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“THE PUBLIC’S INTEREST”

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The National Institute of Standards and Technology (NIST) released a portion of the draft final report on the investigation into the collapse of the World Trade Center (WTC) towers (and WTC 7) on April 5, 2005 and released the remaining portion of the draft final report on June 23, 2005. Based upon information provided in press releases issued by NIST, the report is roughly 10,000 pages in length. If you are a regular reader of this column, you already know quite a bit about the NIST’s opinions regarding the “how and why” the WTC towers collapsed. Rather than discuss the reasons for the collapse, or NIST’s recommendations included in the report, a section of the report on the development of building codes and standards, Section 9.1 of Chapter 9 of NCSTAR 1, caught my attention.

Section 9.1 is titled “*Building Standards and Codes: Who Is in Charge?*” and includes the following excerpts:

“Codes and standards for the design, construction, operation, and maintenance of buildings are the documents by which a society states its intent to provide public safety and functionality The United States has a unique approach to such codes and standards. In virtually all other developed countries the national government has a primary role in the development of national model codes. In the United States, the private sector develops such codes and standards.”

"In addition to standards and codes organizations, there are other key stakeholder groups that either are responsible for or influence the practices used in the design, construction, operation, and maintenance of buildings in the United States. These typically include organizations representing building owners and managers (e.g., Building Owners and Managers Association, Construction Industry Institute), real estate developers (e.g., Real Estate Board of New York), contractors (e.g., Associated General Contractors, Associated Builders and Contractors), architects (e.g., American Institute of Architects), engineers (e.g., National Society of Professional Engineers, Society of Fire Protection Engineers, Structural Engineering Institute, National Council of Structural Engineering Associations), suppliers, and insurers. . . . Very few members of the general public and building occupants participate in this process."

"The National Institute of Standards and Technology (NIST) is a non-regulatory agency of the U.S. Department of Commerce. NIST does not set building codes or standards, but provides technical support to the private sector and to other government agencies in the development of U.S. building and fire practice, standards and codes. NIST provides this support by: conducting research which helps to form the technical basis for such practice, standards, and codes; disseminating research results to practicing professionals; having its staff participate on technical and standards committees; and, providing technical assistance to the building and fire safety communities. Due to limited participation of the general public and building occupants, NIST has a responsibility to represent the public's interest. As an objective and impartial technical entity, NIST recommendations are given serious consideration by private sector organizations that develop national standards and model codes, which provide minimum requirements for public welfare and safety."

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As an objective and impartial technical entity, NIST

Although the report states that NIST considers itself to be “*an objective and impartial technical entity*”, the excerpts from section 9.1 above are cause enough to question whether or not this actually the case.

According to NIST, “*the private sector develops such codes and standards*” in the United States, however, the two primary developers of building codes and fire safety standards in the United States, the National Fire Protection Association (NFPA) and the International Code Council (ICC), are both non-profit “quasi-public” entities. The NFPA has been developing fire safety standards used in the United States for more than 100 years, while the ICC and its predecessors, the three regional model building code groups, have been developing model construction codes for more than five decades. While it is true that the NFPA was dominated by property insurance interests early in its history, the influence of insurers on NFPA standards began to wane in the early 1970's and, for the last 25 years or so, has been almost non-existent. (Of course, there was nothing wrong with the property insurer domination of the NFPA-it was the property insurers who first developed a building code in the United States and promoted the adoption of building codes throughout the United States.) Given NIST's participation in the codes and standards development process in the United States, NIST should be well aware that building codes and standards are not developed by the private sector in United States. Why then would NIST make such a statement? Good question.

In the second paragraph excerpted above, NIST lists a few of the many organizations which are involved in the development, design, construction and maintenance of buildings, as well as the development of building codes and standards. First on NIST's list of these organizations is the Building Owners and Management Association (BOMA). Just a coincidence, or is NIST trying to suggest that some of these organizations, particularly BOMA, have undue influence on the development of building codes and standards in the United States? If that's what NIST is implying, NIST is incorrect.

After characterizing the organizations which develop codes and standards as part of the “private sector”, and suggesting that organizations with financial interests perhaps exert undue influence on how buildings are designed, constructed and maintained, the report writers for NIST state that they are a “white knight” in this process and, given this, their opinions for changes to building codes and standards should carry more weight than others. Of course, when anyone goes out of their way to suggest that others have an interest in the results of an investigation and shouldn't be trusted, while their motives are “pure”, it's time to be at least a little suspicious.