



ONE SEAGATE  
SUITE 1700  
TOLEDO, OH 43604  
419.254.5246 DIRECT  
419.242.7985 MAIN  
419.242.0316 FAX  
tzaremba@ralaw.com

May 6, 2008

Vertical Openings Study Group (Study Group)  
of the Code Technology Committee (CTC)  
c/o Mike Pfeiffer, P.E.  
Committee Secretary  
Vice President, Codes & Standards  
Chicago District Office  
Via email: mpfeiffer@iccsafe.org

**Re: Development of Public Comment as to IBC- FS 118, FS 161, FS 162 (Proposals)**

Dear Members of the Study Group of the CTC:

I appreciate the hard work this Study Group has invested in these Proposals and these Proposals have promise. However, I would ask you to consider whether modifications of the magnitude being considered here are appropriate for the Public Comment process; or, are they more appropriately submitted, if at all, as part of new code change proposals in the next development cycle?

The criteria by which proposed modifications are assessed is set out at Rule 5.5.2.2 of CP# 28-05 which provides in part:

The Chairman shall rule proposed modifications in or out of order before they are discussed on the floor. A proposed modification **shall** be ruled out of order if it:

\*\*\*

3. is not **readily** understood to allow a **proper** assessment of its impact on the original proposal or the code.

(Emphasis added).

Even though Rule 5.5.2.2 technically only applies to Public Hearings, it is instructive as to modifications being proposed by Public Comment. The intent of Rule 5.5.2.2 is to limit modifications to those which will allow the impact of the proposed modifications, on both the original proposal and the code, to be properly assessed. Can modifications as extensive as those being considered by this Study Group for inclusion in Public Comments be “properly assessed” by the membership without first being assessed in the Committee process?

As you know, these original Proposals were intended to make extensive changes to the IBC, involving, literally, hundreds of individual changes to the code. At the last Study Group

May 6, 2008

Page 2

meeting in Northbrook, it took hours for the study group to capture the breadth of modifications that would be necessary to develop Public Comments to address the reasons these Proposals were all disapproved at the Committee level. Even a quick review of the modifications now being proposed reveals that dozens of modifications would be necessary to address the disapproval of these Proposals by the three separate Committees that considered them.

Public Comments modifying these Proposals add numerous modifications on top of the already large number of changes that were originally proposed. I, personally, do not believe that modifications of this magnitude, added to proposed changes of this magnitude, should be submitted to the Membership without, first, being submitted to the appropriate Committees for consideration. This is especially true when the Fire Safety Committee disapproved a major part of the original Proposal, in part, because it lacked adequate technical justification.

I urge the Study Group to consider whether it would be more appropriate to revisit these Proposals, if at all, in the next development cycle, rather than submit them to the Membership with no opportunity for Committee assessment of the many modifications that are being considered.

Very truly yours,

/s/ *Thomas S. Zaremba*  
Thomas S. Zaremba