

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 86/2

10167 ADMINISTRATIVE REGULATION REVIEW

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Representative Jeannette James
July 12, 2001
Page 3

of people and property in the state from the danger of improperly installed or modified mechanical systems by providing a procedure to assure, among other goals, that the public that persons responsible for making mechanical installations in this state are qualified. See AS 08.40.210. If a licensee is not trained in the IMC the licensee will not be able to implement the standards established by the IMC. If the two codes are not significantly different, this may not be a significant problem. However, changing to a code in which the mechanical administrators are not required to be trained appears, at least on the surface, not to promote the purposes of the authorizing statute.

The next question is whether the regulation changes are reasonable and not arbitrary. See Kelly v. Zamarelo, 486 P.2d 906, 911 (Alaska 1971), cited by Interior Alaska Airboat Association, 18 P.3d at 690. The Alaska Supreme Court conducts the "reasonable and not arbitrary" review using a deferential standard. See O'Callaghan, 996 P.2d at 95. In determining whether a regulation is reasonable and not arbitrary courts do not substitute their judgment for the judgment of the agency. See Meier v. State, Bd. of Fisheries, 739 P.2d 172, 174 (Alaska 1987), cited by Interior Alaska Airboat Association, 18 P.3d at 690. Therefore, review consists primarily of ensuring that the agency has taken a hard look at the salient problems and has genuinely engaged in reasoned decision making. See Tongass Sport Fishing Ass'n. v. State, 866 P.2d 1314, 1319 (Alaska 1994), cited by Interior Alaska Airboat Association, 18 P.3d at 690.

As mentioned earlier, the information that I have received does not disclose the complete process that preceded the filing of the regulations. Therefore, I will not address whether there were any process failures in the adoption of the regulation changes. However, the Alaska Supreme Court included in its process review a comment that the agency's findings reflected careful consideration of the public testimony received by the agency. See Interior Alaska Airboat Association, 18 P.3d at 693. I have not reviewed any Department findings, but a review of the regulation changes does raise questions as to whether the Department adequately considered the comments that it received, including comments from the Department of Community and Economic Development (June 7, 2001 letter from the Division of Occupational Licensing) about licensing issues and the May 29, 2001 letter from the Department of Labor and Workforce Development referring to conflicts with existing statutes, and whether the Department had decided its position before it went into the comment period.

Even assuming that the Department's findings indicate that it considered the comments that it received, the unresolved problems created by the substitution of the International Mechanical Code for the Uniform Mechanical Code suggest that the Department did not engage in reasoned decision making. As mentioned earlier, AS 18.56.300 specifically applies the Uniform Mechanical Code to certain buildings subject to AS 18.56.300, and, as also mentioned earlier in this memo, the licensing of mechanical administrators is currently based by statute on knowledge of the Uniform Mechanical Code. The licensing chapter, AS 08.40, defines a "mechanical administrator" as a person who is responsible for

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- (A) installing or modifying mechanical piping and systems, devices, fixtures, equipment, or other mechanical materials subject to the Uniform Plumbing Code, Uniform Swimming Pool, Spa, and Hot Tub Code, Uniform Solar Energy Code, and the Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials and the International Conference of Building Officials; or
- (B) certifying that an installation or modification described in (A) of this paragraph complies with the applicable codes...."
[AS 08.40.490(3), emphasis added.]

A reference to the UMC also appears in the definition of mechanical administrators for the chapter that licenses contractors. See AS 08.18.171(7).

In addition, the examination of applicants for mechanical administrator's licenses includes, in addition to the basic knowledge of basic mechanical system information, familiarity with the requirements of the Uniform Mechanical Code. AS 08.40.270(a)(3).

Finally, if the IMC conflicts with the UMC, mechanical administrators would be exposed to disciplinary action under AS 08.40.320 and penalties under AS 08.40.380. Those sections authorize the discipline and penalties when a licensee knowingly violates a code listed in AS 08.40.490(3)(A). As you recall, that paragraph refers to the UMC and not the IMC.

The legislative intent for the licensing of mechanical administrators, therefore, appears to be based on the use of the Uniform Mechanical Code. While it is possible, I suppose, for persons familiar with one code to be familiar with and operate under another code, it does not seem reasonable for the Department to mandate the use of a mechanical code that is different from the mechanical code that mechanical administrators must study and be familiar with or to expose licensees to disciplinary action by requiring the use of the IMC. *

The third part of the analysis of an administrative regulation is determining whether the administrative regulation violates existing state statutes or constitutional provisions. See O'Callaghan, 996 P.2d at 98. As already discussed above, the adoption of the IMC appears to directly conflict with the language of AS 18.56.300, AS 08.40.320, and AS 08.40.380, and less directly with AS 08.18.171 and AS 08.40.270 and AS 08.40.490. Before finding a conflict, a court will attempt to harmonize the regulation changes with the statutes. See State v. Anderson, 749 P.2d 1342, 1346 - 1347 (Alaska 1988). As mentioned earlier, although the reference to the UMC in AS 18.56.300 is clear, a court may determine that the reference to the UMC is limited to the application of AS 18.56.300 and may also attempt in some way to harmonize the licensing provisions with the regulation changes, e.g., reading the licensing provisions to allow the licensing agency to require training in the IMC. However, it is not clear how AS 08.40.320 (disciplinary action) and 08.40.380 (penalties) could be harmonized with the regulation

Representative Jeannette James
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Page 5

changes, and, further, the regulation changes do not appear to provide for the application of the UMC in cases covered by the AS 18.56.300.

As indicated earlier, I have not reviewed any findings that the Department may have made for the regulation changes. If you would like me to do so, please advise. Keeping that limitation in mind, my conclusion is that there appear to be serious questions whether the adoption of the IMC by the Department satisfies the criteria established by statute and the courts for the validity of regulations. The Department may be determined not to have been acting within the statutory authorization for regulations because of the language of AS 18.56.300. The regulation changes may be considered unreasonable in light of the language of the licensing statutes and AS 18.56.300. And the changes appear to conflict with certain statutes in this area. Although it is always difficult to predict how a court would rule in a particular matter, particularly in light of the deference the court gives when applying part of its analysis, I believe that it is quite possible that a court may determine that invalidation of the regulation changes related to the UMC is appropriate in light of these problems.

X
X
X

If I can be of further assistance, please advise.

TLB:lmb
01-179.lmb



ALASKA STATE LEGISLATURE

REPRESENTATIVE GARY DAVIS

MEMORANDUM

TO: Representative Gene Therriault, Co-Chair
House Finance Committee

FROM: Representative Gary Davis, Chair
House Finance Subcommittee on Public Safety

DATE: March 6, 2000

RE: Capital Budget request

In reviewing the Department of Public Safety operating budget, there is one item that seems appropriately situated in the Capital Budget.

The appropriation of concern is a one-time item of 98.1 GF that will fund a 2-year project to rewrite and provide for the subsequent adoption of the International Building Codes. The project requires extensive review of the current codes, expanded public hearings and notification and a complete rewrite of chapters 13 AAC 50, 13 AAC 52 and 13 AAC 55.

If the International Building Code is not adopted and Alaska experiences a natural disaster, FEMA will not provide full disaster recovery funding.

97-16-91 911 JDR P.01

Change Record Detail With Description

Department of Public Safety

Scenario: FY2001 Governor

Component: Fire Prevention Operations (494)

BRU: Fire Prevention

Scenario/ Change Record Title	Trans Type	Totals	Personal Services	Travel	Contractual	Supplies	Equipment	Land/ Buildings	Grants Claims	Misc.	Non Specific	Positions		
												PFT	PPT	NP
FY2001 Governor														
Adopt International Building Code	Inc	98.1	69.1	6.0	17.0	2.0	4.0	0.0	0.0	0.0	0.0	0	0	1
1004 Gen Fund	98 1													

FAX NO. 1 907 465 1327

FROM: LEG FINANCE DIV

FROM LEG FINANCE DIV
 FAX NO. 1 907 465 1527
 57-18-81 31156P P.02

Change Record Detail With Description

Department of Public Safety

Scenario: FY2001 Governor
 Component: Fire Prevention Operations (494)
 BRU: Fire Prevention

Scenario/ Change Record Title	Trans Type	Totals	Personal Services	Travel	Contractual	Supplies	Equipment	Buildings	Land/ Claims	Grants	Misc.	Non Specific	Positions PFT	PPT	NP
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Increment for Extensive Code/Regulation Project: \$98.1 GF

The State of Alaska has used the Uniform Codes since statehood. The Uniform Codes are one of three model code sets that have been used across the United States. In 1995, the three model code organizations combined into an organization called "The International Code Council". The primary purpose of the three model code groups coming together was to develop and publish one set of model codes for use in the United States and other countries.

The model code organizations agreed to stop publishing their own model code set once the new International Codes were published. The International code Council has completed the work on the International Codes and they will be published in calendar year 2000.

This change has a significant impact on Alaska as well as most states:

- The model code set used in Alaska since statehood is no longer available. The 1997 edition of the Uniform Codes that are now in use in Alaska is the last edition that will be published by the International Conference of Building Officials, (ICBO). The only current set of codes that will be available after calendar year 2000 will be the International Codes.

- The International Codes are a combination of the three previous model code sets. The combined criteria sets standards for building construction, fire safety, and other code requirements that are significantly different than is now used in Alaska or any other state.

The following impacts will occur if Alaska does not move to the new model codes:

- The new International Building Code will be adopted by the Federal Emergency Management Agency (FEMA). If a state is not using this code and there is a disaster (earthquake, fire, etc.), FEMA will not provide full disaster funding for recovery.
- Not adopting the new codes would make it more costly for companies to build in Alaska. The primary purpose the code organizations had in developing one code was to make it more cost effective for companies that built in many different states and jurisdictions.
- The major cities in Alaska have plans to adopt the new codes. If the state does not adopt these codes it will cause many problems for all who want to build in Alaska.

