

BBS Newsletter



Bob Taft
Governor
Gerald O. Holland
Chairman

New York Mayor Michael R. Bloomberg Announces the Formation of a Commission to Study Adoption of the International Building Code

Mayor Michael R. Bloomberg joined by Department of Buildings (DOB) Commissioner Patricia Lancaster and City Council Housing and Buildings Chair Madeline Provenzano, announced on his weekly radio show that New York City's administration will issue an executive order to study the feasibility of adopting the International Building Code (IBC). New York City's Building Code is the largest and most complex in the country and takes up hundreds of pages in the City's Administrative Code.

"By studying and potentially adopting the International Building Code, the City will streamline one of the largest hurdles to construction in New York City," said Mayor Bloomberg. "Our current Building Code's complexity is often an impediment to new construction and drives up the cost of building in New York City. A continuously updated Building Code will help generate more affordable housing and make New York

City a more attractive place to do business."

"Adopting the IBC will be a tremendous boon to both construction professionals and Building Department," said Commissioner Lancaster. "By relying on the staff of the International Code Council to draft and update the Building Code, the City receives the benefit of a powerful public/private partnership with a staff of more than 350 building professionals dedicated to maintaining and enhancing the most exhaustive and technologically sophisticated building code available."

"Revising New York's Building Code is much needed and long overdue," said Council member Provenzano.

The City will form a code commission to study the feasibility of adopting the IBC and is charged with the responsibility to report back on its findings within four months. The Commission is being formed by Executive Order of the Office of the Mayor.



Ohioan Elected as ICC President



Paul E. Myers, Assistant Director of the Cincinnati, Ohio, Department of Buildings and Inspections, was elected President of the International Code Council's (ICC) board of directors. Mr. Myers has served on the ICC board since 1997 as a member of the board of directors of one of the three model code organizations making up the ICC.

Paul is a certified building official and building inspector. He is a former president of the BOCA Board, and recipient of the Ohio Building Official of the Year award and Cincinnati's Meritorious Service award. Congratulations and good luck Paul.

INSIDE THIS ISSUE:

In the News Around Ohio 2

Fuel Gas Piping and the Ohio Codes 4

Important Dates ICC 10

BBS Quarterly Calendar 10

Marketing NFPA 5000—Tough Job 11

SPECIAL POINTS OF INTEREST:

- *Terrorist-Resistant HVAC Concept Pg. 8*
- *OBOA/MVBOC Joint Conference Education Course List Pg. 9*

REGULAR FEATURES:

- Legally Speaking 3
- Getting Mechanical 3
- Around the Code World 5
- Making it Accessible 7
- Training News 9

In the News Around Ohio



BOWLING GREEN - Residential construction in the village of Tontogany are being inspected by the county's building inspection department effective 1 January 2002.

Fees are based upon a square footage of the work.

ELYRIA - County commissioners held hearings to get opinions from township trustees on establishing a countywide residential building code.

A slight majority said they are not interested in a residential code.

MEDINA - The city's building inspector, has proposed to add a plumbing inspector to his small staff. Addition of the plumbing inspector would put inspections in the city under one roof. The proposal depends on passage of a proposed 0.75 percent income tax increase on the November ballot. Voters have defeated four proposed increases in the last 10 years

Plumbing inspections currently are conducted by the Medina County Health Department.

LISBON - A lawsuit brought by a woman whose son fell from the Wellsville High School bleachers during a basketball game has been decided in favor of the school district.

County Common Pleas Court granted the school's motion for a summary judgment in its favor and dismissed the lawsuit.

The claim was negligence in that the school failed to comply with the Ohio Basic Building Code by preventing people from falling underneath the hand rail.

The gymnasium was built in 1938.

MARION—The owner of the building that formerly housed a

department store, missed the Monday deadline for submitting renovation documents to the state's building department.

A Columbus attorney representing the owner indicated that the owner is working with the Department of Commerce to address their concerns.

The state's building department will forward its findings regarding the failure to submit the documents to Marion County prosecutor. The possible charge would be a misdemeanor.

\$32,500 in fines have already been levied for safety violations related to the improper removal of asbestos and lead in the building at West Center and South Prospect streets in downtown Marion.

The company also has hired an asbestos abatement company to eliminate any danger posed by asbestos in the building. Work has begun at the site.

No comment was made on the OSHA violations because the situation involves matters that could be brought up in litigation.

OSHA, the Ohio Department of Health, the Department of Commerce, and U.S. Environmental Protection Agency are initially concerned about work at the building.

The building was purchased for \$100 in a public auction Dec. 7 and renovation work began in January before a stop-work order was issued by the state's building department because of the lack of the approved renovation plan.

WOOSTER—Workers at the E. Liberty St. store installed a building-mounted sign, a sign that was approved by the city's Design and Review Board in July. An internal neon sign also was placed in each window of t adult videos and

magazine store.

