LONG TERM CODE DEVELOPMENT PROCESS ISSUES

This document provides the background for the process instituted in 2016 by the ICC Board to solicit feedback on the ICC Code Development Process. The feedback was evaluated and determined to be either short term feedback (2018/2019 cycle) or long term feedback (beyond the 2018/2019 cycle). Short term feedback was reviewed by the ICC Board and implemented via changes to Council Policy CP28 Code Development. Long term feedback as well as other long term considerations will be on the agenda for committee review and recommendation to the ICC Board.

BACKGROUND

In 2015, ICC entered into a new agreement with ASHRAE to develop the 2018 IgCC. As a result, hosting a Group C cycle was not necessary. Since the announcement, ICC received numerous suggestions on what to do in 2017 since there would not be any Code Development activity. Additional suggestions were received by many members and organizations on what they feel could be improvements to the Code Development Process.

Recognizing the need to formalize the process to allow ICC stakeholders to provide feedback directly to the ICC Board, the Board directed staff to engage the stakeholders by announcing a "Call for Feedback" on any and all aspects of the ICC Code Development Process.

Key milestones:
- 9/20/16:   Call posted on the ICC Feedback website
- 10/17/16:   Feedback received presented at the 2016 Annual Conference
- 12/9/16:   ICC Board briefed on feedback received to date
- 2/15/17:   Feedback deadline
- 3/9/17:   Feedback posted for comments
- 4/19/17:   Comment deadline
- 5/11/17 & 7/14/17:   ICC Board takes preliminary action
- 7/24/17:   ICC Board preliminary action posted for comment
- 8/2/17:   Comment deadline
- 9/9/17:   ICC Board revises CP28 for the 2018/2019 cycle
- 12/7/18:   ICC Board appoints Board level committee to review long term code development process

Excerpts of the long term feedback received and posted March 9, 2017 follow.

Long term feedback received

(beyond the 2018/2019 Cycle)

Structural revisions to the process
Feedback has included 4 proposed structural revisions to the process, with details. They are noted as "Revised Process Nos. 1, 2, 3 and 4". All 4 proposed revisions include a common theme: **Expand the use of hearing committees beyond the current single Committee Action Hearing.**

The following is a summary of the benefits noted by the proponents of "Revised Process Nos. 1, 2, 3 and 4":
- Expanded role of committee (2 hearings for each cycle) will result in a reduction in Public Comment Hearing volume.
- Expanded role of committee, utilizing their expertise to review initial changes and then follow up with review and action on public comments, will result in improved I-Codes
- Two CAH's per cycle will reduce the number of modifications submitted since they can submit a public comment that is then considered by the same committee.
- Better vetting of the code changes: Allows proponents two opportunities to make their case to the same committee.
- Enhances the role and responsibilities of the Code Development Committees.

The following is feedback received on previously posted revised processes which expand the use of hearing committees:
- While this may appear to result in a better product brought to the membership for final action consideration, there is a concern that it will further reduce a dwindling building official participation at the committee hearings because their real stake is the vote that will not occur until the PCH and OGCV.
- Recommendations which advance multiple hearings in front of the same code committee should be seriously considered. A second committee hearing will improve the process.

All of the feedback received was numbered for ease of reference.
- **Short term (implement in 2018/2019 cycle):   1 – 84**
- **Long term (beyond 2018/2019 cycle):   85 – 93**

Feedback items 85 – 93 follow.

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REVISED PROCESS NO. 1 - Expand to three year process. Allows for more code official participation in the process and maximizes correlation of both Groups A and B actions by holding the PCH/OGCV for both groups together.

