



People Helping People Build a Safer World™

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Statement of the

International Code Council® (ICC®)

**Before the District of Columbia Committee on Consumer and
Regulatory Affairs**

**Regarding Bill 16-515, The “District of Columbia Green
Building Act of 2005”**

**Presented by Sara C. Yerkes
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Chairman Graham, members of the Council, ladies and gentlemen, good afternoon and thank you for giving me the opportunity to be here before you today. I am Sara Yerkes, Senior Vice President of Government Relations for the International Code Council (ICC). My office is in Falls Church, but I am pleased to announce that we are moving this office, which is also the headquarters of ICC, into the District of Columbia this December. We are moving into the first green commercial building in D.C., owned by the National Association of Realtors (NAR) on 500 New Jersey Avenue. Please accept this as an open invitation to come visit us there anytime after December 5th.

I am accompanied today by my colleague, Roland Hall, ICC's Government Relations Representative for the States of Pennsylvania, Maryland, Delaware and New Jersey. Unfortunately your ICC D.C. representative Dave Conover is unable to be here due to a conflict in his schedule.

I was invited to present a general overview of ICC, talk about the adoption and use of the International Codes and address briefly some of your concerns including how the I-Codes address for example existing and historical buildings and other issues. I will not go into any great detail about the technical aspects of the codes but will be very happy to submit additional information if you wish on any code related topic.

Overview of ICC

ICC is a private, not-for-profit, membership focused association dedicated to public safety. We have approximately 40,000 members and more than 350 highly qualified staff throughout the United States and the world, including district offices in California, Illinois, Alabama, field offices in 16 states, Argentina and Puerto Rico providing unmatched membership support along with advanced technical, educational and informational products and services

The ICC's mission is "Providing the highest quality codes, standards, products, and services for all concerned with the safety and performance of the built environment."

Since its establishment in 1994, The *International Code Council* (ICC), and its founding members, *Building Officials Code Administrators International, Inc.*[®] (BOCA[®]), *International Conference of Building Officials*[®] (ICBO[®]), and *Southern Building Code Congress International, Inc.*[®] (SBCCI[®]) have risen to the challenge of creating a single set of comprehensive, coordinated model construction codes for use throughout the United States and around the world. These codes are the International Codes[®] or I-Codes[®].

The members of ICC are governmental entities like cities, counties, states and individuals such as engineers, architects, building and fire code enforcers, academia, building owners and managers, commercial and residential builders, public safety advocates, and more.

I-Codes – their use and acceptance

The model codes are used as the basis for state and local codes. Jurisdictions are responsive to their specific climatic, geographical, environmental and other needs. For example, because of California's seismicity, the State of California increases the stringency of the seismic provisions of the IBC. Florida though it does not need to enhance the seismic provisions does require high wind provisions. ICC works with the jurisdictions in a supporting role but does not get involved in the development of amendments. We see that solely as the business of the state or local jurisdiction.

There are 14 model codes in the I-Code family. They include the International Building Code[®], the International Residential Code[®], the International Fire Code[®], the International Mechanical Code[®], the International Plumbing Code[®], the International Energy Conservation Code[®], the International Existing Building Code[®], the International Fuel Gas Code[®], the International Property Maintenance Code[®], the International Zoning Code[®] and more. The 14 I-Codes, though provided as separate documents, are well coordinated. This facilitates the approval of building design and construction and reduces cost for the developer, the design team and builder as well as the administering agency. This feature of coordination allows adopting jurisdictions the ability to interrelate these code documents as a cohesive set of regulatory requirements. This coordination between the I-Codes is maintained as each are updated and

maintained on the same schedule and under the same code development process.

More than 97% of U.S. cities, counties and states that adopt model codes choose building and fire codes created by the ICC and its founding members. ICC through its founding members has more than 190 years of collective experience developing codes. Cities like Baltimore, Phoenix, Philadelphia, Seattle, Houston, Dallas, Memphis, Miami, Arlington, Virginia Beach, Toledo and many more are using the I-Codes. Attached is a map of the major cities using the I-Codes as well as adoption charts by state and local jurisdictions. You may also visit our website for more information at www.iccsafe.org.

Federal agencies own and operate a considerable number of buildings in the U.S. and around the world. Agencies using the I-Codes include the Department of State, General Services Administration, NASA, Department of Defense, Department of Energy, US Forest Service, and Veterans Affairs.

ICC is also very involved internationally in assisting Mexico, Pakistan, Afghanistan, Iraq, Egypt, Saudi Arabia and other countries with their building regulations.