However, according to the zoning and planning manager, the owner never obtained a sign permit that allows a business to simply install the sign in front of a business.

Though just a building-mounted sign, the building department wants to get construction documents showing how it is attached to the building."

The building official will send the owner a letter giving him only a few weeks to comply with the code. If he does not obtain the permit, state codes give city administrators the authority to press charges, which could result in a misdemeanor violation.

When the building official and inspector visited the downtown store to review the building's plumbing, he noticed the store's floor plan deviated significantly from the submitted floor plans.

The owner has three options to respond to the order issued by the building department. He can make the construction conform to the approved set of construction documents, resubmit new construction documents that match what the workers have built or he can take 30 days to appeal the order.

CINCINNATI—Property neglect cases are to get the attention of Municipal judge Thousands of Hamilton County property owners have been cited for violating municipal housing, building and health-related codes in the past few years. Some have been resolved, but many have not. Last month Hamilton County Municipal judges approved a new schedule of those accused of violating housing and property codes.

The process is modeled after a similar program in Dayton. There will be one judge and one prosecutor

(Continued on page 8)



Getting Mechanical - Debbie Ohler

The changing forms of energy?

As promised in the last article, this column topic will focus on some of the technical differences between the newly referenced International Code Council's *International Energy Conservation Code (IECC)* and the previously referenced CABO *Model Energy Code (MEC)*. Additionally, I will highlight some of the major technical differences between the newly referenced ASHRAE 90.1-1999 edition and the previously referenced ASHRAE 90.1-1989 (codified version.)

First, I'll offer a little history of the *IECC*. As you know, in the previ-

ous Ohio Basic Building Code (OBBC) the BBS had adopted the 1995 edition of the *MEC* published by CABO. In 1995 CABO released all rights to publish the *MEC* to the International Code Council (ICC). In 1998, ICC published the successor to the *MEC*, the 1998 edition of the *IECC*. Technically speaking, the document was essentially the same with the addition of the 1995, 1996, and 1997 successful code changes that went through the normal code development process. In fact, the 1998 *IECC* development committee was the same as the 1995 *MEC* development committee. It was, however, reorganized to be com-

patible with the format of the other "I" codes and to make it more user friendly. Now, Ohio has adopted the 2000 *IECC* with the 2001 supplement. When comparing the 1995 *MEC* to this newly adopted *IECC* document, take note of some of the following technical changes that have occurred over the past six years as a result of the normal code development process:

- Added a new chapter 8, a prescriptive alternative to ASHRAE 90.1 for low rise commercial buildings.
- Added a maximum solar heat gain coefficient (SHGC) for windows used in the southern states.

(Continued on page 5)



Legally Speaking — John Brant

Recently, the Board of Building Standards' staff has received a number of inquiries about the status of industrial units and manufactured homes. As many of you are aware, the Ohio Supreme Court ruled that the provisions of Section 3781.184, R. C. were unconstitutional as they related to municipal corporations. See Canton v. State of Ohio 95 Ohio State 3d 149 (2002). Section 3781.184 that was ruled unconstitutional related specifically to manufactured homes, not industrialized units. In 1981, the Ohio Supreme Court ruled in Eastlake v. Board of Building Standards, 66 Ohio State 2d 363, that a municipal ordinance imposing more restrictive standards for industrialized units than those mandated by RC

Chapters 3781. and 3791., is in conflict with the general laws and is ipso facto invalid, thereby giving the Ohio Board of Building Standards, pursuant to RC Section 3781.10 (E) (6), just cause for revoking the certification of the municipality as local enforcement authority for the Ohio Building Code. The finding in Eastlake remains good law and municipal corporations cannot exclude industrialized units by adopting different standards than those which are mandated by the Board of Building Standards in the Ohio Building Code. Moreover, townships and counties are still bound by the provisions of Section 3781,184, R. C., and must still comply with the requirements of that section because the Supreme Court

decision in Canton v. State of Ohio only applied to municipal corporations.

The Board has received several phone calls that some municipal corporations have adopted blanket exclusions of both manufactured homes and industrialized units from their jurisdictions. Again, it must be stressed that the Board of Building Standards still has exclusive jurisdiction to regulate the construction of industrialized units and these units have a right to be placed anywhere in the State of Ohio pursuant to the provisions of Section 3781.12, R. C. Some municipal corporations have argued that their reason for excluding manufactured homes and industrialized units is that they are not built to the same standards as "stick-built" units. While this is true of manufactured homes that

(Continued on page 8)

FUEL GAS PIPING AND THE OHIO CODES.

A Problem:

There seems to be some confusion on this subject that has led to some interesting conclusions by building departments around the state. In an attempt to separate fact from fiction we will try to answer several questions that we have received recently concerning this subject.