Because of the significant changes in criteria these new codes will establish, for building design and construction, fire safety standards and other requirements the adoption will require extensive review of the codes, expanded public hearings and notification, plus a complete rewrite of chapters 13 AAC 50, 13 AAC 52 and 13 AAC 55 of the Alaska Administrative Code. This will require resources that the Division of Fire prevention does not have.

We believe the program for Alaska to change to the new International Building, Fire, Mechanical and Residential Codes will be a two

State of Alaska
 Department of Public Safety

12-17-1999 1:10 pm

00193



National Fire Protection Association

Western Regional Representative
3535 Inland Empire Boulevard, Suite 29, Ontario, CA 91764
Telephone (909) 941-2505 Fax (909) 941-2506

May 12, 2000

The Honorable Aileen Adams
Secretary, State & Consumer Services Agency & Chair
California Building Standards Commission
915 Capitol Mall, Suite 200
Sacramento, California 95814

Dear Aileen Adams:

The purpose of this letter is to provide further information regarding my research into questions regarding Federal Post Disaster Funding and Federal Seismic Safety Guidelines.

Over the past two years questions have been raised at both the BSC meetings and the 2000 Code Partnership meetings regarding whether or not there is in place some type of federal mandate for states or local communities to update their current codes in order to qualify for federal disaster relief. This has resulted in some confusion among participants as to how to proceed with future code adoptions.

This office has been working with our Washington D.C. staff over the past few months reviewing federal regulations and guidelines on these matters.

Our findings indicate the Federal Government does not recommend or mandate the adoption or use of any particular code or standard in order for states to qualify for post disaster federal funding.

FEMA does encourage local and state governments to adopt and enforce good and reasonable codes in order to minimize building damage should disasters occur.

Since 1993 there has been an ongoing legislative discussion in congress as to whether or not the Stafford Act should be strengthened to require state and localities to adopt state-of-the-art building and fire codes to reduce the cost of losses caused by natural disasters.

The Earthquake Hazards Reduction act of 1977 requires the development and promulgation of specifications, design criteria, etc., to achieve appropriate earthquake resistance for new structures.

Obviously, California has always adopted state-of-the-art codes and is currently viewed as a national leader in statewide codes. Our current codes meet or exceed recommendations by the Federal Government.

I have enclosed several federal documents, which address this subject.

I would appreciate receiving any further information you may have on this subject.

Respectfully submitted,

Robert V. Miller

Robert V. Miller
Western Regional Manager

rvm/cac

Enclosure

07-16-91 9:13:01 P.100

FAX NO.1 907451327

FROM LES FINANCE DIU

Change Record Detail With Description

Department of Public Safety

Scenario: FY2001 Governor

Component: Fire Prevention Operations (494)

BRU: Fire Prevention

Scenario/ Change Record Title	Trans Type	Totals	Personal Services	Travel	Contractual	Supplies	Equipment	Land/ Buildings	Grants Claims	Misc.	Non Specific	Positions PFT	PFT	NP
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We believe the program for Alaska to change to the new International Building, Fire, Mechanical and Residential Codes will be a two year effort, spanning FY2001 and FY2002.

The funding requested for FY2001 is \$98.1 General Funds

FY2001 Governor

Inspect schools, other assemblies

	Inc	40.0	0.0	40.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0
1005 GF/Prgm	40.0													

Increment for Inspector of schools, other assemblies: \$40.0 GF/PR (Excess Plan Review Fees)

This increment will provide funding so that schools and assembly buildings (public buildings which hold 50 or more people) can be inspected on an annual basis. Current funding only allows these buildings to be inspected every two years. The two year cycle does not provide adequate fire prevention services and does increase fire loss in these occupancies. The \$40.0 to be funded from additional GF/PR authority (Excess Plan Review Fees).

Technical Adjustment: I/A Funds for Building Plan Reviews and Other Services

	Inc	125.0	0.0	0.0	125.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0
1007 I/A Rcpts	125.0													

This increment adjusts the authorization of Interagency Receipts in Fire Prevention BRU to reflect historical trends in unbudgeted RSAs. These RSAs have been for building plan reviews and other fire prevention services for state agencies.

Totals		1,705.8	1,285.1	99.4	280.7	23.5	9.1	0.0	0.0	0.0	0.0	18	0	1
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Mechanical Code Adoption

Background

Under AS 18.70.080, the Department of Public Safety has the authority to "adopt regulations for the purpose of protecting life and property from fire and explosion." Since 1981, the State Fire Marshal has adopted the Building, Fire and Mechanical codes.

Our primary concern regarding the mechanical code is that we adopt and use a code that is compatible and correlated with a building code and fire code. The nation's three model building code organizations, Building Officials and Code Administrators (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI) have agreed to form the International Code Council for the purpose of publishing a national standard code. As a part of this agreement, the three organizations will no longer publish separate model building codes. Currently, there is only one model building code published; the International Building Code (IBC). This means that if a jurisdiction wants to adopt a fire or mechanical code that is compatible and correlated with a building code, they will either have to adopt the International Fire Code (IFC) and International Mechanical Code (IMC) or stay with the 1997 editions of the codes now being used. Industry is eager to use the new International Codes and would not look favorably upon any delay of adoption.

Process

The adoption process for the International Building, Fire and Mechanical Codes involved all organizations either served, affected by or subject to the Alaska State Fire Regulations. At the outset, organizations such as the Alaska Home Builders Association, the Alaska Professional Design Council, the Alaska Mechanical Contractors Association, the American Institute of Architects, the American Society of Heating, Refrigeration & Air Conditioning Engineers, the American Society of Mechanical Engineers, the Associated General Contractors, the Building Owners and Managers Association, the Mortgage Bankers Association as well as the Building and Fire Officials of the various deferred jurisdictions from around the state were asked to have representatives participate in the development process for the adoption of the International Codes into the State Fire Regulations.

Recommendations were received from many of those organizations and a work group of 40 people representing all the interested areas of the state and affected parties participated in work shops held in Fairbanks, Juneau, Soldotna and Anchorage between October 23 and 30, 2000. The outcome was a set of revisions to the International Building, Fire and Mechanical Codes that were then set into the required regulatory format as outlined in the "Drafting Manual for Administrative Regulations, 14th Edition" dated September 2000.

The "draft" of these regulations was again e-mailed to all workshop participants for review and comment. The final document was submitted to Assistant Attorney General Michael Stark in the Department of Law for review under File #993-01-0048 and Notice

of Proposed Adoption was made through the Anchorage, Fairbanks and Juneau newspapers and Alaska Journal of

Commerce as well as direct e-mails or mailings to those work group members, any who requested such, and as outlined in the Manual for Administrative Regulations. The public comment period was from December 15, 2000 through January 31, 2001. Comments on the regulations were received from at least five groups, the foster care industry (fire & building), the bulk fuel storage design engineers (fire), DOT on rural airports (fire), PACE representing a group of oil workers (fire & building) and the safety engineer from BP (fire). The various comments were considered and some were included in the final set of regulations now in review and some were rejected. Throughout the process, there has been unqualified support for the adoption of the three "family" members if the International codes under the jurisdiction of the Fire Marshal's Office.

Since the adoption order was signed, we have conducted code classes in Juneau, Fairbanks, and Soldotna and will be conducting one in Kodiak within two weeks. These classes have been attended by code officials, contractors, architects, and mechanical engineers. All participants have been enthusiastic regarding the coordination between the three codes, the cross referencing of other codes and the clear direction to the Department of Labor for the plumbing and electrical standards and authority.

A number of the major deferred jurisdictions will be adopting the IMC, and are currently in the process. Several large scale projects are in the design phase under the International Codes in anticipation of the adoption of the IBC, IFC and IMC.

MESSAGE FROM DEBORAH BEHR:

On June 25, 2001 the lieutenant governor's office filed regulations of the Department of Public Safety to adopt (with some Alaska variations) the International Building Code, International Fire Code, and the International Mechanical Code as the standards for buildings in this state. The codes replace the Uniform Building Code, Uniform Fire Code, and Uniform Mechanical Code in those regulations. The new regulations are contained in 13 AAC 50.010 - 13 AAC 50.150. (The codes are commonly known as the Fire and Life Safety Codes.) The regulation changes take effect September 15, 2001.

I did a quick search in the statutes and regulations databases and found the following state agencies had at least one statute or regulation that incorporated one or more of the uniform code described above. I also am aware that some state agencies refer to the fire and life safety codes in contracts and state plans.

You should ask the agencies that you advise to review their statutes, regulations, and other important documents to see if they incorporate these codes. We can then advise on the appropriate actions to take.

If you have questions, please contact me at deborah_behr@law.state.ak.us.

<u>Department</u>	<u>STATUTES</u> <u>Citation</u>	<u>Affected AAG</u>
Community and Economic Development	AS 08.18.171 (Construction Contractors) AS 08.40.270 (Mechanical Administrators) AS 08.40.490 (Mechanical Administrator)	Truitt/Horetski
Alaska Housing Finance Corporation	AS 18.56.300 (Construction Standards - AHFC)	McKinnon
Labor and Workforce Development	AS 18.60.705 (Plumbing Code)	Steinberger
<u>REGULATIONS</u>		
Education & Early Development	4 AAC 31.014 (New School Planning)	Reeves/Mischel

and Construction)

Health & Social Services

7 AAC 12.900
(Medical Facilities
Licensing)

Bomengen

Community & Economic
Development

12 AAC 39.252
(Mechanical Administrator)
12 AAC 39.410
(Mechanical Administrator - CLC)

Truitt/Horetski

Alaska Housing Finance Corporation

15 AAC 150.910
(Definitions - AHFC)

McKinnon

Environmental Conservation

18 AAC 78.025
(Requirements For Existing
Underground Storage
Transfer Systems)

Daugherty

MEMORANDUM

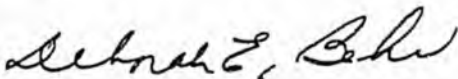
STATE OF ALASKA Department of Law

TO: The Honorable Glenn Godfrey
Commissioner
Department of Public Safety

DATE: June 25, 2001

FILE NO.: 993-01-0048

TELEPHONE NO.: 465-3600

FROM: 
Deborah E. Behr
Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

SUBJECT: Department of Public Safety
Regulations Re: Fire and Life
Safety Code
(13 AAC 50.010 - .060;
13 AAC 55.150)

Under AS 44.62.060, we have reviewed the Department of Public Safety's adoption, amendment, and repeal of these regulations and approve the changes for filing by the lieutenant governor. A duplicate original of this memorandum is being furnished the lieutenant governor, along with the 96 pages of regulations and the related documents.

