—14_19</td>
<td>Standard Specification for Polyethylene of Raised Temperature (PE-RT) Systems for Non-Potable Water Applications SDR9 Tubing</td>
<td>IMC</td>
</tr>
<tr>
<td>F2648/F2648M—2017_20</td>
<td>Standard Specification for 2 to 60 inch [50 to 1500 mm] Annular Corrugated Profile Wall Polyethylene (PE) Pipe and Fittings for Land Drainage Applications</td>
<td></td>
</tr>
<tr>
<td>F2735—2009_(2016)_21</td>
<td>Standard Specification for Plastic Insert Fittings for SDR9 Cross-linked Polyethylene (PEX) and Polyethylene of Raised Temperature (PE-RT) Tubing</td>
<td></td>
</tr>
<tr>
<td>F2764/F2764M—2018_19</td>
<td>Standard Specification for 30 to 60 in. [750 to 1500 mm] Polypropylene (PP) Triple Wall Pipe and Fittings for Non-pressure Sanitary Sewer Applications Standard Specification for 6 to 60 in. [150 to 1500 mm] Polypropylene (PP) Corrugated Double and Triple Wall Pipe and Fittings for Non-Pressure Sanitary Sewer Applications</td>
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<td>Standard Specification</td>
<td>Year</td>
<td>Pressurized Piping References</td>
</tr>
<tr>
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<tr>
<td>Standard Specification for Polyethylene or Raised Temperature (PE-RT) Plastic Hot- and Cold-water Tubing and Distribution Systems</td>
<td>2018</td>
<td>IMC, IPC, IRC</td>
</tr>
<tr>
<td>Standard Practice for Internal Non Structural Epoxy Barrier Coating Material Used in Rehabilitation of Metallic Pressurized Piping Systems</td>
<td>2012</td>
<td>IPC</td>
</tr>
<tr>
<td>Standard Specification for Chlorinated Poly(Vinyl Chloride)/Aluminum/Chlorinated Poly(Vinyl Chloride) (CPVC-AL-CPVC) Composite Pressure Tubing</td>
<td>2012</td>
<td>IMC, IPC, IRC®</td>
</tr>
<tr>
<td>Standard Test Method for Enhanced Performance of Combination Oven in Various Modes</td>
<td>2017</td>
<td>IECC®</td>
</tr>
<tr>
<td>Standard Specification for 12 to 60 in. [300 to 1500 mm] Polypropylene (PP) Dual Wall Pipe and Fittings for Non-pressure Storm Sewer Applications</td>
<td>2018</td>
<td>IPC</td>
</tr>
<tr>
<td>Standard Specification for Acrylonitrile-butadiene-styrene (ABS) IPS Dimensioned Pressure Pipe</td>
<td>2020</td>
<td>IRC®</td>
</tr>
<tr>
<td>Standard Practice for Installation of Seamless Molded Hydrophilic Gaskets (SMHG) for Long Term Watertightness of Cured-in-Place Rehabilitation of Main and Lateral Pipelines</td>
<td>2017</td>
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</tr>
<tr>
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<tr>
<td>F3253—2017</td>
<td>Standard Specification for Crosslinked Polyethylene (PEX) Tubing with Oxygen Barrier for Hot- and Cold-water Hydronic Distribution Systems</td>
<td></td>
</tr>
<tr>
<td>F437—16</td>
<td>Specification for Threaded Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Schedule 80</td>
<td>IMC</td>
</tr>
<tr>
<td>F439—13</td>
<td>Specification for Socket Type Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Schedule 80</td>
<td>IMC</td>
</tr>
<tr>
<td>F441/F441M</td>
<td>Specification for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Pipe, Schedules 40 and 80</td>
<td>IMC</td>
</tr>
<tr>
<td>F442/F442M</td>
<td>Specification for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Pipe (SDR-PR)</td>
<td></td>
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<tr>
<td>F477—14(2021)</td>
<td>Specification for Elastomeric Seals (Gaskets) for Joining Plastic Pipe</td>
<td>IPC</td>
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<tr>
<td>F493—14</td>
<td>Specification for Solvent Cements for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Pipe and Fittings</td>
<td>IMC</td>
</tr>
<tr>
<td>F656— 2046</td>
<td>Specification for Primers for Use in Solvent Cement Joints of Poly (Vinyl Chloride) (PVC) Plastic Pipe and Fittings</td>
<td></td>
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<tr>
<td>F714—13</td>
<td>Standard Specification for Polyethylene (PE) Plastic Pipe (SDR-PR) Based on Outside Diameter</td>
<td>IMC</td>
</tr>
<tr>
<td>F844—07a(2013)</td>
<td>Standard Specification for Washers, Steel, Plain (Flat), Unhardened for General Use</td>
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<tr>
<td>F876—2047</td>
<td>Specification for Cross-linked Polyethylene (PEX) Tubing</td>
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<td>Standard Reference Number</td>
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<td>F876—2018A</td>
<td>Specification for Cross-linked Polyethylene (PEX) Tubing</td>
<td>IMC</td>
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<tr>
<td>F877—2018A—20</td>
<td>Specification for Cross-linked Polyethylene (PEX) Hot- and Cold-water Distribution Systems</td>
<td>IPC</td>
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<tr>
<td>G154—2016A-</td>
<td>Standard Practice for Operating Fluorescent Ultraviolet (UV) Light Lamp Apparatus for UV Exposure of Nonmetallic Materials</td>
<td>IBC</td>
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<tr>
<td>G155—13-21</td>
<td>Standard Practice for Operating Xenon Arc Light Lamp Apparatus for Exposure of Nonmetallic Materials</td>
<td>IBC</td>
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**AWC**

**American Wood Council**

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<td>AWC STJR—2024—2024</td>
<td>Span Tables for Joists and Rafters</td>
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**AWPA**

**American Wood Protection Association**

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<th>Standard Reference Number</th>
<th>Title</th>
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<tr>
<td>M4—15—21</td>
<td>Standard for the Handling, Storage, Field Fabrication, and Field Treatment of Care of Preservative-treated Wood Products</td>
<td>IBC</td>
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<td>U1—20—23</td>
<td>USE CATEGORY SYSTEM: User Specification for Treated Wood Except Commodity Specification H</td>
<td>IBC</td>
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### AWS

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<th>Standard Reference Number</th>
<th>Title</th>
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<td>A5.8/A5.8—2011-AMD1 :2019</td>
<td>Specifications for Filler Metals for Brazing and Braze Welding</td>
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<tr>
<td>A5.8M/A5.8—2011-AMD1 :2019</td>
<td>Specifications for Filler Metals for Brazing and Braze Welding</td>
<td>IPC</td>
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<tr>
<td>A5.8M/A5.8—2011—AMD1 :2019</td>
<td>Specifications for Filler Metals for Brazing and Braze Welding</td>
<td>IRC®</td>
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<td>D1.4/D1.4M—2018-AMD1</td>
<td>Structural Welding Code—Steel Reinforcing Bars</td>
<td>IBC</td>
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### AWWWA

