

Closing the Gap

by Tom Johnson

Industry Consensus Standards Committee's - Standards -

The International Code Council (ICC) is a relatively new organization comprised of **Building Officials and Code Administrators International, Inc.** (BOCA), <http://www.icbolabc.org/> ICBO and SBCCI (<http://www.sbcci.org/>) . ICBO and IAPMO (<http://www.iapmo.org/iapmo/>) used to collaborate on the development of the Uniform Mechanical Code (UMC) but had grievous differences and ended up having two different versions of a code with the same title. This did not work well and ICBO started dialog with two other trade associations of public officials (aka authorities having jurisdiction or AHJ's) and negotiated a "merger" so to speak, the new organization being named ICC.

A visit to <http://www.iccsafe.org/news/about/> will enable you to learn about the origins of ICC from their perspective. IAPMO's UMC is competitive to ICC, as it is to NFPA's family of codes. Their Technical Committee meetings are scheduled for May 5th at the Adam's Mark Hotel in Denver. Though the State of California has adopted the ICC family of codes through the administrative law process individual municipalities continue to propagate the UMC as do other Western States. The propagation of new and revised codes leads to the sale of code books and related services. NFPA's family of codes can be found for sale at <http://www.nfpa.org> . The NFPA rule most foodservice industry participants recognize is NFPA 96. Due to its specialty nature it is called "pamphlet 96". Aside from generating revenue from the sale of code books and services, some of these non-profit model code writing groups have begun their own "evaluation services" divisions whereby they charge a fee to evaluate "alternate materials and methods".

A couple of delegate AHJ agencies have taken it upon themselves to start their own evaluation services ostensibly to evaluate submittals for "alternate methods and materials". Though it is reasonable to think that an agency could have a fee based system for "alternate evaluations", when a product has been listed for a specific process and frame of intended use and no other "specific hazard" is documented as rationale for requiring more stringent approval criteria, then the AHJ should not have the authority to make denials in defiance of the products listings and manufacturers installation and use instructions.

The evaluation services act as regulatory check point/toll booths that do allow free passage for products listed to specific processes or, frames of intended use. Another avenue of toll for one cities engineering evaluation section is to charge a fee (must pay renewal fee each year) each independent third party testing laboratory must pay in order to be listed as "recognized". The expectation is that when data is from a recognized laboratory that it is exempt for engineering

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evaluation charges required to receive a research report, the written result of the agencies evaluation project

The impact of the decisions these groups make on requirements for contractors and the owners that they serve is immense. Their revision committee's are comprised primarily of municipal building and mechanical inspectors; and to a lesser degree by mechanical contractors, professional engineers and others. Conspicuous in their absence are representatives from NAFEM, FCSI, FEDA, MAFSI, CFESA, NRA, FMI, NGA, CSI, ASHRAE, ASTM, ANSI and NSF. UL has representatives involved, but they comprise one voice on a panel of many. There is an ANSI criterion for industry consensus standards development and it is detailed in ISO65/ IEC.

- e) ****have a documented structure which safeguards impartiality, including provisions to assure the impartiality of the operations of the certification body: this structure shall enable the participation of all parties significantly concerned in the development of policies and principles regarding the content and functioning of the certification system;**

Then there is the section that regarding "where no single interest predominates" ...

- n) ***have formal rules and structures for the appointment and operation of any committees which are involved in the certification process; such committees shall be free from any commercial, financial and other pressures that might influence decisions; a structure where members are chosen to provide a balance of interests where no single interest predominates will be deemed to satisfy this provision;**

Another section of ISO65 relates to structural standards designed to reduce the likelihood or inappropriate organizational activities:

- o) ***ensure that activities of related bodies do not affect the confidentiality, objectivity, or impartiality of its certifications and it shall not:**
 1. supply or design products of the type it certifies;
 2. give advice or provide consultancy services to the applicant as to methods of dealing with matters which are barriers to the certification requested;
 3. provide any other products or services which could compromise the confidentiality, objectivity or impartiality of its certification process and decisions.
- p) **have policies and procedures for the resolution of complaints, appeals and disputes received from suppliers**

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Since the food and food service industry is the most heavily regulated industry it stands to reason that those most knowledgeable in its technology need to be part of the rule development process. That is the only way that we can assure that we develop the rules that are needed and to assure that unneeded rules never get adopted. A "best practice" is needed for all code revision or development groups. Part of that best practice is to require a Statement Of

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Need And Reasonableness or "SONAR" before any existing code sections are revised or new sections are adopted.

Bottom line is great care must be taken to assure that industry consensus standard committee's have the right balance of interested parties each of which must have competence in the systems and technology that they are considering. By having a mix of committee members, some as representatives from the regulatory community, others from manufacturing and then a third group comprised of contractors and building owners or groups representing these various role players, you are more likely to end up with reasonable rules that needed to protect public health and safety. Clearly, the model mechanical code writers need our industry to help them develop sensible rules.

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