

SENATOR JUDITH B. ROBSON  
CO-CHAIR  
PO BOX 7882  
MADISON, WI 53707-7882  
(608) 266-2253



REPRESENTATIVE GLENN GROTHMAN  
CO-CHAIR  
PO BOX 8952  
MADISON, WI 53708-8952  
(608) 264-8486

## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

February <sup>21</sup> 21, 2001

Secretary Brenda Blanchard  
Department of Commerce  
201 West Washington Avenue  
Madison, Wisconsin

Re: CR 00-179, relating to: construction and fire prevention for public buildings and places of employment, including commercial buildings and structures and multifamily dwellings

Dear Secretary Blanchard:

On February 20, 2001, the Joint Committee for Review of Administrative Rules held a public hearing on the department's proposed revisions to the fire code portion of the state building code. This hearing was unusual in that the JCRAR generally refrains from being involved in the rule making process when a rule is still in the draft stage. However, we held a hearing on the draft fire code rules because of the large number of complaints voiced to members of the committee and to other legislators.

Certain members of the committee are concerned that the department is proposing to adopt the International Fire Code written by the International Code Council without comparing the IFC to the fire code written by the National Fire Protection Association.

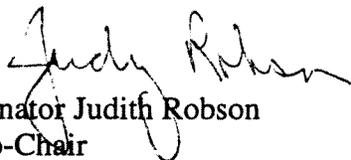
These members believe that it is impossible to know which code will better prevent fires, reduce property damage and save lives in Wisconsin. We have neither the technical knowledge necessary to read the code, nor the practical experience to know whether the written words will have a positive effect when implemented.

However, when fire fighters, fire inspectors and fire chiefs all tell us that they are very concerned about the code the department is preparing to adopt, prudence requires us to listen. The fire fighting community with the exception of the City of Madison is speaking with a unified voice. The members of fire fighting community are concerned that their request for a comparison of the ICC and NFPA fire codes has been ignored by the department. Numerous witnesses at the JCRAR hearing testified that the department should conduct a comparison of the ICC fire code and the NFPA fire code before revising the state fire code.

It is the sentiment of these members of the JCRAR that the department should conduct a side by side review of the two codes prior to implementing the new ICC fire code. We therefore formally request that the department undertake such a review. Moreover, to be meaningful, this review should be completed and available to interested parties prior to the submission of CR 00-179 to the legislature for approval.

Thank you for your cooperation on this important matter.

Sincerely,



Senator Judith Robson  
Co-Chair



Representative Glenn Grothman  
Co-Chair

## Commerce - Bldg Codes

- only 2 states (WI & NY) use state written codes
- benefits of uniform codes
- development of alternate codes will take 3-5 yrs. ICC codes are ready now.
- ICC codes are not retroactive; proposed fire code would be. This encourages new development, not reuse of existing development (sprawl).
- Dept started a comparison of 2 fire codes, but stopped after fire community indicated that it support NFPA code regardless of comparison.
- fire community opposition to ICC code: 1) retrofit; 2) development process

Schwartz: do not use dues audit to punish departments that oppose ICC code.

(2)

Mike Corry - audits done in accordance w/ written document. There will be no discriminatory application.

Grobschmidt: why no side by side comparison?

Corry: detailed comparison not appropriate since NFPA code is not finalized.

- final rule submittal: April or May, intent is to adopt this
- availability of NFPA code: full summer w/ effective date of July 1, 2002
- suite is not available; parts of it are available now.

Grobschmidt - propose that committee request side by side comparison

3

Amesqua - City of Madison

- approve ICC code now. Does

~~not~~ not oppose side  
by side comparison

of IFC & NFPA when both  
are available for review.

Mike Behmer -

City of Burlington

- Commerce has changed ICC  
codes a great deal. Even if  
adopt ICC, there will be no  
Uniformity.

Russ Spahn

Fire Inspectors



P. O. Box 7970  
Madison, Wisconsin 53707  
(608) 266-1018  
TDD #: (608) 264-8777  
<http://www.commerce.state.wi.us>  
<http://www.wisconsin.gov>  
Scott McCallum, Governor  
Brenda J. Blanchard, Secretary

March 2, 2001

The Honorable Judith B. Robson  
The Honorable Glenn Grothman  
Co-Chairs, Joint Committee on the Review of Administrative Rules  
PO Box 7882  
Madison WI 53707-7882

Dear Senator Robson and Representative Grothman:

Thank you for your February 27, 2001 letter regarding the adoption of a model fire code for the State of Wisconsin. The Department of Commerce takes very seriously its responsibility to ensure for the health and safety of Wisconsin citizens, and I certainly appreciate hearing your concerns.

As you know, the proposed code package that is currently under consideration includes five model codes developed by the International Code Council (ICC): the International Building Code; the International Energy Conservation Code; the International Mechanical Code; the International Fuel Gas Code; and the International Fire Code.

Your letter urges the Department to conduct a side-by-side comparison between the International Fire Code (IFC) and the NFPA Fire Code prior to forwarding either fire code to the standing committees of the Legislature.

The Department has scheduled meetings of the Fire Safety Code Council, the Commercial Building Code Council, and the Multifamily Dwelling Code Council on March 6<sup>th</sup>, March 8<sup>th</sup> and March 13<sup>th</sup> respectively. The purpose of the meetings is to review the public hearing comments and the comments from legislators. The Department will share your letter with the Councils and raise the proposal that the IFC be removed from the Department's code package and a comparison between the IFC and the NFPA fire code be commenced, while the four other ICC building codes proceed for adoption accompanied by an interim state-written fire code.

On February 22, 2001, the Department received a draft of the 2003 NFPA fire code. We believe that this latest draft is sufficiently complete to conduct a meaningful comparison should the Councils recommend that such a comparison be done.

Again, thank you for sharing your concerns. I look forward to working with you on this matter, and I will keep you informed of the Councils' recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Blanchard', written over a light blue horizontal line.

Brenda J. Blanchard  
SECRETARY



Architecture | Engineering | Planning

February 15, 2001

WRITER'S DIRECT DIAL (414) 278-3301

Senator Judy Robson  
Wisconsin Senate  
P.O. Box 7882  
Madison, Wisconsin 53707-7882

Re: International Building Code

Dear Senator Robson:

I am writing to urge you to support the passage of the proposed International Building Code. This proposed building code is scheduled for a public hearing on Tuesday, February 20, 2001. Your support and communication with the Joint Committee for Review of Administrative Rules is essential for this legislation.

As an architect who practices in several states, a uniform building code is long overdue. Regional codes act as a restraint to full understanding of the health, safety and welfare issues confronting the building trade. This code has been researched and found to be similar to the Wisconsin Building Code and is supported by the American Institute of Architects as well as several contractor, builder and realtor organizations. Adoption of this model code would also reduce the cost of construction and enable designers to creatively meet the needs of the general public.

Thank you for your consideration of this issue.