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<th>Standard Reference Number</th>
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<tr>
<td>C110/A21.10—12- 21</td>
<td>Standard for Ductile Iron &amp; Gray Iron Fittings</td>
<td>IMC</td>
</tr>
<tr>
<td>C115/A21.15—11—20</td>
<td>Standard for Flanged Ductile-iron Pipe with Ductile Iron or Grey-iron Threaded Flanges</td>
<td>IMC</td>
</tr>
<tr>
<td>C153/A21.53—14—19</td>
<td>Ductile-iron Compact Fittings for Water Service</td>
<td>IMC</td>
</tr>
<tr>
<td>C500—08- 19</td>
<td>Standard for Metal-seated Gate Valves for Water Supply Service</td>
<td>IPC</td>
</tr>
<tr>
<td>C507—46—18</td>
<td>Standard for Ball Valves, 6 In. Through 60 in. (150 mm through 1,500 mm).</td>
<td>IPC</td>
</tr>
<tr>
<td>C510—07- 17</td>
<td>Double Check Valve Backflow Prevention Assembly</td>
<td>IRC®</td>
</tr>
<tr>
<td>C652—44—19</td>
<td>Disinfection of Water-storage Facilities</td>
<td>IPC</td>
</tr>
<tr>
<td>C901—46—20</td>
<td>Polyethylene (PE) Pressure Pipe and Tubing, 3/4 in. (19 mm) through 3 in. (76 mm) for Water Service</td>
<td>IMC</td>
</tr>
<tr>
<td>Standard Reference Number</td>
<td>CGA Title</td>
<td>Compressed Gas Association referenced in Code(s):</td>
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<td>---------------------------</td>
<td>---------------------------------------------------------------------------</td>
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<tr>
<td>C903—16</td>
<td>Polyethylene-aluminum-polyethylene (PE-AL-PE) Composite Pressure Pipe, 12 mm (1/2 in.) through 50 mm (2 in.), for Water Service</td>
<td>IRC®</td>
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<tr>
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<th>Standard Reference Number</th>
<th>CGA Title</th>
<th>Compressed Gas Association referenced in Code(s):</th>
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<tbody>
<tr>
<td>C-7—(2014)—(2020)</td>
<td>Guide to Classification and Labeling of Compressed Gases</td>
<td>IFC</td>
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<tr>
<td>S-1.1—(2011)—(2019)</td>
<td>Pressure Relief Device Standards—Part 1—Cylinders for Compressed Gases</td>
<td>IFGC IFC</td>
</tr>
<tr>
<td>S-1.2—(2009)—2019</td>
<td>Pressure Relief Device Standards—Part 2—Cargo and Portable Tanks for Compressed Gases</td>
<td>IFGC IFC</td>
</tr>
<tr>
<td>S-1.3—(2009)—(2020)</td>
<td>Pressure Relief Device Standards—Part 3—Stationary Storage Containers for Compressed Gases</td>
<td>IFGC IFC</td>
</tr>
<tr>
<td>V-1—(2013)—(2021)</td>
<td>Standard for Gas Cylinder Valve Outlet and Inlet Connections</td>
<td>IFC</td>
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<table>
<thead>
<tr>
<th>Standard Reference Number</th>
<th>CISPI Title</th>
<th>Cast Iron Soil Pipe Institute referenced in Code(s):</th>
</tr>
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<tbody>
<tr>
<td>Standard Reference Number</td>
<td>Title</td>
<td>Referenced in Code(s):</td>
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<td>Composite Panel Association</td>
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<td><strong>Standard Reference Number</strong></td>
<td><strong>Title</strong></td>
<td><strong>Referenced in Code(s):</strong></td>
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<tr>
<td>ANSI A135.4—2012 (R2020)</td>
<td>Basic Hardboard</td>
<td>IBC</td>
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<tr>
<td>ANSI A135.5—2012 (R2020)</td>
<td>Prefinished Hardboard Paneling</td>
<td>IBC</td>
</tr>
<tr>
<td>ANSI A135.6—2012 (R2020)</td>
<td>Engineered Wood Siding</td>
<td>IBC</td>
</tr>
<tr>
<td>ANSI A135.7—2012 (R2020)</td>
<td>Engineered Wood Trim</td>
<td>IRC®</td>
</tr>
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<td>CRRC</td>
<td>Cool Roof Rating Council</td>
<td></td>
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<td><strong>Standard Reference Number</strong></td>
<td><strong>Title</strong></td>
<td><strong>Referenced in Code(s):</strong></td>
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<td>Canadian Standards Association</td>
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<td><strong>Title</strong></td>
<td><strong>Referenced in Code(s):</strong></td>
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<tr>
<td>ANSI/CSA FC I—2014 CSA/ANSI FC 1:21/CSA C22.2 NO. 62282-2-100:21</td>
<td>FuelCellTechnologies—Part 3-100; Stationary fuel cell power systems—Safety</td>
<td>IFGC</td>
</tr>
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<td>ANSI/CSA FC I—2014 CSA/ANSI FC 1:21/CSA C22.2 NO. 62282-3-100:21</td>
<td>FuelCellTechnologies—Part 3-100; Stationary fuel cell power systems-Safety</td>
<td>IFGC</td>
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<tr>
<td>ANSI/CSA ANSI NGV 5.1—2016—22</td>
<td>Residential Fueling Appliances</td>
<td>IFGC</td>
</tr>
<tr>
<td>A257.1—14—19</td>
<td>Non-reinforced Circular Concrete Culvert, Storm Drain, Sewer Pipe and Fittings</td>
<td>IPC</td>
</tr>
<tr>
<td>A257.2—14—19</td>
<td>Reinforced Circular Concrete Culvert, Storm Drain, Sewer Pipe and Fittings</td>
<td>IPC</td>
</tr>
<tr>
<td>Standards</td>
<td>Description</td>
<td>IPC</td>
</tr>
<tr>
<td>-----------</td>
<td>-------------</td>
<td>-----</td>
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<tr>
<td>A257.3—14</td>
<td>Joints for Circular Concrete Sewer and Culvert Pipe, Manhole Sections and Fittings Using Rubber Gaskets</td>
<td>IPC</td>
</tr>
<tr>
<td>ANSI Z83.26/CSA 2.37—2014</td>
<td>Gas-fired Outdoor Infrared Patio Heaters</td>
<td>IFC</td>
</tr>
<tr>
<td>ASME A112.18.1—2018/CSA B125.1—18—22</td>
<td>Plumbing Supply Fittings</td>
<td>IPC</td>
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<tr>
<td>ASME A112.18.1—2018/CSA B125.1—18—23</td>
<td>Plumbing Supply Fittings</td>
<td>IRC®</td>
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<tr>
<td>ASME A112.18.2—2019/CSA B125.2—19—2023</td>
<td>Plumbing Waste Fittings</td>
<td>IRC®</td>
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<tr>
<td>ASME A112.18.2—2015/CSA B125.2—2015—2023</td>
<td>Plumbing Waste Fittings</td>
<td>IPC</td>
</tr>
<tr>
<td>ASME A112.18.6—2017/CSA B125.6—17(R2022)</td>
<td>Flexible Water Connectors</td>
<td>IPC</td>
</tr>
<tr>
<td>ASME A112.19.1—2018/CSA B45.2—16—23</td>
<td>Enameled Cast-iron and Enameled Steel Plumbing Fixtures</td>
<td>IRC®</td>
</tr>
<tr>
<td>ASME A112.19.1—2020/CSA B45.2—20—23</td>
<td>Enameled Cast-iron and Enameled Steel Plumbing Fixtures</td>
<td>IRC®</td>
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<td>ASME A112.19.2—2018/CSA B45.1—18—23</td>
<td>Ceramic Plumbing Fixtures</td>
<td>IRC®</td>
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<td>IPC</td>
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<tr>
<td>Standard Reference</td>
<td>Description</td>
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</tr>
<tr>
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<td>ASME A112.19.3—2017</td>
<td>Stainless Steel Plumbing Fixtures</td>
<td>2022/CSA B45.4—2017 - 22</td>
</tr>
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<td>ASME A112.19.3—2021</td>
<td>Stainless Steel Plumbing Fixtures</td>
<td>2022/CSA B45.4—2021 - 22</td>
</tr>
<tr>
<td>ASME A112.19.5—2021</td>
<td>Flush Valves and Spuds for Water Closets, Urinals and Tanks</td>
<td>2022/CSA B45.15—2021 - 22</td>
</tr>
<tr>
<td>ASME A112.19.7—2020</td>
<td>Hydromassage Bathtub Systems</td>
<td>2020/CSA B45.10—2012 (R2012)</td>
</tr>
<tr>
<td>ASME A112.3.4—2013</td>
<td>Macerating Toilet Systems and Related Components</td>
<td>2018/CSA B45.9—2018 - 18 (R2023)</td>
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<td>ASME A112.4.2—2020</td>
<td>Personal Hygiene Devices for Water Closets</td>
<td>2020/CSA B45.16—2021 - 21</td>
</tr>
<tr>
<td>ASME A112.4.2—2015</td>
<td>Personal Hygiene Devices for Water-closets</td>
<td>2015/CSA B45.16—2015 - 15 - 21</td>
</tr>
<tr>
<td>ASSE 1002—2020</td>
<td>Anti-Siphon Fill Valves for Water Closet Tanks</td>
<td>2020/CSA B125.12—2020</td>
</tr>
<tr>
<td>ASSE 1016—2017</td>
<td>Performance Requirements for Automatic Compensating Valves for Individual Showers and Tub/Shower Combinations</td>
<td>2017/CSA B125.16—2017 (R2022)</td>
</tr>
<tr>
<td>ASSE 1070—2020</td>
<td>Performance requirements for Water Temperature Limiting Devices</td>
<td>2020/CSA B125.1070—2020</td>
</tr>
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IRC®
IPC
<table>
<thead>
<tr>
<th>Standard Number</th>
<th>Description</th>
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<tr>
<td>B125.3—18-23</td>
<td>Plumbing Fittings</td>
<td>IPC, IRC®</td>
</tr>
<tr>
<td>B137.10—47-23</td>
<td>Cross-linked Polyethylene/Aluminum/Cross-linked Polyethylene (PE-AL-PEX) Composite Pressure-pipe Systems</td>
<td>IMC, IPC, IRC®</td>
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<tr>
<td>B137.11—47-23</td>
<td>Polypropylene (PP-R) Pipe and Fittings for Pressure Applications</td>
<td>IMC, IPC, IRC®</td>
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<tr>
<td>B137.18—47-23</td>
<td>Polyethylene of Raised Temperature Resistance (PE-RT) Tubing Systems for Pressure Applications</td>
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<tr>
<td>B137.1—47-23</td>
<td>Polyethylene (PE) Pipe, Tubing and Fittings for Cold-water Pressure Services</td>
<td>IMC, IPC, IRC®</td>
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<tr>
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<td>Cross-linked Polyethylene (PEX) Tubing Systems for Pressure Applications</td>
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<td>B137.6—47-23</td>
<td>Chlorinated Polyvinylchloride (CPVC) Pipe, Tubing and Fittings for Hot- and Cold-water Distribution Systems</td>
<td>IMC, IPC, ISPSC, IRC®</td>
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<td>B137.9—47-23</td>
<td>Polyethylene/Aluminum/Polyethylene (PE-AL-PE) Composite Pressure-pipe Systems</td>
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<td>B181.1—18-21</td>
<td>Acrylonitrile-Butadiene-Styrene ABS Drain, Waste and Vent Pipe and Pipe Fittings</td>
<td>IPC, IPSDC, IRC®</td>
</tr>
<tr>
<td>B181.2—48-21</td>