Two events have happened recently that have added to this confusion and their impact needs to be understood separately. The first is the change to the Ohio Construction Industry Examining Board (OCIEB). The OCIEB's authority to issue certifications was changed to authority to issue licenses. This meant that many more contractors have sought these licenses and, because many contractors practice a variety of skills, have had to obtain multiple licenses. While ad-

ministratively not a complicated task, practically sorting out who can do what among the overlapping duties of many trades has complicated the situation. The second change that has occurred, as many are aware, is that the Ohio Building, Mechanical, and Plumbing Codes were updated and made effective 1 January 2002. These documents are based upon the International Model Code documents.

In an attempt to sort out the issue of who is permitted to do what, many political subdivisions have turned to these code documents as a way of clarifying exactly who performs different tasks. While this may initially seem to be a practical way of delineating

practice, it has not proved so, especially when the topic is fuel gas piping.

We have received calls from those asking, "What happened to the fuel gas piping requirements?", "Why did the Board change the fuel gas piping requirements?", or "Why did the Board move the fuel gas piping requirements into the Mechanical Code?". After several months of trying to understand these questions we came to understand these questions as really asking something entirely different. What was actually being asked was why were certain contractors now being required to obtain another OCEIB license for work they had historically be performing, i.e., "Why am I now required to get another license to do fuel gas piping work that I have always done before?".

A Clarification:

No one will find any requirements for fuel gas piping in the Ohio Building

(Continued on page 6)

	Building Code	Mechanical Code	Plumbing Code
Code References	2801.1 Scope. Mechanical appliances, equipment and systems shall be constructed, installed and maintained in accordance with the mechanical code and the <i>International Fuel Gas Code</i> . Masonry chimneys, fireplaces and barbecues shall comply with the mechanical code and Chapter 21 of this code.	301.3 Fuel gas appliances and equipment. The design and installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be in accordance with the <i>International Fuel Gas Code</i> . Exception: Liquefied Petroleum Gas piping systems within the scope of Chapters 4101:8-1 to 4101:8-19 of the Administrative Code entitled "Pressure Piping Systems Rules." Refer to Appendix C for additional information.	1201.1 Scope. The provisions of this chapter shall govern the design and installation of piping and storage systems for nonflammable medical gas systems and nonmedical oxygen systems fuel gas systems and shall be designed and installed in accordance with Chapters 4101:8-1 to 4101:8-19 of the Administrative Code entitled "Pressure Piping Systems Rules." See Appendix C in the mechanical code. Fuel gas piping systems shall comply with the requirements of the <i>International Fuel Gas Code</i> .
		701.1 Scope. The provisions of this chapter shall govern the requirements for combustion and dilution air for fuel-burning appliances other than gas-fired appliances. The requirements for combustion and dilution air for gas-fired appliances shall be in accordance with the <i>International Fuel Gas Code</i> .	
		801.1 Scope. This chapter shall govern the installation, maintenance, repair and approval of factory-built chimneys, chimney liners, vents and connectors. This chapter shall also govern the utilization of masonry chimneys. Gas-fired appliances shall be vented in accordance with the <i>International Fuel Gas Code</i> . Exception: Section 501.8 of the <i>International Fuel Gas Code</i> permits certain gas fired appliances to be installed without venting. This section should not be construed as permitting the installation of portable unvented heaters in locations otherwise prohibited by section 3701.82 of the Revised Code or rules adopted by the state fire marshal pursuant to section 3701.82 of the Revised Code.	
Standard Referenced	4101:1-35-01.2 Referenced Standards IFGC-2000 International Fuel Gas Code® (with 2001 Supplement)	4101:2-15-01.3 Referenced Standards IFGC—2000 International Fuel Gas Code® (with 2001 Supplement)	4101:3-13-02 Referenced standards IFGC 2000 International Fuel Gas Code® (with 2001 Supplement)

Around the Code World with Mike Brady



PLAN APPROVAL OPTIONS AND WHEN TO USE THEM

OBC sections 106.3.1 through 106.3.3 and sections 105.1.1 and 105.1.2 (annual approvals) explain the various types of plan approvals available. Since there is some misunderstanding about how and when to use the different types of approvals, the purpose of this article is to help clarify some of the issues.

In general, once plan approval is possible (even partially), the building official is required to proceed with the approval. This is made very clear in section 106.3.1 where it states: "...the building official shall endorse or stamp such plans as

approved" and in 106.3.3 where it states "The building official shall issue an approval..." These are intended to prevent the building department from holding the construction documents "hostage" to other jurisdictional requirements.

The OBC contains provisions where the building official may issue optional types of plan approvals. They are:

1. Nonconformance approvals as covered in section 106.3.1.1.
2. Conditional approvals as covered in section 106.3.1.2.
3. Annual approvals as covered by sections 105.1.1 and 105.1.2.

