

The waiting game

States slow to adopt 2012 International Codes

By Julie Ruth, American Architectural Manufacturers Association

KEY POINTS

- ▶ Early adoption of the 2012 International Codes has not happened.
- ▶ Michigan and Pennsylvania have specifically voted not to adopt the 2012 editions.
- ▶ With regards to potential changes to fenestration requirements, there will be some states such as Maryland, Florida and Georgia that will adopt and enforce the 2012 IBC. But the implementation will be slower than previous editions of the International Codes.

This past winter, AAMA proposed changes to the 2012 International Building Code, in preparation for the 2015 IBC code cycle. The catch: as of January 3, the 2012 IBC wasn't even being enforced yet.

Traditionally, there is a delay of about a year from the time a new model code is published to when jurisdictions begin actually enforcing it. However, recent changes to the ICC code development process made the 2012 edition of the International Codes available during the early part of 2011 to facilitate jurisdictions' adoption and implementation of the codes early in 2012.

Yet, early adoption of the 2012 International Codes has not happened. Instead, there appears to be a delayed, and at best tepid, response to the 2012 International Codes. At press time, only Maryland had adopted and implemented the 2012 IBC and 2012 IRC on a statewide basis.

Perhaps even more telling is that Michigan and Pennsylvania specifically voted not to adopt the 2012 editions.

Traditionally, these two states have been among the first to adopt new editions of the International Codes.

Now, the codes are the International Code Council's product. Publication sales are the ICC's primary source of revenue. When you start to see long-standing clients reject your newest product line, it can be a cause for concern.

From an industry standpoint, it becomes more a question of whether or not there will be changes to the requirements for your product. And if so, when will they be implemented?

In an effort to better understand that, I thought it would be worthwhile to take a closer look at what happened in Pennsylvania. Specifically, is there reason to believe its vote to not adopt the 2012 International Codes will be replicated elsewhere?

Cost and complexity concerns

The Pennsylvania legislature specifically voted not to adopt the 2012 International Codes due to opposition from the National Association of Home Builders, concerns about increased complexity in the 2012

As the adoption process drags on, the question becomes: Will there be changes to the requirements for fenestration products, and if so, when will they be implemented?

edition, and economic concerns on the part of local communities charged with implementing and enforcing the codes.

Obviously, the economic concern is applicable across the country. Many jurisdictions have had to lay people off during the past few years due to the decline in construction, and hence a decline in permit fees. Most of those jurisdictions

do not have the funding necessary to bring those people back, implement a training program, purchase new codes and standards, etc. So the weight of this argument is likely to be effective in other jurisdictions.

With regards to the complexity issue, there are always changes between editions of a model code. That is not new for the 2012 International Codes. What is new is that only one code change cycle was held between the 2009 and 2012 editions. So, there was no opportunity to catch any glitches that might have occurred during the first cycle, before the next edition of the code was published.

A prime example of such a glitch is the update from the 2005 edition of ASCE 7 to the 2010 edition. Although maintaining reference to the newest edition of a standard is necessary to keep a code up-to-date and applicable to current construction practices, there were some ramifications of this particular update that were not caught in the initial proposals.

AAMA has submitted code change proposals to correct the ones that apply to the design of fenestration in the 2015 IBC. But not having had an opportunity to correct these prior to the publication of the 2012 IBC will be a problem the industry will need to deal with, as individual states such as Maryland, Florida and Georgia move forward in their adoption of the 2012 International Codes.

There are other issues of a similar nature in the 2012 International Codes that could be serious impediments to the codes' adoption.

NAHB opposition

Finally, we come to the last reason the Pennsylvania legislature voted not to adopt the 2012 International Codes: opposition

from the National Association of Home Builders. Now, NAHB might share the same complexity and economic concerns, but its opposition might also go much deeper than that.

ICC initially partnered with NAHB during the development of the International Residential Code. ICC and NAHB also partnered to develop the ICC 700 National Green Building Standard for residential construction.

That partnership seriously deteriorated, however, when the U.S. Department of Energy threatened to take over the development of energy codes in the U.S. The ICC was between a rock and a hard place. Should it honor its commitment to NAHB? Or, should it court DOE in an attempt to prevent it from taking over development of energy codes in this country and consequently risk losing one of its most influential allies?

The ICC chose the latter path, opting to remove any reference to ICC 700 from the 2012 International Green Construction

Early adoption of the 2012 International Codes has not happened. Instead, there appears to be a delayed, at best tepid, response.

Code after the DOE and Environmental Protection Agency rejected it, saying ICC 700 did not achieve the level of stringency they wished to dictate.

It would appear that the ICC might have made a serious miscalculation in regards to NAHB. And it might be one that will be detrimental to the organization for some time to come.

The ICC Board of Directors reversed the decision to remove ICC 700 for residential construction from the 2012 IgCC in late February 2012 in what appeared to be an attempt to appease NAHB. Whether or not it will be effective remains to be seen.

With regards to potential changes to fenestration requirements due to enforcement of the 2012 IBC, there will be some states—such as Maryland, Florida and Georgia—that will adopt

and enforce the 2012 IBC. But the implementation will be slower than previous editions of the International Codes. And it is likely to be less uniform across the country. The 2009 IBC, IRC and IECC might hold the record as the most widely adopted and implemented set of construction codes in U.S. history for some time to come. **B**



Julie Ruth is a code consultant for the American Architectural Manufacturers Association, www.aamanet.org. She can be contacted through AAMA at 847/303-5664 or via e-mail at julruth@aol.com. Ruth is also owner of JRuth Code Consulting, www.jruthcodeconsulting.com.