<td>Polyvinylchloride PVC and Chlorinated Polyvinylchloride (CPVC) Drain, Waste, and Vent Pipe and Pipe Fittings</td>
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<td>Polyolefin and Polyvinylidene Fluoride (PVDF) Laboratory Drainage Systems</td>
<td>IPC, IRC®</td>
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<td>B182.13</td>
<td>Profile Polypropylene (PP) Sewer Pipe and Fittings for Leak-proof Sewer Applications</td>
<td>IPC</td>
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<tr>
<td>B182.1</td>
<td>Plastic Drain and Sewer Pipe and Pipe Fittings</td>
<td>IPC, IPSDC, IRC®</td>
</tr>
<tr>
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<td>PSM Type Polyvinylchloride PVC Sewer Pipe and Fittings</td>
<td>IPC, IPSDC, IRC®</td>
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<td>B182.4</td>
<td>Profile Polyvinylchloride PVC Sewer Pipe and Fittings</td>
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<td>Profile Polyethylene (PE) Sewer Pipe and Fittings for Leak-proof Sewer Applications</td>
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<td>B182.8</td>
<td>Profile Polyethylene (PE) Storm Sewer and Drainage Pipe and Fittings</td>
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<tr>
<td>B481.1</td>
<td>Testing and Rating of Grease Interceptors Using Lard</td>
<td>IPC</td>
</tr>
<tr>
<td>B481.3</td>
<td>Sizing, Selection, Location and Installation of Grease Interceptors</td>
<td>IPC</td>
</tr>
<tr>
<td>B483.1</td>
<td>Drinking Water Treatment Systems</td>
<td>IPC, IRC®</td>
</tr>
<tr>
<td>B55.1</td>
<td>Test Method for Measuring Efficiency and Pressure Loss of Drain Water Heat Recovery Units</td>
<td>IECC®, IRC®</td>
</tr>
<tr>
<td>B55.2</td>
<td>Drain Water Heat Recovery Units</td>
<td>IRC®</td>
</tr>
<tr>
<td>B602.4</td>
<td>Mechanical Couplings for Drain, Waste and Vent Pipe and Sewer Pipe</td>
<td>IPC, IPSDC, IRC®</td>
</tr>
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<td>B64.1.1</td>
<td>Atmospheric Type Vacuum Breakers, (AVB)</td>
<td>IPC</td>
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<tr>
<td>B64.1.2</td>
<td>Pressure Vacuum Breakers, (PVB)</td>
<td>IPC</td>
</tr>
<tr>
<td>B64.1.3</td>
<td>Spill Resistant Pressure Vacuum Breakers (SRPVB)</td>
<td>IPC</td>
</tr>
<tr>
<td>B64.10</td>
<td>Manual for the Selection and Installation of Backflow Prevention Devices - Preventers</td>
<td>IPC</td>
</tr>
<tr>
<td>B64.2.1.1</td>
<td>Hose Connection Dual Check Vacuum Breakers (HCDVB)</td>
<td>IPC</td>
</tr>
<tr>
<td>B64.2.1</td>
<td>Hose Connection Vacuum Breakers, (HCVB) with Manual Draining Feature</td>
<td>IPC</td>
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<tr>
<td>B64.2.2</td>
<td>Hose Connection Vacuum Breakers, Type (HCVB) with Automatic Draining Feature</td>
<td>IPC</td>
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<tr>
<td>B64.3</td>
<td>Dual Check Valve Backflow Preventers with Atmospheric Port (DCAP)</td>
<td>IRC®</td>
</tr>
<tr>
<td>B64.3</td>
<td>Backflow Preventers, Dual Check Valve Type with Atmospheric Port (DCAP)</td>
<td>IPC</td>
</tr>
<tr>
<td>B64.4.1</td>
<td>Reduced Pressure Principle backflow preventers for Fire Sprinklers (RPF) - protection systems (RPF)</td>
<td>IPC</td>
</tr>
<tr>
<td>B64.4.1</td>
<td>Reduced Pressure Principle for Fire Sprinklers (RPF)</td>
<td>IPC</td>
</tr>
<tr>
<td>B64.4</td>
<td>Reduced Pressure Principle Type (RP) Backflow Preventers,</td>
<td>IRC®</td>
</tr>
<tr>
<td>B64.4—11(R2016)</td>
<td>Backflow Preventers, Reduced Pressure Principle Type (RP)</td>
<td>IPC</td>
</tr>
<tr>
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<td>Double Check Valve Backflow Preventers for Fire Protection Systems (DCVAF)</td>
<td>IPC</td>
</tr>
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<td>B64.5.1—11(2016)</td>
<td>Double Check Valve Backflow Preventers, Type for Fire Systems (DCVAF)</td>
<td>IRC®</td>
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<td>Double Check Valve Backflow Preventers (DCVA)</td>
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<td>Dual Check Valve (DuC) Backflow Preventers</td>
<td>IPC</td>
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<td>B64.7—11(2016)</td>
<td>Laboratory Faucet Vacuum Breakers (LFVB)</td>
<td>IRC®</td>
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<td>B64.7—11(2016)</td>
<td>Laboratory Faucet Vacuum Breakers (LFVB)</td>
<td>IPC</td>
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<td>B79—08(R2018)</td>
<td>Commercial and Residential Drains and Cleanouts</td>
<td>IPC</td>
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<td>C22.2 No. 108—14(R2019)</td>
<td>Liquid Pumps</td>
<td>ISPSC</td>
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<td>C22.2 No. 236—15</td>
<td>Heating and Cooling Equipment</td>
<td>IMC</td>
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<td>CSA B45.5—17:2017 with errata dated August 2017—2022</td>
<td>Plastic Plumbing Fixtures</td>
<td>IPC</td>
</tr>
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<td>CSA B55.2—2015—20</td>
<td>Drain Water Heat Recovery Units</td>
<td>IECC®</td>
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<td>Reference Number</td>
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<td>Construction Sheathing</td>
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<td>CSA/ANSI NGV 2—2016—19</td>
<td>Compressed Natural Gas Vehicle Fuel Containers</td>
<td>IFC</td>
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<td>CSA/ANSI NGV 5.1—2016—22</td>
<td>Residential Fueling Appliances</td>
<td>IFC</td>
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<td>CSA/ANSI NGV 5.2—2017—22</td>
<td>Vehicle Fueling Appliances (VFA)</td>
<td>IFGC</td>
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<td>Z21.56a/CSA 4.7—2017</td>
<td>Gas Fired Pool Heaters</td>
<td>ISPSC</td>
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<td>ATC 105DS—2018—2019</td>
<td>Acceptance Test Code for Dry Fluid Coolers</td>
<td>IECC®</td>
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<td>ATC 105S—2018—2021</td>
<td>Acceptance Test Code for Closed Circuit Cooling Towers</td>
<td>IECC®</td>
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<td>CTI STD 201 RS(17)—2021</td>
<td>Performance Rating of Evaporative Heat Rejection Equipment</td>
<td>IECC®</td>
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<td><strong>Door &amp; Access Systems Manufacturers Association International</strong></td>
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<td>ANSI/HPVA HP-1—2016—2022</td>
<td>American National Standard for Hardwood and Decorative Plywood</td>
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**2022 ICC PUBLIC COMMENT AGENDA**
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<tr>
<td>PS 1—19—22</td>
<td>Structural Plywood</td>
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<tr>
<td>PS 20—05—20</td>
<td>American Softwood Lumber Standard</td>
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<td>PS 2—18</td>
<td>Performance Standard for Wood-based Structural-use Panels</td>
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<td>Federal Emergency Management Agency</td>
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<td>FEMA TB-11—01—23</td>
<td>Crawlspace Construction for Buildings Located in Special Flood Hazard Area</td>
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<tr>
<td>FEMA TB-2—08—23</td>
<td>Flood Damage-resistant Materials Requirements</td>
</tr>
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<td>FEMA-TB-11—01—23</td>
<td>Crawlspace Construction for Buildings Located in Special Flood Hazard Areas</td>
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<td>FGIA</td>
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<tr>
<td>711—20—23</td>
<td>Voluntary Specification for Self Adhering Flashing Used for Installation of Exterior Wall Fenestration Products</td>
</tr>
<tr>
<td>712—14—23</td>
<td>Voluntary Specification for Mechanically Attached Flexible Flashing</td>
</tr>
<tr>
<td>714—20—23</td>
<td>Voluntary Specification for Liquid Applied Flashing Used to Create a Water-resistant Seal around Exterior Wall Openings in Buildings</td>
</tr>
<tr>
<td>AAMA/NSA 2100—20—22</td>
<td>Specifications for Sunrooms</td>
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<td>Standard Reference Number</td>
<td>Title</td>
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<td>CSA B45.5—17—22 /IAPMO Z124—2017—2022 with errata dated August 2017</td>
<td>Plastic Plumbing Fixtures</td>
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<td>IAPMO Z124.7—2013(R2018)</td>
<td>Prefabricated Plastic Spa Shells</td>
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<td>Ball Valves</td>
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<tr>
<td>GA 216—2018—2021</td>
<td>Application and Finishing of Gypsum Panel Products</td>
<td>IBC</td>
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<td>GA-253—2018—2021</td>
<td>Application of Gypsum Sheathing</td>
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<td>Prefabricated Plastic Spa Shells</td>
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<td>ANSI/IIAR 2—2014, including Addendum A—2021</td>
<td>Design of Safe Closed-circuit Ammonia Refrigeration Systems</td>
<td>IFC</td>
</tr>
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<td>International Kitchen Exhaust Cleaning Association</td>
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<td>ANSI MH29.1—1986—2020</td>
<td>Safety Requirements for Industrial Scissors Lifts</td>
<td>IBC</td>
</tr>
<tr>
<td>ANSI/MH16.1—12—2021</td>
<td>Design, Testing and Utilization of Industrial Steel Storage Racks</td>
<td>IBC</td>
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<td>Manufacturers Standardization Society of the Valve and Fittings Industry</td>
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<td>ANSI SP 58—2018—2023</td>
<td>Pipe Hangers and Supports—Materials, Design and Manufacture, Selection, Application and Installation</td>
<td>IFGC</td>
</tr>
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<td>Title</td>
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<td>SP-122—2017-2023</td>
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**NBBI**

