



Senate Bill 388

**An Act Concerning the Department of Administrative Services' Recommendations
Regarding the Adoption of the State Building and Fire Codes**

Testimony of Commissioner Melody A. Currey

**Public Safety and Security Committee
March 8, 2016**

Good afternoon Senator Larson, Representative Dargan, Senator Guglielmo, Representative Zupkus, and distinguished members of the Public Safety & Security Committee. I want to thank the Committee for raising this concept on behalf of the Department of Administrative Services (DAS) and for allowing me to provide this testimony in support of Senate Bill 388, An Act Concerning the Department of Administrative Services' Recommendations Regarding the Adoption of the State Building and Fire Codes.

The Office of the State Fire Marshal and the Office of the State Building Inspector, with the Codes and Standards Committee, are responsible for the adoption and revision of the State's building, fire and fire prevention codes (i.e. the Connecticut Supplements). By statute, Connecticut's codes should be updated no later than 18 months following the publication of revised national model codes. In practice, however, it has proved impossible to achieve this mandate because the existing code adoption process includes several time-consuming and redundant steps. Although DAS has dedicated its efforts to expedite the technical portion of the process, the reality is that updates to the Connecticut codes are years behind schedule.

To better understand the root cause of these delays, DAS engaged in a LEAN exercise, in which we identified the values associated with the building, fire safety and fire prevention codes and created a value-stream map of the code adoption process. (A more detailed summary of that process is attached to this testimony.) Our goal was to establish a process to ensure that the Connecticut codes could be updated within 18 months of publication of new editions to the national model codes while still ensuring that the codes are effective, enforceable and understandable.

The value stream mapping highlighted clear redundancies in the existing code adoption process, specifically; steps mandated by the Uniform Administrative Procedures Act that duplicate the national Model Code adoption process and the State's code adoption process. Senate Bill 388 seeks to eliminate those redundancies and to streamline future code adoption cycles for all vested stakeholders without diminishing industry and public input.

Current Connecticut Code Adoption Process

The state codes are based on national model codes that are developed over a three-year period in a very open, public process involving thousands of people representing all interest groups and stakeholders.

After a new model code is adopted, DAS begins the process to review the changes to the model code and revise the state supplements. This process begins with an advertisement of the State's intent to adopt a new code and an invitation to the public to submit technical proposals for specific changes to the model code.

All code proposals are reviewed by DAS staff and the Codes and Standards Committee. The technical merits of each proposal are fully vetted, including presentations by the proposer or other experts. A proposal could be assigned to a technical subcommittee if detailed study is warranted. Code proposals are accepted on a rolling basis and every proposal is considered.

Concurrent with this process, changes in the new model code are reviewed to ensure they are not in conflict with any Connecticut statutory requirement, and that they have a practical application for Connecticut. Coordination with the Fire Safety Code and the Fire Prevention Code takes place at this point to insure that requirements in all three codes are aligned. Any proposed changes are treated the same as code proposals from the public.

Every submitted code proposal is available to the public and discussed openly at regularly scheduled meetings. The Codes and Standards Committee's Code Amendment Subcommittee, for example, meets at least once a month. Meetings are always open to the public and noticed via the Secretary of the State's office and the DAS code adoption website.

At the end of these processes, the Connecticut Supplement (i.e., Connecticut's changes to the model codes) is drafted. The Supplement includes all approved technical changes from the review processes, as well as statutory and administrative requirements. DAS then makes this draft available to the public for review and comment.

At this point, the code amendment process merges into the traditional regulations-making process. The entire process from this point forward, from submittal to the Governor's office and OPM to approval by the Regulations Review Committee, can easily take at least 12 months and often takes even more time.

Most changes to the draft code made at this stage are technical and often are suggested without consideration of the fact that the CT codes are not stand-alone publications, but rather constitute an amendment to thousands of pages of nationally adopted material. Because the codes are distillations of the national models, the language and style of the Connecticut Supplement must be consistent with that national models in order to be easily understandable by the people who use them (property owners, contractors, industries and inspectors), which means that they cannot be consistent with the style and format of a traditional state agency regulation.

Proposed New Process

DAS's proposal exempts the state building and fire codes from the existing regulation review process, while maintaining all appropriate safeguards to ensure public access and public participation in the process, and makes the codes effective upon approval by the applicable Codes & Standards Committee and the State Building Inspector or State Fire Marshal, as appropriate.

DAS believes that this new process will significantly shorten the amount of time required to adopt the new national model codes making Connecticut's codes more effective, understandable and up-to-date.

For these reasons, **DAS requests that you support Senate Bill 388.** Thank you for providing DAS with the opportunity to comment on this bill.