In general, the I-Codes provide safeguards for people at home, at school and in the workplace. The I-Codes are a complete set of coordinated, comprehensive and contemporary building safety and fire prevention codes adopted by jurisdictions across America. They combine the strengths of the legacy codes without regional limitations. They are effective, efficient and meet government, industry and public needs.

ICC's Infrastructure

Well-built, quality construction is achieved not only through code text but through the application and use of the code in the field. Building quality depends on codes, standards, and trained professionals that have the resources and ongoing support necessary to stay current with the latest advancements in the building safety field. ICC's support infrastructure facilitates code development and maintenance, code interpretations, education, personnel certification, plan review, building product evaluations, code commentaries, handbooks and other support that is critical to ensuring well-built quality construction.

ICC has three subsidiaries: ICC Evaluation Service, Inc.[®] (ICC-ES[®]) which performs technical evaluations of building products, components and materials. International Accreditation Service, Inc.[®] (IAS[®]). IAS assesses and monitors the acceptability of testing laboratories, calibration laboratories, inspection and quality control agencies, and fabricator inspection programs and IAS also provides building department accreditation. And, the ICC Foundation[®] which is dedicated to encouraging the construction of durable and sustainable buildings and homes.

The I-Codes and green building practices

The I-Codes promote application of environmentally sensitive and sustainable construction through an open code development process, where anyone can submit changes to the code. Through that process, for instance, provisions associated with grey water recycling and use have been added to the International Plumbing Code. The Sustainable Building Industry Council (SBIC) and ICC have also focused together on adapting their guidelines for sustainable design and construction to address how to accomplish sustainable design and construction that and concurrently address minimum codes for building safety and fire prevention. Another example is the permission of waterless urinals in the IPC and the IEBC references to the IPC sustainability are now part of the mix in code change discussions. Many of the changes to the 2006 reflect that perspective though we do not catalog them that way. Any place where there is a margin line indicates a code change and most of them reflect either increases in efficiency which relates to sustainability or increases in occupant safety.

ICC invites all advocates of sustainability to participate in the model code development process.

Beyond those efforts, the provisions in the codes addressing alternative materials and methods provide a basis for acceptance of any and all environmentally sensitive and sustainable construction.

In 2004 the ICC Industry Advisory Committee (IAC) formed a Task Group on Green Buildings and tasked SBIC to serve as a resource for the ICC in the development and implementation of a green building policy; provide the members of IAC with an understanding of current events pertaining to green

buildings so they are informed on market trends; to identify opportunities within the building code system to minimize barriers to the use of green building concepts and to identify the impact on building officials and the associated regulatory system that green building design may present.

Overall, the task group found very few impediments and no serious barriers in the code that would inhibit the use of green building techniques and methods. The most likely hindrance would be the inability to achieve a “point” or “credit” due to enforcement of a mandatory building code provision. More often, certain provisions of the I-Codes appear to agree with many of the concepts upon which green building rating systems are constructed.

The IBC facilitates rehab, reuse, and change of use of existing buildings (residential, commercial, and industrial)

The International Codes comprehensively address existing buildings with a focus toward the safe, adaptive reuse of a community's existing building stock. Section 101.2 (scope) IBC describes the applicability of the code to ‘...*every building or structure or any of the appurtenances connected or attached to such buildings or structures.*’ The IBC, “Existing Structures”, addresses *alteration, repair, addition and change of occupancy of existing structures.*’

Other I-Codes which address safety in existing buildings include the International Fire Code, the International Existing Building Code and the International Property Maintenance Code, all of which are referenced by the IBC.

The International Existing Building Code (IEBC[®]) addresses alterations, changes of occupancy and additions to existing buildings. The IEBC was founded and developed on principles intended to encourage the use and re-use of the nation’s existing building stock by mandating appropriate upgrades that adequately protect the public health, safety and welfare without unduly and unnecessarily requiring compliance with unduly expensive new building provisions. By providing for the continued safe use of existing commercial buildings, the IEBC promotes affordable commercial development in terms of re-development.

How the IBC promotes mixed-use development

You may also be interested in knowing that the IBC promotes mixed-use development by providing several options for the design and construction of mixed-use buildings. The IBC is innovative and gives significant flexibility to design a building with multiple uses under the same roof. Due to this flexibility, building owners and developers then have additional choices that result in reduced construction costs, while providing for public protection and safety in mixed use facilities.

The IBC promotes affordable commercial development

The I-Codes address affordability in the area of commercial development based on the technical provisions of all our codes for both new construction and existing buildings, as well as in the process by which the codes are developed and the support infrastructure that facilitates the application and use of the codes. ICC promotes affordability through alternative materials and methods provisions, which facilitate the application of new and innovative designs and building technology that can reduce both first cost and life-cycle cost.