A *nonconformance* approval may be issued by the building official when the construction documents

do not entirely conform to the OBC as long as any nonconforming area does not constitute a serious hazard and the owner submits revised construction documents missing from the original plan review showing compliance with the OBC. This type of approval requires that all information be submitted within a time period not exceeding 30 days and, if not, the building official is required to issue an adjudication order under the provisions of section 113 revoking the approval. Because of the complicated nature of this type of approval, it is rarely used. There are other, less complicated provisions available to

(Continued on page 6)

Getting Mechanical



- Added a new prescriptive envelope compliance option.
- Added prescriptive provisions for additions and alterations of less than 500 ft²
- Revised default U-factors for windows consistent with the ASHRAE Handbook (1997).
- References only one window standard, AAMA/NMMDA 101.
- Reduced modeling requirements for glazing from 8 orientations to 4 when performing a systems analysis.
- Added requirement that hot water tanks with vertical risers in non-circulating systems have heat traps.
- Added requirement for skylight shaft insulation.
- Added requirements for loading dock weather seals.
- Added provisions to deal with multi-zone HVAC systems.
- Added requirements for economizers on systems over 65,000

BTU/h cooling capacity

- Added new efficiency requirements for equipment.
- Added requirements for recessed lighting fixtures.
- Modified lighting control requirements.
- Reduced interior lighting power allowances slightly.

When looking at the new ASHRAE 90.1-1999 document, you will notice that it looks significantly different from the previously referenced document, the codified version of ASHRAE 90.1-1989. The most obvious difference is the color and size of the standard. The previously referenced standard was a small 7 inches x 9 inches gray notebook. The new standard is an 8.5 inches x 11 inches white (with blue type) bound book. In addition to the physical differences, you will notice several technical differences, some of which are listed for you below.

- Reorganized the entire standard for ease of use.
- Added an envelope prescriptive path for compliance.
- Unless the energy cost budget method is used, requires separate, independent analysis of envelope, lighting and HVAC systems.
- Added provisions for additions, alterations, and change of use of buildings.
- No longer includes lighting trade-off software (LTGSTD).
- Instead of exclusively limiting glass area in a building, requires appropriate performance for each range of window-wall ratio.
- Allows trade-off between all building envelope elements, not just walls.
- Includes a simplified mechanical systems approach for "simple" buildings.
- Updated (reduced) lighting power limits and brought them into alignment with industry technology.

(Continued on page 10)

Around the Code World

(Continued from page 5)

the building official.

A *conditional* approval may be issued by the building official only when the construction documents cannot be approved under sections 106.3.1 or 106.3.1.1 OBC and only at the request of the owner. It is only issued when there is a legitimate disagreement over an interpretation of an issue not specifically spelled out in the code. Since this situation could mean a delay in the project, once the owner's request is received, the building official is required to:

1. Issue approval for the portions in compliance and
2. Issue an adjudication order for those parts in dispute.

After the disagreement has been resolved, re-examination is limited to the material submitted in response to the building departments' objection and the adjudication order. This restricts the plan examination to the solution to the objection and prevents re-evaluation of the parts of the building given the conditional approval

because they have been conclusively presumed to comply with the OBC. A conditional plan approval is not the same as a partial plan approval.

An *annual* approval may be used by the building official where the type of work is almost continuous and where it would be almost impossible for the owner to submit construction documents covering a constantly changing situation. This type of approval is intended to provide flexibility for large manufacturing facilities like auto plants, large apartment complexes and other similar places where regular changes are necessary. There are several restrictions designed to ensure code compliance and accountability:

1. The person, firm or corporation must employ full-time individuals holding the related board certifications on the premises, i.e., a certified building inspector and/or a certified electrical safety inspector (for electrical work),
2. The person receiving the annual

approval must keep detailed records covering all work performed on the premises, and

3. The building official must have access to these documents at all times or have them filed with the building department at designated times.

A *phased* or "partial" plan approval is not optional for the building official because OBC section 106.3.3 states: "The building official shall issue an approval for the construction of foundations or any other part of a building before the construction documents for the whole building or structure have been submitted..." but only when the construction documents submitted adequately cover such work and address other pertinent requirements of the code. Obviously, the approvals must be issued in stages that follow the normal sequence of construction. Remember that any remaining items of non-compliance must be issued in the form of a letter or an adjudication order (if it is beyond

(Continued on page 7)

Fuel gas piping

(Continued from page 4)

Code, the Ohio Mechanical Code, or the Ohio Plumbing Code. Rather, code users will find that they are sent from all three codes to a separate document for all fuel gas piping requirements; to the International Fuel Gas Code.

