

**Testimony of the International Code Council  
to the Labor and Industry Committee  
of the Pennsylvania State Senate  
on Senate Bill 1001**

**Roland W, Hall, P.E.,  
Senior Manager of Government Relations  
October 6, 2009**

Good morning members of the Senate Labor & Industry Committee. My name is Roland Hall and I am a senior Regional Manager of Government Relations for the International Code Council (ICC). Thank you for this opportunity to describe the code development process for the International Codes. My testimony includes general information about the ICC and our code development process, and then specific information about the changes which resulted in sprinklers being mandated in the 2009 edition of the International Residential Code (IRC).

### **Background**

The International Code Council is a membership association dedicated to building safety and fire prevention. The Code Council's 46,000 members and 300 chapters include state, county and municipal code enforcement and fire officials, architects, engineers, builders, contractors, elected officials, manufacturers and others in the construction industry. We have 2348 members in Pennsylvania, including the Commonwealth of Pennsylvania and 650 local jurisdictions. We also have 12 chapters in the Commonwealth.

The Code Council develops the codes used to construct residential and commercial buildings, including homes and schools. Most U.S. cities, counties and states that adopt codes choose the International Codes. The International Building Code is adopted for use in all 50 states and the District of Columbia, and the International Residential Code is adopted in 48 states and the District of Columbia. Numerous Federal agencies, as well as overseas territories such as Puerto Rico and the Virgin Islands also use our codes.

### **Services**

The Code Council offers unmatched technical, educational and informational products and services in support of the International Codes, with more than 200 highly qualified staff members at offices throughout the United States. Some of the products and services readily available to code users include:

- Code interpretations and technical assistance
- Educational programs
- Certification programs
- Technical handbooks and workbooks
- Plan reviews
- Automated products
- Evaluation of products for code conformance
- Monthly magazines and newsletters
- Publication of proposed code changes
- Training and Informational videos

## **Code Development**

The Code Council develops its codes through the governmental consensus process, which has provided the citizens of the U.S. the highest level of safety for more than 80 years. Our process meets the principles defined by OMB Circular A-119 for federal participation in, and use of, voluntary consensus standards.

Any interested individual or group may submit a code change proposal and participate in the proceedings in which it and all other proposals are considered. This open debate and broad participation before a committee comprised of representatives from across the construction industry, including code regulators and construction industry representatives, ensures a consensus of the construction community in the decision-making process. A major advantage of ICC's consensus-based private-sector code development process is that it allows both the ICC code development committees and eligible voting members at the code change hearings to participate in establishing the results of each proposal. Voting members (all ICC members) may either ratify the committee's recommendation or make their own recommendation. The results of all votes are published in the report of the ICC code development hearings.

Eligible voting members review the recommendations of the ICC code development committee and determine the final action. Following consideration of all public comments, each proposal is individually balloted by the eligible voters. This important process ensures that the International Codes will reflect the latest technical advances and address the concerns of those throughout the industry in a fair and equitable manner. The codes are issued every three years, with the development process occurring during the intervening years.

The following principles govern ICC's governmental process:

### **Openness:**

- Participation in the development of the codes, including code hearings, is open to all at no cost.
- Anyone can submit a code change proposal or make a public comment.
- Code committees must consider all views before voting.

### **Transparency:**

- Evidence of committee vote, with reason, must be documented.
- Final decisions are made in an open hearing by public safety officials.

### **Balance of Interest:**

- Committee members represent general interests, user interests, producer interests, or multiple interests. One-third of the committee's members must be public safety officials.
- Committee members cannot vote on issues that are a conflict of interest.
- Membership on a committee is not conditional on membership in ICC.

### **Due Process:**

- A code change proponent has the opportunity to rebut opponents and vice versa.
- Anyone who attends the hearing can testify.

- Committees are required to consider all views, objections and the cost impact of all code change proposals.

**Consensus:**

- Committee members vote to approve the code change, make modifications to it, or vote against it.
- A simple majority from the committee decides the action of the proposed code change.
- ICC assembly action allows members to challenge the action of the committee.
- Leaves the final determination of code provisions in the hands of public safety officials who, with no vested financial interest, represent only the public interest.

**Appeals Process:**

- Anyone can appeal an action or inaction of the code committee.
- ICC renders its decision on the appeal based on whether due process was served.

The International Code Council supports the adoption of our codes without technical amendments, particularly those that downgrade the minimum standards, such as deleting sections that mandate sprinklers in new homes. While we respect the role of legislative authorities in adopting model codes, it is important to note our codes represent a consensus of building safety experts from across the U.S. A major advantage of adopting the International Codes is that they are kept up to date by a process that involves all interested and effected parties at a national level. The participation and input that occurs simply can not be matched at the state and local level.

**Steps in the process which resulted in the requirement to install an automatic sprinkler system in townhouses and detached one and two-family homes built in accordance with the International Residential Code:**

1. In the 2007/08 code development cycle two proposals were submitted to modify the IRC to require fire sprinkler systems in one- and two-family dwellings, effective January 1, 2011, and in townhouses effective upon adoption of the code (identified RB64-07/08 and RB66-07/08 respectively). Other proposals were also submitted to require sprinkler systems, but these were the ones ultimately approved. Copies of these are attached for your information.
2. At public hearings in Palm Springs in February 2008, the IRC Building and Energy Code Committee heard testimony and recommended that the proposals be disapproved.
3. Public comments were submitted for each of the proposals, which resulted in the items being placed on the Final Action Agenda for the cycle. Copies of these are attached for your information.
4. At the Final Action Hearings in Minneapolis in September 2008, the assembled Voting Members of the ICC (Representatives of Governmental Members) heard testimony and approved both proposals. The votes were 1282-470 in favor of approving RB64-07/08, to require sprinklers in one- and two-family dwellings effective January 1, 2011, and 1260-425 in favor of approving RB66-07/08, to require sprinklers in townhouses. Each vote was more than the two-thirds majority needed for approval.
5. An appeal was filed by the National Association of Home Builders requesting that the ICC reverse the decision of the membership in approving these two changes. An Appeals Board was appointed and a hearing was held on December 11, 2008 in Chicago. After hearing testimony on the issues raised in the appeal, the Board voted to deny the appeal, stating that for each of the issues raised, *"The Appeals Board finds by unanimous vote that there was no material and significant irregularity of process or procedure applicable to the Final Action Hearing Process."* At a meeting on December 19, 2008, the ICC Board of Directors reviewed the Appeals Board Report and recommendations and voted unanimously to accept the recommendations and deny the appeal. I have attached a copy of the Final Report on the appeal, which contains more details.
6. The 2009 edition of the International Residential Code was therefore published with the requirements to install an automatic sprinkler system in all townhouses and in all one- and two-family dwellings, effective January 1, 2011.

You may have heard, or will hear today, criticism regarding the final vote on these changes. The International Code Council is aware of this and strongly defends our process. The following are some examples, and our response:

**Issue:** Critics of the recent vote in Minneapolis requiring sprinklers in homes argue that their side lost in Minneapolis because of an arrangement that impacted the final vote.