National Board of Boiler and Pressure Vessel Inspectors

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<th>Title</th>
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**NCMA**

National Concrete Masonry Association

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### NFPA
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<td>Hydrogen Technologies Code</td>
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<td>105—19—22</td>
<td>Standard for Smoke Door Assemblies and Other Opening Protectives</td>
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<td>10—24—22</td>
<td>Standard for Portable Fire Extinguishers</td>
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<td>110—19—22</td>
<td>Standard for Emergency and Standby Power Systems</td>
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<td>Standard for Safeguarding Construction, Alteration and Demolition Operations</td>
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<td>Standard for Installation of Private Fire Service Mains and Their Appurtenances</td>
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<td>252—17—22</td>
<td>Standard Methods of Fire Tests of Door Assemblies</td>
<td>IBC</td>
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<td>257—17—22</td>
<td>Standard for Fire Test for Window and Glass Block Assemblies</td>
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<td>Methods of Tests and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture</td>
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<td>261—18-23</td>
<td>Standard Method of Test for Determining Resistance of Mock-up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes</td>
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<td>Standard Method of Test for Flame Travel and Smoke of Wires and Cables for Use in Air-handling Spaces</td>
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<td>265—19-23</td>
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<td>Standard Method of Fire Tests for the Evaluation of Thermal Barriers</td>
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<td>Standard Method of Fire Tests for Determining the Heat Release Rate of Roofing Assemblies with Combustible Above-deck Roofing Components</td>
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<td>Standard Methods of Fire Tests of Horizontal Fire Door Assemblies Installed in Horizontal in Fire-resistance-related floor Systems Rated Assemblies</td>
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<td>Standard Method of Fire Test for Individual Fuel Packages</td>
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<td>Hydrogen Technologies Code</td>
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<td>Flammable and Combustible Liquids Code</td>
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<td>318—18</td>
<td>Standard for the Protection of Semiconductor Fabrication Facilities</td>
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<td>32—16</td>
<td>Standard for Dry Cleaning Facilities</td>
<td>IBC</td>
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<td>33—18</td>
<td>Standard for Spray Application Using Flammable or Combustible Materials</td>
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<td>34—18</td>
<td>Standard for Dipping, Coating and Printing Processes Using Flammable or Combustible Liquids</td>
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<td>35—16</td>
<td>Standard for the Manufacture of Organic Coatings</td>
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<td>37—18</td>
<td>Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines</td>
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<td>385—22</td>
<td>Standard for Tank Vehicles for Flammable and Combustible Liquids</td>
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<td>400—22</td>
<td>Hazardous Materials Code</td>
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<td>407—17</td>
<td>Standard for Aircraft Fuel Servicing</td>
<td>IFC</td>
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<tr>
<td>409—16</td>
<td>Standard for Aircraft Hangars</td>
<td>IFGC</td>
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<td>40—19</td>
<td>Standard for the Storage and Handling of Cellulose Nitrate Film</td>
<td>IBC</td>
</tr>
<tr>
<td>418—16</td>
<td>Standard for Heliports</td>
<td>IBC</td>
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<td>484—19</td>
<td>Standard for Combustible Metals</td>
<td>IBC</td>
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<td>495—18</td>
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<td>498—18</td>
<td>Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives</td>
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<tr>
<td>501—17</td>
<td>Standard on Manufactured Housing</td>
<td>IRC®</td>
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<td>505—18</td>
<td>Fire Safety Standard for Powered Industrial Trucks, Including Type Designations, Areas of Use, Maintenance and Operation</td>
<td>IFC</td>
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<td>51—18</td>
<td>Design and Installation of Oxygen-fuel Gas Systems for Welding, Cutting and Allied Processes</td>
<td>IFGC</td>
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<td>52—19</td>
<td>Vehicular Gaseous Fuel System Code</td>
<td>IFC</td>
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<td>55—19</td>
<td>Compressed Gases and Cryogenic Fluids Code</td>
<td>IPC</td>
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<td>56—20</td>
<td>Standard for Fire and Explosion Prevention during Cleaning and Purging of Flammable Gas Piping Systems</td>
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<td>Liquefied Petroleum Gas Code</td>
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<td>59A—49 22</td>
<td>Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG)</td>
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<td>655—17 19</td>
<td>Standard for the Prevention of Sulfur Fires and Explosions</td>
<td>IBC</td>
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<tr>
<td>68—13 23</td>
<td>Standard on Explosion Protection by Deflagration Venting</td>
<td>IFC</td>
</tr>
<tr>
<td>72—49 22</td>
<td>National Fire Alarm and Signaling Code</td>
<td>IMC</td>
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<tr>
<td>750—19 23</td>
<td>Standard on Water Mist Fire Protection Systems</td>
<td>IPMC, IBC, IFC</td>
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<td>76—16 20</td>
<td>Standard for the Fire Protection of Telecommunications Facilities</td>
<td>IFC</td>
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<td>77—14 24</td>
<td>Recommended Practice on Static Electricity</td>
<td>IFC</td>
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<td>780—17 23</td>
<td>Standard for the Installation of Lightning Protection Systems</td>
<td>IFC</td>
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<td>80—19 22</td>
<td>Standard for Fire Doors and Other Opening Protective</td>
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<td>Standard for Ovens and Furnaces</td>
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<td>88A—19 23</td>
<td>Standard for Parking Structures</td>
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<td>Code for Fire Protection of Historic Structures</td>
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<td>92—18 21</td>
<td>Standard for Smoke Control Systems</td>
<td>IMC</td>
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<td>96—20 24</td>
<td>Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations</td>
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<td>99—21 24</td>
<td>Health Care Facilities Code</td>
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**NFRC**

National Fenestration Rating Council, Inc.