To clarify this point, please refer to the table above. It compares the language in each code that deals with the subject of fuel gas and fuel gas piping as well as the content of each code's referenced standards chapter for fuel gas piping. As can be seen from the table, all texts in

these codes dealing with fuel gas piping direct the reader to the International Fuel Gas Code. The table also shows that all three codes have listed in their respective referenced standards chapters the 2000 International Fuel Gas Code, with the 2002 Supplement, as the referenced standard.

These codes indicate neither which trade does the work nor which inspector does the inspections. The codes only give the requirements for **how** the work must be done. Using the codes to sort out these questions will not provide a workable solution.

Any determination by OCIEB to define the requirements for licensure is totally within their jurisdiction. Any modification to those requirements, limits on who qualifies for any individual license, or the types of work within the scope of one or multiple licenses is also totally within their jurisdiction.

Understanding these distinctions we believe will help clarify the discussion and assist building departments to draw proper conclusions when dealing with these same questions.

Making it Accessible - Jan Sokolnicki



So, how are we going to get better at this accessibility stuff?

Ten or fifteen years ago you could find a few designers and code enforcement officials who seemed to resent the accessibility provisions. Some refused to apply them because they thought barriers in the built environment were more a social problem and didn't belong in the code since they weren't "life safety" items. Well, we've come a long way, baby (as they say). Whether it's because we're getting older (experiencing some physical problems in our family), wiser, or nicer (which I doubt), the old "attitude" seems to have disappeared. As I travel around Ohio Teaching accessibility sessions, I find the greatest majority are very interested in understanding the accessibility provisions.

So, if we care, why is it so hard to "get it right"? I think it's because we aren't used to looking at what we do from the users' perspective. To understand if a stud is in compliance, we just make sure the grade stamp, spacing and the fastening meet the requirements? Is the depth of the spray-on fire protection adequate? Are the lugs for the service conductors sized right and torqued down properly? Is the roof designed to handle the dead loads, snow loads...and so on. None of what we typically do as plans examiners or inspectors requires us to understand the needs of the building user. Accessibility is the one area in the code that is so much easier to understand and allows us to become effective if approached from the perspective of a person using the building, spaces, and devices within.

Now that we know this, what can we do differently? Board staff

has begun a process, in cooperation with the Ohio Civil Rights Commission, Ohio Legal Rights, Ohio Department of Development, the Ohio State University, disability rights advocate organizations, and COCOA representing OBOA, to create a comprehensive, multi-segment training program to cover all the major areas of the accessibility provisions. The format of the training programs will be MSPowerPoint, with code and explanatory text, figures from the referenced standards, pictures of on-site compliant and non-compliant details, all packaged in 20 minute or half-hour segments that can be used in a traditional classroom with an instructor or by a single viewer on their own PC or laptop.

In order to assure that designers, inspectors, and plan examiners develop an increased understanding of the users' perspective, the segments will be organized by sequencing the material in the same way a person would use the facility: access to the site, drive; park; traverse to an entry point; enter; use the available facilities, amenities and operate the devices within. We've tentatively identified the following programs: *History Overview of Accessibility Laws & Rules; How to Determine What Types of Residential Projects Require Type A & B Units; Exterior Accessible Route; Requirements within Type A & B Units; Applying the Accessibility Provisions for Change of Occupancy, Alterations & Additions; Interior Accessible Route and Features.*

We're looking for additional folks to volunteer to help us in the review and further development of the programs. If you have



Around the Code World

(Continued from page 6)

30 days from first submittal). They cannot be combined into the approval document because they must remain appealable items. Don't mix the two together.

Some building departments have mistakenly been issuing *conditional* plan approvals when they should have been issuing *partial* plan approvals. For example, one building department issued a conditional approval for an entire building provided the owner complied with a list of requirements. The requirements looked like a correction letter listing every code item from A to Z. These requirements were printed on the same document as the conditional approval. There was no request from the owner. There was no adjudication order from the building department, however this "conditional" approval told the owner that he had 30 days to submit documents showing compliance or the approval would be revoked. Not only was this the wrong approach, the issuance of this document violated almost every right the owner had under the code and the statutes.

Some building departments have been getting a little creative by issuing "hybrid" documents. One such document was labeled a "conditional" partial approval. No such thing is permitted under the OBC. Mixing and matching is not an option.

Building departments should almost always be issuing either conventional plan approvals or partial plan approvals. The other types of plan approvals are intended to be used only for special situations or very unusual conditions.



In the News Around Ohio



(Continued from page 2)

one day a week..

William Langevin, director of the city's Department of Buildings and Inspections, is grateful an believes that the new process will hold the worst landlords and property owners accountable and will boost the morale of the city's building inspection personnel.

Over 2,000 municipal housing, building, and health-related code violations have been issued during the past five years .