**Response:** This is an issue of appearance, not substance. It would be a serious matter if the criticism were true. Fortunately it is not. In an intense debate, when a mandatory requirement is voted on, sometimes people are quick to cry foul. Such claims are grossly unfair to the Code Council, the neutral organization that hosts these important debates. As in Rochester in 2007 where the residential fire sprinkler advocates didn't prevail, the sentiments were strong and the outcome uncertain. That is the nature of an open and transparent code development process.

**Issue:** Did the burst of votes from a group of ICC members at the Final Action Hearings discredit the process?

**Response:** Increased participation is always good. It's an open and representative process, so more representation is better than less, regardless of whether a code change is adopted or not. In this one case, many people who are voting members exercised their right within the system to vote their preferences and this time their view prevailed, reversing previous positions on the sprinkler issue.

**Issue:** Industry sources are saying that one side dominated the process in Minneapolis.

**Response:** In our code development process, all sides are heard. There are winning proposals and losing ones, but our unbiased system exists to serve the security interests of the public through constant examination of all issues that affect building and fire safety. Every time a contentious code change is approved or rejected, the outcome is displeasing to those who hold the contrary view, no matter how openly and fairly the system works.

**Issue:** Does the image of a lot of members suddenly showing up to vote on one issue and then leaving the hall hurt the impression of a serious deliberative process?

**Response:** The more voting members participate in deciding code changes, the better the process works. For many voting governmental members, airfare and hotel expenses as well as days away from work make prolonged attendance very difficult. So, they frequently plan their participation around the issues that concern them most. This is normal in an open and democratic society. The difference in this case is that a large number of voting members participated as a group and were noticed, whereas smaller groups or even groups of allied organizations similarly active would not attract attention. Chances are that many of the folks who filled the room during the sprinkler vote saw our process for the first time. It will prove to be a benefit to the safety code process if lots of them left with a good feeling about how they, as governmental voting members, can impact the codes their communities adopt and enforce in a way that no other code development process offers. We hope to convince those members to come back and participate in the code development process. If a single issue gets them hooked, that's okay if they become engaged in the process and participate in the events of next year.

The bottom line is that the International code Council addressed these issues in the appeal described above, and as stated by the Appeals Board:

*The Appeals Board finds by unanimous vote that there was no material and significant irregularity of process or procedure applicable to the Final Action Hearing Process.*

## **ATTACHMENTS**

#1 - PUBLIC CODE CHANGE PROPOSAL FORM

#2 - CODE CHANGE PROPOSAL RB64-07/08

#3 - CODE CHANGE PROPOSAL RB66-07/08

#4 - PUBLIC COMMENT SUBMITTED FOR RB64-07/08

#5 - PUBLIC COMMENT SUBMITTED FOR RB66-07/08

#6 - MEMBERS OF THE IRC BUILDING AND ENERGY CODE COMMITTEE FOR THE 07/08 CYCLE

#7 - REPORT OF THE APPEALS BOARD AND BOARD OF DIRECTORS FOR RB64-07/08 & RB66-07/08

ATTACHMENT #1



PUBLIC CODE CHANGE PROPOSAL FORM
FOR PUBLIC PROPOSALS IN THE INTERNATIONAL CODES

2009/2010 CODE DEVELOPMENT CYCLE

CLOSING DATE: All Proposals Must Be Received by June 1, 2009

The 2009/2010 Code Development Hearings are tentatively scheduled for October 24-November 11, 2009, Baltimore, MD.

1)

Form with fields: Name, Date, Jurisdiction/Company, Submitted on Behalf of, Address, City, State, Zip Code, Phone, Ext., Fax, E-mail address.

2)

Copyright Release: In accordance with Council Policy #28 Code Development, all Code Change Proposals, Floor Modifications and Public Comments are required to include a copyright release.

2009/2010 Cycle copyright release on file

3)

Indicate appropriate International Code(s) associated with this Public Proposal - Please use Acronym: \_\_\_\_\_

If you have also submitted a separate coordination change to another I-Code, please indicate the code: \_\_\_\_\_ (See section below for list of names and acronyms for the International Codes).

4)

Be sure to format your proposal and include all information as indicated below and in the Code Change Proposal Instructions' section on Page 2 of this form.

5)

Proposals should be sent to the following offices via regular mail or email. An e-mail submittal is preferred, including an electronic version, in either WordPerfect or Word. The only formatting that is needed is BOLDING, STRIKEOUT AND UNDERLINING.

Please use a separate form (see page 3) for each proposal submitted. Note: All code changes received will receive an acknowledgment by approximately June 21, 2009.

Please check here if separate graphic file provided. Graphic materials (Graphs, maps, drawings, charts, photographs, etc.) must be submitted as separate electronic files in .CDR, IA, TIF or .JPG format (300 DPI Minimum resolution; 600 DPI or more preferred) even though they may also be embedded in your Word or WordPerfect submittal.

Code

- IBC - International Building Code
IEBC - International Existing Building Code
IFC - International Fire Code
IFGC - International Fuel Gas Code
ICC PC - ICC Performance Code
IPC - International Plumbing Code
IPSDC - International Private Sewage Disposal Code
IPMC - International Property Maintenance Code
IWUIC - International Wildland-Urban Interface Code
IZC - International Zoning Code

Send to:

International Code Council
Chicago District Office
Attn: Diane Schoonover
4051 West Flossmoor Road
Country Club Hills, IL 60478-5795
Fax: 708/799-0320
codechanges@iccsafe.org

- IECC - International Energy Conservation Code
IMC - International Mechanical Code
IRC - International Residential Code

International Code Council
Birmingham District Office
Attn: Annette Sundberg
900 Montclair Road
Birmingham, AL 35213-1206
Fax: 205/592-7001
codechangesbhm@iccsafe.org

## CODE CHANGE PROPOSAL INSTRUCTIONS

Please provide all of the following items in your code change proposal (see form on page 3). Your proposal should be entered on page 3 as a separate file. However, please read the instructions provided below for each part of the code change proposal. The sections identified in parentheses are the applicable sections from CP #28 Code Development. The full procedures can be downloaded from [www.iccsafe.org](http://www.iccsafe.org).

### **PROPOSAL FORMATTING:**

Show the proposal (see form on page 3) using ~~strikeout~~, underline format. At the beginning of each section, one of the following instruction lines are also needed:

- Revise as follows
- Add new text as follows
- Delete and substitute as follows
- Delete without substitution

The only formatting that is needed is **BOLDING, STRIKEOUT AND UNDERLINING**. Please do not provide additional formatting such as tabs, columns etc. as this will be done by ICC. **DO NOT USE THE TRACKING CHANGES OPTION, AUTOMATIC NUMBERING, OR ANY OTHER ADVANCED FORMATTING TOOLS PROVIDED BY WORD.**

### **SUPPORTING INFORMATION: (3.3.4 & 3.4)**

The following items are required to be included in your proposal (see form on page 3):

1. The proponent shall clearly state the purpose of the proposed code change (e.g., clarify the Code; revise outdated material; substitute new or revised material for current provision of the Code; add new requirements to the Code; delete current requirements, etc.)
2. The proponent shall justify changing the current code provisions, stating why the proposal is superior to the current provisions of the Code. Proposals that add or delete requirements shall be supported by a logical explanation which clearly shows why the current Code provisions are inadequate or overly restrictive, specifies the shortcomings of the current Code provisions and explains how such proposals will improve the Code.
3. The proponent shall substantiate the proposed code change based on technical information and substantiation. Substantiation provided which is reviewed in accordance with Section 4.2 and determined as not germane to the technical issues addressed in the proposed code change shall be identified as such. The proponent shall be notified that the proposal is considered an incomplete proposal in accordance with Section 4.3, and the proposal shall be held until the deficiencies are corrected. The proponent shall have the right to appeal this action in accordance with the policy of the ICC Board. The burden of providing substantiating material lies with the proponent of the code change proposal. A minimum of two copies of all substantiating information shall be submitted.
4. The proponent shall submit a bibliography of any substantiating material submitted with the code change proposal. The bibliography shall be published with the code change and the proponent shall make the substantiating materials available for review at the appropriate ICC office and during the public hearing.