The ICC code development process addresses the issue of affordability and economics by requiring that proposed changes to the code include a statement on economic impact, and through the code development process analyzed from a cost impact perspective. This is part of the required documentation that must accompany any code change submittal, and is the official procedures entitled *Code Development Process for the International Codes*. The process itself, with open public hearings allowing anyone to participate, publication of all code change proposals and receipt of public comment, and a final vote by only by designated officials of Federal, state or local government, ensures that proposed changes that may lead to higher costs by favoring one method of construction or one industry over another, are fully scrutinized and ultimately decided by those without any vested interest.

The code also promotes affordable commercial development by placing considerable reliance on the building regulatory community in terms of plan review, inspection, approval of materials and methods of construction, and consideration of calculations facilitated by computer software. Through the ICC support infrastructure, which includes plan review support,

interpretations, technology evaluations, accreditation of third party testing and inspection agencies, and education and training, the building regulatory community can more readily consider and approve commercial buildings, saving time and money for building owners and developers.

The I-Codes provide an integrated, comprehensive approach to the rehabilitation of historic buildings

The IBC draws a balance between preserving our heritage, through historic preservation, and our safety, through unobtrusive fire protection. This was one of the major concerns that the U.S. Architect of the Capitol had when he was considering the I-Codes which are now also the codes of choice for the Capitol.

Section 101.2 ‘Scope’ of the IBC provides in exception 2 that *‘Existing buildings undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.’* While sections 3407 ‘Historic Buildings’ and 3409.8 ‘Historic Buildings’ of the IBC address the issue within the IBC, the above cross-reference allows the code user to apply the more comprehensive provisions for historical buildings found in the Chapter 10, ‘Historic Buildings,’ of the IEBC.

Section 1001.1, of the IEBC states that, *‘It is the intent of this chapter to provide means for the preservation of historic buildings. Historic buildings shall comply with the provisions of this chapter relating to their repair, alteration, relocation and change of occupancy.’* Chapter 10 requires that a *‘historic building undergoing repair, alteration or change of occupancy, be investigated and evaluated.’* Specific requirements for museums, flood hazard areas, repairs, fire safety, alterations, change of occupancy and unsafe structural elements are also addressed in the IEBC.

The I-Codes level the playing field among jurisdictions to attract economic development

Since the I-Codes are the most widely adopted building codes in the United States, use of the most current I-Codes help to align the city with the rest of the country as well as surrounding jurisdictions allowing corporate engineers and architects to use a familiar building code.

The use of the ICC codes also gives corporate America a reasonable expectation of what is permitted to be constructed, prior to approaching city staff. This can reduce the number of rechecks and delays when a designer is unfamiliar with the local codes. They can then predict production rates and efficiencies based on a common layout for their plants.

I-Codes address the needs of people with disabilities

The ICC strongly supports building accessibility and has received several recognitions from the US Department of Housing including the “Best of the Best” award and has since 1986 been the Secretariat to the ANSI A117 Consensus Committee that develops the A117.1 Standard, *Accessible and Usable Facilities*. This standard is the base document used by the Access Board to develop ADAAG. The US Access Board made its guidelines more consistent with the IBC and ICC/ANSI A117.1. This is the building and standard used by most state and local jurisdictions in the U.S. that regulate building accessibility.

The IBC meets or exceeds Fair Housing Accessibility Guidelines (FHAG); the IBC is designated a “safe harbor” document by HUD as meeting FHAG requirements for builders and helps ensure that new apartments and condominiums are accessible to people with disabilities. ICC conducts workshops with HUD, NAHB and the National Organization on Disability on the Fair Housing Act to help achieve compliance with the HUD Fair Housing accessibility requirements.

In 2001 ICC was awarded a Fair Housing Initiatives Grant by HUD on Education and Outreach, Model Codes Partnership, Promoting Fair Housing Act Consistency in Model Codes and Ordinances. And, our work in this area continues.

I-Codes address Firefighter Safety

I-Codes are developed with the public’s and the emergency responders well being and safety in mind. The ICC is firmly committed to the safety of emergency responders, particularly firefighters. Requirements for fire department access; built-in protection for firefighters, including smoke and heat vents, shaft protection, basement sprinklers, fire command centers, and

elevator features are only a few of the provisions in the International Codes that pertain specifically to firefighter safety.

In conclusion, the United States has the highest standard of building safety in the world, thanks to all the professionals who participate in the development of the codes and in the adoption and enforcement of those codes. Our success in protecting the public is based on our proven system of code development that incorporates the expertise and opinions from every arena, ensuring the very best in building safety regulations. ICC is proud to be a part of this.

This concludes my presentation. I will be happy to answer any questions. Thank you again for the opportunity to speak before you, for your time and consideration.