



*Setting the Standard for Building Safety*<sup>™</sup>

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## **Statement of the International Code Council (ICC)**

before the  
Committee on Housing and Buildings  
New York City Council

Re:

Int. No. 478, a Local Law to provide a time frame for the adoption and periodic updating of a modern construction code or codes based on the national model construction codes developed by the International Code Council to replace the city's outdated building code.

By

Sara Yerkes, Senior Vice President of Government Relations

November 30, 2004

Thank you for the opportunity to be here before you today.

I would like to commend you, Madame Chair and the entire Housing and Buildings Committee for holding this hearing. I also thank Patricia Lancaster and her staff for the open and inclusive process she developed and implemented to carry out the New York City Model Code Program.

The ICC was honored in May of 2003 when a Commission representing the design, labor and construction community of the City selected the IBC after it and the NFPA 5000 were extensively evaluated to determine which would best serve as the basis for the building code of the City of New York.

Since that time, a year and a half ago, the NYC Department of Buildings has been working with 400 volunteers representing labor, real estate, building owners and managers, builders, engineers, architects, the disabled community, fire services and many other stakeholders. These 400 individuals and the organizations they represent have, in generous civic spirit, been giving a considerable amount of time and resources to the 13 technical committees that are amending the International Building, Fuel Gas, Mechanical, Plumbing, and Residential Codes to fit the needs of the City of New York.

The model code is just that, a nationally-developed consensus document based on the best and most recent fire and building science. It is the framework upon which NY City can develop a building code reflecting the unique needs of this City, as determined by local code users of the City and approved by those who represent its citizens, the City Council. The amendment process is then the City's means to make the model codes reflect the specific needs of New York City's dense population, high rise construction and other unique conditions. The ICC's role for the past two years has been to support and assist the City Building Department to accomplish their goal of updating their current building code. The first request was for a side-by-side comparison of the IBC and the Building Code of NYC. To accomplish this, ICC commissioned City architectural and engineering firms to conduct independent comparisons. This 3-volume study was just the first of many research projects provided to the Department of Buildings by ICC staff and members. We have also provided ICC staff and members to each of the technical committees to assist with interpretations and origins of provisions in the codes, and we have provided

the committees with code books, support documentation and other materials as requested.

Although the amendment process for each jurisdiction is different, the effectiveness of the IBC after this process is well demonstrated. The Council may already know that the overwhelming number of U.S. state and local government agencies that adopt codes have adopted and implemented building safety and fire prevention codes developed by ICC. Codes based on the IBC are readily recognized and understood by those in the design and construction fields and serve as a baseline for the design, construction, operation and maintenance of the majority of public and private sector buildings in the U.S.

The I-Codes are currently used in 48 states and throughout the world by the U.S. Departments of State and Defense. In addition, they are also used by other federal agencies such as the Housing and Urban Development, GSA, National Parks, FEMA, and by the Architect of the U.S. Capitol. The remaining two states continue to use what are referred to as ‘legacy codes.’ These legacy codes were the product of one of the three regional organizations that recently combined to form the ICC, and the ICC continues to support the administration of these legacy codes.

Important to the quality and credibility of the I-Codes is the system used in their development. This system is known as a *governmental consensus process*, and it allows all interested and affected parties the right of participation. This participation extends to code development as well as to the governance and operation of ICC. This truly democratic system of code development has provided the citizens of the U.S. the highest level of building safety in the world for many decades.

The success of the governmental consensus process is based on ICC’s commitment to an open, balanced, and inclusive code development process. This process meets the principles defined in federal law and policy including the U.S. National Standards Strategy of 2000, (currently being revised with input from the ICC) the OMB Circular A-119 (Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities (1998)). ICC’s process also complies with Public Law 104-113 (the National Technology Transfer and Advancement Act of 1995). Our process follows the principles of openness, transparency, balance of interest, established due process and the right of appeals. The

resulting consensus is consistent with the democratic process in which our federal, state and local laws are drafted, revised and finalized.

Anyone, ICC member or not, can submit a code change proposal, make a public comment and participate in the debate on any proposed change to the model code. Likewise, anyone can appeal an action or inaction of a code committee to ICC's publicly elected Board of Directors.

The ICC code development process follows this cycle:

1. Code changes are submitted
2. Code changes are printed, distributed and available on-line
3. An open public hearing is held
4. Public hearing results are printed and distributed and available on-line
5. Public comments are sought on public hearing results
6. Public comments are printed and distributed and available on-line
7. A Final action hearing is held
8. Supplements or new editions of the Codes are published that include all changes receiving a positive final action vote.

The I-Codes are the leading edge of building technology and firefighter safety. The safety of the public, of the fire services and of emergency personnel is always a priority in the I-Codes. Since first written, the I-Codes have incorporated the highest level requirements for the protection of first responders. These requirements include access routes for fire department equipment and personnel, designed-in protection for firefighters, including smoke and heat vents, shaft reinforcement and protection, basement sprinklers, fire command centers, and fire-safety elevator features. These are only a few of the provisions in the International Codes that specifically address the critical needs of firefighter safety.

It is notable that the first of the code councils formed by the ICC was the International Fire Code Council. This group, made up of 16 active fire service professionals, assures that the interests and needs of firefighters are addressed at every level. The IFCC is responsible for appointments to the

International Fire Code Development Committee, along with fire service appointments to a number of other Code Development Committees, including the International Existing Building Code Committee, the Fire Safety Committee for the IBC, and the International Building Performance Code Committee.

No other code development organization is structured to provide those in the fire services with this high level of access and influence of the regulations that ultimately affect firefighters and those they protect.