### **REFERENCED STANDARDS: (3.4 & 3.6)**

List any new referenced standards that are proposed to be referenced in the code and provide a minimum of two copies. For ICC rules on referenced standards, see Section 3.6 of CP #28. Additional copies will be required for committee members. ICC staff will provide you with a mailing list for the appropriate committees.

### **COST IMPACT: (3.3.4.6)**

The proponent shall indicate one of the following regarding the cost impact of the code change proposal:

- 1) The code change proposal will increase the cost of construction; or
- 2) The code change proposal will not increase the cost of construction.

This information will be included in the published code change proposal.

### **CODE CHANGE SUBMITTAL EXAMPLE**

**Code: IBC-09/10**

**705.1**

**Proponent:** John Doe, P.E., Acme Building Corporation, Inc, representing himself

#### **Revise as follows:**

**705.1 General.** Each portion of a building separated by ~~one or more~~ a fire walls that ~~comply~~ complies with the provisions of ~~this section~~ Section 705 shall be considered a separate building.

**Reason:** A fire wall complying with Section 705 establishes the equivalent of separate buildings on either side of the fire wall. This proposal provides text that more succinctly states this purpose of a fire wall.

**Cost Impact:** The code change proposal will not increase the cost of construction.

**CODE CHANGE PROPOSAL FORM**

(See instructions on page 2)

**Code:** \_\_\_\_\_ **-09/10** (IBC, IEBC, IECC, IFC, IFGC, IMC, IPC, IPSCDC, IPM, IRC, ICCPC, IWUIC, IZC)  
**Code Sections/Tables/Figures Proposed for Revision (3.3.2); Note:** If the proposal is for a new section, indicate (new).

**Proponent: Name/Company/Representing (3.3.1):** (NOTE: DO NOT USE ACRONYMS FOR YOUR COMPANY OR ORGANIZATIONAL NAME)

**Revise as follows:**

**Reason:**

**Cost Impact:**

Public Hearing: Committee:	AS	AM	D	
	Assembly:	ASF	AMF	DF

---

## ATTACHMENT #2

### RB64-07/08

#### R313 (New), Appendix P, Chapter 43 (New)

*Proposed Change as Submitted:*

**Proponent:** Ronny J. Coleman, Retired California State Fire Marshal, representing IRC Fire Sprinkler Coalition

#### 1. Add new section as follows:

##### **SECTION R313** **FIRE SPRINKLER SYSTEMS**

**R313.1 General.** Effective January 1, 2011, an approved automatic fire sprinkler system shall be installed in new one- and two-family dwellings and townhouses in accordance with NFPA 13D.

(Renumber subsequent sections)

#### 2. Delete IRC Appendix P without substitution:

##### **APPENDIX P** **FIRE SPRINKLER SYSTEM**

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

~~**AP101 Fire sprinklers.** An approved automatic fire sprinkler system shall be installed in new one- and two-family dwellings and townhouses in accordance with Section 903.3.1 of the *International Building Code*.~~

#### 3. Add standard to Chapter 43 as follows:

**NFPA 13D-07**                      **Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes**

**Reason:** This proposal is submitted as part of a package of three proposals that were developed in cooperation with the International Association of Fire Chiefs with input from code officials, home builders, fire chiefs and other interested parties. During last year's code development cycle, many ICC members stated that the preferred way to advance fire sprinklers into new home construction is through a comprehensive approach that involves:

1. A schedule for implementation,
2. Reasonable and appropriate design and construction incentives, and
3. A simple, prescriptive methodology for designing systems.

In response, representatives of the IRC Fire Sprinkler Coalition (IRCFSC) and the International Association of Fire Chiefs have developed and submitted three proposals for this code cycle, one addressing each topic.

This proposal addresses the first issue, “a schedule for implementation.” It requires new homes constructed after January 1, 2011 to have fire sprinklers. The delayed implementation date provides a time buffer that will allow for development of infrastructure, such as trained installers and inspectors, prior to the residential sprinkler requirement becoming effective. While the approach of delaying a code requirement may be unfamiliar to some, it is entirely appropriate, and it is already used by the IRC in Chapter 38, as follows:

***E3802.12 Arc-fault protection of bedroom outlets.*** All branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in bedrooms shall be protected by a combination type or branch/feeder type arc-fault circuit interrupter installed to provide protection of the entire branch circuit. **Effective January 1, 2008, such arc-fault circuit interrupter devices shall be combination type.** (emphasis added).

It is common knowledge that fires in one- and two-family dwellings are the root of America’s fire problem, and a substantial majority of ICC members who voted at last year’s final action hearing, 56%, agreed that residential sprinklers are the right solution. To truly address America’s fire problem, ICC members know that we must, at some point, begin to mainstream fire sprinklers into new home construction, and this proposal provides a rational way to make the transition by fixing a future date for the requirement to become effective.

During last year’s debate, the IRCFSC provided detailed responses that addressed all of the concerns cited in testimony as a basis for opposing residential sprinklers. These concerns, which included the use of wells to supply sprinklers, freezing, leakage and cost, among others, were addressed in our public comment to proposal RB114-06/07 and in testimony offered at the final action hearing in Rochester. They were also addressed in a Web cast aired by the IRCFSC in May 2007, copies of which are now available on a free DVD that can be ordered at [www.IRCFireSprinkler.org](http://www.IRCFireSprinkler.org).

As a result of this outreach effort, opposition to sprinklers based on myths and misinformation has largely dissipated, and the debate has largely become focused on two issues; First, whether the requirement for fire sprinklers in dwellings should be determined at a local level, and second, whether the residential fire problem is limited to older homes. The remainder of this reason statement focuses on these two issues.

**1. Should the requirement for fire sprinklers in dwellings be a local issue?** Several speakers in Rochester who spoke in opposition to RB114 conveyed an opinion that requirements for fire sprinklers in dwellings should be decided at the local level. The question is why? By including Appendix P, the IRC has already acknowledged fire sprinklers as a basic safety feature that should be included in new homes. There is no premise for the IRC to promote residential fire safety on community-by-community basis. The IRC, as a model code, should promote safety and regulatory consistency among all jurisdictions, as opposed to creating a local “shopping list” of safety requirements.

No other ICC code treats sprinkler requirements or residential fire safety as a local choice to be made at the time of code adoption. The IBC establishes a baseline that ALL residential occupancies must be protected by fire sprinklers, including one- and two-family dwellings and townhouses. Some argue that it’s appropriate for IBC to be more restrictive than the IRC because use of the IBC is only mandatory for dwellings exceeding three stories in height, but that argument disregards one very important fact; most residential fire deaths occur in one- and two-story homes. To have an impact on fire deaths in one- and two-story homes, we need a fire sprinkler requirement in the IRC.

