



International Code Council
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June 8, 2009

The Honorable David Wu
Chairman
Committee on Science, Subcommittee on
Technology and Innovation
United States House of Representatives
2320 Rayburn HOB
Washington, DC 20515

The Honorable Adrian Smith
Ranking Member
Committee on Science, Subcommittee on
Technology and Innovation
United States House of Representatives
2320 Rayburn HOB
Washington, DC 20515

Dear Representatives Wu and Smith:

We appreciate the attention your Committee is giving to the re-authorization of the National Earthquake Hazard Reduction Program (NEHRP), and in particular the ways in which technology developed in federal and private laboratories can be transferred into the model building codes published by the International Code Council (Code Council). Further, we understand that you are also interested in how to ensure that once the model codes include provisions designed to mitigate the effects of earthquakes and other natural disasters, that such model codes are adopted by state and local governments, to ensure that construction of buildings and homes will reflect those mitigation strategies.

The International Code Council publishes the International Residential Code (IRC), and the International Building Code (IBC), the model codes used in all 50 states as the basis for local and state building codes that regulate the construction of residential and commercial buildings, respectively.

We have several comments regarding the two aspects of technology transfer mentioned above:

1. Measures to insure that new technology is successfully, and promptly, incorporated into relevant and appropriate building, fire and related codes.
2. Measures to encourage the rapid updating of state and local building, fire and related codes to insure that the most up-to-date technology is incorporated into codes that govern new and renovated building construction in jurisdictions at risk.

Regarding the first point, the Code Council would encourage greater participation in the code development process by Federal agencies involved in research work relating to earthquake hazards and mitigation. While the federal agencies that are involved in these research areas do participate in task forces, and sometimes in development committees for standards referenced in the model codes, there is a need for their technical evaluation of proposed code changes and in the actual code development hearings. This partnership would help educate and inform the building officials who participate.

We understand from some of these agencies that they sometimes do not authorize direct participation in code hearings in order to avoid a perception that they are attempting to dominate the process. From the



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perspective of the Code Council, we welcome their contribution and would hope they would participate on an equal footing with private sector and local government partners. Another issue that arises is financial, since participation in code hearings often entails travel and lodging expenses which must be paid by the agency, and such expenses need to be traceable to a specific Congressional authorization. These issues are real, but easily addressed, obstacles to full participation.

To this end, we believe that specific language could be inserted into authorizing legislation that would indicate that the agencies involved (e.g. NIST, USGS, etc.) are specifically authorized to provide “technical support” in support of model codes that promote the design and construction of hazard-resistant buildings. Such language would be consistent with OMB A-119, and with the National Technology Transfer and Advancement Act (NTTAA) PL 104-113, over which the Committee has oversight jurisdiction.

Language like this already exists, with respect to the International Energy Efficiency Code (IECC), where as recently as the Energy Independence and Security Act of 2007, and as far back as the Energy Policy Act of 1992 (Sec 302) the Congress directed that the Secretary of Energy (and Secretary of HUD, in the 1992 Act), should compile data, assist in “improving the technical basis” and in “demonstrating technical feasibility and cost-effectiveness” of energy efficiency provisions.

With respect to the second point, we believe the best way to insure state and local adoption of, and enforcement of, strong mitigation measures in the model codes is to incentivize the states and local governments. Legislation was introduced in the 110th Congress, and has been re-introduced in the 111th Congress, to do that. The legislation is HR 2592, introduced by Rep. Diaz-Balart (FL) and Rep. Arcuri (NY), on May 21, 2009. This legislation would provide increased disaster funding to states that adopt and enforce the most current model building codes, without weakening amendments. We believe that the Committee might want to examine this legislation for possible ideas on how to incentivize the states and local governments.

Thanks for soliciting our views; we look forward to continuing to work with you on this legislation, as the process continues.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Karmol".

David L. Karmol
Vice-President, Federal Affairs