

Good afternoon Chairman Moure-Erasso, Board Members and Staff of the Chemical Safety Board. My name is Bruce Johnson. I am the Director of Fire Service Activities in the Government Relations Department at the International Code Council.

The International Code Council (ICC) is a membership association dedicated to building safety, fire prevention, energy conservation and sustainability. The ICC develops the model building codes used to construct residential and commercial buildings and a model fire code to ensure buildings remain safe throughout their useful life. Most U.S. cities, counties and states that adopt codes, choose the International Codes developed by the ICC. The International Codes (*I-Codes*) are developed through a consensus process utilizing building, fire safety, energy and sustainability experts from across the U.S. It is the mission of the ICC to provide the highest quality codes, standards, products, and services for all concerned with the safety and performance of the built environment.

The *I-Codes* are currently adopted at the state or local level in all 50 States, the District of Columbia, Guam, Puerto Rico, the US Virgin Islands and the Northern Marianas Islands. The *I-Codes* are revised and updated every three years by a national consensus process that strikes a balance between the latest technology, installation techniques and new building products, economics and cost while incorporating the most recent advances in public and first responder safety. These updates often include changes to the model *I-Codes* based upon recommendations from the Chemical safety Board following their investigation of industrial fires, explosions or other events.

The *I-Codes* are correlated to work together without conflicts so as to eliminate confusion in building design or inconsistent code administration among different jurisdictions. The ICC Code Development Process is an open, inclusive process that encourages input from all individuals, groups and stakeholders and allows governmental members to determine the final code provisions.

The Chemical Safety Board provided supporting testimony on several code change proposals that were heard at the ICC Code Development Hearings in Dallas last April. The 2015 Group B code development process concludes October 2 – 10, 2013 in Atlantic City, New Jersey. These included:

- IFC Code Change Proposal F245-13 which will strengthen the language in the IFC requiring enforcement of the applicable NFPA combustible dusts standards; This addresses CSB recommendation 2011-4-I-TN-R4 following the investigation of three iron dust related incidents at the Hoeganaes Corporation in Gallatin Tennessee.
- IFC Code Change Proposal F280-13 which will add a new reference standard to the IFC; NFPA 56 Fire and Explosion Prevention during Cleaning and Purging of Flammable Gas Piping Systems. This code change proposal was submitted by the ICC Fire Code Action Committee based on the information in the CSB investigation report on the 2010 gas explosion at the Kleen Energy facility in Middletown, Connecticut.

The ICC's Fire Code Action Committee also submitted IFC code change proposals that address earlier CSB incident investigation findings relating to explosion venting, hot work on storage tanks and secondary power requirements for hazardous materials operations.

The CSB staff also worked with ICC on an Emergency Code Change proposal to the International Fuel Gas Code, approved on September 27, 2010, that addressed safety hazards related to flammable gas purging. This was a result of the CSB investigation report following the explosion that occurred at the ConAgra facility in Garner, North Carolina on June 9, 2009. These requirements relating to gas purging are now part of the International Fuel Gas Code (IFGC) and mirror requirements in NFPA 54.

To also address the dangers posed by combustible dust, the I-Codes classify facilities with unmitigated dust hazards to meet the fire and safety requirements prescribed for High-Hazard Occupancies. ICC has also included information and video provided by CSB into the applicable ICC training programs.

This involvement and participation in the ICC model code development process by staff from the Chemical Safety Board is critical to updating future versions of the *I-Codes* with requirements aimed at preventing future industrial incidents that cause death, injury and risk to the public. The technical and practical expertise of the CSB Investigative Teams along with the leading building and fire officials, design professionals, builders, contractors, labor representatives and all organizations interested in building safety are vital to the creation of the comprehensive and adoptable model building construction and safety codes developed by ICC.

The ICC commends the CSB for its role in investigating industrial incidents and providing their recommendations to responsible federal agencies, organizations dedicated to producing model safety codes and standards such as ICC and the National Fire Protection Association (NFPA) and state, city and local jurisdictions that are responsible to administer construction and safety codes to ensure public safety in the built environment. The 2015 *I-Codes* that will be available next year will contain important safety requirements thanks to the investigative work, hazard analysis and hazard mitigation recommendations of the CSB.

A recommendation that ICC would like to make to the Chemical Safety Board related to the topic of today's Public Hearing is to encourage greater public-private collaboration between federal agencies such as OSHA and standard development organizations (SDOs) like ICC and NFPA. With current model construction and fire-safety codes and standards being widely adopted and enforced across every state, many deficiencies noted in outstanding CSB recommendations could be mitigated through reference to these model codes and standards by the enforcing federal agency. This would address the Board's concern with the insufficiency of voluntary consensus standards, as referencing the codes would make the code requirements mandatory, in the same way that OSHA has referenced the NFPA and ICC codes as compliance options to meet the requirements of the OSHA Exit Routes and Emergency Management requirements. As an example, the known hazards associated with combustible

dust are comprehensively addressed by the latest *I-Codes* and NFPA combustible dust standards incorporated by reference. To facilitate OSHA's rule making process to develop an occupational combustible dust regulation; a requirement to allow compliance with to the most current model codes and standards as a means of demonstrating regulatory compliance would be a time saving alternative that would also allow local inspections to augment OSHA resources. With thousands of local code officials performing periodic building inspections enforcing the model code requirements, this compliance alternative would enhance the frequency of building inspections far beyond what can be accomplished with only OSHA's inspection staff.

If the federal agencies were to update their regulations by incorporating by reference the appropriate current national model codes and standards and thereby encourage the adoption and administration of current safety codes at the state, city, county and local level; workplace safety related to building and fire safety risks would be greatly enhanced.

We look forward to continuing to work with the CSB in the future to ensure recommendations given to the ICC will be thoroughly considered by the ICC membership engaged in our consensus code development process.

Thank you for the opportunity to make these public comments today.