Sincerely,

HAMMEL, GREEN AND ABRAHAMSON, INC.

Cherie K. Claussen, AIA  
Vice President and Regional Office Director

d:\work\seara\ibcsupport.doc

# WI Fire & EMS Legislative Leadership Coalition

February 14, 2001

The Honorable Judy Robson  
Wisconsin State Senate  
Room 15 South, State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

Professional  
Fire Fighters of  
WI, Inc.

Dear Senator Robson,

WI Chapter  
International  
Arson  
Investigators  
Association

As co-chair of the Joint Committee for Review of Administrative Rules, I wanted to take this opportunity to make you aware of the concerns of the Wisconsin Fire & EMS Legislative Leadership Coalition regarding the ongoing debate on adoption of new state safety codes.

WI Fire Chiefs  
Education  
Association

Last year, the Coalition, which is made up of the Professional Firefighters of Wisconsin, Inc., the Wisconsin State Fire Chiefs Association, the Wisconsin Fire Inspectors Association, the Wisconsin Fire Chiefs Education Association, the Wisconsin Society of Fire Service Instructors, the Wisconsin Chapter of the International Arson Investigators Association, the Wisconsin State Firefighters Association, and the Wisconsin EMS Association recommended to the Wisconsin Department of Commerce that it adopt the National Fire Protection Association's NFPA 1, *Fire Prevention Code* and its companion document, NFPA 101, *Life Safety Code*.

WI EMS  
Association

WI Fire  
Inspectors  
Association

Since that time, the Department of Commerce has made clear its intentions to adopt the International Code Council's (ICC) version of these codes, the *International Fire Code* as well as the *International Building Code*. Most alarming is the fact that the Department is taking this action despite a vote by the Fire Safety Code Council, an advisory committee to the Department of Commerce, to conduct a complete side-by-side review of both the IFC and NFPA codes before rendering a final decision. In lieu of adoption of the NFPA codes, the Wisconsin fire service strongly supported the action of the Fire Safety Code Council to conduct a comparison of the competing codes.

WI Society of  
Fire Service  
Instructors

WI State Fire  
Chiefs  
Association

It is apparent that the Department of Commerce's efforts to fast track adoption of these codes is in complete disregard to the concerns of the Wisconsin fire service. In fact, the Coalition opposes the adoption of these codes because it knows that unlike the ICC, NFPA 1 and 101 are time-tested, proven documents developed by a consensus process with significant fire service input. NFPA 101 is also the most comprehensive code addressing existing properties – which is of paramount concern to the fire service – and it is used in all 50 states.

WI State  
Fire Fighters  
Association

The Honorable Judy Robson  
February 14, 2001  
Page Two

Members of the Coalition support NFPA's codes and standards because of the unique, inclusive, consensus process used to develop its codes and standards. As a member of NFPA, every person in the state of Wisconsin, including members of the Wisconsin Senate and House, along with their constituents, has the right to fully participate and vote in NFPA's code- and standard-development process. Yet, despite the immense value of the NFPA codes and standards, and the process by which they are developed, the Wisconsin Department of Commerce is taking steps to adopt the fire and building codes developed by the International Code Council (ICC). Even as a member of the ICC, this organization does not allow members of the Wisconsin fire service to vote on its codes. In fact, the ICC only allows government code enforcers – primarily building code officials – to vote during the code development process. In our opinion, the issues affected by safety codes are simply too important to leave in the hands of building code officials alone.

Furthermore, adoption of the ICC codes would come at a significant cost to Wisconsin taxpayers. Adoption of the aforementioned NFPA codes would occur at no cost to the taxpayers. NFPA will provide all Wisconsin government enforcers who attend our free training sessions complimentary copies of these documents. This no-cost offer will be repeated each time the state adopts updated editions of the codes. This ensures that every jurisdiction in the state, regardless of its size or resources, will have up-to-date codes and receive training from the top experts in the field. There really is no other code organization willing to make this commitment.

In summary, we hope that you can participate in the Joint Committee's important hearing on these issues and ask that you support the Wisconsin fire service by opposing the Department of Commerce's actions to fast track the ICC codes. Please urge the Department of Commerce to fairly consider NFPA's fire prevention and building codes by allowing a thorough comparison to determine which codes are truly in the best interest of our citizens. Attached is a fact sheet that that will give you additional information on this matter.

Sincerely,



Richard Gale, Coalition Chairperson  
State President  
Professional Fire Fighters of Wisconsin, Inc.  
2831 S. 114<sup>th</sup> St.  
West Allis, WI 53227

Attachment

## Wisconsin Code Adoption Process Key Messages

- The Department of Commerce (DoC) has recently announced its intentions to immediately move forward toward adoption of the *International Fire Code* and *International Building Code*. In fact they are actively seeking a fast track adoption of the IFC and IBC, completely disregarding the concerns of the Wisconsin Fire Service.
- DoC's decision to move forward on adoption of these two codes is a slap in the face to the entire Wisconsin Fire Service, as well as the International Association of Plumbing and Mechanical Officials (IAPMO). The Department of Commerce, led by Mr. Mike Corry, Division Administrator Safety and Buildings Division, has completely refused to accept the position of the Wisconsin Fire Service.
- Approximately 100 NFPA codes and standards are referenced throughout the IFC and IBC. Why then, are the NFPA codes and standards good enough to adopt within the ICC codes, but they are not good enough to adopt as stand-alone documents?
- The Wisconsin Fire & EMS Legislative Leadership Coalition – which includes the organizations listed below – have gone on record as fully supportive of adopting NFPA 1, *Fire Prevention Code*® and NFPA 101, *Life Safety Code*®. Further, these organizations oppose adoption of the *International Fire Code* and the *International Building Code*. At the very least, it is the position of the organizations listed below that a thorough and complete side-by-side comparison of the IFC and the NFPA *Consensus Codes*™ should be completed before any decision is made as to which codes to adopt in the State of Wisconsin.
  - The Wisconsin State Fire Chiefs Association
  - Professional Firefighters of Wisconsin
  - Wisconsin Fire Inspectors Association
  - Wisconsin Fire Chiefs Education Association
  - Wisconsin Society of Fire Service Instructors
  - Wisconsin Chapter of the International Arson Investigators Association
  - Wisconsin State Firefighters Association
  - Wisconsin EMS Association
- The NFPA has an extremely long history of developing fire and life safety codes that are open to all segments of the fire and construction industry for input. Every citizen in the State of Wisconsin has the right to fully participate in the development of NFPA codes and standards, including the right to a final vote on these documents. NFPA 1 is used in 14 states with all three-model codes and has proven compatible in all circumstances. NFPA 101 (the companion document to NFPA 1) is undisputedly the most comprehensive code addressing existing properties – which is of paramount concern to the fire service – and is used in every state in the country.