A newly published study by the National Institute of Standards and Technology (NIST) entitled “Benefit-Cost Analysis of Residential Fire Sprinkler Systems,” reports that, out of almost 2,000 fire incidents in homes equipped with fire sprinklers during the 4-year period 2002 to 2005, there were no fire-related fatalities. This statistic clearly demonstrates the potential for sprinklers to save thousands of lives that would otherwise be lost in residential fires. With the knowledge that residential fire sprinklers are a proven, life-saving technology, it is clear that the IRC should establish a model that sprinklers are a minimum safety feature that should be included in all new homes.

**2. Is the residential fire problem limited to older homes?**

According to a recent HUD study, the median age of homes in the U.S. is 32 years. With this in mind, it makes perfect sense that more fires and fire deaths occur in “older” homes, simply because there are many more of them. However, the residential fire problem is certainly not limited to older homes, and it is has not been correlated with home age.

To evaluate the relationship between the age of a home and fire risk, it is necessary break the concept of fire risk into its two components, the probability of a fire event occurring and the associated consequence once the event occurs. The probability of a fire event occurring equates to the risk of fire ignition. With respect to the age of a home, only those ignition sources that are permanently affixed to a home, such as central heating systems or electrical distribution systems, might be directly correlated to home age, but to date, there are no known studies demonstrating increased fire risk as these systems age. Such a study would be difficult to perform because heating and electrical systems are often replaced when a home is remodeled, breaking any correlation that might otherwise exist between the age of a home and the age of fixed systems installed therein. Nevertheless, because most fire deaths are associated with ignition scenarios related to human behavior, which are independent of home age, it is clear that home age has little to do with the probability of a fire event.

With respect to consequences associated with a fire event, assuming that an ignition has occurred, it is again difficult to establish any correlation with home age, except to the extent that the probability of safe evacuation is increased based on the possible presence of working smoke alarms and/or escape windows. On the contrary, some design and construction methods commonly used in new homes actually reduce fire safety. These include the use of lightweight trusses (now used in more than 60% of new homes according to the Wood Truss Council of America), which are known to become unstable and collapse more quickly in fire situations than conventional construction; and open floor plans, which reduce compartmentation and allow a fire to quickly spread throughout a home.

The truth is that fire growth in a home is largely dependent on contents, not the structure itself, and contents are independent of home age. Although smoke alarms and escape windows associated with newer homes are beneficial in some fire incidents, statistics show that the value of these features is declining over time, as fire deaths in homes that have working smoke alarms are becoming increasingly common. The most recent data (for the period 2000 to 2004), shows that 34% of fire deaths occurred in homes that had WORKING smoke alarms. This is up from 24% in the previous period, and as smoke alarms age, we can only assume that their reliability will continue to decline unless they are periodically replaced, which seems to be wishful thinking when one considers that we have a problem even getting people to change batteries in smoke alarms on a regular basis.

In summary, a simple risk analysis demonstrates that home age is largely independent of either the risk of ignition or the consequences of a fire, if ignition occurs. Therefore, it is clear that home age has little to do with the residential fire problem or the need for residential sprinklers.

### **Conclusion:**

The outpouring of support for residential sprinklers has been building for many years, and today, all U.S. model building codes require fire sprinklers in residential occupancies, including one- and two-family dwellings, with the exception of the IRC. It is only logical that the IRC should finally acknowledge the value of residential sprinklers in preventing deaths, injuries and property loss by making sprinklers a standard feature in new home construction.

Although some in the IRC arena have argued that “big government” shouldn’t intrude into American homes by requiring fire sprinklers, those of us who have been around for a while will recall that this same argument was made 30-years ago when smoke alarms were first required in dwellings. Today, it’s hard to imagine any reasonable individual arguing that the IRC requirement for smoke alarms constitutes a “government intrusion” into the American home, largely because smoke alarms are viewed as cost-effective safety devices. Sprinklers should be viewed the same way.

Given the proposed incentive package and prescriptive design option for multipurpose fire sprinkler systems being advanced this year in a proposal by the International Association of Fire Chiefs, it is entirely feasible that it will be cheaper to build some homes with fire sprinklers than without. For those cases where there is a net cost to sprinklers, NIST’s newly published “Benefit-Cost Analysis of Residential Fire Sprinkler Systems” report concludes that multipurpose

residential fire sprinkler systems are still a good investment, yielding a positive present value of net benefits (PVNB) for every home type studied, including ranch-style homes, colonial-style homes and townhouses.

This proposal provides a reasonable and justified approach for advancing fire sprinklers into the body of the IRC, and the time has come to for the IRC to include fire sprinklers as part of the model for residential construction.

**ABOUT THE IRC FIRE SPRINKLER COALITION:** The IRC Fire Sprinkler Coalition is an organization that represents national, state and regional groups of code officials and other associations focused on public safety. The Coalition has been active in presenting training programs to code officials and others aimed at conveying facts and debunking myths and misinformation about residential sprinklers. At the time of submittal of this proposal, groups who pledged to support the IRC Fire Sprinkler Coalition's mission of mainstreaming fire sprinklers into new home construction included:

#### **NATIONAL AND REGIONAL COALITION MEMBERS**

- \* International Association of Fire Chiefs – Fire and Life Safety Section
- \* Center for Campus Fire Safety
- \* ICC Joint Fire Service Review Committee
- \* Institution of Fire Engineers, US Branch
- \* International Fire Marshals Association
- \* National Association of State Fire Marshals
- \* New England Association of Fire Marshals
- \* New England Division of the International Association of Fire Chiefs
- \* Safe Buildings Coordinating Committee
- \* Society of Fire Protection Engineers
- \* Southeastern Association of Fire Chiefs
- \* Uniform Fire Code Association
- \* Western Fire Chiefs Association

#### **STATE AND LOCAL COALITION MEMBERS**

##### **Alaska**

- \* Alaska Fire Chiefs Association

##### **Arizona**

- \* Arizona Fire Chiefs Association
- \* Arizona Fire Marshals Association
- \* Arizona: Society of Fire Protection Engineers, Arizona Chapter
- \* Arizona: Yuma County, AZ Fire Officer's Association

##### **California**

- \* California: California Fire Chiefs Association
- \* California: Northern California Fire Prevention Officers Section
- \* California: Orange County Fire Chiefs Association
- \* California: Southern California Fire Prevention Officers Section

##### **Colorado**

- \* Colorado: Fire Marshals Association of Colorado

##### **Connecticut**

- \* Connecticut: Capitol Region Fire Marshals Association of Connecticut

##### **Delaware**

- \* Delaware: Fire Marshals Association of Delaware Valley

##### **Florida**

- \* Florida Fire Marshals and Inspectors Association
- \* Florida Fire Chiefs Association
- \* Florida: Northeast Florida Fire Prevention Association

#### **Idaho**

- \* Idaho Fire Chiefs Association
- \* Idaho Fire Prevention Officers Association

#### **Illinois**

- \* Illinois Fire Inspectors Association
- \* Illinois Fire Chiefs Association
- \* Illinois: Lake County Fire Chiefs Association