- Year 1: Two Committee Action Hearings (CAH)
    - Submit Group A code changes
    - First CAH to consider code changes
    - Submit public comments in response to first CAH results
    - Second CAH to consider public comments
- Year 2: Repeat for Group B codes
- Year 3: Group A & B Public Comment Hearing followed by OGCV
    - Submit public comments for Groups A & B
    - Public Comment Hearing (PCH)for Groups A & B
    - OGCV for Groups A & B

Timeframe	Year 1 Group A	Year 2 Group B	Year 3 Groups A & B
January	Code changes due	Code changes due	Public comments due
March	Post code changes	Post code changes	Post public comments
April	1st CAH	1st CAH	Group A & B PCH
May	-------	------	Group A & B OGCV
July	Public comment due	Public comment due	------
August	Post public comments	Post public comments	------
AC	2nd CAH following AC	2nd CAH following AC	AC only

AC: Annual Conference

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REVISED PROCESS NO. 2 - Maintain 2 year process but eliminate hearing format. Use committee meeting format. Smaller meeting venues with a committee meeting format will reduce the amount of testimony currently encountered in the present hearing format.

- Year 1: Group A codes
  - Submit Group A code changes
  - Spring: Hold multiple 3 day Committee Action Meetings (CAM) for each Code (concurrent meetings with other Codes).
    - Approx. 12 consecutive days.
    - Further study/tabling permitted.
  - Submit public comments in response to CAM results
  - Fall: Hold multiple 2.5 day Committee Public Comment Meetings (CPCM) for each Code (concurrent meetings with other Codes). Approx. 10 consecutive days.
    - Committee acts on public comments
    - Committee action sets the agenda for the OGCV (OGCV agenda not set at a Public Comment Hearing by voting Governmental Members)
  - OGCV (Governmental Members) for Group A
    - Include Consent Agenda for ratification
- Year 2: Repeat for Group B codes
- Year 3: Publish Codes, training and education materials
  - Spring: Education Conference, CAC meetings, Member Councils
  - Fall: Education Conference, Meetings of Code Development Committees/CAC's to review further study/tabled items

Timeframe	Year 1 Group A	Year 2 Group B	Year 3
January	Code changes due	Code changes due	
March	Post code changes	Post code changes	• Education
April	CAM – 12 days	CAM – 12 days	• CAC's meet
May	-------	------	• Councils meet
July	Public comment due	Public comment due	• Publish I-Codes
August	Post public comments	Post public comments	
AC	CPCM following AC – 10 days	CPCM following AC – 10 days	Following the AC: • CAC's and Code Development Committees meet
November	OGCV	OGCV	--------

REVISED PROCESS NO. 2 includes the following recommendations:

Code Development Committees
- 6 year appointments; staggered. Results in improved knowledge, consistency in actions and effectiveness of the committee. Provides institutional knowledge from cycle to cycle.
- Minimum 50% Regulators. Equal distribution of Building and Fire Officials.
- CAC experience preferred.
- Code Development Committee Chair serves as Chair & Moderator.

Committee Action Meetings
- An action of "further study/table" is permitted at the Committee Action Meeting. The proponent would work with the applicable Code Action Committee (CAC) to develop/submit a public comment. If not resolved, item placed on CAC agenda for next cycle.
- CAM Meetings webcast

Committee Public Comment Meeting
- CPCM Meetings webcast

Code Action Committees
- 6 year appointments; staggered
- Minimum 50% Regulators. Equal distribution of Building and Fire Officials.
- Establish Goals & Objectives.
- Enhances the responsibilities of CAC's as they would be responsible for the review of further study/tabled items from the Code Development Committees (see CAM above).

Feedback received on posted Revised Process No. 2:
- The proposed 50% minimum regulators should remain at the current minimum of 33%. Committee needs to be balanced in thirds. Code officials may not be able to commit to serving, thus may impact quorum requirements.
- Create a last shot (QPM) to change a standing motion for the OGCV. Link the qualified potential motion (QPM) to previous actions, meaning, the person making the QPM for the OGCV must have expressed disapproval (through public comment) on previous CAM motions. Approval of QPM must have one committee member person to support/sponsor. QPM's go through a committee and staff to verify qualification of proposal submission. A successful QPM is an alternate proposal or position not on the OGCV ballot.
- The current hearing process is one of the strengths of the ICC and a committee meeting format would be detrimental.
- "Further study" would add value to the CAC's and result in input to the Code Committees.