- All building codes adopt by reference many of the NFPA fire safety specialty codes, such as the National Electrical Code, Flammable & Combustible Liquids Code, Liquefied Petroleum Gases Code, and many others.
- It makes absolutely no sense to adopt ICC codes that will be a significant cost to Wisconsin government and its taxpayers. Conversely, adoption of NFPA 1 and 101, as well as the soon-to-be-developed NFPA 5000, *Building Code*<sup>TM</sup> can occur at no cost burden to the taxpayers of Wisconsin. NFPA provides all government enforcers who attend their free training sessions free copies of these documents.
- This no-cost offer will be repeated each time the state adopts updated editions of the codes. This ensures that every jurisdiction in the state, regardless of its size or resources, will have up-to-date codes and receive training from the top experts in the field. No other code organization is willing to make this commitment.
- It is also important to note that NFPA cannot provide free training and documents to NFPA codes and standards that are simply referenced in the ICC codes – if the state chooses to adopt the IBC and IFC.
- Also of great concern to Wisconsin Fire Service members who are active on this issue are the apparent implied threats of retribution concerning audits by DoC as a result of their position to support NFPA codes. At least two members of the fire service who serve on the Fire Safety Code Council have received these warnings. One member has recently received a phone call indicating that he may be the target for a two percent DoC fire dues audit and that he will not pass the audit due to his activities to support NFPA codes.

###

## GUEST COLUMN

# Expert advice on fire codes is ignored

By Del Yaroch

**A**s a fire chief in Wisconsin, I see how fire prevention measures and safety codes save lives. Our homes, schools, workplaces and houses of worship are safer now than they have ever been, largely because of safety codes adopted by state and local governments.

Today, however, state Department of Commerce officials are moving forward with an effort to change Wisconsin's fire prevention code. In the process, they are ignoring input from dedicated members of the fire service.

Last year, the Wisconsin State Fire Chiefs' Association, along with a united Wisconsin fire service, recommended to Commerce that it adopt the National Fire Protection Association's NFPA 1, Fire Prevention Code and its companion document, NFPA 101, Life Safety Code. For decades, NFPA has been a leader in educating the public about all aspects of safety and in developing codes and standards that protect all of us.

Despite a strong recommendation from the fire service, Commerce has declared its intent to immediately adopt the International Code Council's version of these codes, the International Fire Code, as well as the International Building Code. It is unfortunate Commerce is taking this action despite a vote of the Fire Safety Code Council, an advisory committee, which asked the department to review available codes before making a decision that will affect everyone in Wisconsin.

Commerce's effort to speed adoption of these untested codes shows complete disregard for the concerns and advice of the Wisconsin fire service and for the countless other experts who rely on sound codes to perform their jobs.

Unlike the ICC's codes, the codes developed by the NFPA have a long history of use and a proven track record. They are grounded in science and well balanced, with input from everyone who has an interest in public safety. It is unconscionable that Commerce should force the ICC codes on fire service members who have recommended adoption of the NFPA codes.

Furthermore, the department is ignoring the potential cost to taxpayers of the new codes. If the state uses NFPA codes, the organization provides free training and complimentary copies of its documents. Each time the state adopts updated editions of these codes, NFPA provides updated, free training. This ensures that every jurisdiction in the state, regardless of size or resources, will have up-to-date codes and receive free training from the top experts in the field. Instead, the codes advocated by Commerce will come at significant costs to the people of Wisconsin.

The department is holding public meetings throughout the state. If you're unable to attend, please submit written comments to Sam Rockweiler, state Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, Wisconsin 53701-2689.

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*Yaroch, Beaver Dam's fire chief, is president of the Wisconsin State Fire Chiefs' Association.*



**Wisconsin Concrete Masonry Association**  
1123 North Water Street, Milwaukee, WI 53202  
414/276-0667 - 800/377-0667 (WI only) FAX: 414/276-7704

Senator Judith Robson  
Wisconsin State Legislature

FAX: 608-267-5171

Dear Sen. Robson,

The Board of Directors of the Wisconsin Concrete Masonry Association (WCMA) urges the state of Wisconsin to seriously consider delaying the adoption of the International Building Code (IBC). We, along with the fire protection professionals of Wisconsin, believe more time is needed to evaluate the impact of the IBC.

Some of our concerns are addressed in the two attached documents. Both documents were submitted to the Department of Commerce for consideration prior to their February 9<sup>th</sup> deadline for comments.

The first document is a January 20<sup>th</sup> letter from our Technical Executive Director, Dick Walter, a professional engineer and a member of the Masonry Alliance for Codes and Standards. The second document is a January 19<sup>th</sup> letter from WCMA President stating fire safety concerns with the IBC.

We believe that there is nothing to be gained from speedy adoption of the code without complete consideration of these comments.

**Board of Directors**  
**Wisconsin Concrete Masonry Association**

**President**

Paul Wank, Quality Concrete Products

**Vice-President**

Kerry Von Dross, Best Block Company

**Secretary/Treasurer**

Lenny Williston, Wisconsin Brick & Block Corporation

**Past-President**

Mark Tummett, County Concrete

**Board Members-Producers**

Bob Roehrig, Bend Industries

Tim Sonnentag, County Concrete

Pat Winger, Winger Concrete Products, Inc.

**Board Members-Associates**

Chuck Alby, American Bin and Conveyer, Inc.

Kevin Cavanaugh, Witelite Pumice

Bill Gault, Southdown, Inc.

Dennis Hayes, Grace Construction Products

January 20, 2001

Mr. Sam Rockweiler  
Department of Commerce  
Program Development Bureau  
P.O. Box 2689  
Madison, WI 53701-2689

Dear Mr. Rockweiler:

I am writing to submit my comments on the adoption of the International Building Code (IBC) and the Departments modifications thereto. Though I generally favor the adoption of a unified model building code, I feel the adoption of the IBC before the problems are ironed out is a mistake.

I have been involved in an organization called Masonry Alliance for Codes & Standards (MACS) for the past five years. This is a National Organization of persons interested in the masonry industry, and includes Architects, Engineers, the National Concrete Masonry Association, the Portland Cement Association, the Brick Industry Association, the National Lime Association, State Concrete Masonry Associations and others. MACS is concerned with two major issues in the present IBC, namely the reduction in fire safety requirements and the increased cost of buildings designed under the IBC structural requirements. As a matter of fact, a study has been funded to support efforts to work with local state engineers to perform trial structural designs to determine the resulting cost impact of adopting the IBC. The early adoption of the IBC would mean the cost impact study would be meaningless in Wisconsin.

Assuming that my comments will not be persuasive in stopping early adoption of the IBC, I will attempt to cover some specific areas of the code or the Departments modifications in which I disagree, agree or where problems exist.