#### **Indiana:**

- \* Indiana: Fire Inspectors Association Of Indiana

#### **Iowa**

- \* Iowa: Hawkeye State Fire Safety Association, Iowa
- \* Iowa Fire Marshal's Association

#### **Louisiana**

- \* Louisiana Association of Fire Prevention Chiefs

#### **Maryland**

- \* Maryland Building Officials Association
- \* Maryland State Firemen's Association

#### **Maine**

- \* Maine Fire Chiefs Association

#### **Massachusetts**

- \* Massachusetts: Fire Chiefs Association of Massachusetts

#### **Michigan**

- \* Michigan Association of Fire Chiefs
- \* Michigan Fire Inspectors Society
- \* Michigan: Macomb County Fire Chiefs Association

#### **Missouri**

- \* Missouri: Tri-Lakes Fire Chiefs Association

#### **Minnesota**

- \* Minnesota: Fire Marshals Association of Minnesota

#### **Nebraska**

- \* Nebraska Municipal Fire Chiefs Association

#### **Nevada**

- \* Nevada: Fire Prevention Association of Nevada

#### **New Jersey**

- \* New Jersey Fire Prevention and Protection Association
- \* New Jersey: Northern Ocean Fire Chiefs Association
- \* New Jersey: Uniform Fire Prevention/Protection Officials Assn. of Ocean County

#### **New Mexico**

\* New Mexico Fire Marshals Association

**New York**

- \* New York: Association of Fire Districts of the State of New York
- \* New York: Career Fire Chiefs' Association of New York State
- \* New York: Fire Marshals Association of Suffolk County
- \* New York: Firemen's Association of the State of New York
- \* New York: Monroe County, NY Fire Marshals & Inspectors Association
- \* New York State Association of Fire Chiefs
- \* New York State Building Officials Conference
- \* New York State Code Coalition to Protect and Preserve our Communities:
- \* New York State Fire Marshals and Inspectors Association
- \* New York: Suffolk County Fire Chiefs Association

**North Carolina**

- \* North Carolina State Firemen's Association

**Ohio**

- \* Ohio Fire Officials Association

**Oregon**

- \* Oregon Fire Code Committee
- \* Oregon Fire Marshals Association

**Pennsylvania**

- \* Pennsylvania Fire and Emergency Services Institute

**Rhode Island**

- \* Rhode Island Association of Fire Marshals

**Tennessee**

- \* Tennessee Fire Safety Inspectors Association

**Texas**

- \* Texas Fire Marshals Association
- \* Texas: Fire Prevention Association of North Texas

**Virginia**

- \* Virginia: Central Virginia Fire and Arson Association
- \* Virginia Fire Chiefs Association
- \* Virginia Fire Prevention Association

**Washington**

- \* Washington Fire Chiefs Association
- \* Washington State Assn of Fire Marshals

**Cost Impact:** This code change will increase the cost of construction.

**Analysis:** This proposal includes an "effective date" which is typically not included in the I-Codes. Typically, the provisions in the code become effective when the code is adopted.

**Analysis:** Review of proposed new standard NFPA 13D-07 indicated that, in the opinion of ICC Staff, the standard did comply with ICC standards criteria.

## ATTACHMENT #3

### RB66-07/08

R101.2, R301.1.3.1 (New), R313 (New), R317.2, R317.2.4, R310.1, AP102 (New), Chapter 43 (New)

*Proposed Change as Submitted:*

**Proponent:** Rick Morris, AvalonBay Communities, Inc.

#### 1. Revise as follows:

**R101.2 (Supp) Scope.** The provisions of the *International Residential Code for One- and Two-family Dwellings* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above-grade in height with a separate means of egress and their accessory structures.

The provisions of this Code shall also apply to the construction, alteration, enlargement and replacement of townhouses not more than 4 stories above grade plane that are equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13D.

**Exception:** Live/work units complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the *International Building Code* when constructed under the *International Residential Code for One- and Two-family Dwellings* shall conform to Section 903.3.1.3 of the *International Building Code*.

#### 2. Add new text as follows:

**R301.1.3 Engineered design.** When a building of otherwise conventional construction contains structural elements exceeding the limits of Section R301 or otherwise not conforming to this code, these elements shall be designed in accordance with accepted engineering practice. The extent of such design need only demonstrate compliance of nonconventional elements with other applicable provisions and shall be compatible with the performance of the conventional framed system. Engineered design in accordance with the *International Building Code* is permitted for all buildings and structures, and parts thereof, included in the scope of this code.

**R301.1.3.1 Townhouses four stories above grade plane.** For structural design of townhouses four stories above grade plane, the structural provisions of the *International Building Code* for Group R-3 shall apply

**3. Rename section and add new R313.1 as follows:**

**R313**  
**FIRE PROTECTION SYSTEMS AND SMOKE ALARMS**

**R313.1 Fire protection systems.** An approved automatic fire sprinkler system shall be installed in new townhouses in accordance with NFPA 13D, except as follows:

1. Where townhouses have separation walls designed based on R317.2, Exception 2, sprinklers shall be provided to protect exterior combustible balconies, decks, porches and ground floor patios located under such combustible projections. Exterior sprinklers and supply piping shall be protected from freezing where freeze protection is required by P2603.6. Where sidewall sprinklers are installed beneath exposed wood joists, sprinklers shall be permitted to be installed with deflectors located 1 inch (25 mm) to 6 inches (152 mm) below the joists, not to exceed a maximum distance of 14 inches (356 mm) below the deck.
2. Where townhouses with private garages have separation walls designed based on R317.2, Exception 2, fire sprinkler protection shall be provided in the garage. Sprinklers in garages shall be connected to a system that complies with NFPA 13D. Garage sprinklers shall be residential sprinklers or quick-response sprinklers, designed to provide a density of 0.05 gpm/ft<sup>2</sup>. Garage doors shall not be considered as obstructions with respect to sprinkler placement.

(Renumber subsequent sections)

**4. Revise as follows:**

**R317.2 Townhouses.** Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302 for exterior walls.

**Exceptions:**

1. A common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with Chapters 33 through 42. Penetrations of electrical outlet boxes shall be in accordance with Section R317.3.
2. A common 1-hour fire-resistance rated wall is permitted for townhouses equipped throughout with an automatic sprinkler system installed in accordance with R313.1. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against

exterior walls and the underside of the roof sheathing. Where roof surfaces adjacent to the wall are at different elevations, the rated wall shall continue to the upper roof sheathing.

**5. Revise as follows:**

**R317.2.4 Structural independence.** Each individual townhouse shall be structurally independent.

**Exceptions:**

1. Foundations supporting exterior walls or common walls.
2. Structural roof and wall sheathing from each unit may fasten to the common wall framing.
3. Nonstructural wall coverings.
4. Flashing at termination of roof covering over common wall.
5. Townhouses separated by a common ~~2-hour~~ fire-resistance-rated wall as provided in Section R317.2.

**6. Revise as follows:**

**R310.1 (Supp) Emergency escape and rescue required.** Basements and every sleeping room shall have at least one operable emergency escape and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

**Exceptions:**

1. Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m<sup>2</sup>).
2. In dwelling units equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13D.

**7. Add new text as follows:**

**AP102 Fire flow.** The fire-flow requirements for townhouses specified by IFC Appendix B, where adopted, shall be permitted to be reduced by 75% for buildings equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13D.