You might wish to contact the lieutenant governor's office to confirm the filing date and effective date of the attached regulation changes.

The December 15, 2000 and April 30, 2001 public notices and the June 22, 2001 adoption order all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

The regulation changes were adopted by the Department of Public Safety after the close of the public comment periods. The regulations are commonly known as the fire and life safety code. Also, please note that the regulations take effect September 15, 2001 as specified in the adoption order.

DEB:jf

cc w/enc.: Royce Weller, Regulations Contact
Department of Public Safety

Ross Fosberg
Department of Public Safety

Mike Stark
Assistant Attorney General
Juneau

MEMORANDUM

State of Alaska


TO: Deborah Behr
Regulations Attorney
Legislation/Regulations Section
Department of Law

DATE: June 22, 2001

FILE: File #993-01-0048

TELEPHONE: 269-5061

FAX: 338-4375

FROM: Ross A. Fosberg 
Regulations Contact
Division of Fire Prevention,
Department of Public Safety

SUBJECT: Request for Final Legal Review of
Regulations Project on State of Alaska Fire and
Life Safety Regulations 13 AAC 50.010 – 55.150

We are requesting legal review and approval of the attached final regulations on Fire and Life Safety, which were adopted by the Department of Public Safety.

Enclosed are the following documents:

1. The original and one copy of the final regulations for the Department of Law's use;
2. One copy of the final regulations and the public notice for governor's office use;
3. The original of the signed and dated adoption document;
4. A copy of the delegation of authority to adopt regulations;
5. A copy of the public notice;
6. A copy of the additional regulations notice information form distributed with the notice;
7. The originals of the publishers' affidavits of publication;
8. The original of the affidavit of notice;
9. The original of the affidavit of agency record of public comment;
10. Material adopted by reference in the regulations has already been transmitted to the agency attorney.

Fosberg/Behr
June 22, 2001
Page 2

We would appreciate the project being reviewed at the earliest possible opportunity, for the following reasons:

1. The regulations contain design criteria for projects ranging from small multi-family (4-plex) residential projects to the multi-million dollar industrial and oil related industries. Although the effective date will be September 15, 2001, the design and construction communities, and deferred jurisdictions are dependent on sufficient lead time to prepare for the timely adoption of regulations and the proposed Building, Fire and Mechanical codes adopted under this set of regulations. The adoption of these regulations has been eagerly anticipated by both industry and the deferred jurisdictions.
2. The various deferred jurisdictions throughout the state are moving forward in their code adoption processes for the International Building and Fire codes, which are the referenced codes under these regulations. Some have already adopted portions of those codes. It is imperative that the Department of Public Safety be in a position to assist and work with these jurisdictions in promoting fire and life safety through adoption and enforcement of the same standards.

We have worked with Assistant Attorney General Michael Stark on the project.

Upon completion of your review, please forward the regulations to the lieutenant governor for filing.

STATE OF ALASKA

DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT

WAGE AND HOUR ADMINISTRATION LABOR STANDARDS & SAFETY DIVISION

TONY KNOWLES, GOVERNOR

3301 Eagle Street, Suite 301
P.O. Box 107021
Anchorage, Alaska 99510-7021
Phone: (907) 269-4900
Fax: (907) 269-4915

May 29, 2001

Mr. Gary Powell
State Fire Marshal's Office
State of Alaska, Division of Fire Prevention
5700 East Tudor Road
Anchorage, AK 99507-1225

Dear Mr. Powell:

Mr. Eugene Rutland has contacted me and requested a clarification of paragraph two of your letter to him dated May 21, 2001. In your letter, paragraph two makes mention of one of our plumbing inspectors, Mr. Paul Yoder, as a representative of the Department of Labor.

In early fall of 2000, the Department of Labor obtained information that there was an effort to adopt a family of codes, including the International Plumbing Code (IPC) and the International Electrical Code (IEC). A review of the initial draft of the regulations did indeed reference both of those codes. We contacted your agency through Mr. Fosberg to inquire into the proposed regulation change. Mr. Fosberg invited the Department to provide a code review of your body of codes and point out our opposition to any language. While this is a function of the review committee, the Department felt compelled to have the proposed codes reviewed by our agencies. Mr. Yoder was asked to attend the meetings. The subsequent regulation package reflected the deleted references to the IEC and IPC, courtesy of Mr. Yoder. Mr. Yoder never endorsed the adoption of the International Mechanical Code over the Uniform Mechanical Code. In addition, you state that Mr. Yoder reviewed the IFGC code sections also. Mr. Yoder informs the Department that it was Tami Harrier and not he that reviewed the International Fuel Gas Code.

If the tone of this letter sounds somewhat critical and defensive, it is not meant that way; it is meant to clarify our positions on a number of issues. It is important for both our agencies to work together, and in order to accomplish that end, we must address several points that have caused these agency problems.

In one instance, your personnel approved the installation of materials not approved by the state adopted Uniform Plumbing Code (UPC) enforced by the Department of Labor (DOL), for a structure in Homer, Alaska. The material was cross-linked polyethylene (PEX) piping for potable water. While that material was finally approved and is included in the current code, at the time it was installed it was not approved by the code. ASTM F 1807 was promulgated as a standard for PEX and the material was adopted in the 2000 code.

Most recently, we opposed the installation of an emergency power generator at a school, which did not have an on-site fuel supply. This is a direct violation of the state adopted National Electrical Code (NEC). We solicited and received the support of your division for requiring code compliance until we discovered from the engineering firm that the code requirement had been directly addressed to your plan review section and they granted an exception. The exception was the prerogative of the Department of Labor.

In the past two weeks, the Department has received two national trade publications with "press releases" ostensibly written by you that announce the adoption by the State of Alaska of the "2000 IBC, IFC and IMC codes effective March 1, 2001." That is not true. Your regulations are still out for public comment. We are getting daily calls from industry wanting to know what codes are in effect. In a meeting attended by Department of Labor personnel, Mr. Fosberg was quoted as stating that "it doesn't matter what the public comments are, the adoption of the International Codes is a done deal." This is an extremely cavalier approach to regulation adoption.

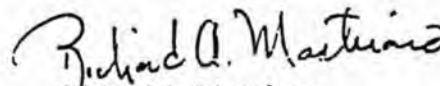
We have had regulations adopted in the past, and our experience has been that public comment does matter. The Department has also been informed that the endorsement of your proposed codes was by members of your own code review committee. This committee is made up of "all the major stakeholders." We have been told that all the workgroups were almost exclusively ICBO members. This is the organization responsible for the codes, which your agency is attempting to adopt. Conspicuously missing from the groups are mechanical contractors and mechanical administrations that will have to radically adjust their activities in order to comply with the proposed International Mechanical Code.

When the Director of Occupational Licensing Division offered to make a mailing list of Mechanical Contractors and Mechanical Administrators available to Mr. Fosberg, he was not interested in receiving them. Occupational Licensing Division took the unprecedented step of public notice mail out of the proposed regulations on the second go-round. Further, the original advertising for public comment was poor. The Department attended two of the four meetings and found attendees were made up of review committee members.

I, as Director of Labor Standards and Safety, can appreciate that "The Boss" doesn't always have the time to carefully review every detail that comes across their desk. However, when facts are distorted or misrepresented, steps must be taken to correct the matter. The Labor Standards and Safety Division, through the Mechanical Inspection section, stands ready to explain our position concerning the proposed regulations. We have conducted a side by side analysis of the IMC/UMC and the IPC/UPC and find no compelling reason to abandon the uniform codes that have been in effect for over thirty years.

Finally, the adoption of the International body of codes would create several conflicts with existing statutes. These conflicts will have to be addressed by the various agencies that enforce existing statutes. Switching enforcement to the International codes would create confusion and require each agency to assess what the costs of enforcing the codes would be. In closing, Labor Standards and Safety stands ready to assist you and your agency with any assistance you may need from us.

Sincerely,



Richard A. Mastriano
Director
Labor Standards and Safety

RAM:jr

cc: Ed Flanagan, Commissioner
Glenn Godfrey, Commissioner
Mr. Gene Rutland
Mr. Dwight Perkins
J.R. Carr, Chief Labor Standards and Safety
Dennis Bowden, Assistant Chief, Mechanical Inspection

regnot.

The word "Alaska" is written in a large, white, cursive script font against a black background.

Tony Knowles, Governor

**Department of Community
and Economic Development****Division of Occupational Licensing**

P.O. Box 110806, Juneau, AK 99811-0806

Telephone: (907) 465-2534 • Fax: (907) 465-2974 • Text Telephone: (907) 465-5437

Email: license@dced.state.ak.us • Website: www.dced.state.ak.us/occ/

June 7, 2001

Mr. Ross Fosberg
Code Adoption Coordinator
Department of Public Safety
Division of Fire Protection
5700 East Tudor Road
Anchorage, AK 99507-1225

Dear Mr. Fosberg,

The following are the Department of Community and Economic Development Division of Occupational Licensing comments on the Department of Public Safety proposed changes to 13 AAC 50.020 and 13 AAC 50.023 regarding the Building Code and the Mechanical Code.

The Department of Public Safety proposes to repeal the Uniform Building Code and the Uniform Mechanical Code and to adopt the International Building Code and the International Mechanical Code. This change would significantly impact the Division of Occupational Licensing and our licensed Mechanical Administrators and Residential Contractors.