In Comm 62.1610 of the modifications to the IBC, in Table 62.1610, an At-rest Condition column was added. In order to explain my objection to this change, a Lateral Soil Load Selection Problem is submitted. In addition, the design lateral load for ML soil under the Active Condition is changed from 45 pcf to 60 pcf without any explanation. I assume this is a typographical error! Also, if the column on the At-rest Condition is added, the Tables in 1805.5 on concrete & masonry foundation walls must be changed to reflect the At-rest Condition. I believe that problems that will result from adding this At-rest Condition will create havoc and result in higher added costs that are not warranted. I suggest that Table 1610.1 of the IBC not be changed or modified.

In Comm 62.1700, I agree with the removal of the majority of chapter 17 for the reasons given.

In Table 62.2109-1, under Type of Masonry, should read "Single wythe walls of solid units or grouted walls of hollow units," **REASON: You can't grout walls of solid units!**

## Testimony on Code Change

### Lateral Soil Load Selection:

**Assumption:** It will be assumed that a geotechnical analysis of the backfill material will not be performed to determine the effective friction angle,  $\phi$ , or the unit weight,  $\gamma$ , of the backfill to be used. Instead, the published average values for compacted soils of the Unified Soil Groups will be used. These values are published in many sources on geotechnical engineering such as the Naval Facilities Engineering Command DM-7.01 and DM-7.02. For Group SM backfill, a moist unit weight of  $\gamma = 122$  pcf and a  $\phi = 30^\circ$  was selected. In addition, it is assumed that the Active Earth Pressure,  $K_a$ , will be developed, not the At-Rest Pressure,  $K_0$ . The reasoning for this assumption is that  $K_0$  pressures will be developed for absolute rigid walls only. Even the slightest movement, on the order of 0.1% as indicated by Terzaghi, will allow the development of  $K_a$  pressures, or for a 9 foot wall, a movement of under an inch at the top. It is assumed that the typical connection in construction of the first floor diaphragm will allow such movement and the foundation walls although constructed of concrete or masonry will rotate slightly about the base. Therefore, the  $K_a$  as defined by Rankine will be used:

$$K_a = \tan^2(45^\circ - \phi/2)$$

or for  $\phi = 30^\circ$ ,  $K_a = 0.33$ .

Thus, with a  $K_a = 0.33$  and  $\gamma = 122$  pcf, an equivalent fluid weight (EFW) equal to  $K_a \gamma = 40.3$  pcf, or 41 pcf, is selected, or to ease the selection of the wall sections EFW = 45 pounds per square foot per vertical foot or pcf shall be used. With an assumed slight rotation at the top for the Active Earth Pressure development, the EFW envelope to represent the actual irregularly-shaped pressure diagram of the lateral earth pressure shall be TRIANGULAR.

In the modifications to the IBC, in **Comm 62.2109 (3) Jointing (b) Vertical jointing**, change the wording as follows; Vertical control or expansion joints shall be provided in masonry walls at the spacings listed in **Table 62.2109-2 or at closer intervals**. The spacings in **Table 62.2109-2** are maximum spacings and will not prevent minor cracking.

**REASON:** To keep designers from thinking the spacings in **Table 62.2109-2** are desired spacings and to include expansion joints for clay masonry.

In **Comm 62.1614 Earthquake loads - general**. Suggest all references to earthquakes and seismic design be excluded from Wisconsin's code. **REASONS:** Since Wisconsin is in Seismic Design Category A, wind load will govern in all cases. To increase the cost of design and construction by requiring design professionals to run two separate designs to prove which one governs, plus the added cost of different connections to satisfy a seismic requirement when we have never had, nor will we ever have, a building failure due to earthquakes in Wisconsin, is not warranted. **Secondly**, Minnesota has seen fit to remove all references to seismic design for the reasons stated above. Suggest you contact Minnesota code authority to discuss their reasoning and then simplify design in Wisconsin by excluding seismic from our code. In the past, Safety & Buildings has tried very hard to give Wisconsin residents affordable buildings. By including the design requirements for earthquakes, we will be going away from that tendency and causing unwarranted extra costs.

**Comm 62.1403 Exterior Walls. (1) AIR BARRIERS. (2) EXCEPTIONS (b)** In plain or reinforced concrete or masonry exterior walls that are designed and constructed in accordance with IBC chapter 19 or chapter 21, respectively. **REASON:** Assume masonry was inadvertently omitted since masonry walls perform in the same manner as concrete walls as far as air and vapor penetration are concerned.

**Comm 62.1905.6.1 Qualified technicians.** Include the rest of this section as given in the IBC. Are we suggesting that qualified technicians are not necessary to do concrete testing? By removing this from the Wisconsin code, we are saying that unqualified persons can test concrete both in the field and in the laboratory. I don't think the Department wants that to happen!

**IBC SECTION 705 FIRE WALLS** reduces the existing provisions of **Comm 51.02 (13) Fire Division Walls** from a minimum of four hours to two hours in Group F-2, S-2, R-3 and R-4 occupancies. Though you might argue that the fire load in these occupancies is small and burnout of the contents might take place in an hour, this is ignoring the additional fuel supplied by the wood frame construction of building types III, IV & V. When all of these fire loads are combined, a fire duration of more than two hours is possible, leaving no factor of safety. **RECOMMENDATION:** Increase the required fire resistance rating of Group F-2, S-2, R-3 & R-4 from two hour fire resistance rating to at least three (3) hours.

The exception to **Section 705.3** of the IBC permits fire walls in buildings of type VA and VB (Protected and unprotected wood frame) to be of combustible construction. Since each portion of a building separated by one or more fire walls shall be considered a separate building, and since fire walls are the last line of defense in preventing fire spread from one building to

another, it makes no sense to allow barriers that burn.

**RECOMMENDATION:** Delete the exception to **IBC 705.3 Materials**

In **Table 705.4 FIRE WALL FIRE RESISTANCE RATINGS**, In Group A, B, E, H-4, I, R-1, R-2, U, three (3) hour fire walls are required; however, note "a" of the table permits the rating to be reduced to two (2) hours in buildings of Types II and V construction. While a reduction in Type II (noncombustible) construction may have some merit since the structure does not add fuel to the fire, one should question why the reduction does not apply to Type I construction. Also, the logic of permitting the reduction in Type V (wood frame buildings) while requiring a three (3) hour rating in Type I buildings must be questioned.

**RECOMMENDATION:** Delete footnote "a" and combine all occupancies in the first two rows of the table with the required fire resistance rating of at least three (3) hours.

**SECTION 705 FIRE WALLS**, in **705.1 General**. Under this section, each portion of a building separated by one or more fire walls shall be considered a separate building. Then, under **705.6 Vertical continuity**, it states that fire walls shall extend from the foundation to a termination point at least 30 inches above both adjacent roofs. Then a series of exceptions to the vertical continuity follow. In **Comm 51.02 (13) FIRE DIVISION WALLS**, no exceptions are allowed in the extension of 36 inches above the roof except in noncombustible buildings.

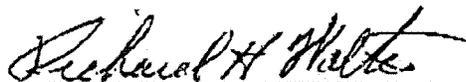
**RECOMMENDATION:** Delete exceptions 1, 2, 4, 5 & 6 of **705.6 Vertical continuity**.

