

RED1-16-22 – Modification

Proponents: Robert Schwarz, representing BUILDTank, Inc. (robby@btankinc.com)

2024 International Energy Conservation Code [RE Project]

Existing definition in the IECC – no modification

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 *code official*.

Add Definition as Follows

Approved Third Party Inspection agency: A business, organization, or individual that is competent, independent and is used when the *building official* requires the *owner* to employ a special inspector to develop *compliance documentation*, perform compliance testing, or inspect during construction, specific work as described in this code.

Add definition from IBC

OWNER. Any person, agent, operator, entity, firm or corporation having any legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding an interest or title to the property; or otherwise having possession or control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

SPECIAL INSPECTION. Inspection of construction requiring the expertise of an *approved special inspector*, *approved agency*, or *approved third party inspection agency* in order to ensure compliance with this code and the approved *construction and compliance documents*.

SPECIAL INSPECTOR. A qualified person employed or retained by an *approved agency* or *approved third party inspection agency* and *approved* by the *building official* as having the competence necessary to inspect a particular type of construction requiring *special inspection*.

SECTION R105 INSPECTIONS

R105.4 Approved ~~third-party~~ inspection agencies. The *code official* is authorized to accept reports of third-party inspection agencies ~~not affiliated with the building design or construction~~, provided that such agencies are *approved* as to qualifications and reliability relevant to the *building* components and systems that they are inspecting or testing, and authorization is given prior to issuance of the building permit.

R105.4.1 Authorization of approved third-party inspection agency. An approved third-party inspection agency shall provide all information as necessary, upon request, for the *code official* to determine that the agency meets the applicable requirements specified in Sections R105.4.1.1 through R105.4.1.3 and to authorize their work in the jurisdiction.

R105.4.1.1 Independence. An *approved third-party inspection agency* shall be an objective, competent, and independent business identity. The agency shall perform their duties per the express guidance of the *code official*. The agency shall disclose to the *code official* any conflicts of interest including where

fees for service are derived. The agency shall explicitly understand that they are only able to work within the jurisdiction giving approval if approval is granted. If approval is revoked the *code official* may reestablish approval at their discretion.

R105.4.1.2 Equipment. An *approved third-party inspection agency* shall have adequate equipment to perform inspections and tests required by the *code official* and this code. All testing equipment shall be periodically calibrated as required by the manufacturer, testing standards used in this code, or certifications held by the approved agency.

R105.4.1.3 Personnel. An *approved third-party inspection agency* shall ensure employed personnel are properly trained, and upon request, be able to provide written documentation to the *code official* demonstrating the competence and relevant experience or training of *special inspectors* who generate *compliance documentation*, perform the *special inspections*, and tests during construction.

R105.4.1.4 Authorization. Upon approval of the *building official* the approved third-party inspection agency shall have the authority to pass or fail delegated inspections and tests required by this code.

R105.4.2 Approved third-party inspections reporting. *Approved third-party inspection agencies* shall keep records of *special inspections*, tests, and *compliance documentation* required by this code and created by the *approved third-party inspection agency* or *special inspector*. The *approved agency* shall submit reports of *special inspections* and tests to the *code official* and to the *owner* or *owner's* representative. Reports shall indicate that work inspected or tested was or was not completed in conformance to the *approved construction documents* or the requirements of this code. A final report documenting required *special inspections* and tests, and correction of any discrepancies noted in the inspections or tests, shall be submitted, along with other required *compliance documentation*, at a point in time agreed upon prior to the start of work by the *approved third-party inspection agency* and the *building official*.

Reason Statements:

In relation to the International Energy Conservation Code, third-party inspection agencies and building officials currently have a variety of ideas regarding what should constitute the work of the agency. For the ERI path, for example, many Raters understand that they must develop an ERI score, but do not fully understand their relationship to inspection of other requirements in the IECC. Jurisdictions having authority, are often either abdicating inspections or believe that Rater's are looking at mandatory inspection items. In addition, the creation of a HERS Index score is different from the creation of an ERI score for code compliance. A HERS Index score is an asset rating which allows for the derating of the R-value of poorly installed insulation in the energy model, as the objective is to benchmark the energy performance of the home on the HERS Index scale as it was built. An IECC ERI evaluation of the installation of Insulation does not allow for the deration of poorly installed insulation. If insulation is not installed in accordance with the manufactures instruction and the guidance given in Table R402.4.1.1, then the installation should fail inspection and be reinstalled until it meets the mandatory requirement of the code. This disconnect in understanding is the genesis of this code change proposal.

Members of the committee and other interested parties suggested that a modification be made to this proposal that looked at the Special Inspection section of the IBC. Approved agencies and Special inspections are defined and handled differently in the IRC and IBC compared to the IECC, however, there was good information in Chapter 17 Section 1703 Approvals in the IBC that was incorporated in this Modification. Section 1703 of the IBC specifically address the relationship between an approved agency and the jurisdiction having authority.

The clarity gained in the relationship between the authority having jurisdiction and the approved third-party inspection agency is crucial as we progress into more complicated and meaningful energy codes. Nationally, jurisdictions are losing experienced professionals to retirement. Consequently, more third-party inspection agencies are stepping in to fill the gap. These third-party inspection agencies tend to be solely focused on energy and are capable, and eager to work in the energy code compliance niche. They are filling a need for jurisdictions that are either understaffed or lack a desire to fully enforce the energy components of the code. This proposal clearly defines a path forward to meet the need by defining scope and responsibilities to better ensure compliance and thus achieve expected energy savings.

Cost Impact:

This proposal does not increase cost but better allocates dollars currently being spent to ensure that the job being undertaken by approved third party inspection agencies truly meets the needs of the authority having jurisdiction.