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<td>400—2020 2023</td>
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<td>Residential Dishwashers</td>
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<td>Manual Food and Beverage Dispensing Equipment</td>
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<td>Drinking Water Systems Components—Lead Content</td>
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<td>Commercial Warewashing Equipment</td>
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<td>External Fire Design Standard for Vegetative Roofs</td>
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<td>Wind Test Design Standard for Edge Systems Used with Low Slope Roofing Systems</td>
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<td><strong>Standard Reference Number</strong></td>
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<th>TMS</th>
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<td><strong>Standard Reference Number</strong></td>
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<tr>
<td>302—2018</td>
<td>Standard Method for Determining the Sound Transmission Class Rating s for Masonry Walls Assemblies</td>
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<td>402—2016—2022</td>
<td>Building Code Requirements for Masonry Structures</td>
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<td>504—2016—2023</td>
<td>Standard for the Fabrication of Architectural Cast Stone</td>
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<td>602—2016—2022</td>
<td>Specification for Masonry Structures</td>
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<td>Standard for the Installation of Architectural Cast Stone</td>
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<td>Standard Reference Number</td>
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<td>ANSITPI 1—2014—2022</td>
<td>National Design Standard for Metal-plate-connected Wood Truss Construction</td>
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<td>Title</td>
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<td>1004-1—12</td>
<td>Rotating Electrical Machines General Requirements— with revisions through August 2018—November 2020</td>
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<td>1026—2012</td>
<td>Electric Household Cooking and Food Serving Appliances—with revisions through July 2018 March 2021</td>
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<td>103—2010</td>
<td>Factory-built Chimneys, for Residential Type and Building Heating Appliances—with Revisions through March 2017 September 2021</td>
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<td>Electric Baseboard Heating Equipment—with revisions through December 2018 February 2021</td>
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<td>1081—2016</td>
<td>Swimming Pool Pumps, Filters and Chlorinators—with revisions through October 2017—July 2020</td>
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<td>109—97</td>
<td>Tube Fittings for Flammable and Combustible Fluids, Refrigeration Service and Marine Use with revisions through May 2020</td>
</tr>
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<td>10A—2009</td>
<td>Tin Clad Fire Doors—with Revisions through July 20, 2018</td>
</tr>
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<td>Date</td>
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<td>1479—2015</td>
<td>Fire Tests of Penetration Firestops with revisions through May 2021</td>
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<tr>
<td>1482—2011</td>
<td>Solid-fuel Type Room Heaters— with Revisions through August 2015—February 2020</td>
</tr>
<tr>
<td>1489—2016</td>
<td>Fire Tests of Fire Resistant Pipe Protection Systems Carrying Combustible Liquids— with revisions through October 2021</td>
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<td>1563—2009</td>
<td>Standard for Electric Spas, Hot Tubs and Associated Equipment—with revisions through October 2017—September 2020</td>
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<tr>
<td>1738—2010</td>
<td>Venting Systems for Gas Burning Appliances, Categories II, III and IV with revisions through November 2014—August 2021</td>
</tr>
<tr>
<td>1741—2010</td>
<td>Inverters, Converters, Controllers and Interconnection System Equipment for Use with Distributed Energy Resources—with Revisions through February 2018—June 2021</td>
</tr>
<tr>
<td>174—04</td>
<td>Household Electric Storage Tank Water Heaters—with revisions through December 2016—October 2021</td>
</tr>
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<td>Year</td>
<td>Standard Description</td>
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<td>--------</td>
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<tr>
<td>1784—2015</td>
<td>Air Leakage Tests of Door Assemblies—with revisions through February 2020</td>
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<tr>
<td>180—2012—2019</td>
<td>Liquid-level Indicating Gauges for Oil Burner Fuels and Other Combustible Liquids—with revisions through May 2017 August 2021</td>
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<tr>
<td>1812—2013</td>
<td>Ducted Heat Recovery Ventilators—with revisions through July 2018—April 2021</td>
</tr>
<tr>
<td>1815—2012</td>
<td>Nonducted Heat Recovery Ventilators—with revisions through July 2018—April 2021</td>
</tr>
<tr>
<td>181—05—13</td>
<td>Factory-made Air Ducts and Air Connectors—with revisions through April 2012</td>
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<td>1887—04</td>
<td>Fire Tests of Plastic Sprinkler Pipe for Visible Flame and Smoke Characteristics—with revisions through July 2017 October 2021</td>
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<tr>
<td>1897—2015</td>
<td>Uplift Tests for Roof Covering Systems—with revisions through September 2020</td>
</tr>
<tr>
<td>1978—2010</td>
<td>Grease Ducts—with revisions through April 2017—October 2021</td>
</tr>
<tr>
<td>1994—2015</td>
<td>Luminous Egress Path Marking Systems—with revisions through July 2020</td>
</tr>
<tr>
<td>1996—2009</td>
<td>Electric Duct Heaters—with revisions through July 2016 September 2021</td>
</tr>
<tr>
<td>2011—2019</td>
<td>Outline for investigation for Machinery—with revisions through October 2020</td>
</tr>
<tr>
<td>2017—2008</td>
<td>General-purpose Signaling Devices and Systems—with revisions through January 2016 December 2016</td>
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<td>Year</td>
<td>Title</td>
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<td>2024–2014</td>
<td>Safety Optical-fiber Cable Routing Assemblies and Communications Cable Raceway — with revisions through August 2015</td>
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<td>2075–2013</td>
<td>Standard for Gas and Vapor Detectors and Sensors—with Revisions through December 2017–August 2021</td>
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<td>207–2009</td>
<td>Refrigerant-containing Components and Accessories, Nonelectrical—with revisions through June 2014–January 2020</td>
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<td>2152–2016–2021</td>
<td>Outline of Investigation for Special Purpose Nonmetallic Containers and Tanks for Specific Combustible or Noncombustible Liquids</td>
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<td>2158A–2013</td>
<td>Outline of Investigation for Clothes Dryer Transition Duct—with revisions through April 2017–October 2021</td>
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<tr>
<td>2158–2018–2021</td>
<td>Electric Clothes Dryers</td>
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<tr>
<td>2162–2014</td>
<td>Outline of Investigation for Commercial Wood-fired Baking Ovens—Refractory Type—with revisions through August 2019</td>
</tr>
<tr>
<td>217–2015</td>
<td>Single and Multiple Station Smoke Alarms—with Revisions through November 2016–April 2021</td>
</tr>
<tr>
<td>2196–2017</td>
<td>Standard for Fire Test for Circuit Integrity of Fire-Resistive Power, Instrumentation, Control and Data Cables—with revisions through December 2020</td>
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<td>2200—2042—2020</td>
<td>Stationary Engine Generator Assemblies—with Revisions through October 2016</td>
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<td>2208—2010</td>
<td>Solvent Distillation Units—with revisions through June 2020</td>
</tr>
<tr>
<td>2518—2016</td>
<td>Air Dispersion Systems - with revisions June 2021</td>
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<td>2524—2019</td>
<td>Standard for In-building 2-way Emergency Radio Communication Enhancement Systems - revisions through February 2019</td>
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<td>268A—2008</td>
<td>Smoke Detectors for Duct Application—with revisions through August 2016—2020</td>
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<td>Smoke Detectors for Fire Alarm Systems—with revisions through July 2016—October 2019</td>
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<td>2846—2014</td>
<td>Fire Test of Plastic Water Distribution Plumbing Pipe for Visible Flame and Smoke Characteristics—with revisions through December 2016—January 2021</td>
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<td>30—1995</td>
<td>Metal Safety Cans—with revisions through June 2014 September 2019</td>
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<td>Door, Drapery, Gate, Louver and Window Operations and Systems with revisions through February 2020</td>
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<td>343—2017—2008</td>
<td>Pumps for Oil-burning Appliances with revisions through December 2017</td>
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<td>391—2010</td>
<td>Solid-fuel and Combination-fuel Central and Supplementary Furnaces—with revisions through June 2014–August 2019</td>
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<td>399—2017</td>
<td>Drinking-Water Coolers—with revisions through August 2018–July 2020</td>
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<td>427—11</td>
<td>Standard for Refrigerating Units with revisions through February 2014</td>
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<td>430—2015</td>
<td>Waste Disposers—with revisions through February 2018–September 2021</td>
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<td>441—16</td>
<td>Gas Vents—with revisions through July 2016–August 2019</td>
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<td>471—2010</td>
<td>Commercial Refrigerators and Freezers—with revisions through November 2018–September 2019</td>
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<td>484—14</td>
<td>Standard for Room Air Conditioners with revisions through May 2019</td>
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<td>507—2017</td>
<td>Electric Fans—with revisions through August 2018–May 2020</td>
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<tr>
<td>508—2018</td>
<td>Industrial Control Equipment with revisions through July 2021</td>
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<tr>
<td>515—2015</td>
<td>Standard for Electrical Resistance Trace Heating for Commercial Applications</td>
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<td>Flexible Metallic Hose</td>
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<td>555S—2014</td>
<td>Smoke Dampers—with Revisions through October 2016—2020</td>
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<td>555—2006</td>
<td>Fire Dampers—with Revisions through October 2016—2020</td>
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<td>55A—2004</td>
<td>Materials for Built-up Roof Coverings</td>
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<td>580—2006</td>
<td>Test for Uplift Resistance of Roof Assemblies—with Revisions through October 2018—March 2019</td>
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<td>60601-1—2003</td>
<td>Medical Electrical Equipment, Part I: General Requirements for Safety—with Revisions through April 2006</td>
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<td>60950-1—2014—2007</td>
<td>Information Technology Equipment—Safety Requirements—with Revisions through May 2019</td>
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<td>62368-1—2014-49</td>
<td>Audio/video, Information and Communication Technology Equipment—Safety Requirements - with revisions through October 2021</td>
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<td>651—2011</td>
<td>Schedule 40 and Schedule 80.- Type EB and A. Rigid PVC Conduit and Fittings—with Revisions through June 2016 March 2020</td>
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<td>Power Ventilators—with revisions through October 2021-August 2021</td>
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<td>710—12</td>
<td>Exhaust Hoods for Commercial Cooking Equipment—with Revisions through November 2013-February 2021</td>
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<td>791—2006</td>
<td>Standard for Residential Incinerators—with revisions through November 2014 February 2021</td>
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<td>795—2016</td>
<td>Commercial-Industrial Gas Heating Equipment with revisions through 2020</td>
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<td>80—2007</td>
<td>Steel Tanks for Oil-burner Fuels and Other Combustible Liquids—with revisions through January 2014-April 2019</td>
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<td>817—2015</td>
<td>Standard for Cord Sets and Power-supply Cords—with revisions through August 2018 September 2021</td>
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<td>834—04</td>
<td>Heating, Water Supply and Power Boilers Electric—with revisions through September 2018-July 2019</td>
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<td>842—2016-2019</td>
<td>Valves for Flammable Fluids—With revisions through May 2015</td>
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<td>858—2014</td>
<td>Household Electric Ranges—With revisions through June 2018 September 2019</td>
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<td>864—2014</td>
<td>Control Units and Accessories for Fire Alarm Systems—With Revisions through March 2018 May 2020</td>
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<td>867—2011</td>
<td>Electrostatic Air Cleaners—With revisions through August 2018 2021</td>
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<td>875—09</td>
<td>Electric Dry-bath Heaters—With revisions through September 2017–January 2021</td>
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<td>87A—2015</td>
<td>Power-operated Dispensing Devices for Gasoline and Gasoline/Ethanol Blends with Nominal Ethanol Concentrations up to 85 Percent—With revisions through June 2017–September 2019</td>
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<td>923—2013</td>
<td>Microwave Cooking Appliances—With revisions through July 2017 August 2020</td>
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<tr>
<td>959—2010</td>
<td>Medium Heat Appliance Factory-built Chimneys—With Revisions through June 2014 August 2019</td>
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</table>
Reason: The CP28 Code Development Policy, Section 4.6 requires the updating of referenced standards to be accomplished administratively, and be processed as a Code Change Proposal for consideration by the Administrative Code Change Committee. In September 2021, a letter was sent to each developer of standards that is referenced in the International Codes, asking them to provide ICC with a list of their standards in order to update to the current edition. Listed are the referenced standards that are to be updated based upon responses received from standard developers.