**Comm 63.0900 Referenced standards (3) ASHRAE Standard 90.1-89.**

**RECOMMENDATION:** Change to ASHRAE 90.1-99 since it is always wise to reference the latest revision to National Standards. Also, the legislative edict on energy conservation was to meet or exceed the latest ASHRAE requirements.

If you have any questions regarding my recommendations or need additional information, please contact me.

Respectfully,



Richard H. Walter, P.E./CAE  
Executive Technical Director  
Wisconsin Concrete Masonry Association

January 19, 2001

Mr. Sam Rockweiler,  
Department of Commerce  
Program Development Bureau  
P.O. Box 2689  
Madison, WI 53701-2689

Dear Mr. Rockweiler:

I am writing on behalf of the Wisconsin Concrete Masonry Association, WCMA, and Quality Concrete Products to offer my comments on the proposed rules relating to the adoption of the *International Building Code*, *International Energy Conservation Code*, *International Mechanical Code*, *International Fuel Gas Code* and *International Fire Code*. WCMA is an association of concrete block manufacturers located in Wisconsin, or that ship block into Wisconsin, and their raw material suppliers. WCMA members produce 40 million block annually and provide employment to 1000 state residents. (*verify these facts*) WCMA is celebrating its 80<sup>th</sup> anniversary this year and our members are looking forward to continuing to provide high quality, non-combustible, fire-resistant building materials to both the construction industry and to the eventual residents and occupants of future buildings.

In general terms we are pleased to see that the Department has decided to pursue adoption of a unified model building code, however, we are concerned that fire safety has been compromised in the current *International Building Code*.

Specifically, we are pleased to see a model code proposed because it will make it easier for our members to ship products to other states. Additionally, it will be easier for state architects to work outside Wisconsin. We are also pleased to see that almost all of IBC chapter 17, Structural Tests and Special Inspections, is not included in Comm 62. Chapter 17 is needed in areas of high seismic activity, which we do not have in Wisconsin, and its inclusion would have unduly increased construction costs and possibly slowed the entire construction process due to a lack of qualified inspectors.

Our concerns relating to fire safety can best be stated by saying that the model codes, and now the IBC, have been slowly and steadily reducing the number of, and quality of, fire walls. Our industry is very proud of the fact that concrete block fire walls have performed as designed for over 80 years and that they will continue to do so in the future. Put simply, concrete block walls contain fires. They do not burn, they do not add fuel to a fire nor do they emit poisonous fumes. Unfortunately, it is very likely that the use of concrete block fire walls will be greatly diminished as other fire safety systems that are supposed to provide equal performance are used. Therein lies the problem, the IBC assumes that these other fire safety systems, namely suppression and detection combined with LESS fire wall containment, will provide the same performance. There is no hard proof that clearly shows that this combination, suppression (sprinklers), detectors and LESS containment (fewer fire walls), provides equal performance. We are not in favor of using actual buildings, be they schools, dormitories, hotels, or nursing homes, being used as the experimental proving ground for these proposed code revisions. Why not err on the side of caution and keep the number of fire walls the same? Attachment One lists specific areas in the code where the IBC has reduced fire wall requirements compared to the Uniform Building Code, one the three model codes the IBC is based on.

● Page 2

January 19, 2001

As far as the quality of fire walls is concerned WCMA members would be remiss if we did not point out a couple lesser known facts in ASTM E-119, "Standard Test Methods for Fire Tests of Building Construction and Materials". Briefly, ASTM E-119 is used to determine the hourly fire-resistance rating of various wall materials. The test requires that a wall, at least 100 ft<sup>2</sup>, is subjected to a carefully controlled time-temperature curve until failure. There are three failure criteria: 1) when the temperature on the non-fire exposed side reaches a limiting value, 2) when a crack, or fissure, opens in the wall which allows for the passage of hot gases or fumes and/or if cotton balls placed on the non-fire exposed side begin to smolder and 3) that the wall's structural integrity be maintained by demonstrating its ability to withstand the force of water flowing from a fire hose without collapsing or being breached by the water. The two lesser known facts are 1) that the time-temperature curve, which is supposed to simulate the temperatures that would result in an average room if its contents ignited, was developed in the 1930's when furnishings and floor/wall coverings had much less fuel content than today's materials do and 2) that the hose stream portion of the test allows for a SECOND wall, identical to the wall specimen failing according to either of the first two criteria, be subjected to the hose stream test after being "burned" for ONLY ONE HALF of the time period for which its twin failed. Furthermore, the standard also says that the hose stream test wall specimen need not be heated for more than one hour, even though its twin may have been heated for three or four hours.

The concrete block industry has historically needed only a SINGLE wall specimen to pass E-119 fire test requirements. Many other materials need TWO walls to pass the test. We are not advocating that E-119 be changed. Rather, we are advocating that a wall system that works as designed, concrete block fire walls, be given an equal footing to compete with the newer, unproven systems that rely upon fewer fire walls of lesser quality combined with detection and suppression systems. Additionally, concrete block fire walls and other high quality fire wall materials are fail safe systems because they are self sufficient. They do not require external help in the form of electricity, computers or water to function properly. Plus, they are arson proof and do not need ongoing maintenance.

We ask that the department not reduce fire safety by reviewing Attachment One and change the proposed Comm 62 sprinkler and fire wall requirements so that they are more consistent with the UBC requirements. Additionally, we ask that the Department remain cognizant of the facts illustrated in this letter when considering future code revision suggestions that will undoubtedly seek to again reduce the number of, and quality of, fire resistive wall constructions.

Sincerely,

Paul Wank  
President, Wisconsin Concrete Masonry Association



WISCONSIN REALTORS' ASSOCIATION  
4801 Forest Run Road, Suite 201  
Madison, WI 53704-7337  
608-241-2047 • 800-279-1972  
Fax: 608-241-2901  
E-mail: [wra@wra.org](mailto:wra@wra.org)  
Web site: <http://www.wra.org>

Joan Seramur, CRB, CRS, GRI, President  
E-mail: [williams@newnorth.net](mailto:williams@newnorth.net)

William Malkasian, CAE, Executive Vice President  
E-mail: [wem@wra.org](mailto:wem@wra.org)

## Memorandum

**To:** All Members of the Wisconsin Legislature  
**From:** Michael Theo and Thomas Larson  
**Date:** February 14, 2001  
**Re:** International Building and Fire Codes (COMM 61- COMM 66)

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The Wisconsin REALTORS® Association strongly encourages you to support the immediate passage of the proposed COMM 61- COMM 66, relating to construction and fire prevention for commercial buildings and multi-family dwellings.

**Proposed ICC Codes are an Improvement Over Existing Codes** – The proposed codes (collectively referred to as “ICC codes”) are a significant improvement over Wisconsin’s existing codes because they provide increased public, worker, and firefighter safety. Moreover, the ICC codes remove inconsistencies between various building and fire codes. Finally, the ICC codes promote the continued use and rehabilitation of existing buildings.