The proposed change from the Uniform Codes to the International Codes appears to conflict with the statutes and regulations administered by the Division of Occupational Licensing governing Mechanical Administrators and Residential Contractors. Even if the Mechanical Administrator and the Residential Endorsement statutes can be interpreted in a manner that does not technically conflict with the proposed DPS regulations, the outcome will be conflicting policies and public confusion.

The purpose of licensing Mechanical Administrators as stated in AS 08.40.210 is to, "protect the safety of people and property in the state from the danger of improperly installed or modified mechanical systems by providing a procedure to assure (1) the public that persons responsible for making mechanical installations in this state are qualified; and (2) that a sufficient number of persons are so qualified."

The primary qualification that AS 08.40.270 requires Mechanical Administrators to possess is passage of an examination that must test applicant's, "familiarity with the requirements of the...Uniform Mechanical Code currently in effect in the state." Therefore current Mechanical Administrators have studied and been tested on the Uniform Mechanical Code and not the International Mechanical Code that DPS proposes to adopt.

Furthermore, the continuing education Mechanical Administrators are required to obtain under Division regulations is training in the Uniform Codes. All Mechanical Administrators must renew their licenses by August 31, 2001 and document 8-16 hours of training on specific Uniform Codes. This training will not have familiarized them with the International Codes.

"Promoting a healthy economy and strong communities"

The other reference to specific codes in the Mechanical Administrator statute appears AS 08.40.490 that defines Mechanical Administrator as a person who is responsible for installing or modifying items subject to the Uniform Mechanical Code. These references appear to imply the legislature was intending Mechanical Administrators to be performing under the Uniform Code.

Residential Contractors are required by AS 08.18.025 to hold residential endorsements for which they are tested. The Division tests applicants on the Uniform Building Code and continuing education relates to that code.

The Division contracts with Experior Assessments to write the Mechanical Administrator and Residential Endorsement Exams. Under our contract with Experior, it may cost up to \$2,000 per exam for the revisions necessary to switch to the International Code. Eight separate examinations would have to be revised and the revisions would take four to six months to complete.

A change from the Uniform Code to the International Code would also result in the Division having to revise its own examination and continuing education regulations for Mechanical Administrators and Residential Endorsees. The Division would need to locate providers of continuing education on the International Code and approve their courses.

In conclusion, the Division requests that the Department of Public Safety delay adoption of the International Codes until conflicts with the Mechanical Administrator statutes can be resolved and the transition can be made in an orderly manner.

Thank you for consideration of my comments.

Sincerely,



Catherine Reardon
Director

CC: Deborah Behr, Department of Law
Jeff Bush, Department of Community and Economic Development

Subject: Re: Fire Prevention regs

Date: Fri, 27 Apr 2001 15:59:17 -0800

From: "Deborah Behr" <Deborah_Behr@law.state.ak.us>

To: <Ross_Fosberg@dps.state.ak.us>, "Michael Stark" <Michael_Stark@law.state.ak.us>

Mike/Ross - Here's what I think:

1) Ross is having my edits typed into the regs. I would like to see them as soon as possible after this is accomplished because I can check for typos, etc.

2) I understand that Occupational Licensing is going to be mailing notices to all licensed contractors, including mechanical administrators. I would suggest that Ross ask Kurt West to give a short affidavit indicating that Occupational Licensing made the mailing at the request of Public Safety ,

3) Please get the remaining incorporation by reference books to me when they arrive. Don't wait for the submission of the final product.

4) Ross needs to check in with Mike before Mike goes on leave. If Ross is contemplating edits after the public comment period closes, perhaps some preliminary language can be developed before Mike leaves. Ross and DPS cannot formally make changes in the regs until have the public comment period is closed.

5) DPS should prepare a new adoption order and have Mike OK it before he goes on leave. If changes are made in the regs that affect the order, I can work with Ross.

6) Ross needs to send the final regulations package - order, affidavits, newspaper notices, etc. - directly to me. I believe that I can process them without further assistance from Mike. If it gets beyond me because of complexities or other priorities, I will talk to Dean Guaneli.

Will this work for both of you??? Deborah Behr

>>> Michael Stark 04/27/01 02:50PM >>>

Ross and Deb, since the deadline for comments on the new notice for the Fire Prevention regs is June 8th, it occurred to me that I should let you both know that I will be out of state from June 8-24. I expect that Ross will get his packet to us sometime late in the week of June 11, when I am gone. Since time is of the essence, and I won't return to my office until June 25, I wanted to seek your input on how we should handle this. Thanks. Mike Stark

Alaska Department of Community and Economic Development

Division of Occupational Licensing

P.O. Box 110806, Juneau, AK 99811-0806

Telephone: (907) 465-2534 • Fax: (907) 465-2974 • Text Telephone: (907) 465-5437

Email: License@dced.state.ak.us • Website: www.dced.state.ak.us/occ/

RECEIVED
MAY 31 2001
May 29, 2001
Director's Office
Div. of Fire Prevention
Juneau, Alaska

Mr. Ross Fosberg
Division of Fire Prevention
State Fire Marshall
5700 E Tudor Road
Anchorage, AK 99507-1225

Dear Mr. Fosberg:

Enclosed please find a roster of mechanical administrators and mechanical contractors that were sent a copy of your public notice relating to proposed regulations. The division mailed your public notice to these individuals on May 2, 2001. The attached rosters include only currently licensed individuals as of May 2, 2001. Feel free to contact me at 465-2537 if you have any questions.

Sincerely,



Kurt West
Regulations Specialist

Subject: Fwd: International Mechanical Code
Date: Thu, 14 Jun 2001 13:20:29 -0800
From: "Dean Guaneli" <Dean_Guaneli@law.state.ak.us>
To: <delbert_smith@dps.state.ak.us>

attached

Subject: International Mechanical Code
Date: Wed, 13 Jun 2001 14:26:43 -0800
From: "Dean Guaneli" <Dean_Guaneli@law.state.ak.us>
To: <glenn_godfrey@dps.state.ak.us>
CC: "Dan Branch" <Dan_Branch@law.state.ak.us>, "Deborah Behr" <Deborah_Behr@law.state.ak.us>, "Ken Truitt" <Ken_Truitt@law.state.ak.us>, "Michael Stark" <Michael_Stark@law.state.ak.us>

Commissioner Godfrey:

This is a follow-up to conversations with you and others in your department about the advice provided to the Department of Public Safety and the Division of Occupational Licensing regarding the authority of Public Safety to adopt regulations implementing the International Mechanical Code in place of the Uniform Mechanical Code.

It is apparent that the Department of Law has consistently advised both agencies that Public Safety has the clear legal authority to adopt the International Mechanical Code, and that the testing requirements of AS 08.40.270 and the definition in AS 08.40.490(3) are not inconsistent with Public Safety's authority in this regard.

In my view, the private legal opinion sought by Dwight Perkins is incorrect insofar as it opines that the Division of Occupational Licensing will lack the authority to test the knowledge of license applicants under the International Mechanical Code. Although I do not provide advice to the Division of Occupational Licensing, I believe the division's authority under AS 08.40.270 to test for knowledge of "the Uniform Mechanical Code currently in effect in the state" is a sufficient statutory grant to allow testing under the International Mechanical Code if the IMC is adopted by Public Safety as the mechanical code in effect in Alaska. Although it may be appropriate to revise the statutes in AS 08.40 to more accurately or more flexibly reflect the nomenclature used in describing the mechanical code, in my opinion the thinly-veiled threat of litigation set out in attorney Joe Geldhof's June 4 letter to Dwight Perkins is merely bluster.

Dean Guaneli

JOSEPH W. GELDHOF

Attorney at Law
229 4th Street
Juneau, Alaska 99801
(907)586-6193
FAX: (907)586-8216
E mail: joeg@alaska.com

June 4, 2001

U.A. Local 375 & Mechanical
Contractors of Alaska, Inc.
c/o Mr. Dwight Perkins
P.O. Box 33922
Juneau, Alaska 99803

Re: Proposed Changes to 13 AAC 50

Dear Mr. Perkins:

You have requested an expedited review with respect to the proposed adoption of regulations addressing mechanical code requirements in Alaska. In summary, the Department of Public Safety has proposed altering 13 AAC 50.023 *et seq.*, the provisions dealing with mechanical requirements for buildings in Alaska. Typically the term "mechanical" refers to heating, ventilation, air conditioning and other building systems.

Currently, the Department of Public Safety has adopted by reference the Uniform Mechanical Code (UMC), for use in Alaska. The proposed changes to 13 AAC 50 have had a history of procedural problems, but essentially the Department of Public Safety is proposing to replace the existing UMC with the International Mechanical Code (IMC).

A review of the statutory authority found in AS 18.70, indicates that the Department of Public Safety has fairly broad authority to adopt regulations necessary "for the purpose of protecting life and property from fire and explosion...".¹ Other agencies of the State of Alaska do not have similar sweeping powers to adopt regulations. For example, the legislature

¹ AS 18.70.080 (a).

has constrained the Alaska Department of Labor's ability to adopt building codes by reference to a specific code.²

The merits of adopting the IMC instead of the current UMC is outside the scope of this opinion. However, the manner in which the Department of Public Safety has proposed to amend 13 AAC 50 (essentially the adoption by reference of the new IMC), supports at least one and possibly two legal theories that could be used to challenge a final adoption of the proposed regulations.³ Whatever the merits of one code compared to another, it is worth considering the practical impacts adoption of the IMC would have on the public and other agencies. Even if the Department of Public Safety adopts the IMC, other provisions of Alaska law require individuals tasked with implementing the certification of "mechanical administrators" according to the UMC.⁴ As a practical matter, the mechanical administrators are the individuals and firms who install and complete mechanical work for the public. In simple terms, this means the Alaska Department of Community and Economic Development, Division of Occupation Licensing will not be able to examine and certify mechanical administrator's under the IMC, if the Department of Public Safety proceeds with the proposed adoption of the IMC.