OHIO—The state's fiscal balance suffered a setback in November, when tax revenues were reported \$82.2 million below the projections of the Office of Budget and Management. Overall, however, fiscal year 2003 tax collections are still in the black by \$17.7 million.

Automobile sales taxes, which had not experienced a downturn because of ongoing incentives and low-interest financing deals, came in lower than projected for the first time in several months. The \$55.6 million in auto sales taxes was 18.1% below estimates. For the year however, the auto sales tax total of \$415.6 million remains ahead of OBM's schedule by \$31 million.

The biggest losses in November came in the sales tax and income tax categories. Both were off the by more than \$20 million.

The state now looks toward the Christmas retail season as retailers report a strong start for the Thanksgiving weekend. Sales taxes are generally reported a month later.

In November the state's non-auto sales taxes, which were \$20.5 million below expectations. Personal income taxes totaling \$493

million were \$22.4 million below OBM estimates.

Through the first five months of FY 2003 (July-November), the state has spent about \$10.47 billion, which is \$147 million higher than OBM anticipated.



Terrorist-resistant HVAC Concept

Penn State engineers have developed a terrorist-resistant air conditioning concept they estimate costs less to install, is more energy efficient, and is cheaper to operate than forced-air systems.

The new approach, called a Dedicated Outdoor Air System, uses an independent fresh air supply with radiant cooling panels. The radiant panels, using cool circulating water which can even be installed as part of a building's fire sprinkler system, have a 15-year track record in Europe.

Using radiant panels eliminates the use of recirculated air, therefore, any accidental release of noxious agents are not transported to other parts of the building by the HVAC system. Rather, they are diluted and exhausted from each space.

Since the fresh air supply is independent from HVAC functions, less air is needed and it can be treated and dehumidified at lower cost. The air to be exhausted can also be run through an energy recovery system to provide further savings.

Legally Speaking

(Continued from page 3)

are constructed in accordance with federal HUD standards, Ohio authorized industrialized units are built according to the Ohio Building Code use group requirements for which they are intended to be used. Likewise, the in-factory inspections are made by building, electrical, and plumbing inspectors who are certified by the Board of Building Standards. If the Board receives complaints that local certified building departments are not permitting the placement of industrialized units, the Board will have to investigate and take action to revoke certification of the offending building department.

The recognized procedure when the building is sited is that the local building department has jurisdiction to enforce either state or residential building code provisions for any work done at the site; e.g., foundations, electrical, or plumbing hookups, an inspection to see that the unit has arrived without being damaged, and especially that it has a BBS insignia attached to show that it has gone through the plans examination and inspection process mandated by the Board in the Ohio Building Code. The building department also has a right to request a copy of the approved construction documents as approved by the State of Ohio.



Training News—Billy Phillips

CODE SUPPLEMENTS: The Ohio Board of Building Standards has contracted with West Publishing to provide each certified building department with a code supplement. All certified building departments and building officials that received training on the codes & standards from the Board during the past year were advised that the Board was in the process of negotiating with West Publishing for the purchase a code supplement subscription service for the 2002 Ohio Building Code. As part of the purchase agreement West Publishing was responsible for shipping a copy of the supplement directly to each certified building department. During the shipping process, West Publishing sent one copy of the JULY 2002 SERVICE INDEX TO THE FEBRUARY 2002 INDEX (Supplement) to

each certified building department and by mistake sent a bound updated copy of the Ohio Building Code. As a result of their mistake West Publishing agreed to allow each building department to keep both the supplement and the bound copy of the building code. If your building department did not receive a copy of the supplement or the building code, please contact the Board and we will provide a copy of the supplement only. Building officials who have jurisdiction for more than building department can contact the Board directly for additional copies of the supplement. The code supplements were purchased by the Board with money from the 3% assessment fund and were provided, at no cost, to your building department. If for any reason you receive a bill from West Publishing for the above referenced documents or services or if you have any further ques-

tions, please contact the Board at 614-644-2613.

2003 OBOA/MVBOC JOINT CONFERENCE EDUCATION:

2002 OBC— Accessibility	3 hrs
Changes in Res. Occupancies	1 hr
Day Care Assisted living	2.5 hrs
Dealing Diplomatically with Difficult Customers	3 hrs
Electrical Plan Review	2.5 hrs
Evaluating Existing Buildings	3 hrs
Flood Damage Prev. Using ORC	2.5 hrs
Inspecting Conc. Ftgs. & Fndtns.	1.5 hrs
Inspecting Gas Piping	2.5 hrs
Inspecting Swimming Pools	1 hr
Kitchen Exhaust Hoods	1.5 hrs
Legal Aspects of Code Admin.	2 hrs
Manf. Home Parks-Who Inspects What	1 hr
Mixed Occupancies	3 hrs
NFPA 14-Standpipes	1.5 hrs
OBOA Disaster Resp. & Damage Assesmnt.	3 hrs
OBC-Chapter 1 Administration	1.5 hrs
BBS Forum	1.5 hrs
Ohio Ethics Laws	1 hr
OMC Chapter 3	1.5 hrs
Regs. Related to Off-Site Constrtn.	1.5 hrs
Solving Means of Egress Problms	5 hrs
Special and Mixed Uses	5 hrs
Special Locking Devices	1.5 hrs
Sprink. Design for High Piled Stor.	1.5 hrs
Sprink. Plan Review-An Intermediate Course	6 hrs

Reader Comment Form

Please send us any comments or questions you would like to have answered by the Board or its staff in an upcoming issue.