Most of Wisconsin’s building and fire codes are antiquated and fail to recognize many of the more recent advances in building and safety design. Because the ICC codes have been developed as a package, the internal inconsistencies between the codes have been virtually eliminated. This approach not only provides safety, it will promote compliance.

**Proposed ICC Codes Have Overwhelming Support** – Most states throughout the country have adopted building codes developed by ICC organizations. In fact, two of our neighboring states (Minnesota and Michigan) are in the process of adopting the ICC suite of codes currently being considered by Wisconsin. After conducting a 3-year review of the ICC codes, eight different advisory councils have recommended that the Department of Commerce adopt the ICC suite of codes. Over 40 separate organizations representing the building industry, property owners, fire departments, municipalities, and environmental organizations all support the adoption of the ICC suite of codes, including Associated General Contractor of Wisconsin, the American Institute of Architects – Wisconsin Society, the League of Wisconsin Municipalities, Milwaukee and Madison building and fire inspection enforcement departments, and the 1000 Friends of Wisconsin.

**NFPA and Other Retroactive Codes Would Have A Devastating Impact on Existing Property Owners and Communities** – Opponents of the ICC codes have failed to raise any technical objections to the ICC codes, except that the ICC codes do not apply retroactively to existing buildings. Accordingly, they have recommended that Wisconsin adopt the NFPA fire and building codes (to be completed in the year 2004), which would be retroactive.

-- MORE --



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Besides the obvious safety risks of postponing adoption of a new code for 3 years, a retroactive building or fire code would have a devastating impact on existing property owners and property values. Every time a code was modified, even slightly, owners of existing buildings would be required to rehabilitate the structures and retrofit them to comply with the new changes. Consider the costs to property owners throughout the state if they, for example, were required to remove their fully-operational, existing sprinkler systems and replace them with new sprinkler systems simply because the recommended water pipe diameter for sprinkler systems was changed from 3/8" to 1/2". Due to the exorbitant costs associated with the retroactive application of these codes, property owners will have a financial disincentive to rehabilitate and reuse existing buildings, which will ultimately lead to disinvestments in our urban communities.

**Municipalities May Adopt Additional Fire Codes and Building Codes** – Like Wisconsin's existing commercial building and fire prevention codes, the ICC codes would be "minimum" codes. This provides local units of government with the authority to adopt additional provisions, including those contained in the NFPA codes, as part of their local building codes. With this ability, we believe Wisconsin should proceed without delay in adopting the ICC codes.

For these reasons, we request your support for the adoption of the ICC Codes. If you have any questions, please feel free to contact us.

February 20, 2001

My name is Gene Endthoff, I am the Director of Codes for the National Fire Sprinkler Association. My address is 429 South Locust Street in Sycamore, IL. I have over 20 years experience in the development of model building codes as the representative to all the model code hearings. *INCLUDING NFPA 101 & NFPA 1*

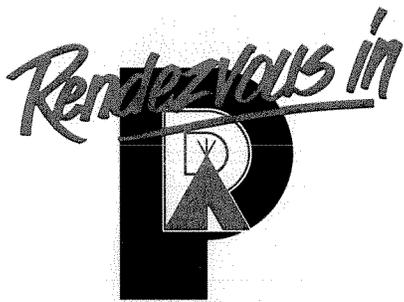
Over the last three years I have been directly involved in the development of the new International Building Code. The International Building Code is in reality the best of three model building codes and the NFPA Life Safety Code. It has been through 6 drafts and 2 full code change cycles and the approved by both fire and building officials from across the nation. It is the latest edition of the model codes and the only up to date building code available. It is currently recognized by the ~~IB~~, FEMA, HUD and other national organizations as having the latest in building protection against natural disasters such as tornados.

The Insurance industry recognizes <sup>it</sup> for compliance with the new BCEGS Building Code Effectiveness Grading Schedule that will have a direct impact on local insurance costs.

The IBC contains many advantages over your current construction requirements. It will improve fire safety while reducing construction costs. It has over 100 design options that will make building a non-sprinklered building economically foolish. As more of your buildings are sprinklered municipal costs can be reduced which is important for the taxpayers of the state.

Wisconsin needs this new code now; the decision to wait for three years is not in your best interests. Adopt the IBC now and if in three years a new and better code is available change to that code. Don't wait the IBC is available it has been recommended for adoption by your code review committees and can work for you now.

Thank You



**Prairie du Chien**

*A center of trade for 300 years!*

# Fire Department City of Prairie du Chien

720 Blackhawk Avenue  
Prairie du Chien, Wisconsin 53821  
Phone: (608) 326-4365



Mark Hoppenjan  
*Fire Chief*

## Joint Committee for the Review of Administrative Rules Public Hearing February 20, 2001

Ladies and Gentlemen:

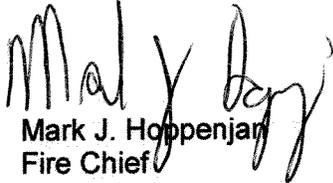
My name is Mark Hoppenjan; I am the Fire Chief of the City of Prairie du Chien Fire Department and the views represented here are the views of my department.

At this time we oppose the adoption of the International Code Councils Suite of codes for the following reasons:

- A true and accurate comparison has yet to be completed. The ICC was compared to the current building codes used by the State of Wisconsin which most will agree need to be updated. I am sure the ICC Suite of codes was by far the better of the two codes however, that comparison would be like comparing apples to oranges. A true comparison would have included another performance based code such as NFPA's 5000™.
- The Department of Commerce has stated that a comparison of the NFPA Code would delay the adoption of a new building code until the year 2006. I do not see how this would be when the last comparison took just over three years. NFPA 5000™ is available now in draft form and could be used to start the comparison. The final NFPA 5000™ document is scheduled to be completed by the fall of 2003 and could be ready for adoption in the State by 2004. The ICC Suite was in the draft form when the original comparison was started so the argument Commerce can not use a draft document, as a comparison is false.
- Finally, the Department of Commerce added a new position to the Commercial Code Council the first part of November 2000 this position was apparently created to give the Department of Commerce the needed votes to get this proposed rule passed. Weather or not this is the case I do not feel a change in the structure of this Council was appropriate at that time. This could not have been done if the Department of Commerce still had the Statutorily created Wisconsin Fire Prevention Council that was disbanded in 1996. When this

Council was disbanded an advisory council was created which can and has been manipulated by the Department of Commerce to meet their needs.

It therefore is the contention of the City of Prairie du Chien Fire Department that the State Of Wisconsin does needs to adopt a new building code and fire code however, we feel the process must be stopped and a fair and complete comparison must be made between the ICC suite and the NFPA suite of codes to insure the Citizens and Firefighters of Wisconsin work in the safest building available.