This situation is perhaps akin to the situation back in the early 1990's when the legislature terminated or contemplated termination of certain occupational licensing boards (including the Board of Electrical Examiners), without altering other substantive provision of Alaska law.⁵ The situation in the early 1990's lead to confusion. It is possible that adoption of the IMC by the Department of Public Safety could lead to similar confusion or problems unless the Department of Community and

² See, e.g., AS 18.60.590 (affording the Department of Labor with authority to adopt the most recent National Electrical Code "approved and issued by the American National Standards Institute."; see also, AS 18.60.705 (a)(1) (adopting the Uniform Plumbing Code).

³ A separate Memorandum will outline these legal theories and assess the probability of a successful challenge. In any event, litigation over adoption should be avoided if possible for all the obvious reasons.

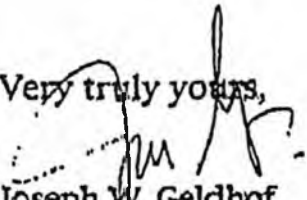
⁴ AS 08.40.270 (a)(3); see also, AS 08.40.490 (3)(A).

⁵ See generally, *Arty Gen. Op.* 663-93-0354, March 31, 1993.

Economic Development is given statutory authority to certify individuals under the IMC. Absent a statutory change to AS 08.40, the public will soon be confronted with a situation whereby no individuals are certified to provide mechanical services under the IMC if adopted by the Department of Public Safety.

Under these circumstances, resort to litigation or immediate adoption of the proposed regulations appears to be premature. Instead, the State of Alaska should review and adopt a comprehensive regime by statute that works for the public, industry and regulators alike.

Call me if you have any questions about this matter.

Very truly yours,

Joseph W. Geldhof

Subject: State Fire Regulations (Proposed)
Date: Fri, 22 Dec 2000 09:17:42 -0900
From: Ross Fosberg <ross_fosberg@dps.state.ak.us>
Organization: Department of Public Safety
To: monty@agcak.org

Monty Montgomery:

I talked with Don Weber this morning and at his request I am forwarding to you the attached two legal notices regarding the proposed changes to the state fire regulations and the regulations themselves. Anyone wanting to see how the revisions fit with the International Building, Fire or Mechanical codes needs to obtain a copy of those code. They can be obtained from International Conference of Building Officials. The address and phone number is contained in the proposed regulations under the editors notes.

If I can be of further assistance, please contact me at 269-5061 or drop me a e-mail at ross_fosberg@dps.state.ak.us.

Thanks,

Ross Fosberg

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: Fire Regulations (Proposed)

Subject: State Fire Regulations (Proposed)

Date: Fri, 22 Dec 2000 09:04:16 -0900

From: Ross Fosberg <ross_fosberg@dps.state.ak.us>

Organization: Department of Public Safety

To: agcsafety@gci.net, info@alaska.agc.org


Don Weber:


Attached are the two legal notices regarding the proposed changes to the state fire regulations and the regulations themselves. Anyone wanting to see how the revisions fit with the International Building, Fire or Mechanical codes needs to obtain a copy of those code. They can be obtained from International Conference of Building Officials. The address and phone number is contained in the proposed regulations under the editors notes.


If I can be of further assistance, please contact me at 269-5061 or drop me a e-mail at ross_fosberg@dps.state.ak.us.

Thanks,

Ross Fosberg

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Memorandum

Date: June 15, 2001

To: Record/File

From: Ross Fosberg, Code Adoption Coordinator

Re: Summary of written comments (essence of) against the adoption of IMC from Public Comment Period of May 6, 2001 through June 8, 2001 and agency action regarding such. Action recorded in lieu of notes on comment letters.

1. Uniform Plumbing, Mechanical, Solar Energy, Swimming Pool, etc; form a family of Codes that cover all of the mechanical systems in a building. Adoption of the IMC would only weaken the otherwise strong cohesiveness that these codes have.

Rejected. While the UMC and UPC for part of a family of codes, the IMC is also part of a family of code, the I-codes. The IBC, IFC and IMC are integral to one another with extensive cross-referencing and design/installation requirements based on one another that are intrinsic to the fire/life safety performance of the structure. To break that relationship would be to deprive the designer, the construction team and the end user (the public/owner) of a properly integrated safe environment, as the IBC is the only building code now being published.

2. The adoption process is flawed. Advisory groups only composed of public officials and engineers, not those who work in the trades with the codes such as mechanical administrators.

Rejected. The adoption process has followed the statutory and regulatory requirements outlined in the "Drafting Manual for Administrative Regulations", 14th Edition as provided by the Department of Law. We have gone beyond the notifications required and the time frames required in regard to public input and comment. That an organization fails to respond to such notices in a timely manner does not make the "process flawed." The Anchorage Chapter of the Mechanical Contractor Association was notified, but for whatever reason did not distribute the notice to its members in the first public comment period. Other "trades" people were involved and responded to the invitation to participate. All responding groups or individuals were assigned to work on the review project.

3. The IMC refers to so many other documents or publications. UMC is self-contained, and provides all the information that is necessary. Will require administrators to have greater library, and may result in mistakes and unsafe conditions in the field.

Reject contention that the presence of numerous other standards and references will result in mistakes and unsafe conditions. Concur with both statements in regard to multiple documents and publications. It should be noted that the currently adopted 1997 UMC did not include the adoption of the appendices, therefore the current UMC and the proposed IMC references the same standards. The inclusion of other codes such as the IBC and IFC as well as the NFPA, ANSI and ASTM Standards is no different than any other interrelated body or family of codes. The UMC itself is not as self-contained as alleged, the cross-referencing assists in elimination of design, installation and interpretation problem solving.

4. There are omissions in the IMC whereas, the UMC is complete. User must refer to other codes such as the IFGC for gas venting. UMC one document. Alleged omissions include gas piping, combustion air, and refrigeration.

Concur. The IMC is a companion to the IFGC, which was not adopted because it would cover material already adopted under the plumbing code as adopted under 8 AAC 63.010. The plumbing

Page 2-Negative Comments Summary

code is the Uniform Mechanical Code 2000 Edition and is under the authority of the Department of Labor. There is a concerted effort in this adoption process not to create conflict with such safety standards already adopted by another agency. In addressing the identified omissions from the IMC, we have referenced other codes adopted either by this agency or other agencies, or made revisions or adoptions by reference to cover the subject identified which would not have been omitted had we adopted the IFGC. Those are as follows:

- a. Fuel gas piping, installation and testing. This is covered in Chapter 12 of the UPC adopted by the Department of Labor.
 - b. Process piping. This is covered under the various processes as covered by the UMC.
 - c. Combustion air. The requirements for combustion air for oil fired equipment is covered in Chapter 7 of the IMC. The requirements for combustion air for gas fire equipment is covered under Section 304 of the IFGC which has been adopted by reference in a revision to IMC Section 701.1.
 - d. Refrigeration. This is covered under IMC Chapter 11.
5. Will seriously compromise minimum safety standards.

Rejected. The safety standards and design criteria along with the cross-referenced requirements between the IMC, IBC and IFC give greater fire/life safety protection than does the adoption of the UMC without the integration with the other codes. The mechanical systems are subordinate to the fire/life safety design requirements of the fire and building codes. The mechanical code transmits the systems design into a working component of the overall design of the structure.

6. Mechanical administrators licensing, testing and training is based on UMC. No training or continuing education credits are allowed under IMC. Will need to rewrite training for apprentices and field personnel. Regulations on licensing conflict with regulations allowing adoption of IMC.

Rejected: The DECD has responsibility for licensing under regulations adopted by that agency. Law Department advises that those regulations are subordinate to the code adoption authority of DPS under AS 18.70. While DECD has a significant role relating to licensing, certification, and continuing education, it is their responsibility to conform their policies and where necessary their statutes to the code so adopted by DPS. Mr. Perkins alluded to this fact in his discussion of the transitional reference "currently in effect in the state" adopted in AS 08.40.70 with the Fire Marshal and the Commissioner at a meeting on May 31st in Anchorage. No work will stop because of this code change. Current licenses will continue to the next renewal period with certification and testing being done under the IMC at that time.

7. Disclaimer on liability in preface of IMC not in UMC.

Relevance? This is a publisher's disclaimer that occurs throughout all the I-Codes. Does not have any impact or relationship to our adoption process.

8. UMC is legally tested. We will be guinea pigs for an untested code.

Rejected. As an adopted standard of safety in the state, it contains the same references as the current UMC and is based on the same criteria. The commentator in this case often testifies in cases so therefore his concern. We are not a guinea pig. This is one of the first I-Codes promulgated in 1997 and is based on the same safety and design premises as the UMC. The commentator will need to become familiar with this code in order to give expert testimony; just as he would with any newly adopted standard of design.

Page 3-Negative Comments Summary

9. The thickness of the UMC indicates that the UMC must be better. The IMC is a thinner document. Something must have been left out.

Rejected. This has nothing to do with the issue. The UMC contains the code body and appendices. Only the portions of Chapter 1 and Chapters 2-16 had been adopted previously. The IMC contains the same material in 16 Chapters. Chapter 16 of both codes contains the references. Those appendices, which have been made issue over, have never been adopted as part of the regulations. Some of the material covered in the UMC would be covered if the IFGC were adopted, but those sections and other references are picked up through adoption by reference and revisions. Nothing has been left out in the adoption process.

10. The prescriptive nature of the UMC is superior to the performance nature of the IMC. The UMC tells you exactly how to do it, whereas the IMC give latitude that could result in error.

Concur on the nature of the codes. Reject superiority and error allegation. We are looking at a central issue on the national code effort here. The codes are moving to a performance basis. This allows design latitude and new technology for problem solving in safety and design, as well as greater cost effectiveness to the owner/end user. This is a concept the Division of Fire Prevention accepts and that some of mechanical trade's people do not. A competent trade's person will not be affected by this concept. The life safety standards are not reduced in this approach, and in fact new technologies have fostered under such performance based design criteria.

11. IMC allows LPG systems in pits whereas the UMC prohibits such dangerous installations.

Rejected. The IMC is silent on this subject, neither allowing nor prohibiting such. This would have been prohibited if the IFGC were adopted. It should be noted that the IFC in Chapter 38 prohibits such installations in basements, pits and other such locations. The IMC being silent on this defers to the IFC.