**Reason:** This proposal would add a requirement for residential sprinkler systems to be installed in all new townhouses constructed under the *International Residential Code*, and it includes a package of sprinkler incentives that will help offset the added cost of sprinklers, as well as improve design flexibility. If a reasonable package of incentives can be offered by the code, it simply makes sense for multifamily developers to provide these systems to protect new townhouses.

It is well known that sprinklers are the best tool for providing firesafety in residential occupancies, and the concept of the code providing incentives to encourage the use of these systems in residential occupancies is already in use in the IBC. In fact, the IBC's incentive package provided a basis for major multifamily builders to not oppose the IBC requirement for all residential occupancies to be sprinklered when that issue was considered several years ago.

By accepting this code change, sprinkler protection for townhouses would become reasonably affordable to the builders who build townhouses and to the homeowners who buy them. As a result, we could take a significant step forward in improving life safety and reducing property losses in residential occupancies for decades to come.

The following is an explanation of each new proposed section relating to this sprinkler alternative for dwellings:

1. *Revise Section R101.2:* Typical townhouse construction is no more than 4 stories above grade plane. Presently when a developer goes from 3 to 4 stories above grade, the project is then required to be designed under the IBC. Covering townhouses up to 4 stories above grade plane in the IRC provides a significant incentive for developers. The impact on 4-story buildings would be significant enough to warrant installing sprinklers in 2- and 3-story buildings, which will gain far less benefit from this change, when one considers the overall package. The overall gain of having all townhouses equipped with fire sprinklers makes the allowance of 4-story townhouses under the IRC a worthwhile investment in safety.
2. *Add new Subsection R301.1.3.1 to the "Engineered design" requirement.* This new subsection will address the structural design requirements for townhouses built under the IRC that are 4 stories above grade. The existing structural requirements in the IRC are based on a maximum 3 stories above grade, and by referencing the IBC, proper design is assured.
3. *Rename Section R313 and add new Section R313.1:* This provides a charging requirement for providing residential sprinklers in accordance with NFPA 13D for townhouses. The two exceptions deal with issues not addressed by NFPA 13D, one is outside combustible decks and the other is private garages. The combustible deck sprinkler requirement is consistent with a similar provision to IBC Section 903.3.1.2.1, "Balconies and decks". Most likely a dry sidewall sprinkler supplied by a wet pipe sprinkler system would be used to comply with this exception. The garage sprinkler criteria are based on NFPA 13R Section 6.8.3.3. Dry pendent sprinklers supplied by a wet pipe sprinkler system would most likely be used to protect garages.
4. & 5. *Add new Exception#2 to R 317.2 and revise Exception #5 to R317.2.4:* This is a similar one hour exception that was in BOCA Code Section 310.5 Exception #2 for multiple single-family dwellings. That section of Code read: "In multiple single-family dwellings that are equipped throughout with an approved automatic sprinkler system installed in accordance with Section 906.2.3 (NFPA 13D), the fire-resistance rating between each dwelling unit shall not be less than 1 hour and shall be constructed as a fire partition."
6. *Add new Exception to Section R310.1:* The IRC already allows elimination of escape windows in Groups R-1, R-2, R-4 and I-1 occupancies (IBC Section 1026, Exception 1) based on the installation of fire sprinklers. NFPA Life Safety Code, also contains an NFPA 13D related exception to the escape window requirement for one- and two-family dwellings in Section 24.2.2.1.2(2).

7. *Revise Appendix P101:* The reduction in fire flow is similar to allowances granted by the IFC.

**Cost Impact:** The code change proposal may increase or decrease the cost of construction, depending on the value of sprinkler incentives versus the cost of adding sprinklers to a particular building.

**Analysis:** Review of proposed new standard NFPA 13D-07 indicated that, in the opinion of ICC Staff, the standard did comply with ICC standards criteria.

**ATTACHMENT #4**

**Public Comment RB64-07/08**

**Ronny J. Coleman, Retired California State Fire Marshal, representing Fire Sprinkler Coalition, requests Approval as Modified by this Public Comment.**

**Replace proposal as follows:**

**SECTION R313**  
**SPRINKLER PROTECTION**

**R313.1 Required Installation.** Effective January 1, 2011, a residential fire sprinkler system shall be installed in one- and two-family dwellings and townhouses.

**Exception:** A residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with a residential fire sprinkler system.

**R312.2 Design and Installation.** Residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.

**(Renumber subsequent sections)**

**Delete IRC Appendix P without substitution:**

**APPENDIX P**  
**FIRE SPRINKLER SYSTEM**

*~~The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.~~*

**~~AP101 Fire sprinklers.~~** An approved automatic fire sprinkler system shall be installed in new one- and two-family dwellings and townhouses in accordance with Section 903.3.1 of the *International Building Code*.

**Add standard to Chapter 43 as follows:**

**NFPA 13D-07**                      **Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes**

**Commenter's Reason:** It is important to point out that there was no comprehensive debate on this proposal at the hearing in Palm Springs. The IRC Fire Sprinkler Coalition ([www.IRCFireSprinkler.org](http://www.IRCFireSprinkler.org)) and many others chose to forgo debate since it was clear, based on committee actions on prior proposals, that the committee would not accept any proposal having to do with residential sprinklers.

When RB64 was called to the floor, there were only 10 committee members present (other than the chairman), and 4 of these individuals were appointed by the National Association

of Home Builders. Given NAHB's well-known policy of opposing residential sprinklers, passage of RB64 would have required a unanimous vote of the remaining 6 members. Such a requirement, the threshold of unanimity among committee members who don't have a pre-determined vote, to pass a code change is inconsistent with the concept of consensus code making, and it depreciates ICC's code-making process. Accordingly, the committee vote lacks merit and should be ignored.

We ask the ICC membership to support this public comment based on the overwhelming evidence that has been presented in support of residential sprinklers over the past few years. The reason statement provided with the original RB64 proposal and the reason statements provided with many other proposals this year clearly make the case that residential sprinklers represent the best way to achieve a sustainable and long-term reduction in residential fire losses.

We know that: 1) the residential fire problem is not limited to older homes, 2) the residential fire problem cannot be solved with smoke alarms, 3) more firefighters are killed fighting fires in dwellings than in any other occupancy, and 4) residential sprinklers represent a cost effective solution to America's residential fire problem. These conclusions are clearly documented in publicly available reports.

We also know that consumers are accepting residential sprinklers as an important feature in new home construction in increasing numbers. This comes as no surprise because the IBC requires EVERY other residential occupancy built today to have sprinklers, and it simply makes sense that renters who live in sprinklered apartments will want to move into sprinklered homes.

While NAHB suggests that sprinklers should remain a "choice" for new homeowners, the concept of choice has two significant flaws. First, it's common knowledge that major home builders won't offer sprinklers even if the owner wants them installed, so home buyers who want sprinklers are simply told that they're not offered as an option. Second, why should the first home buyer be given the right to choose whether a home gets a fire sprinkler system, on behalf of all future homeowners, their families, and the community who ultimately assumes responsibility for providing fire protection for unsprinklered properties? This simply makes no sense.

The fact that the National Association of Home Builders is the only national organization to oppose the adoption of residential sprinklers as a mainstream feature in new home construction is very telling, and we are optimistic that ICC's membership will make the decision that the time has finally come for all homes to be sprinklered. It seems that everyone agrees that we'll eventually get there, so what are we waiting for?