  
Mark J. Hoppenjan  
Fire Chief  
City of Prairie du Chien  
02/20/01

# AIA Wisconsin

A Society of The American Institute of Architects



## **Public Hearing on Proposed State Building Code, Comm 61-66**

Joint Committee for Review of Administrative Rules

Senator Robson and Representative Grothman, Co-Chairs

February 20, 2001

### Co-Chairs and Committee Members:

I am William Babcock, Executive Director of AIA Wisconsin, the state society of The American Institute of Architects (AIA).

AIA Wisconsin supports the adoption of the International Building Code and the related family of international model codes as the state building code in Wisconsin. We believe the adoption of the proposed administrative rules, Comm 61-66, will improve state building code requirements, enhance code understanding, compliance and enforcement, facilitate future code updates and benefit the citizens of Wisconsin. For these reasons and others, the adoption of the proposed state building code rules should not be delayed.

AIA Wisconsin members believe it is important for the state building code to be contemporary, comprehensive and coordinated. The suite of integrated model codes developed by the International Code Council (ICC) is the only one that currently meets these criteria. The existing Wisconsin state building code has not gone through a comprehensive review and updating for about ten years; and the patchwork of modifications over the years has made it more difficult to understand and interpret the current code as well as to accommodate new and improved building materials, technologies, systems and design solutions. The development of a comprehensive model building code by the National Fire Protection Association (NFPA) remains years away from completion; and it may or may not end up being compatible with ICC model code provisions.

AIA Wisconsin members also believe it is important for the administrative rule-making process to encourage broad public and professional input and active participation in the development of the proposed state building code. This certainly has been the case for the development of proposed Comm 61-66. Building consensus among the various groups interested in the state building code is not an easy task. AIA Wisconsin has commended the staff of the Safety & Buildings Division and the members of the advisory code councils for their thorough and conscientious review and evaluation of the proposed state building code provisions over the past three years.

321 S. Hamilton Street  
Madison, WI 53703-4000  
608.257.8477 Telephone  
608.257.0242 Fax  
aiaw@aiaw.org Email

**Public Hearing on Proposed State Building Code, Comm 61-66**

February 20, 2001

Page 2

As an example of how open and inclusive the code development process has been, a copy of a letter that AIA Wisconsin sent last August to every member of the Fire Safety Code Council is attached. It outlines AIA Wisconsin's support for the adoption of the International Fire Code (IFC) as part of the proposed state building code package. While AIA Wisconsin did not have a representative on the Fire Safety Code Council, we still had an opportunity to present our position and to request that it be considered by the members of this advisory council. The two letters received in reply also are attached for your reference and to illustrate the divergent opinions of the fire service representatives.

The IFC provisions in proposed Comm 66 would improve, strengthen and expand Wisconsin's current fire prevention code requirements. In addition, the IFC is designed to work with and complement the proposed building code. We are not aware of any technical objectives to the adoption of the proposed IFC provisions in Wisconsin. It is our understanding that some fire service representatives prefer NFPA codes because they could be applied retroactively to existing buildings. However, Wisconsin traditionally has not required existing buildings to comply with new code requirements because of the significant adverse economic impact that would be imposed on building owners.

On behalf of the members of AIA Wisconsin, I encourage you to support the adoption of the proposed state building code without delay. The result will be a contemporary, coordinated and comprehensive building code that provides greater protection to the public.

# AIA Wisconsin

A Society of The American Institute of Architects

August 31, 2000



Mr. David M. Wheaton  
Chief Building Inspector  
City of Wauwatosa  
7725 W. North Ave.  
Wauwatosa, WI 53213-0068

RE: WISCONSIN'S TRANSITION TO INTERNATIONAL BUILDING CODE

Dear Mr. Wheaton:

AIA Wisconsin, the state society of The American Institute of Architects, strongly supports the efforts by the Safety & Buildings Division of the Department of Commerce and its advisory code councils to build consensus for the adoption of the *International Building Code* with as few "Wisconsinisms" as possible. Building consensus among the various groups interested and involved in this important state code transition process is a hard job; and we've been impressed with the commitment to this task and the progress made so far.

I am writing to encourage your help as a member of the Fire Safety Code Council in keeping Wisconsin's transition to the *International Building Code* on track. The adoption of the *IBC* in Wisconsin will have many benefits; and it should not be delayed. Much time and effort over the past two years has gone into the state's review of the *IBC* and associated codes.

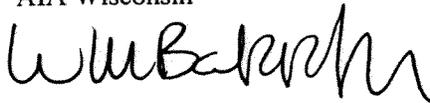
AIA Wisconsin, which represents 1,300 architects and allied professionals in private practice, business, industry, government and education, also would like to enlist your support in recommending the adoption of the *International Fire Code* in conjunction with the *IBC*. This would result in a well-integrated and consistent code package that would greatly reduce the number of otherwise necessary "Wisconsinisms," enhance code understanding, compliance and enforcement, facilitate future code updates and strengthen state fire code requirements.

The *IFC* is designed to work with and complement the *IBC*. It just makes sense to adopt it at the same time as part of the suite of International Code Council codes. We are not aware of any technical objections to the adoption of the *IFC* in Wisconsin. Municipalities still would have the option to approve more stringent fire code provisions if they so desire.

On behalf of the members of AIA Wisconsin, thank you for your consideration of our position in support of the adoption of the *International Building Code* without undue delay and our recommendation that the *International Fire Code* be adopted with the *IBC*. We look forward to working with you on code issues of mutual interest and concern.

Cordially,

AIA Wisconsin



William M. Babcock  
Executive Director

321 S. Hamilton Street  
Madison, WI 53703-4000  
608.257.8477 Telephone  
608.257.0242 Fax  
aiaw@aiaw.org Email



# MADISON FIRE DEPARTMENT

325 W. JOHNSON ST. MADISON, WISCONSIN 53703-2295

DEBRA H. AMESQUA  
FIRE CHIEF

September 1, 2000

TELEPHONE: 608/266-4420  
FAX: 608/267-1100  
INTERNET: fire@ci.madison.wi.us

William M. Babcock, Executive Director  
AIA Wisconsin  
321 S. Hamilton St  
Madison WI 53703-4000

RE: AIA Wisconsin Position on IBC & IFC (Reply)

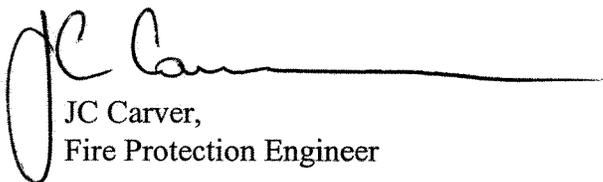
Dear Mr. Babcock:

I have read your letter regarding AIA's support and recommendation for the adoption of the International Fire Code in conjunction with the International Building Code. It is the belief of the City of Madison Fire Department and the City's Building Department that the State move in this direction also.

