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Administered By
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September 23, 2014

President Steven Jones
International Code Council
500 New Jersey Avenue NW
Washington, DC 20001

Dear President Jones:

WABO had the privilege of participating in the Code Cycle Roundtable discussion on August 20, 2014 in Washington, D.C., where various interest groups discussed the code cycle problem facing ICC. At that meeting, several stakeholder viewpoints were shared relating to the process of code adoption in this country. We understand that NIBS will provide a report to the ICC Board who will then use it to make a recommendation on whether the cycle should be extended or kept at every three years. In the meantime, we were asked to provide our take on the meeting, the processes that are in play, and for our ideas on what we think are the issues at hand.

We are aware the code publication cycle is every three years, as is the code development cycle. It is the adoption cycle that is the wild card that ICC cannot control and some jurisdictions/states are skipping a cycle for many different reasons. What was not discussed at the D.C. meeting was why these entities are choosing to make this an issue now when it was not an issue six or seven years ago. We believe what we are seeing with the longer code adoptions is a manifestation of a larger problem and the cycle skipping is a symptom of serious underlying issues. One of the biggest issues, of course, is the debacle over the residential sprinklers in Minneapolis. However, there are other issues that have led to code official disenfranchisement, some of which are explored below.

- 1) **The Purpose of the Codes.** Some code professionals feel the codes we have adopted exceed the minimum life safety standards that are the purpose of the code. In many places, the codes have morphed into best practices or maximum desired practices. Members and the customers they serve are asking, "Are the buildings we built 5, 10, or 15 years ago unsafe?" and, "How safe is safe enough?" While WABO recognizes the need for up-to-date codes to allow for new technology and innovative products, the aim should be for minimum, not maximum codes.
- 2) **The Perception of the Hearings.** There is a perception that many of the changes to the codes are due to proprietary interests and some of our voting members feel industry and special interest groups have too much influence in the code development process. This perception raises credibility questions over the cost versus the benefit of code changes that do not show a reasonable return on

the new improvements demanded in construction. In addition, the debates between the code experts and industry often end in a political compromise and are intimidating to the code officials who we want to attend and participate. Few people like to enter into a battle where you may be humiliated by a better debater.

Second, as mentioned above, many contractors and code officials do not believe the increased levels of protection afforded by the new codes are any better than the previous versions, which shows a lack of belief in the process on how the codes were developed. With doubts over the development process, many ask what good is this for the economy of our country since newer codes mostly add to the cost of construction. Whether this is factual or not, the perception is there and we have to deal with that perception because it is the reality for the end users of the codes.

3) **Code Support.** Code officials no longer take ownership of the codes as in the past where it was possible to be an expert in them. The codes themselves have become too complex for many building types and there are just too many of them. Many code officials are only focusing on the clear fire/life safety provisions of the code and ignoring the seemingly non-relevant intricate details that try to address every installation configuration. As mentioned above, the influence from the industry and the standards writing organizations prevent the officials from becoming engaged enough to provide an effective counterbalance to the process. Combine that experience with the common belief the purpose of all of this is to sell more codes, and we end up with a process no longer supported by a majority of the end users. If the end users don't buy in to the process, much of what happens in the newest editions of the codes becomes a huge waste of time. And for many, the best way to fight back is to not support the latest codes by skipping a cycle here and there.

4) **Code Cycle.** Another complaint we've heard pertains to the frequency of the code development cycle and how it does not allow the code officials time to try out the new codes before the next one comes out, and before changes need to be proposed for the one beyond. With such a quick revolving process, most code officials cannot do the proper research of the code changes. They cannot explain the changes to the construction community because they often do not know why they occurred. The learning curve is too great, given the number of changes (often in the hundreds). So there is a tendency to just give up and do what they have always done.

WABO believes the current adoption process is failing because many jurisdictions do not adopt the newest codes as they are developed and published. A longer cycle makes sense if we believe that giving the users a chance to test the codes out before changing them again is logical. With codes already saturated in detail, it is unnecessary to make changes as frequently as every three years, which would help with buy-in of the entire process.

We do not feel the issues presented above can be adequately addressed and resolved in the near future. They are goals to be worked on in the future through a transparent process to reengage the membership who dramatically pulled their support after the Minneapolis ABM. The people who pulled off that stunt are still very visible in the code development arena and their assault on the codes for what is perceived as professional gain still continues to this day. This is an issue that should be addressed in a separate time and place. For now, we propose a solution for how to deal with the immediate problem regarding the code cycle and code adoption.

We think the current process where we develop and subsequently purchase new sets of code books is no longer sustainable in the modern day world. Of course, we realize many of our end users are deeply steeped in this process and changes to it may not be welcomed. One of our members proposed an idea in Atlantic City last year to some board members to phase out the publishing of codes and move toward a cloud-based solution. The codes available in the cloud should be fully editable and searchable rather than in a pdf.

Many of us are already wired so this is not something new and foreign and it offers a solution to the complaints about the codes being too big and not user friendly. Traditionalists could still have the opportunity to print the sections of the codes they need to create customized field versions and eliminate the bulk and complex portions they do not use. State changes could also be incorporated electronically. The changed code language can be shown with strike-through and underline formatting so the full published codes from ICC are always available. People need the full version for training, testing, and certification, as well as for other reasons.


Next, we suggest the codes be available by subscription with subscribers having full access to codes offered by ICC. The fee for such a service would be comparable to what a jurisdiction already pays on the three-year cycle. It could be spread out annually in equal payments based on population, department size, or some other factor that is reasonable and fair. ICC would still receive the needed revenue to continue their operations. Every state could adopt whatever version of each code when they are ready since the latest versions will be available in the cloud in real time. You cannot do that with publishing.

We also would like to enlist the assistance from a federal agency like FEMA to put more pressure on parts of this country that still use codes older than ten years. As a world leader in building safety, we should not be behaving like a third world country devastated by natural disasters because current codes are not in use. Since our federal government has to bail out and rebuild devastated areas, they should demand the use of modern-day codes, despite the arguments over how much that will cost. ICC has been pushing for this for years and now is the time to step up that fight.

WABO's proposal for possible solutions to the code cycle dilemma is outlined in this letter. There are probably many other viable alternatives and we are willing to work to make the process better. Perhaps ICC could provide a more in depth forum to engage others across the country to find solutions to these issues. We offer our assistance and support in forging ahead with new ideas to solve old problems.

Thank you for your attention. We look forward to a continued relationship in keeping ICC strong and viable for the future.

Sincerely,

A handwritten signature in black ink that reads "Jonathan C. Siu". The signature is fluid and cursive, with the first name being the most prominent.

Jonathan C. Siu, PE, SE, ACO
President

CC: Guy Tomberlin
Dominic Sims
Kraig Stevenson