**ATTACHMENT #5**

**Public Comment RB66-07/08**

**George Martin, Howard County, Department of Licenses & Permits, representing Maryland Building Officials Association (MBOA), requests Approval as Modified by this Public Comment.**

**Steven L. McDaniel, CPCA, New York State Building Officials Conference, requests Approval as Modified by this Public Comment.**

**Rick Morris, AvalonBay Communities, Inc., requests Approval as Modified by this Public Comment.**

**Replace proposal as follows:**

1. Add new section as follows:

**R313**  
**FIRE SPRINKLER SYSTEM FOR TOWNHOUSES**

**R313.1 Townhouse Fire Sprinklers.** An automatic residential fire sprinkler system shall be installed in townhouses.

**Exception:** A sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have a fire sprinkler system installed.

**R312.2 Design and installation.** Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with P2904.

(Re-number subsequent sections)

2. Modify AP101 as follows:

**AP101 Fire sprinklers.** An approved automatic fire sprinkler system shall be installed in new one- and two-family dwellings ~~and townhouses~~ in accordance with P2904 NFPA-13D.

3. Modify exception as follows:

**R317.2 Townhouses.** Each townhouse shall be considered a separate building and shall be separated by fire--resistance-rated wall assemblies meeting the requirements of Section R302 for exterior walls.

Exception: A common ~~2~~ 1-hour fire-resistance rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for

fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 33 through 42. Penetrations of electrical outlet boxes shall be in accordance with Section R317.3.

#### 4. Modify exception 5 as follows:

**R317.2.4 Structural independence.** Each individual townhouse shall be structurally independent.

Exceptions:

1. Foundations supporting exterior walls or common walls.
2. Structural roof and wall sheathing from each unit may fasten to the common wall framing.
3. Nonstructural wall coverings.
4. Flashing at termination of roof covering over common wall.
5. Townhouses separated by a common 2 1-hour fire-resistance-rated wall as provided in Section R317.2.

**Commenter's Reason (Martin):** In 1989 the State of Maryland enacted House Bill 658, "Sprinkler Systems – Installation in New Construction", that required dormitories, hotels, lodging or rooming houses, multifamily residential dwellings **and townhouses** to be sprinklered. Therefore, since 1990, townhouses in Maryland have been sprinklered and being so has not been detrimental to the homebuilding industry, but has been a major success to saving lives over the past 18 years.

To address reasonable fire protection and affordable housing, many Maryland jurisdictions over the years have permitted townhouse separation of one hour with sprinklers installed in accordance with NFPA 13D. Therefore, based on our past success with sprinklered townhouses with one hour separations between the townhouses, MBOA is in support of mandatory sprinklers in townhouses with one hour dwelling unit separations.

The modifications in Items #1 & #2 will coordinate the IRC Committee approved Code Proposal RP3-07/08 (the prescriptive sprinkler design criteria that is now being placed in the body of the IRC) with this code change.

**Commenter's Reason (McDaniel):** Our Building Officials Association believes that fair and reasonable sprinkler package should be provided in the IRC to encourage the installation of residential sprinkler systems in townhouse in the IRC. This public comment provides a good beginning with a sprinkler alternative that we believe meet these criteria.

To address reasonable fire protection and affordable housing, many other jurisdictions throughout the country over the years have permitted townhouse separation of one hour with sprinklers installed in accordance with NFPA 13D. Therefore, based on these past successes with sprinklered townhouses with one hour separations between the townhouses, our building officials association is in support of mandatory sprinklers in townhouses with one hour dwelling unit separations.

The modifications in Items #1 & #2 will coordinate the IRC Committee approved Code Proposal RP3-07/08 (the prescriptive sprinkler design criteria that is now being placed in the body of the IRC) with this code change.

**Commenter's Reason (Morris)** AvalonBay originally submitted RB66-07/08 because we believe that a fair and reasonable sprinkler package should be provided in the IRC to encourage the installation of residential sprinkler systems in townhouses in the IRC. Contrary to the Committee's

published reason for disapproval of RB66, there are numerous state and local building code amendments to the IRC throughout the U.S. where townhouses are required to be sprinklered, whereas detached single family homes are not, because it is considered the “first step” in eventually getting all residential uses sprinklered. In fact, even though the committee also disapproved RB65 for the same reason as this code proposal (RB66), there was an assembly vote on RB65 and it passed, over the disapproval of the committee. Therefore, clearly the ICC membership does see merit in the rationale for mandatory sprinkling of townhouses.

This public comment simplifies the original RB66. It provides a good beginning for a townhouse sprinkler requirement that AvalonBay believes would meet code officials’ and townhouse builders/developers’ criteria as fair, reasonable and economical.

To address reasonable fire protection and affordable housing, many other jurisdictions throughout the country over the years have permitted townhouse separation of one hour with sprinklers installed in accordance with NFPA 13D. Therefore, based on these past successes with sprinklered townhouses with one hour separations between the townhouses, AvalonBay is in support of mandatory sprinklers in townhouses with one hour dwelling unit separations.

The modifications in Items #1 and #2 will coordinate the IRC Committee approved Code Proposal RP3-07/08 (the prescriptive sprinkler design criteria that is now being placed in the body of the IRC) with this code change.

**ATTACHMENT #6**  
**IRC —BUILDING & ENERGY CODE COMMITTEE**  
**2007/2008**

**Jeffrey K. Feid—Chair**

Loss Mitigation Administrator  
State Farm Insurance  
Bloomington, IL

**Thomas Meyers—Vice Chair**

Building Official  
City of Central  
Central City, CO

**Eric S. Borsting**

VP Operations  
ConSol  
Stockton, CA  
Rep: National Association of Home  
Builders (NAHB)

**Michael Christoffersen**

President  
Architectural Designs, Inc.  
Fort Wayne, IN  
Rep: National Association of Home  
Builders (NAHB)

**Helen Kessler DiFate, AIA**

President  
DIFATE GROUP, PC  
St. Louis, MO

**Donald LeBrun, CBO**

Assistant Director, Fire & Building  
Code Enforcement  
State of Indiana  
Indianapolis, IN

**Paul Michelsohn, Jr.**

Michelsohn & Daughter Const. Inc.  
Anchorage, AK  
Rep: National Association of Home  
Builders (NAHB)

**Steve Mills**

Director of Building & Codes  
City of Hendersonville  
Hendersonville, TN

**Sonny Richardson**

President  
Richardson Home  
Tuscaloosa, AL  
Rep: National Association of Home  
Builders (NAHB)

**Roger Robertson**

Chief of Inspections  
Chesterfield County Department of  
Building Inspections  
Chesterfield, VA

**Julie Ruth, PE**

Building Code Consultant  
JRuth Code Consulting  
New Lenox, IL  
Rep: American Architectural  
Manufacturers Association (AAMA)

**Alan G. Steinle**

President  
Steinle Construction Engineers Inc.  
Wilmington, DE  
Rep: National Council of Structural  
Engineers Association (NCSEA)

**Staff Secretary:**

**Larry Franks, PE**

Senior Staff Engineer  
International Code Council

**Staff Secretary:**

**Marc Nard, CBO**

Senior Technical Staff  
International Code Council

## **ATTACHMENT #7**

*People Helping People Build a Safer World™*

**Chicago District Office**  
4051 W. Flossmoor Road □ Country Club Hills, IL 60478-5795 U.S.A.  
Tel: +1 (888) ICC-SAFE X 4338 □ Fax: +1 (708) 799-0320

mpfeiffer@iccsafe.org

[www.iccsafe.org](http://www.iccsafe.org)

# **REPORT**

## **FINAL REPORT ON APPEAL CODE CHANGES RB64 AND RB66 – 07/08**

### **SUMMARY**

Following the approval of code changes RB64-07/08 and RB66-07/08 in September 2008, an appeal was filed by the National Association of Homebuilders requesting that the International Code Council reverse the decision of the ICC membership in approving these items. In accordance with Council Policy 1, ICC notified all interested parties of the appeal and subsequently convened a hearing of an Appeals Board. Following this hearing, the Appeal Board recommendation was presented to the ICC Board of Directors, and the Board of Directors voted unanimously to deny the appeal. The following information provides detailed information regarding the Appeals Board hearing and the final action by the Board of Directors.

