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Memorandum

To: Pennsylvania General Assembly

From: Lou Biacchi, Director of Government Affairs

Subject: Excessive Construction Codes: Pennsylvania Goes First – How Many States Will Follow?

Date: March 22, 2010

Pennsylvania is the first state to implement the 2009 International Construction Code Standards in their entirety. While 48 of the 50 states follow the International Construction Code Standards, the excessiveness of numerous provisions within these codes has given all the other states pause.

Please see the attached chart indicating where each of the 50 states is regarding implementation of these standards. The most important column on this chart is “IRC,” the International Residential Code, which sets new home construction standards, including residential sprinkler systems. Only five states have adopted the 2009 International Residential Code (IRC): California, Iowa, Pennsylvania, Oklahoma and Maryland. Of the five, only Pennsylvania has implemented the code. The others have delayed implementation. Twenty states still operate under the 2006 International Residential Code. Twelve states remain at the 2003 IRC and three states remain at the 2000 IRC. Ten states rely on local code options or have no codes at all. A number of states, New Jersey as an example, have stopped, through executive order, the implementation of regulations promulgating the 2009 codes due to the disastrous economic conditions. Other states, Minnesota as an example, through their regulatory review process, have come to the conclusion that the 2009 codes are not in the public interest and have refused to adopt them. Other states, such as Missouri, have determined that there are cost-effective alternatives to mandatory residential sprinklers. Missouri’s solution is a requirement that homebuilders offer residential sprinkler systems as an option. A number of states – including Texas and South Dakota - have legislatively deleted residential sprinklers from their code.

Why has Pennsylvania gone first? Because of our ill-advised automatic code adoption process. This process is broken and must be fixed. Senate Bill 1114, prime sponsor Senator Bob Robbins, and House Bill 1808, prime sponsor, Representative Ron Buxton, gives Pennsylvania a three-year pause in the implementation of the 2009 codes, providing an opportunity for the General Assembly to address the corrupted process of the International Code Council, which put sprinklers into the Code. This will allow the needed time for the Commonwealth to review our code adoption process, including the Pennsylvania Construction Code’s Review and Advisory Council. The Council failed in its duty

because of an inability to comply within its statutorily mandated time schedule to identify any of the hundreds of code changes as not being cost effective and most importantly they failed to review the changes relative to the intent and purpose of Act 45.

The other states know that automatic adoption with immediate implementation does not work. Builders and municipal officers in Pennsylvania agree.