120—AUTOMATIC SPRINKLER SYSTEM INSPECTOR CERTIFICATION INFORMATION SHEET

359—HOTEL/MOTEL LICENSURE AND THE 2002 OBC

641—EXISTING BUILDINGS AND CURRENT CODE REQUIREMENTS—COMMON PLEAS COURT CASE

642—AG OPINION ON CERTIFICATION OF PLUMBING INSPECTORS IN SUMMIT AND LUCAS COUNTIES

Information provided in newsletter:

- Great
- O.K.
- Don't call yourselves journalists but keep the good work.

Should the Board give an award for the recognition of excellence in code enforcement?

- Yes
- No

Would you like to see interviews/features with Ohio's "elder statesmen" of code enforcement?

- Yes
- No

Have you ever attended a Board of Building Standards meeting or hearing?

- Yes
- No

Comments and suggestions:

Name _____

Address _____

Phone _____

Ohio Board of Building Standards

BBS USING TECHNOLOGY TO SUPPORT THE ENFORCEMENT AND BUILDING COMMUNITIES

6606 Tussing Road
P.O. Box 4009
Reynoldsburg, Ohio 43068-9009

Phone: 614-644-2613
Fax: 614-644-3147
Email: dic.bbs@com.state.oh.us

Board Calendar—1st Quarter FY 2002

DECEMBER 2002

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

2 Dec.—ESI Advisory Committee Meeting

13 Dec.—Board of Building Standards Conference Meeting

25 Dec.—Holiday

JANUARY 2003

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

1 Jan.—Holiday

20 Jan.—Holiday



FEBRUARY 2003

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

02-4 Feb.—MVBOC/OBOA Joint Conference

3 Feb.—Board of Building Standards Conference Meeting at MVBOC/OBOA Joint Conference

17 Feb.—Holiday

Important ICC Dates

Feb. 2003—Publication of Code Editions

24 March 2003—2003/2004 Code development proposals submittal deadline

3 July 2003—Code development proposals available

5-14 Sept. 2003—Code development hearings in Nashville, TN

14 Nov. 2003—Report of hearings available

14 Jan. 2004—Public comment deadline

1 April 2004—Final action agenda available

May 2004—Final action hearings (location TBD)

Aug. 2004—Publication of 2004 supplement

20 Aug. 2004—2004/2005 Code development proposals submittal deadline

21 Feb.– 2 Mar. 2005—Code development hearings

27-30 Sept. 2005—Final action hearings

Feb. 2006—Publication of the 2006 code editions

Character cannot be developed in ease and quiet. Only through experience of trial and suffering can the soul be strengthened, vision cleared, ambition inspired, and success achieved.

Helen Keller

Getting Mechanical

(Continued from page 5)

- Simplified lighting control provisions by replacing control point credit system with prescriptive mandatory requirements.
- Requires mandatory automatic lighting shutoff controls.

Hopefully, this summary of changes will help bring you up to speed with some of the technical differences between the previous referenced standards and the newly referenced energy standards. I caution you that this list is not all-inclusive and, therefore, should not be used as a substitute for reading the standard! Remember the First Law of Thermodynamics: *Energy* cannot be created or destroyed; only changed in form. As always, if you should have questions, please do not hesitate to contact our office. Happy Holidays!!!



Marketing NFPA 5000, the Toughest Job in the Code Business



By Greg Johnson

Any but the most cynical observer has to be feeling sorry for the marketing folks at the National Fire Protection Association these days. NFPA's attempted invasion of the building code publishing world, launched by immediate past CEO, retired Air Force Lt. Gen. George Miller, has put the association in the position of having to foster a disingenuous propaganda battle to win the hearts and minds of the state and municipal authorities responsible for adopting construction codes in their jurisdictions.

While the NFPA marketing team is widely acknowledged as a group of superior performers, they have been burdened from the beginning of the code wars by a lack of ammunition. From the beginning, when industry comments ran 10 to 1 against the development of another building code in response to the NFPA project initiation notice, NFPA has never identified a sound public policy reason for the non-profit association to pursue this action. As a result, NFPA's propagandists have been forced to support their initiative with innuendo, distortions and unsupported claims. NFPA's much vaunted "true consensus" process has also taken some serious hits as a result of this battle. Whether NFPA's ability to fulfill its mission to reduce the worldwide burden of fire and other hazards on the quality of life has also suffered collateral damage is now subject to speculation.

