

STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

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Rep. Stephen Dargan, Co-Chairman
Sen. Joan Hartley, Co-Chairman
Public Safety and Security Committee
Legislative Office Building
Hartford, CT 06106

HB 6296 AN ACT CONCERNING AN ACT ADOPTING THE NATIONAL ELECTRICAL CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, AND THE INTERNATIONAL FUEL GAS CODE

The Department of Public Safety opposes this bill

The Department of Public Safety is not in favor of Raised H.B. 6296. The bill mandates that certain building standards be updated on a frequency schedule that would burden both the agency and the codes' users. The language of the bill could also result in the adoption of a State Building Code of extremely limited scope that conflicts with other statutes and imperils grant funding from the federal government.

Raised H.B. 6296 directs the adoption of the National Electrical Code, the International Plumbing Code, the International Mechanical Code and the International Fuel Gas Code by January 1, 2012 and then requires adoption of each new edition within one year of first publication of these national consensus standards.

The base standards that make up the State Building Code are published every three years, often with minor changes. Past practice has been to review every other edition of the published codes because of the financial burden on the code enforcement community and construction industry of a more frequent schedule. (A single set of these code books can cost upwards of \$1,200.) Any user of these codes who wishes to incorporate a newer version of a standard into a project is free to request a code modification for that purpose.

The adoption deadlines are of great concern to the agency because they are unachievable, given the complexities of the regulation adoption process and the nature of the work required reviewing a code for adoption. Section 29-254 of the Connecticut General Statutes requires that the Department of Public Safety entertain code change proposals from the public or municipalities. The State Building Inspector and the Codes and Standards Committee must review these proposals for appropriateness. They must also review each individual standard that makes up the building code for conflicts with statute or other codes.

A substantial amount of time is also devoted to coordinating the building and fire safety codes. With the adoption of a fire prevention code in July 2010, this coordination effort will be expanded. Office of State Building Inspector staff is heavily involved in the review of base standards and other codes. A more frequent and accelerated review process would be problematic without additional staff, which is not expected to be available in the foreseeable future.

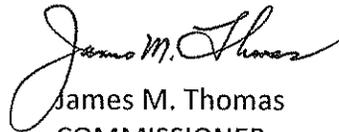
In summation, the department works carefully to adopt a well-coordinated, conflict-free set of codes. This would not be possible with the stringent deadlines found in this bill. It is noteworthy that the regulation adoption process - from final agency draft to filing with the Secretary of the State's office - often takes up to a year by itself. If final agency drafts were completed today, it is doubtful that they could become effective by January 1, 2012.

An equally significant concern is whether the listing of only certain codes would preclude adoption of the full family of International Code Council (ICC) codes that the Department of Public Safety adopts by reference as the State Building Code. Since the creation of the ICC, the department has adopted by reference the International Building Code, the International Residential Code, the International Existing Building Code, the International Energy Conservation Code, the International Plumbing Code, the International Mechanical Code and NFPA 70, National Electrical Code. Legislation that lists fewer than this complete list, as H.B. 6296 does, may be interpreted as preventing adoption of those codes not listed. This would not only result in a less effective code and create conflicts with other statutes, but it would confuse the design community (architects and engineers), the building industry and property owners.

Grant funding from the federal government and compliance with statutory green building mandates are two areas that could be impacted. In the first instance, the State of Connecticut promised to adopt the 2009 International Energy Conservation Code in order to receive grant funding under the American Recovery and Reinvestment Act of 2009 (ARRA). Since adoption of this code may no longer be authorized by statute, the state would not be able to fulfill its promise. Additionally, CGS 29-256a directs that the State Building Code "meet or exceed optimum cost-effective building construction standards concerning the thermal envelope or mechanical systems, including, but not limited to, indoor air quality and water conservation, and the lighting and electrical systems of the building." This requires adoption of the energy conservation code, as well as the residential, mechanical and plumbing codes. Only two of the four are specifically authorized by this bill.

Finally, the International Fuel Gas Code is not presently adopted as part of the State Building Code because the subject matter is covered by two sets of free-standing regulations. Those regulations, the Connecticut Gas Equipment and Piping Code and the Connecticut Liquefied Petroleum Gas and Liquefied Natural Gas Code, are mandated to migrate to the Connecticut State Fire Prevention Code when their enabling statutes sunset in January 2013. Thus, another statutory conflict would be created by this bill.

Sincerely,


James M. Thomas
COMMISSIONER