By using the IBC as the framework for its construction code, the City of New York will enter into a partnership with ICC that gives the City its own “ownership” of the IBC. As it does now, the City of New York will continue to control its building code and will continue to control the process by which it adopts and amends that code now and in the future. The I-Codes are living documents, revised on an 18 month cycle with the new codes published every 3 years. This process provides each jurisdiction with a regular means for renewal and improvement of its code, but it will be always be this Council’s decision whether to adopt any future changes or amendments to the model code.

As an owner of and partner in the development of the I-Codes and governance of the ICC, the City, based on its population, will appoint delegates to vote in the national code development process and will be able to participate in governing the affairs of the ICC. Any City agencies, departments or units engaged in the administration, formulation or enforcement of laws, regulations or ordinances relating to public health, safety and welfare can become members and participate. Thus, NYC can appoint representatives as it sees fit, whether from its building department, fire department, school district, zoning department, planning department, health and safety departments, or other city agencies.

There are many additional advantages to participating in national code development. The greatest advantage is that it provides stakeholders, including architects, engineers, builders, contractors, labor unions, government officials and manufacturers – a clear opportunity for working with national and international peers, improving professional skills, demonstrating competency through voluntary certification, developing new

technologies, participating in and staying current on construction code changes thus better serving themselves, their employers and the community.

By using the IBC as its model, staff employed by the City can easily update any in-house training materials and administrative forms. To do so, your personnel can simply work with the same personnel at ICC that they work with on code interpretations, product evaluations and other technical issues.

Adoption of the I-Codes will align the city with surrounding jurisdictions and with the rest of the country. The City will build upon a common code format used throughout the country.

Building safety clearly depends on more than written codes and standards. Building safety results from providing trained professionals with the resources and ongoing support necessary to stay current with the latest advancements in the building safety field. The ICC has in place a complete building system to support its members and customers. Our building safety system is well equipped to meet the needs of any jurisdiction with code interpretations, education, personnel certification, plan review, building product evaluations, code commentaries, handbooks and more. We offer customized services for the professional development of code enforcement officials, fire officials, architects, engineers, builders, plumbers, contractors, and building owners and managers.

ICC's certification program ensures that competent building and fire safety individuals are involved in the critical building approval process. Through the ICC, professional certifications are available which are specific to all state, regional and national codes and standards. Since 1973, 500,000 certifications have been issued and over 75,000 individuals hold current certificates in one or more of 65 areas of expertise. Currently, 20 states recognize the benefits of such certifications and require them as a condition for service.

ICC offers national certification in 54 categories, which include all of the principal code administration professions. In addition, we have a national contractor-licensing exam that covers 12 categories of trades.

The following certification categories are available through the ICC: Residential Inspection, Commercial Inspection, General Plans Examiner, Energy Inspection/Plans Examiner, Fire Inspection, Code Enforcement,

Special Inspector, General Inspection, Code Official and Building Official, and Master Code Professional.

Professional development services provided by the ICC assist cities, counties, states and the federal government in providing education and training programs for their employees and constituents. These programs focus on the codes as well as on topics associated with the legal and administrative nature of codes, information technology, code enforcement, etc. These courses are provided on a regular basis as requested by state and local government or state and local chapters of ICC members. The ICC educational programs are offered in-person, on-line, and via telephone. A list of available “off the shelf” training courses is available on the ICC web site. Training courses can also be taken through local Junior Colleges throughout the country.

Our technical services department provides formal and informal code interpretations. Over 100,000 telephone interpretations are provided each year. Over 5,000 written interpretations are issued each year. These are a formal, published position that would be developed with staff support through an ICC code interpretation committee.

A comprehensive program for review of plans and specifications for building departments, architects, engineers, and designers is also provided by the ICC. Building professionals have also found that using these services in the conceptual stages of project development can help identify potential code-compliance issues early on.

The ICC International Accreditation Services (IAS) is recognized as meeting ISO Guide 58 by the American National Standards Institute (ANSI) and can fully accredit testing laboratories, quality assurance agencies, and fabricators who are integral to conformity assessment worldwide. That expertise can ensure conformity to the codes as well as provide the basis for key ties with other states and countries on laboratory capability and quality.

Compliance with building construction regulations is based on approval by those administering and enforcing the codes. The provisions in those codes refer to certain test standards and also require verification that products manufactured off-site meet the applicable local code. Manufacturers cannot self-certify compliance and must therefore hire third party testing laboratories and quality assurance agencies to perform these functions;

functions that ultimately rest with those enforcing the code under their approval authority and are a part of the code compliance process.

ICC Evaluation Service (ICC-ES) provides assurance that building products and technology meet building code provisions. The introduction of new construction technology does not usually coincide with the publication of new building safety codes and standards. Consequently, ICC-ES provides “alternative materials, design and methods of construction” as the basis for new building technology that is not specifically covered in the codes and standards.

In this global and competitive world, it is important to have an international presence in order to facilitate the use of American technology and products. ICC has an international program that is designed to foster increased U.S. communication with other countries on building construction regulations and to assist in the development, adoption and enforcement of building regulations. Through this program, the I-Codes have already been adopted in the Virgin Islands; and Jamaica is in the process of reviewing their adoption. The ICC has also been called upon to host foreign delegations of building industry representatives and government officials as additional countries examine utilizing an internationally recognized building code.

The IBC is the only building code under consideration at this hearing that meets or exceeds Fair Housing Accessibility Guidelines; designated “safe harbor” by HUD as meeting FHAG requirements for builders and helps ensure that new apartments and condominiums are accessible to people with disabilities. The ICC code requirements for housing accessibility were developed through a cooperative effort led by the National Association of Home Builders and ICC. This effort also included HUD, building industry representatives and disability rights groups.

This concludes my remarks. Thank you again, for the opportunity to make this presentation today. I will be glad to answer any questions.