Cost Impact: The code change proposal will not increase or decrease the cost of construction. Not applicable.
Public Hearing Results

This proposal includes published errata


Committee Action: As Modified

Committee Modification:

<table>
<thead>
<tr>
<th>AMCA Standard Reference Number</th>
<th>Title</th>
<th>Referenced in Code(s):</th>
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<tr>
<td>ANSI/AMCA 550—09 (Rev. 09/18)</td>
<td>Test Method for High Velocity Wind Driven Rain Resistant Louvers</td>
<td>IMC</td>
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<tr>
<td>ANSI/AMCA 210-23/-ANSI/ASHRAE 51—23</td>
<td>Laboratory Methods of Testing Fans for Aerodynamic Performance Rating</td>
<td>IRC®</td>
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ASTM

Standard Reference Number Title Referenced in Code(s):

B293 — E21 Specifying for Aluminum and Aluminum Alloy Sheet and Plate IBC IRC IRC.

D3462/D3462M — 1966 Specification for Asphalt Shingles Made from Glass Felt and Surfaced with Mineral Granules IBC.


A6/A6M — 2017A Specifying for General Requirements for Rolled Structural Steel Bars, Plates, Shapes and Sheet Piling IBC.

B695 — 2009 Specifying for Coating of Zinc Mechanically Deposited on Iron and Steel IBC.

B695 — 2016 Specifying for Coatings of Zinc Mechanically Deposited on Iron and Steel IBC IRC.

C1290 — 2016/2016A Specifying for Properly Cured Polyurethane Foam Insulation Board IBC IRC.

C140/C140M — 2020 Specifying for Sampling and Testing of Concrete Masonry Units and Related Units IBC.

C140/C140M — 2015 Specifying for Testing of Concrete Masonry Units and Related Units IBC.

C1570/C1570M — 2016/2016A Specifying for Adhered Manufactured Stone Masonry Veneer Units IBC IRC.

C1570/C1570M — 2016/2016A Specifying for Adhered Manufactured Stone Masonry Veneer Units IRC.

C1891 — 2016 Specifying for Unreinforced Autoclaved Aerated Concrete (AAC) Masonry Units IRC.

C1964/2016 Specifying for Permeability Test for Refractory Mortar IBC IRC.

C209 — 2016 Specifying for Cellular Fiber Insulating Board IBC IRC.

C443 — 2016 Specifying for Joints for Concrete Pipes and Manholes Using Rubber Gaskets IBC.

C443 — 2016/2016A Specifying for Joints for Concrete Pipes and Manholes Using Rubber Gaskets IPC.

C552 — 2016 Specifying for Cellular Glass Thermal Insulation IBC IRC.

C741 — 2016 Specifying for Prefabricated Concrete and Calcium Silicate Masonry Units IBC IRC.

C76 — 2016a Specifying for Reinforced Concrete Culvert, Storm Drain and Fire Extinguisher Period.

C76 — 2016a Specifying for Reinforced Concrete Culvert, Storm Drain and Fire Extinguisher Period.


C90 — 2016 Specifying for Load-bearing Concrete Masonry Units IBC IRC.

C925 — 2016 Specifying for Application of Portland Cement Based Plaster IBC.

C925 — 2016 Specifying for Application of Portland Cement-based Plaster IBC.