12. There is no compelling reason to adopt IMC, why fix it if it isn't broke.

Rejected. The coordination with the IBC and IFC makes this change to/adoption of the IMC imperative. As an example the room ventilation requirements are no longer in the IBC. These requirements are located in Chapter 4 of the IMC. Another example is the coordination between the code on the smoke control design criteria for life safety systems. Neither of these is addressed in the UMC. The process ventilation requirements of the IFC are clearly set forth in the IMC, not the UMC. With the adoption of the IBC and the IFC, it is broke if the IMC is not adopted as part of the integrated fire/life safety design concepts allowed by the I-Codes.

13. Don't adopt the structural requirements of the UBC, as they are not easy to understand.

Rejected. The structural design chapters of the IBC while approaching the subject different from the UBC reach the same end. This is a major reason for the change from three model codes to a single nationwide code. The driving force for this was the federal government's requirement for uniform structural requirements across the country. End result, the new structural design criteria adopted from the BOCA code. Anchorage structural review committee has reviewed the chapters and found that it is not dissimilar to the UBC, but addresses all parts of the nation unlike the UBC.

Subject: Re: Our Phone Discussion
Date: Mon, 12 Feb 2001 16:15:55 -0900
From: Ross Fosberg <ross_fosberg@dps.state.ak.us>
Organization: Department of Public Safety
To: Carol Whelan <Carol_Whelan@dced.state.ak.us>

Carol:

I just reviewed those references. While they reference your requirement for licensing and testing for administrators under those codes, our charge is AS 18.70.080 dealing with fire life safety. The International Mechanical Code is one of those codes dealing with that subject and is published by ICBO. The last edition of the UMC was the 1998 Edition which was published on a off cycle year. The IMC replaces that code as the UMC is no longer published. You can establish an equivalency by looking at the code and the course document 686i published by ICBO.

I don't see any conflict. This office adopts the codes, and your office tests and certifies competency under the adopted codes. It does appear however, that since the UMC is no longer published there needs to be a change to the statutes referenced the basis for such testing since the referenced code will be a thing of the past.

I just got off the phone with Debbie Stovern. We had discussed this very point of equivalency and she seemed to think that this was doable. I also suggest that you talk with Ron Watts of the MOA as they are shortly going to adopt the IMC as well as Steve Shuttleworth in Fairbanks.

Hope this helps.

Ross

Carol Whelan wrote:

> Thanks for the written confirmation regarding what was or was not stated. I
> appreciate your response.
>
> Did you get a chance yet to review AS 08.40.270 and AS 08.40.490(3)(A) and see
> if you think there is potential conflict between your agency's new final
> regulations and our current statute?
>
> Ross Fosberg wrote:
>
> > Carol:
> >
> > You misunderstood what was said.
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> > I stated that we will be accepting plans for review under the 2000 I-codes
> > (Building, Fire & Mechanical) effective March 1, 2000. Based on the counsel
> > from our attorney Michael Stark that, when we submit the "Affidavit of
> > Notice of Proposed adoption of Regulations" to the Department of Law, we
> > have completed the public comment period and in effect have adopted those
> > regulations. This will be completed the week prior to March 1, so therefore
> > the effective date that we will be accepting those plans designed under the
> > I-codes will be March 1, 2001. Plans will continue to be accepted under the
> > UMC, 1997 Edition until the the regulations are effective 30 days after the
> > Lt. Governor receives them.
> >
> > We see a window of about 90 days where we will be accepting plans for review
> > under both sets of codes. This has been applauded by the design community,
> > and has been common practice for each new code adoption cycle.
> >
> > I hope this clarifies where we are at this point.
> >
> > Ross Fosberg, Code Adoption Coordinator
> >

: Our Phone Discussion

> > Carol Whelan wrote:
> >
> > > I would like a written clarification regarding our phone conversation
> > > the other day while you were at the course given by ICBO, Pam Ronning.
> > >
> > > You stated that the regulations had been submitted to the Department of
> > > Law and that you had a letter which stated the regulations would be
> > > effective 3/1/01. I would like a written clarification and also a copy
> > > of the letter and the "final" regulations that have been approved by the
> > > Department of Law. (I have the copy of the draft regulations that were
> > > sent to Law for adoption/approval but I need the "final" signed version
> > > before I can move forward with this and how it will affect the
> > > Mechanical Administrator's laws.
> > >
> > > Please review AS 08.40.270 and AS 08.40.490(3)(A) and see if you think
> > > there is potential conflict between your agency's new final regulations
> > > and our current statute.
> > >
> > > Your immediate response is appreciated because if there are
> > > conflict/problems with our existing statutes and regulations this office
> > > must fix the conflicts ASAP.

Subject: Re: Our Phone Discussion

Date: Mon, 12 Feb 2001 15:25:19 -0900

From: Ross Fosberg <ross_fosberg@dps.state.ak.us>

Organization: Department of Public Safety

To: Carol Whelan <Carol_Whelan@dced.state.ak.us>

Carol:

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- >
- > Please review AS 08.40.270 and AS 08.40.490(3)(A) and see if you think
- > there is potential conflict between your agency's new final regulations
- > and our current statute.
- >
- > Your immediate response is appreciated because if there are
- > conflict/problems with our existing statutes and regulations this office
- > must fix the conflicts ASAP.

Subject: State Regulations
Date: Fri, 02 Mar 2001 13:50:26 -0900
From: Ross Fosberg <ross_fosberg@dns.state.ak.us>
Organization: Department of Public Safety
To: grayjd@ci.anchorage.ak.us

James:

Attached is a copy of the final new state regulations with our revisions to the I-Codes integrated into them. Effective March 1, 2001 we are accepting plans for review under these regulations. The old regulations using the 97 Uniform codes will still be in effect until 30 days after the regulation package hit the Lt. Governor's desk, so we anticipate a 60-90 day transition time before we will no longer accept designs for review under the 97 codes.

Could you place these reg's on your web site for the Muni code changes in place of the existing "Proposed Changes"?

Thanks,
Ross

Response Letter of February 24, 2001

Subject: Response Letter of February 24, 2001
Date: Mon, 05 Mar 2001 10:13:10 -0900
From: Ross Fosberg <ross_fosberg@dps.state.ak.us>
Organization: Department of Public Safety
To: Granville L Couey <granville_couey@dot.state.ak.us>

Granville:

We appreciate your observations and the work of your staff, particularly Anna Walker, who talked with us and researched some of the material that creates conflict between your area of responsibility and ours.

Sorry for the delay in response, but the last two weeks have been rather hectic.

The adoption order for the 2000 International Building, Fire and Mechanical Codes as part of the State Fire Regulations was signed on February 20th. Beginning March 1, 2001 the Fire Marshal's office will begin accepting projects designed under those codes.

As requested, we accepted your recommendation #2 and revised, not only Section 1103.5, but also Section 1105.1 to say "Aircraft motor vehicle fuel-dispensing stations shall be in accordance with NFPA 407, Sections 2-5 and 2-6."

The second suggestion was deemed not to be possible without creating a possible disparity in requirements between rural and urban areas of the State. Those matters will have to be handled on case-by-case basis.

Thank you for your input. The complete text of the new State Fire Regulations will be available at the DPS/Fire Prevention web site by the end of this week.

Ross Fosberg
Code Adoption Coordinator

07/02/2001 10:26 AM

ponse to "PACE" letter of January 16, 2001

Subject: Response to "PACE" letter of January 16, 2001
Date: Mon, 05 Mar 2001 10:42:29 -0900
From: Ross Fosberg <ross_fosberg@dps.state.ak.us>
Organization: Department of Public Safety
To: dblessman@isdn.net

David Blessman:

Thank you for your input and comments regarding the two section of Appendix L as adopted by the Department of Public Safety under 13 AAC 50.020 item 74.

On February 20th, the Order of Adoption was signed by the Public Safety Commissioners Office, and effective March 1, 2001 the Fire Marshal's office began accepting projects designed under the 2000 International Building, Fire and Mechanical Codes.

The two sections you commented on were left as they were proposed. It was felt in our review of the Building Code that the Appendix Chapter L, as written, was more restrictive and better addressed the life safety issues than the code as written without the revision. The provisions of the H-4 classification still apply if the threshold amounts exceed those set forth in Table 307.7(2), and the second exit requirement for a U Occupancy would be at 1000 sq. ft. under the un-revised provisions of the Building Code, so the second exit at 250 sq. ft. in Appendix L is far more restrictive.

Again, we thank you for your input. The complete text of the new State Fire Regulations will be on our web site (DPS/Fire Prevention Division) by the end of this week.

Ross Fosberg
Code Adoption Coordinator

ponse to Letter of January 3, 2001

Subject: Response to Letter of January 3, 2001
Date: Mon, 05 Mar 2001 11:02:19 -0900
From: Ross Fosberg <ross_fosberg@dps.state.ak.us>
Organization: Department of Public Safety
To: enslowda@bp.com

Don Enslow:

Thank you for your input on 13 AAC 50.030 (h) (4).

For your information, the Order to Adopt the new State Fire regulations was signed on February 20, 2001. Beginning March 1, 2001 the Fire Marshals Office has begun accepting projects designed under those regulations. A complete copy of those regulations will be available by the end of this week at the Public Safety web site ([www.dps.state.ak.us/Fire Prevention](http://www.dps.state.ak.us/Fire%20Prevention)).

In regard to your proposal, the Fire Marshal's office has chosen to leave the regulation as proposed. This will require certification of persons performing monthly inspection at a Class I level. The change from the previous regulations however will allow those individual having a Class I certification to do the annual inspections and service as long as no "invasive" maintenance is required. This means that as long as the extinguisher does not have to be opened, or repaired, then a Class two certification is not required. It was never the intent to do away with certification for monthly inspections. This fits the intent of NFPA 10, Sections 4-1.2, 4-1.4 and 4-3.

Again, we thank you for your input on this matter.