I will share your letter with Fire Marshal Edwin J. Ruckriegel and with my alternate to the Fire Safety Code Council, Daniel Meneguini.

Again, I thank you for your input.

Sincerely,

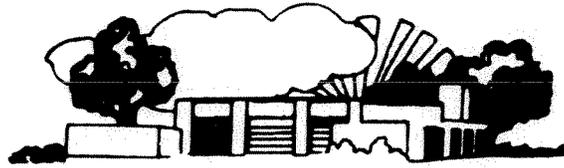
  
JC Carver,  
Fire Protection Engineer

---

cc: Edwin J. Ruckriegel, Fire Marshal — MFD

Telephones:  
Emergency 911

Business 545-7946  
FAX 545-8875



Roland J. Poppy  
Fire Chief

Russell R. Spahn  
Assistant Fire Chief

## GREENFIELD FIRE DEPARTMENT

September 4, 2000

4333 So. 92nd. Street  
Greenfield, Wisconsin 53228

William M. Babcock, Executive Director, AIA Wisconsin  
321 S. Hamilton Street  
Madison, WI 53703-4000

RE: AIA letter dated August, 31, 2000

Dear Executive Director Babcock:

I truly appreciate the AIA support of the Fire Safety Code Council. However, it is misdirected toward myself and the Wisconsin Fire Inspector's Association whom I represent on the Council. The AIA is merely interested in the International Fire Code because it makes their job easier. The Fire Inspectors Associations interest in a fire code is life safety, which traditionally does not come easy for the fire service. The fire service has had to fight government officials and organizations like the AIA over the past 100 years to prove that quality codes can save lives and that minimum codes are established at the expense of people's lives. The code your organization is interested in save you money and make your life easier. That philosophy and lack of concern for other people's lives disgusts me and every member of my profession.

I have fought too many fires in poorly designed buildings, and carried out too many fire victims to know the difference between a good fire code and the AIA's choice of a fire code. Your comment stating that, "Municipalities still would have the option to approve more stringent fire code provisions if they so desire.", tells me that you would like the easy way out. I am interested in a quality fire code for the entire state of Wisconsin, not one that most, if not all the municipalities will challenge.

Your letter of August 31, 2000 was an insult to my intelligence and the commitment that I made to the Fire Safety Code Council. The Council's aim is to compare and choose the best fire safety code based on its merits, not because the AIA tells us which one to take.

Sincerely,

A handwritten signature in cursive script that reads "Russ Spahn". The signature is written in black ink and is positioned above the printed name and title of the signatory.

Russ Spahn  
Assistant Fire Chief  
Fire Safety Code Council Member, Wisconsin Fire Inspector's Assn.



## **Associated Builders & Contractors of Wisconsin, Inc.**

2601 Crossroads Drive, Suite 140 \* Madison, WI 53718 \* 608-244-5883 \* FAX 608-244-2401

February 20, 2001

State Senator Judith Robson, Co-Chair, JCRAR  
Wisconsin State Capitol  
Room 15 South  
Madison, WI 53707-7882

State Representative Glenn Grothman, Co-Chair, JCRAR  
Wisconsin State Capitol  
Room 15 North  
Madison, WI 53708-8952

### **RE: Adoption of Model Building Codes**

Dear Sen. Robson and Rep. Grothman:

Associated Builders and Contractors of Wisconsin supports the adoption in Wisconsin of the five model codes developed through the International Code Council (International Building Code, International Energy Conservation, International Mechanical Code, International Fuel Gas Code, and the International Fire Code).

#### **1. ICC Codes are Widely Used**

- ✓ Three national building code organizations (BOCA, ICBO and SBCCI) joined together in 1994 to develop a single suite of integrated codes under the ICC banner.
- ✓ The vast majority of states and municipalities that adopt building codes use those codes written by ICC organizations.

#### **2. ICC codes are an improvement over the current code, their adoption has been well considered, and they should be adopted without delay.**

- ✓ The ICC code incorporates the latest integrated national and international building and fire safety standards.
- ✓ Eight advisory councils were involved in reviewing the five codes during the period 1997 to 2000. All eight advisory councils voted to proceed with the adoption of the five codes without delay.

- ✓ Wisconsin can enjoy the full advantages of the ICC code now. It will take a minimum of four years for the development and adoption of an alternative national code that may or may not offer the same advantages.

### **3. Municipalities may Adopt Additional Fire Codes**

- ✓ Both the ICC Code and the state's existing commercial building and fire prevention codes are "minimum" codes.
- ✓ Municipalities may develop local code provisions by ordinance as long as those provisions do not contradict state codes.
- ✓ Municipalities could adopt National Fire Protection Association (NFPA) codes in addition to the ICC fire code if they so desired.

### **4. ABC is strongly opposed to the retroactive application of as proscribed by the NFPA codes**

- ✓ This would be contrary to the department's position that the construction of a building is regulated by the state building code in effect at the time of construction.

Thank you for the opportunity to provide our position on the issue. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



John R. Mielke  
Director of Government Relations



**AGC** of Wisconsin

4814 East Broadway, Madison, WI 53716 · (608) 221-3821 · Fax: (608) 221-4446

## **AGC of Wisconsin Testimony in Support of Proposed Wisconsin Commercial Building Code Changes**

February 20, 2001

AGC of Wisconsin supports the recommendation made by the Wisconsin Commercial Building Code Council and the Safety and Buildings Division to adopt the amended suite of International Commercial Codes (ICC) in Wisconsin. AGC feels that this new set of codes will be more cost effective and efficient for contractors and consumers, while at the same time enhancing building safety for Wisconsin's citizens and fire fighters over our current code.

AGC of Wisconsin had a representative on the Committee that spent 3-years studying and discussing every aspect of the proposed new code. Where the standard ICC provisions did <sup>not</sup> come up to Wisconsin standards, we developed our own standards. These local changes were affectionately known as "Wisconsinisms." Everyone on the Committee, including the fire services, had an opportunity to give their input to these changes. No one on the Committee, not contractors, architects, municipal officials or the fire services, got everything they wanted. But we worked together to develop standards that everyone could live with.

If there are new specific issues that were not discussed during these regular committee meetings, I am sure the Building Code Committees and Dept. of Commerce would be glad to look at them. But we don't think that all of the work that these people put in to develop a compromise package should be thrown out at this late stage.

Adoption of this code will help us to maintain Wisconsin's reputation as being leader in building code innovation and development. In this fast changing world, it is critically important for us to be able to utilize the very latest in construction equipment, materials and techniques. For contractors, it is also important to maintain the consistency of a unified set of building codes. The International Fire Code was specifically developed to integrate seamlessly with the rest of the ICC codes. Using the same terminology and reference system makes the ICC suite of codes more efficient and easy to use.

For all of these reasons, AGC of Wisconsin opposes any recommendations to delay or prevent the currently proposed building code proposal from being adopted.

Thank you for your consideration.