2022 ICC PUBLIC COMMENT AGENDA 280
Standard Test Method For Residual Chlorine in Water

Test Method for Environmental Stress-Cracking of Ethylene-Propylene Copolymers

Specification for Solvent Cement for Acrylonitrile-Butadiene-Sterrene (ABS) Plastic Pipe and Fittings

Specifications for Solvent Cement for Acrylonitrile-Butadiene-Sterrene (ABS) Plastic Pipe and Fittings


Specification for Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings

Specification for Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings

Specification for Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings

Standard Test Method for Density of Smoke from the Burning or Decomposition of Plastics

Specification for Type PSM Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings

Specification for Type PSM Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings

Standard Specification for Solvent Cements for Transition Joints Between Acrylonitrile-Butadiene-Styrene (ABS) and Poly (Vinyl Chloride) (PVC) Non-pressure Piping Components

Standard Specification for Solvent Cements for Transition Joints Between Acrylonitrile-Butadiene-Styrene (ABS) and Poly (Vinyl Chloride) (PVC) Non-pressure Piping Components

Specification for Joints for Drain and Sewer Plastic Pipes Using Flexible Elastomeric Seals

Specification for Drain, Waste and Vent (DWV) Plastic Fittings Patterns

Specification for Drain, Waste and Vent (DWV) Plastic Fittings Patterns

Test Methods for Deep Foundations under Static Axial Tensile Load

Standard Specification for Asphalt Roll Roofing (Glass Felt) Surmounted With Mineral Granules

Specification for Chlorinated Polyethylene (CPE) Sheet for Concealed Water-containment Membrane

Specification for Chlorinated Polyethylene (CPE) Sheet for Concealed Water Containment Membrane

Specification for EPDM Sheet Used in Single Ply Roof Membrane

Specification for Thermoplastic Fabrics Used in Cold-applied Roofing and Waterproofing

Specification for Thermoplastic Fabrics Used in Cold-applied Roofing and Waterproofing

Test Method for Flash Point by Tag Closed Cup Tester
D66 - E246 2021
Test Method for Flash Point by Tag Closed Cup Tester IMC IBC

D6162/D6152M - E246 2021
Specification for Styrene Butadiene Styrene (SBS) Modified Bituminous Sheet Materials Using a Combination of Polyester and Glass Fiber Reinforcements IBC IRC IRC®

D6163/D6153M - E246 2021

D6164/D6154M - E246 2021

D6223/D6223M - E246 2021
Specification for Atactic Polypropylene (APP) Modified Bituminous Sheet Materials Using a Combination of Polyester and Glass Fiber Reinforcement IBC IRC IRC®

D6878/D6878M - E247 2021
Standard Specification for Thermoplastic-polyolefin-based Sheet Roofing IBC IRC IRC®

D7032 - E247 2021

D7254 - E247 2021
Standard Specification for Polypropylene (PP) siding IBC IRC IRC®

E1590 - E47 2022
Test Method for Fire Testing of Mattresses IFC

E2751/E2751M - E20181 2021
Practice for Design and Performance of Supported Laminated Glass Walkways IBC

E330/E330M - E14(2021)
Test Method for Structural Performance of Exterior Windows, Curtain Walls and Doors by Uniform Static Air Pressure Difference IBC IRC IRC®

E96/E96M - E246 2021
Test Method for Water Vapor Transmission of Materials IBC IRC IRC®

F1281 - 2017/2021
Specification for Cross-linked Polyethylene/Aluminum/ Cross-linked Polyethylene (PEX-AL-PEX) Pressure Pipe IPC

F1281 - 2017(2021)
Specification for Cross-linked Polyethylene/Aluminum/Crosslinked Polyethylene (PEX-AL-PEX) Pressure Pipe IMC IRC IECC® IRC®

F1667/F1667M - E246 2021
Specification for Driven Fasteners, Nails, Spikes and Staples IBC IRC IRC®

F1673 - 2010/2016 (2021)

F1873 - E2021(2016)
Standard Specification for Factory Assembled Anodeless Risers and Transition Fittings in Polyethylene (PE) and Polyamide 11 (PA11) and Polyamide 12 (PA12) Fuel Gas Distribution Systems IFC IRC IRC®

F2306/F2306M - E2046 2021
Standard Specification for 12" to 60" Annular Corrugated Profile-wall Polyethylene (PE) Pipe and Fittings for Gravity Flow Storm Sewer and Sub-surface Drainage Applications IRC IRC®

F2306/F2306M - E2046 2021
12" to 60" Annular Corrugated Profile-wall Polyethylene (PE) Pipe and Fittings for Gravity Flow Storm Sewer and Sub-surface Drainage Applications IPC

F2623 - E44 22
Standard Specification for Polyethylene of Raised Temperature (PE-RT) SDR9 Tubing IMC IRC IRC®

F2881/F2881M - E248 2021
Specification for 12 to 30 in. [300 to 750 mm] Polypropylene (PP) Dual Wall Pipes and Fittings for Non-pressure Storm Sewer Applications IPC
FGIA  Fenestration & Glazing Alliance (formerly AAMA)

Standard Reference Number Title Referenced in Code(s):

711—22 Voluntary Specification for Self Adhering Flashing Used for Installation of Exterior Wall Fenestration Products IBC IRC®
AAMA/WDMA/CSA 105.1 S2A440—22 North American Fenestration Standard/Specifications for Windows, Doors and Skylights IEC®

UL  UL LLC

Standard Reference Number Title Referenced in Code(s):

1563—2021 Standard for Electric Spas, Hot Tubs, Equipment Assemblies and Associated Equipment—with revisions through October 2023 IMC ISPSI IRC®
2000—2021 Outline for Investigation of Machinery with revisions through October 2022 IFC
2152—2021 Outline for Investigation of Special Purpose Nonmetallic Containers and Tanks for Specific Combustible or Noncombustible Liquids IFC
427—2021 Standard for Refrigerating Units with revisions through February 2014 IMC

UL/CSA 60335-2-40—2020 Household and Similar Electrical Appliances—Safety—Part 2: Particular Requirements for Motor-Compressors IMC

Committee Reason: The committee stated that the reasons for the approval of the modifications by number were as follows:

2: It coordinates with the ASTM standard on the 21 edition and corrects the title change.
4: It recognizes a more recent edition of the ASTM standard.
6: It moves to the 2022 edition of the UL CSA standard that was not referenced yet in the proposal.
21: It recognizes more recent editions of ASTM standards.
22: The clarification of the title and referencing the 18 edition or rather than the 23 edition of the WDMA standards.
25: It recognizes a more recent edition of the ASTM standard.
29: To change the 711 standard from the 33 to 22 edition because it was published early.
29: To update the AMCA standard and to coordinate between the reference in the IRC and the IMC which was overlooked with the reference of the IMC to make sure they both referenced the 23 edition.
31: The clarification of the titles of the standards and to make sure UL 427 includes the changes up to February of 2014.

The committee stated that the reason for approval of the proposal was to update the codes to the most recent standards to recognize new materials and methods. (Vote: 19-0)
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22: The clarification of the title and referencing the 18 edition or rather than the 23 edition of the WDMA standards.

25: It recognizes a more recent edition of the ASTM standard.

26: To change the 711 standard from the 23 to 22 edition because it was published early.

29: To update to the AMCA standard and to coordinate between the reference in the IRC and the IMC which was overlooked with the reference of the IMC to make sure they both referenced the 23 edition.

31: The clarification of the titles of the standards and to make sure UL 427 includes the changes up to February of 2014.

The committee stated that the reason for approval of the proposal was to update the codes to the most recent standards to recognize new materials and methods. (Vote: 13-0)

Individual Consideration Agenda

Public Comment 1:

Proponents: Amanda Hickman, representing Single-Ply Roofing Industry (SPRI) (amanda@thehickmangroup.com) requests As Modified by Public Comment

Further modify as follows:

<table>
<thead>
<tr>
<th>SPRI</th>
<th>Standard Reference Number</th>
<th>Title</th>
<th>Referenced in Code(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ANSI/SPRI GT-1— 21 22</td>
<td>Test Standard for Gutter Systems</td>
<td>IBC</td>
</tr>
<tr>
<td></td>
<td>ANSI/SPRI VF-1— 21 17</td>
<td>External Fire Design Standard for Vegetative Roofs</td>
<td>IBC</td>
</tr>
<tr>
<td></td>
<td>ANSI/SPRI/FM 4435-ES-1— 21 17</td>
<td>Wind Test Design Standard for Edge Systems Used with Low Slope Roofing Systems</td>
<td>IBC</td>
</tr>
</tbody>
</table>

Commenter’s Reason: Since it is possible that some of the standards updates will not be finalized in time for the 2024 code publication, we are recommending only the proposed standard edition be updated at this time.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. Revisions made in proposed updated standards will not result in any cost increase.
**Public Comment 2:**

Proponents: Amanda Hickman, representing Air Movement and Control Association International, Inc. (AMCA) (amanda@thehickmangroup.com) requests As Modified by Public Comment