Ross Fosberg
Code Adoption Coordinator

[all_anchorage_fp] Statewide reminder

Subject: Re: [all_anchorage_fp] Statewide reminder
Date: Wed, 14 Mar 2001 08:09:53 -0900
From: Ross Fosberg <ross_fosberg@dps.state.ak.us>
Organization: Department of Public Safety
To: Pamela Brandt <pamela_brandt@dps.state.ak.us>

Pamela:

The 2000 IBC, IFC & IMC were adopted effective March 1, 2001. The 97 Codes will continue to be an acceptable design basis until approximately June 1, 2001.

Ross

Pamela Brandt wrote:

> Please include the attached information in your weekly bulletins and
> monthly bulletin.

>

> Any suggestions as to other avenues to reach state wide would be
> appreciated.

>

> Thank you very much for any assistance you can give us.

>

>

>

>

>

Name: IT IS THE LAW.doc
IT IS THE LAW.doc Type: Winword File (application/msword)
Encoding: base64

Subject: I-Code Adoption Process

Date: Wed, 21 Mar 2001 10:58:44 -0900

From: Ross Fosberg <ross_fosberg@dps.state.ak.us>

Organization: Department of Public Safety

**To: Harold Murray <liberalcitybldg@swko.net>,
Gary Powell <gary_powell@dps.state.ak.us>**

Harold:

Per Gary Powell's request, I would love to inform you that there were transcripts of our meetings, but there are not. Out process was as follows:

1. Off a list of interested fire, building, architectural, engineering, state and local government, general contracting and primary industry organizations we asked for individuals either from those organizations or specifically representing those organizations that would wish to participate in workshops that would develop revisions to the I-Codes adopted by the State Fire Marshal under the State of Alaska Fire & Life Safety Regulations.
2. Letters of interest were received and a committee of 44 individuals were tasked with research and input for the project. This group was divided into three groups of eleven governmental agencies from around the state assigned to either the IBC, IMC or the IFC. The remainder were an at-large group (15) of engineering, architectural, industry or other governmental agencies that would work on and comment on any or all of the codes. The foundation document that they worked from was a document that was developed in-house by the fire prevention staff based on previous revisions to the UBC, UMC and UFC, with transition work to the I-Code terminology along with other additional revisions that staff felt were needed to address our geographic problems.
3. Four one day work sessions were held in the different areas of the state. All work committee members were invited to attend and/or participate via teleconference. The "foundation document" was used with either written suggested or verbal suggested changes suggested. The meeting were open and free flowing in regard to input with only myself serving as moderator and keeping the process on track. All notes from these meetings were then incorporated into the "foundation document". The final document was reviewed in-house with final approval resting with the Fire Marshal, then prepared according to the regulatory hearing guidelines for the state, advertised for public comments for 45 days. The comments received during that time covered 5 areas with about 50% being incorporated into the final document which was adopted at the end of February.
4. The comparison work was completed by myself using ICBO various comparison books and a great deal of research. The general comparison work took about three months of dedicated work and is a continuing process. We are still finding little nuances to the I-Codes.

This brief summary gives a overview of our process. If you would like to discuss specifics, please feel free to call me, my number is 907-269-5061. I am here on Monday, Wednesday and sometimes Friday. Remember, we are three time zones away from you (I think).

Ross Fosberg
Code Adoption Coordinator

Subject: Adoption of International Building, Fire & Mechanical Codes

Date: Thu, 28 Jun 2001 13:37:56 -0800

From: Ross Fosberg <ross_fosberg@dps.state.ak.us>

Organization: Department of Public Safety

To: Ron Watts <wattsrk@ci.anchorage.ak.us>, Gary Powell <gary_powell@dps.state.ak.us>, Robert Springer <springer@ci.kenai.ak.us>, Harry Chartier <harry@cityofsitka.com>, Leonard Kimball <lenk@ptialaska.net>, Dick Bower <dbower@ci.soldotna.ak.us>, Steve Shuttleworth <sshuttleworth@ci.fairbanks.ak.us>, Dave Calvert <dcalvert@arctic.net>, David Aden <david_aden@pssun02x.dps.state.ak.us>, Kelly Nicoletto <kelly_nicoletto@pssun02x.dps.state.ak.us>, Randy Waters <Randy_Waters@ci.juneau.ak.us>, Chris Roust <Chris_Roust@ci.juneau.ak.us>, Edith Curry <fneic@uaf.edu>, Jim Emery <jemery@ci.valdez.ak.us>, Carol Olson <carol_olson@dps.state.ak.us>, Frank Carpenter <carpenterfe@ci.anchorage.ak.us>, Ron Thompson <thompsonrj@ci.anchorage.ak.us>, Ernie Misewicz <edmisewicz@dps.fai.state.ak.us>, Andy Nault <anault@city.kodiak.ak.us>, Doug Mathers <dmathers@city.kodiak.ak.us>, David Squires <sewardfd@arctic.net>, Steve Homan <steveh@seward.net>, Dave Miller <dvmem@cityofsitka.com>, Donnie Blackburn <dblackburn@ci.valdez.ak.us>, David Gildersleeve <fire@ci.valdez.ak.us>, John McCool <jmccool@mcgalaska.com>, Pat Krochina <pat@krochina.com>, Bob Painter <rpainter@ci.homer.ak.us>, Ruben Scherle <rscherle@ceiak.com>, Tim Janneck <timjanneck@pdceng.com>, Lee Holmes <lholmes@rsa-ak.com>, Jack Krill <jkrill@msb.co.mat-su.ak.us>, Dan Contini <bldg_insp@palmerak.org>, Bill McNeal <mcneal@alaska.coffman.com>, Tami Hamler <thaml@amc-engineers.com>, Edmond Thompson <thompsep@bp.com>, Paul Yoder <paul_yoder@labor.state.ak.us>, Don Brandon <don_brandon@labor.state.ak.us>, Steve Flodin <steve_flodin@dot.state.ak.us>, "Henry D. Kim" <henry.kim@veco.com>, Greg moore <mooreg@bp.com>, Scott Walden <swalden@ci.kenai.ak.us>, Gary Powell <gary_powell@dps.state.ak.us>, Walter Winston <Walter_Winston@dps.state.ak.us>, Jerry Gentile <jerry_gentile@dps.state.ak.us>, Kelly Nicoletto <kelly_nicoletto@pssun02x.dps.state.ak.us>, Carol Olson <carol_olson@dps.state.ak.us>, David G Aden <david_aden@dps.state.ak.us>, John S Bond <john_bond@dps.state.ak.us>, David W Andrews <david_andrews@dps.state.ak.us>, Robert J Plumb <robert_plumb@dps.state.ak.us>, Theresa A Smith <theresa_smith@dps.state.ak.us>, Thomas N Depeter JR <thomas_depeter@dps.state.ak.us>, Daniel A Diehl <daniel_diehl@dps.state.ak.us>

Greetings:

The 2000 International Building, Fire and Mechanical Codes with revisions were adopted by the Department of Public Safety, Division of Fire Prevention on June 22, 2001 when the Deputy Commissioner of Public Safety signed the Adoption Order. The package was reviewed by the Department of Law and forwarded to the Lieutenant Governor who signed and filed the Adoption Order on June 25, 2001. The regulations have an effective date of September 15, 2001.

option of International Building, Fire & Mechanical Codes

The Fire Prevention Division will accept plans for projects designed under I-Codes as of the date of the adoption order and will continue to accept projects designed under the 97 Uniform Codes that are currently in effect until September 15, 2001. On September 15, 2001, submittals for plan review must be designed under the 2000 International Codes as adopted under 13 AAC 50.010-.060 and 13 AAC 55.150.

A copy of these regulations will be on the Fire Prevention web site by next week.

Thanks to all of you for your assistance in this project.

Ross Fosberg
Code Adoption Coordinator

Subject: Error in "Notice of Proposed Regulations Changes"

Date: Mon, 18 Dec 2000 08:52:57 -0900

From: Ross Fosberg <ross_fosberg@dps.state.ak.us>

Organization: Department of Public Safety

To: Ron Watts <wattsrk@ci.anchorage.ak.us>, Gary Powell <gary_powell@dps.state.ak.us>, Robert Springer <springer@ci.kenai.ak.us>, Harry Chartier <harry@cityofsitka.com>, Leonard Kimball <lenk@ptialaska.net>, Dick Bower <dbower@ci.soldotna.ak.us>, Steve Shuttleworth <shuttleworth@mosquitonet.com>, Dave Calvert <dcalvert@arctic.net>, David Aden <david_aden@pssun02x.dps.state.ak.us>, Kelly Nicoletto <kelly_nicoletto@pssun02x.dps.state.ak.us>, Randy Waters <Randy_Waters@ci.juneau.ak.us>, Chris Roust <Chris_Roust@ci.juneau.ak.us>, Edith Curry <fneic@uaf.edu>, Jim Emery <jemery@ci.valdez.ak.us>, Carol Olson <carol_olson@dps.state.ak.us>, Frank Carpenter <carpenterfe@ci.anchorage.ak.us>, Ron Thompson <thompsonrj@ci.anchorage.ak.us>, Ernie Misewicz <edmisewicz@dps.fai.state.ak.us>, Andy Nault <anault@city.kodiak.ak.us>, Doug Mathers <dmathers@city.kodiak.ak.us>, David Squires <sewardfd@arctic.net>, Steve Homan <steveh@seward.net>, Dave Miller <davem@cityofsitka.com>, Donnie Blackburn <dblackburn@ci.valdez.ak.us>, David Gildersleeve <fire@ci.valdez.ak.us>, John McCool <jmccool@mcalaska.com>, Pat Krochina <pat@krochina.com>, Bob Painter <rpainter@ci.homer.ak.us>, Ruben Scherle <rscherle@ceiak.com>, Tim Janneck <timjanneck@pdceng.com>, Lee Holmes <lholmes@rsa-ak.com>, Jack Krill <jkrill@msb.co.mat-su.ak.us>, Dan Contini <bldg_insp@palmerak.org>, Bill McNeal <mneal@alaska.coffman.com>, Tami Hamler <thaml@amc-engineers.com>, Edmond Thompson <thompsep@bp.com>, Paul Yoder <paul_yoder@labor.state.ak.us>, Don Brandon <don_brandon@labor.state.ak.us>, Steve Flodin <steve_flodin@dot.state.ak.us>, "Henry D. Kim" <henry.kim@vecocom.com>, Greg moore <mooreg@bp.cpm>, Scott Walden <swalden@ci.kenai.ak.us>

To all committee members:


Thanks to the keen eye of Bill McNeal who picked up the error, attached please find a revised copy of the "Notice of Proposed Changes in the Regulations of the Department of Public Safety".