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REVISED PROCESS NO. 3 - Expand to three year process

- Year 1: Two Group A Committee Action Hearings (CAH)
  - First (Spring): Consider code changes, tabling allowed
  - Second (Annual Conference): Consider tabled items
- Year 2:
  - Spring: Group A Public Comment Hearings (PCH)
  - Group A OGCV
  - Annual Conference: First Group B CAH
- Year 3:
  - Spring: Second Group B CAH
  - Annual Conference: Group B PCH
  - Group B OGCV

Timeframe	Year 1	Year 2	Year 3
January	Group A: Code changes due	Group A cont'd: Public comments due	Post tabled items
March	Post code changes	Post public comments	-------
April	1st CAH	Group A PCH	2nd CAH – tabled items
May	Post tabled items	Group A OGCV	--------
July	-------	Group B: Code changes due	Public comments due
August	-------	Post code changes	Post public comments
AC	2nd CAH to consider tabled items - following the AC	1st CAH following AC	Group B PCH following AC
November	------	-------	Group B OGCV

Feedback received on posted Revised Process No. 3:
- Opposed: Tabling items until later in the hearing will result in lower overall interest but stack the tabled later hearing. This will draw out the process and inserts greater confusion of those outside the process. This is not a good process change.

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REVISED PROCESS NO. 4 - Expand to four year process. Push back the code change deadline in each cycle to allow more time to develop code changes, collaborate and to solicit input. The additional time allows for the adoption process to start. With the typical lag in adoptions, a four year cycle seems reasonable.

- Year 1
    - Summer: Submit Group A code changes
    - Annual Conference: First CAH to consider code changes
- Year 2:
    - Submit public comments in response to first CAH results
    - Spring: Second CAH to consider public comments
    - Fall: Group A Public Comment Hearing
    - OGCV
- Year 3:
    - Summer: Submit Group B code changes
    - Annual Conference: First CAH to consider code changes
- Year 4:
    - Submit public comments in response to first CAH results
    - Spring: Second CAH to consider public comments
    - Fall: Group B Public Comment Hearing
    - OGCV

Timeframe	Year 1	Year 2	Year 3	Year 4
January	------	Public comments due	------	Public comments due
March	------	Post public comments	------	Post public comments
April	------	2nd CAH	------	2nd CAH
May	------	------	------	------
June	Group A: Code changes due	Public comments due	Group B: Code changes due	Public comments due
August	Post code changes	Post public comments	Post code changes	Post public comments
AC	1st CAH following AC	Group A PCH following AC	1st CAH following AC	Group B PCH following AC
November	-------	Group A OGCV	-------	Group B OGCV

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REVISED PROCESS NO. 5 – 4 years between editions

- Need more time between hearings to evaluate and work on public comments. This would result in better quality of Public Comments. This may necessitate two 18 month cycles with the codes published in the fourth year.

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REVISED PROCESS NO. 6 – Committee meeting format

- Hearings are too long. Committee meeting format is much more efficient.

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REVISED PROCESS NO. 7 – "Two bites at the apple"

Revise the process to include two full cycles of code development for each code. This would require a "supplement" between cycles to be created and serve as the basis for the second cycle. Most jurisdictions do not adopt the current edition until a year or two after publication. The second cycle allows for jurisdictions to adopt and enforce the code for a period of time and still have time to submit a change in the second cycle if they encounter issues in their enforcement of the code.

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REVISED PROCESS NO. 8

Consider staggering code change hearings for different codes in smaller venues to mitigate exceedingly long weeks of hearings which discourages broad participation.

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3 year cycle is too short. Some construction projects take longer than 3 years making designs obsolete. Adoptions lag behind new code edition. Consider longer cycle, 5 – 7 years.
- Adoption process takes considerable time and resources
- Technology not evolving fast enough to warrant 3 year cycle
- Majority of approved code changes have little to no significance
- Most standards are on a 5 year cycle

Feedback received on this posted item noted disagreement. There is already too much time between methods/technology and code publication. Maybe find a way to migrate to "continuous maintenance" where interim changes can be adopted by the AHJ.