The true consensus argument, the keystone of NFPA's marketing attack and the one employed to justify the questionable business decision to compete with the In-

ternational Code Council's set of International Codes, is prone to backfire. By touting its process, NFPA has invited the world to examine "true consensus" as they define it, and many have found it truly flawed.

It seems that every few years the association's marketing folks get stuck with explaining a backfire in the true consensus process as NFPA pursues its business goals at the expense of both fire safety and sound public policy. In 1997, it was the Standard Council overturning an assembled membership vote to limit the installation of large volume propane storage facilities on the roofs of tall build-

NFPA's attempt to publish a comprehensive building code has put its marketing people in a pitiable position.

ings as an unsafe practice. In 2001, it was the Standards Council's acceptance of the vote packing actions of the International Association of Fire Fighters at the NFPA annual meeting in Anaheim to secure passage of increased fire department staffing through NFPA 1710. This year, it's the Standard Council's decisions to once again overturn the assembled membership and strike down requirements for elevator lobbies, as well as fire suppression in one-and two-family dwellings.

Of course, as the marketers know, the Achilles' heel of NFPA's consensus process is not only that the 13 members of the Standards Council can determine the content of the association's codes and

standards, but that they can determine that content behind closed doors. Local politicians, used to complying with restrictions imposed by open meeting laws, aren't generally receptive to the NFPA consensus process once they know the details.

Nonetheless, NFPA's troops continue to claim that the association has the only process-producing construction codes that comply with federal regulations for suitability of reference. They continue to make that claim despite federal agency adoptions of numerous codes and standards not accredited by the American National Standards Institute, including codes produced under the ICC's governmental consensus process.

Of course, all's fair in today's code wars, and now NFPA advocates are also popping up in multiple venues to declare NFPA 5000 as the only building code to address fire fighter safety. They make this assertion despite inclusion of emergency responder provisions in the scope of the International Building Code by the hearing committee at last April's ICC code hearings in Pittsburgh. It will be interesting to see how those same folks explain to the fire service the impact on fire fighter safety of the Standards Council's action on residential sprinklers.

NFPA may also have a tough time explaining the residential sprinkler decision to its allies in the piping trades. Residential sprinkler requirements in NFPA 5000 would have been an enor-

(Continued on page 12)

Marketing (Cont.)

(Continued from page 11)

mous windfall in labor hours to the pipe trades. Considering that the primary reason the City of Phoenix is moving toward adoption of NFPA 5000 is due to the pipe trades' political influence in that city, they must feel that the NFPA Standards Council decision is a betrayal.

It will also be interesting to see how NFPA, a newborn in the building code arena, will make good on their marketing claims of being able to provide building code technical support to adopting jurisdictions. They have never provided product evaluation services, building code interpretative services or building inspection certifications in the past. Fortunately for them, given the likely adoptions of this edition of the code, there won't be much demand for those services, and

the fire service won't have to worry about NFPA diverting further fire prevention resources into building code support for now.

"Comprehensive" is another adjective attached to NFPA 5000 by NFPA marketers. That would explain why the document delivered to the Standards Council referenced so many undated standards. Apparently it's permissible to use any edition of those standards. Or, as in the case of aluminum construction, any available standard may be used. These are the contents of Chapter 41, Aluminum: "Aluminum construction shall be designed and constructed in accordance with approved standards." Now that's comprehensive!

You must have some sympathy for the folks stuck with marketing the

NFPA 5000 effort. They've been given a sow's ear and were told to sell silk purses. It's the toughest job in the code business, and it is a testament to their skill that at least one city seems to be willing to buy it. **Mr. Johnson has been employed in the Minnesota construction industry as a carpenter, contractor or estimator since 1982. He joined the City of Saint Paul as a building inspector in 1994 and has served on numerous code development and regulatory policy committees. Johnson is certified as a building official by the State of Minnesota and as a building inspector by the International Conference of Building Officials. He is a member of the Board of Directors of ICBO. He can be contacted a**



Ohio Board of Building Standards

6606 Tussing Road
P.O. Box 4009
Reynoldsburg, Ohio 43068-9009
Phone: 614-644-2613
Fax: 614-644-3147
Email: dic.bbs@com.state.oh.us

*Using Technology to Support the
Enforcement and Building
Communities.*

PLEASE CIRCULATE THIS NEWSLETTER:	
Initials:	Check When Read:
_____	<input type="checkbox"/>

Mailing Label Here:

WE'RE ON THE WEB AT:
<http://www.com.state.oh.us/ODOC/dic/dicbbs.htm>