Further modify as follows:

<table>
<thead>
<tr>
<th>AMCA</th>
<th>Air Movement and Control Association International</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Reference Number</td>
<td>Title</td>
</tr>
<tr>
<td>ANSI/AMCA 210-23 16-</td>
<td>Laboratory Methods of Testing Fans for Aerodynamic Performance Rating</td>
</tr>
<tr>
<td>ANSI/ASHRAE 51— 23 16</td>
<td></td>
</tr>
<tr>
<td>ANSI/AMCA 210— 23 16-</td>
<td>Laboratory Methods of Testing Fans for Aerodynamic Performance Rating</td>
</tr>
<tr>
<td>16/ANSI/ASHRAE 51— 23 16</td>
<td></td>
</tr>
<tr>
<td>ANSI/AMCA 230— 23-22</td>
<td>Laboratory Methods of Testing Air Circulating Fans for Rating and Certification</td>
</tr>
<tr>
<td>ANSI/AMCA 540— 23 13</td>
<td>Test Method for Louvers Impacted by Wind Borne Debris</td>
</tr>
<tr>
<td>ANSI/AMCA 550— 22</td>
<td>Test Method for High Velocity Wind Driven Rain Resistant Louvers</td>
</tr>
</tbody>
</table>

**Commenter’s Reason:** Since it is possible that some of the standards updates will not be finalized in time for the 2024 code publication, we are recommending only the proposed standard edition be updated at this time.

**Cost Impact:** The net effect of the public comment and code change proposal will not increase or decrease the cost of construction Revisions made in proposed updated standards will not result in any cost increase.
Public Comment 3:

Proponents: Marcelo Hirschler, representing GBH International (mmh@gbhint.com) requests As Modified by Public Comment

Further modify as follows:

<table>
<thead>
<tr>
<th>ASTM</th>
<th>ASTM International</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Standard Reference Number</td>
</tr>
<tr>
<td>E1537—46 22</td>
<td>Standard Test Method for Fire Testing of Upholstered Furniture</td>
</tr>
<tr>
<td>E2231—21 2018</td>
<td>Standard Practice for Specimen Preparation and Mounting of Pipe and Duct Insulation Materials to Assess Surface Burning Characteristics</td>
</tr>
</tbody>
</table>

Commenter's Reason: Update on dates and titles as follows:


Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. This simply updates dates and titles.
### Public Comment 4:

<table>
<thead>
<tr>
<th>ASSE</th>
<th>ASSE International</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard–Reference Number</td>
<td>Title</td>
</tr>
<tr>
<td>1003—2020</td>
<td>Performance Requirements for Water Pressure Reducing Valves for Domestic Water Distribution Systems</td>
</tr>
<tr>
<td>1018—2001 (R2021)</td>
<td>Performance Requirements for Trap Seal Primer Valves; Potable Water Supplied</td>
</tr>
<tr>
<td>1019—2011 (R2016)</td>
<td>Performance Requirements for Freeze-resistant, Wall Hydrants, Vacuum Breaker, Draining Types</td>
</tr>
<tr>
<td>1044—2015 (R2020)</td>
<td>Performance Requirements for Trap Seal Primer Devices—Drainage Types and Electronic Design Types</td>
</tr>
<tr>
<td>1047—2021</td>
<td>Performance Requirements for Reduced Pressure Detector Fire Protection Backflow Prevention Assemblies</td>
</tr>
<tr>
<td>1048—2021</td>
<td>Performance Requirements for Double Check Detector Fire Protection Backflow Prevention Assemblies</td>
</tr>
<tr>
<td>1056—2013 (R2021)</td>
<td>Performance Requirements for Spill-Resistant Vacuum Breaker</td>
</tr>
<tr>
<td>1060—2020-2017 (R2021)</td>
<td>Performance Requirements for Outdoor Enclosures for Fluid-conveying Components</td>
</tr>
<tr>
<td>1060—2020-2017 (R2021)</td>
<td>Performance Requirements for Outdoor Enclosures for Fluid Conveying Components</td>
</tr>
<tr>
<td>1071—2021 (R2021)</td>
<td>Temperature Actuated Mixing Valves for Plumbed Emergency Equipment</td>
</tr>
</tbody>
</table>
### Performance Requirements for Dielectric Pipe Unions

- **Standard Reference Number**: 1079—2012 (R2021)
- **Title**: Performance Requirements for Dielectric Pipe Unions
- **Referenced in Code(s)**: IMC, IPC

**Commenter’s Reason**: The revisions submitted are editorial corrections.

**Cost Impact**: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction.

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### Performance Requirements for Backflow Preventers with Integral Pressure Reducing Boiler Feed Valve and Intermediate Atmospheric Vent Style for Domestic and Light Commercial Water Distribution Systems

- **Standard Reference Number**: 1081—2014 (R2020)
- **Title**: Performance Requirements for Backflow Preventers with Integral Pressure Reducing Boiler Feed Valve and Intermediate Atmospheric Vent Style for Domestic and Light Commercial Water Distribution Systems
- **Referenced in Code(s)**: IPC, IRC®

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**Public Comment 5:**

**Proponents**: William Koffel, representing American Pyrotechnics Association (wkoffel@koffel.com) requests As Modified by Public Comment.

Further modify as follows:

<table>
<thead>
<tr>
<th>NFPA</th>
<th>National Fire Protection Association</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard Reference Number</strong></td>
<td><strong>Title</strong></td>
</tr>
<tr>
<td>1124—22 06</td>
<td>Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles</td>
</tr>
</tbody>
</table>

**Commenter’s Reason**: Exception No 4 to Section 5601.1.3 specifically references the 2006 Edition of NFPA 1124. Subsequent editions of NFPA 1124 do not address the retail sales and associated storage of consumer fireworks. The reference to the 2006 Edition was specifically added starting with the 2021 Edition of the IFC to address this issue. As such, the reference to the 2006 Edition of NFPA 1124 should remain for this section only. Other references to NFPA 1124 should be updated as already included in ADM52-22.

**Cost Impact**: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction.

**Staff Analysis**: The 2006 edition of NFPA 1124 is being proposed to apply to IFC Section 5601.1.3 only.

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**Public Comment 6:**

**Proponents**: John Woestman, representing Builders Hardware Manufacturers Association (BHMA) (jwoestman@kellencompany.com) requests As Modified by Public Comment.

Further modify as follows:

<table>
<thead>
<tr>
<th>BHMA</th>
<th>Builders Hardware Manufacturers’ Association</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard Reference Number</strong></td>
<td><strong>Title</strong></td>
</tr>
</tbody>
</table>
Commenter’s Reason: The 2022 edition of BHMA A156.10 is expected to be approved and published by the end of 2022.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. The revisions being finalized in A156.10 for Power Operated Pedestrian Doors are not expected to change the cost of construction.

Public Comment 7:

Proponents: Jay Peters, representing Honeywell (peters.jay@me.com) requests As Modified by Public Comment

Further modify as follows:

<table>
<thead>
<tr>
<th>CSA</th>
<th>Canadian Standards Association</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Reference Number</td>
<td>Title</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UL</th>
<th>UL LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Reference Number</td>
<td>Title</td>
</tr>
</tbody>
</table>

Commenter’s Reason: The proponent’s reasoning statement provided to the committee for this modification was completely inaccurate. The original proposal for the inclusion of edition of UL 60335-2-40 should be upheld. The 2022 edition of the standard was not complete when the proponent incorrectly testified that it was complete. There is no debate as to the technical aspects or merits of the standard. ICC Procedures do not allow for a standard to be approved unless completed by the deadline. UL 60335-2-40 2022 Edition was not, and is still not complete today. This proposal should be disapproved for procedural and policy issues and not updated until the next cycle. If this standard edition is approved as modified, there will be technical and safety conflicts between this standard and the ASHRAE 15 as the code adopts the 2019 edition of ASHRAE 15 and there are conflicting provisions between the new 2-40 and the adopted 15 standard. It makes no practical sense to adopt a more recent listing standard for flammable refrigerant containing equipment than the installation standard that correlates with it. Other codes have, thus far, also voted to NOT include the 2022 edition of UL 60335-2-40 in the 2024 codes. Moreover the CANENA WG14 agreed unanimously to require an external discharge safety valve as part of the installation standard. This also is not complete yet and one further example this is not ready to be adopted yet.

Cost Impact: The net effect of the public comment and code change proposal will not increase or decrease the cost of construction. No change to code.