### **Appeals Board Hearing December 11, 2008**

#### **Call to order**

The RB64 & RB66 -07/08 appeal hearing was called to order on December 11, 2008 at the Wyndham O'Hare by Chairman Lynn at approximately 8:10 am. Chairman Lynn noted that the proceedings were being audio recorded and that they would follow the procedures outlined in CP #1.

#### **Appeals Board present**

Ron Lynn, Chair (non voting, ex- officio)  
ICC  
Board Vice President  
John Barrios, City of Tampa, FL (IBCC  
Chair)  
Dennis Daniels, Clark County, NV  
(IPMGCC  
Chair)  
Tom Lariviere, City of Madison, MS (IFCC  
Chair)

#### **ICC staff present**

Mike Pfeiffer  
Tom Frost  
David deCourcy  
Mel Oncu  
Mike Armstrong  
Steve Dagggers  
Skip Lanham  
Lauren Crane

#### **Appellant present**

Ed Sutton, NAHB

### **Attendees/participants present**

Julius Ballanco, ASPE  
Fred Baumgart, Bldg. Inspectors Assoc of SE Wisconsin  
Ken Bland, AF&PA  
Larry Brown, NAHB  
Ron Burton, BOMA  
Dave Collins, AIA  
Kevin Crouch, Spears Mfg. Company  
Bob Davidson, NASFM  
Jose Estrada, USG Corp.  
Jeff Feid, State Farm Insurance  
David Foreman, NASFM  
Mike Gardner, GA  
Wayne Geyer, STI/SPFA  
Steve Hall, VA Fire Prevention Assoc.  
Rick Helsinger, City of Fairfield, OH  
Jeff Hugo, NFSA  
Marshall Klein, Avalon Bay  
Ian MacDonald, City of Orange, CA  
Matthew Marcinak, IAPMO  
George Michehl, IL Fire Inspectors Assoc.  
Ron Nickson, NMHC

Mike O'Brian, Brighton Area Fire Department  
Darren Palmieri, Tyco Fire Products  
Peg Paul, PPA  
Jake Pauls, Jake Pauls Consulting Services  
Richard Prospal, ASSE  
Richard Ray, Cybor Fire Protection  
Bob Raymer, CBIA  
Jamie Reap, United States Fire Protection  
Sonny Richardson, NAHB  
Nestor Sanchez, US Gypsum Corp.  
Scott Satula, Bldg. Inspectors Assoc of SE Wisconsin  
Rich Schulte, Schulte & Assoc.  
Lee Schwartz, MI Home Builders  
Michael Schmitt, IL Fire Insp. Assoc  
Jeff Shapiro, IRC Fire Sprinkler Coalition  
Jim Schifiliti, Fire Safety Consultants  
Steve Skalko, PCA  
Robert Tinucci, IL Fire Chiefs Assoc.  
Tom Ward, NAHB  
Dave Wheaton, Bldg. Inspectors Assoc of SE Wisconsin  
Stan Wolfson, ASPE

### **Appeals Board recommendation**

Following a hearing where all interested parties were given an opportunity to speak, the Appeals Board returned from Executive Session. Chairman Lynn noted:

There are a number of important issues that were brought up by both sides today that can not be addressed by this Appeals Board, and this panel will recommend to the ICC Board that it review the current policies and procedures surrounding the Final Action Hearing process.

The recommendation of this Appeals Board related to this appeal shall, in conformance with CP 1-03, Section 6.1, be submitted to the CEO, and the final decision regarding this appeal shall, pursuant to CP 1-03 Section 6.3, be that of the ICC Board of Directors.

Pursuant to Section 5.3.8 of CP-1.03, "In order to sustain the appeal, or any part thereof, the Appeals Board must find that there was a material and significant irregularity of process or procedure."

In evaluating this appeal, the Appeals Board reviewed the applicable Council Policies, Bylaws and Exhibits submitted. In summary, the Appeals Board voted unanimously against the appeal.

In response to the issues noted in the appeal filed with ICC:

- Failure to Provide for Balance of Interest in Voting

**Appeals Board recommendation:** The Appeals Board finds by unanimous vote that there was no material and significant irregularity of process or procedure applicable to the Final Action Hearing Process.

- Failure to Provide a Fair and Open Process

**Appeals Board recommendation:** The Appeals Board finds by unanimous vote that there was no material and significant irregularity of process or procedure applicable to the Final Action Hearing Process.

- Failure to Prevent Unfair Influence of Third-Party Funding on Voting Process

**Appeals Board recommendation:** The Appeals Board finds that this is a very significant allegation and significant concern. There was not a material difference in both sides bringing up this issue. The Appeals Board recommends that the ICC Board consider the issue of third-party funding and develop policies and procedures to address this issue. At this time, the Appeals Board finds by unanimous vote that there was no material and significant irregularity of process or procedure applicable to the Final Action Hearing Process.

Chairman Lynn asked the members of the Appeals Board if this was their recommendation. The Appeals Board agreed unanimously with the decision.

The attendees were notified that the recommendation of the Appeals Board will be forwarded to the ICC Board for their final disposition at the upcoming ICC Board Meeting on December 19 – 20 in Las Vegas. It was further noted that this will be the first agenda item for the Board to consider on December 19th and the meeting will be open. (It was previously noted by staff that the ICC Board has voted to waive the 10 day requirement in 6.2 of CP #1 in order to have the appeal considered in a face-to-face Board meeting.) It was further noted that the audio tape record was for ICC internal use.

### **Adjourn**

The hearing was adjourned at approximately 2:10 pm.

### **Board of Directors Hearing December 19, 2008**

The ICC Board of Directors met on December 19, 2008 and conducted a final hearing on this matter. The report from the Appeals Board (above) was acted on as agenda Item 5.0. The following is from the minutes of the Board of Appeals:

**5.0 REPORT OF THE APPEALS BOARD.** Interested parties in attendance made brief presentations. The Board of Directors reviewed the Appeals Board Report and recommendations. Motion made and seconded to accept the Appeals Board recommendation and deny the appeal on RB 64 and RB 66-07/07 (residential fire sprinklers). Motion passed unanimously.

### **FINAL ACTION**

The final action on the appeals of Code Changes RB64-07/08 and RB66-07/08 is DENIAL.