We all (staff and attorney) missed the error in item #3. It should read that the 1997 Uniform Mechanical Code is being replaced with the International Mechanical Code, but I had inserted the International Fire Code.

The attached "Notice" reflects the correct code reference.

Sorry for the additional, paper work, but thanks to Bill for his keen eye.

Ross

 A-Notice Change to Regs doc.doc	Name: A-Notice Change to Regs doc.doc Type: Winword File (application/msword) Encoding: base64
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Subject: RE: Notice of Public Comment Period for Fire Regulations

Date: Fri, 15 Dec 2000 14:32:17 -0900

From: "McNeal, Bill" <McNEAL@alaska.coffman.com>

To: 'Ross Fosberg' <ross_fosberg@dps.state.ak.us>

Ross,

It appears that there may be a typo in item #3 in the first attachment, which indicates that the UMC will be replaced by the 2000 Intrnational Fire Code.

Bill McNeal
Coffman Engineers
800 F Street
Anchorage, AK 99501
(907) 276-6664

> -----Original Message-----

> From: Ross Fosberg [SMTP:ross_fosberg@dps.state.ak.us]

> Sent: Friday, December 15, 2000 10:48 AM

> To: Ron Watts; Gary Powell; Robert Springer; Harry Chartier; Leonard
> Kimball; Dick Bower; Steve Shuttleworth; Dave Calvert; David Aden; Kelly
> Nicoletto; Randy Waters; Chris Roust; Edith Curry; Jim Emery; Carol Olson;
> Frank Carpenter; Ron Thompson; Ernie Misewicz; Jason Elson; Andy Nault;
> Doug Mathers; David Squires; Steve Homan; Dave Miller; Donnie Blackburn;
> David Gildersleeve; John McCool; Pat Krochina; Bob Painter; Ruben Scherle;
> Tim Janneck; Lee Holmes; Jack Krill; Dan Contini; Bill McNeal; Tami
> Hamler; Edmond Thompson; Paul Yoder; Don Brandon; Steve Flodin; Henry D.
> Kim

> Subject: Notice of Public Comment Period for Fire Regulations

> To all committee members:

> Attached is the "Notice of Proposed Changes to the Regulations of the
> Department of Public Safety" and a copy of the regulations that you
> worked on, plus or portions of the regulations that were changed as a
> result of the new I-Codes.

> These will be on the State web site early next week and on our Public
> Safety web site late this afternoon.

> If there are any questions that I can answer, please contact me.

> Ross Fosberg << File: A-Notice Change to Regs doc.doc >> << File: A-Final
> Regs Submitted.doc >>

or In Notice of "Proposed Changes"

Subject: Error In Notice of "Proposed Changes"

Date: Mon, 18 Dec 2000 08:22:30 -0900

From: Ross Fosberg <ross_fosberg@dps.state.ak.us>

Organization: Department of Public Safety

To: Robyn E Ramos <robyn_amos@dps.state.ak.us>

Robyn:

It appears we all missed an error in the "Notice of Proposed Change". Item 3 of that document should read the 1997 Uniform Mechanical Code is being replaced with the International Mechanical Code, not the International Fire Code.

Attached is the corrected "Notice". Also, find attached better copies of the signed notices.

Sorry, but we all missed it

Ross

<input type="checkbox"/> A-Notice Change to Regs doc.doc	Name: A-Notice Change to Regs doc.doc Type: Winword File (application/msword) Encoding: base64
<input type="checkbox"/> 1_A-Additional Regs Notice1.doc	Name: 1_A-Additional Regs Notice1.doc Type: Winword File (application/msword) Encoding: base64
<input type="checkbox"/> 1_A-Notice Change to Regs doc1.doc	Name: 1_A-Notice Change to Regs doc1.doc Type: Winword File (application/msword) Encoding: base64

**NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE DEPARTMENT OF PUBLIC SAFETY**

The Department of Public Safety, Division of Fire Prevention proposes to adopt regulation changes in Title 13 of the Alaska Administrative Code, dealing with Codes and Standards of Construction and Plan Review Fees, including the following:

- (1) 13 AAC 50.010 Occupancy Classifications will be as defined in the International Building Code, 2000 Edition.
- (2) 13 AAC 50.020 Building Code is proposed to be repealed and readopted. The intended effect of this is to repeal the Uniform Building Code 1997 Edition with related revisions, and adopt the International Building Code 2000 Edition with related revisions.
- (3) 13 AAC 50.023 Mechanical Code is proposed to be repealed and readopted. The intended effect of this is to repeal the Uniform Mechanical Code, 1997 Edition with related revisions and adopt the International Mechanical Code 2000 Edition with related revisions.
- (4) 13 AAC 50.025 Fire Code is proposed to be repealed and readopted. The intended effect of this is to repeal the Uniform Fire Code, 1997 Edition with related revisions and adopt the International Fire Code, 2000 Edition with related revisions.
- (5) 13 AAC 50.027 Plan Review and Approval is revised with a new Valuation and Plan Review Fee Schedule.
- (6) 13 AAC 50.030 Fire Protection System (Installed & Portable) is revised with updated standards and a revision to the work allowed under Class I fire extinguisher permit activity.
- (7) 13 AAC 55.150 Definitions is revised with updated design standards and definitions consistent with new International Codes use of the terms Building and Fire Official.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Ross Fosberg, Code Adoption Coordinator at Department of Public Safety, Division of Fire Prevention 5700 East Tudor Road Anchorage, Alaska 99507-1225. The comments must be received no later than 4:30 p.m. on January 31, 2001.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Ross Fosberg at (907) 269-5061 no later than January 15, 2001 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Ross Fosberg at (907) 269-5061 or go to <http://www.dps.state.ak.us/fire>.

After the public comment period ends, the Department of Public Safety, Division of Fire Prevention will either adopt these or other provisions dealing with the same subject, without further notice, or decide to

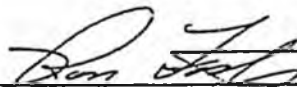
take no action on them. The language of the final regulations may be different from that of the proposed regulations. YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.

Statutory Authority: AS 18.70.010; AS 18.70.080; AS 18.70.090.

Statutes Being Implemented, Interpreted, or Made Specific: AS 18.70.010; AS 18.70.080; AS 18.70.090.

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: December 15, 2000



Ross Fosberg, Code Adoption Coordinator

Note! The Department of Public Safety, Division of Fire Prevention keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Department of Public Safety, Fire Prevention Divisions Notices of Proposed Regulation Changes. To be added to or removed from the list, send a request to the Department of Public Safety, Division of Fire Prevention at 5700 East Tudor Road Anchorage, AK 99507-1225, giving your name, and either your e-mail or mailing address, as you prefer for receiving notices.

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Public Safety, Division of Fire Prevention
2. General subject of regulation: State of Alaska Building and Fire Regulations
3. Citation of regulation: 13 AAC 50.010 through 13AAC 50.55.150
4. Reason for the proposed action:
 - () compliance with federal law
 - () compliance with new or changed state statute
 - () compliance with court order
 - () development of program standards
 - (X) other: New International Building, Mechanical & Fire Codes unifying the previous three model codes into a new national standard that addresses the most up-to-date application of life and property safety design criteria.
5. Program category and BRU affected: Health/Safety-Fire Prevention

6. Cost of implementation to the state agency and available funding (in thousands of dollars)

	Initial Year	Subsequent
	FY 2001	Years
Cost	\$ None	\$ None
General fund	\$ None	\$ None
Federal funds	\$ None	\$ None
Other funds		
(specify)	\$ None	\$ None

7. The name of the contact person for the regulations:

Name: Ross Fosberg
Title: Code Adoption Coordinator
Address: 5700 East Tudor Road
Anchorage, Alaska 99507-1225
Telephone: (907) 269-5061

8. The origin of the proposed action:

XX staff of state agency
_____ federal government
_____ general public
_____ petition for regulation change
_____ other (please list) _____

9. Date: December 15, 2000

Prepared by: _____

Name: Ross Fosberg
Title: Code Adoption Coordinator
Telephone: (907) 269-5061

AMC ENGINEERS

June 7, 2001

RECEIVED
Director's Office
Div. of Fire Prevention
Anchorage, Alaska

Mr. Gary Powell, State Fire Marshal
Mr. Ross Fossberg, Code Coordinator

Alaska State Fire Marshal's Office
5700 East Tudor Road
Anchorage, Alaska 99507

Via fax to: 338-4375
And email to: gary_powell@dps.state.ak.us
ross_fosberg@dps.state.ak.us

RE: Adoption of 2000 International Mechanical and Fuel Gas Codes

SUBJ: Recommendation in Favor of Adoption of 2000 IMC & IFGC, with reservations.

Gentlemen:

This letter reviews the current situation with the Code adoption process, and contains some of our thoughts regarding the 2000 International Mechanical Code (IMC) and 2000 International Fuel Gas Code (IFGC). We support adoption of both the 2000 IMC and the 2000 IFGC, with the recommendation that an additional reference document be prepared and adopted by the Alaska State Fire Marshal's Office to supplement the new IMC which is incomplete as a stand alone document.

The Code adoption process is in a awkward situation at present. The State should adopt a complete set of unified codes, such as the International Code series, or a Uniform Code series, but unfortunately, neither option is currently possible given the present situation in Alaska. The State Department of Labor has eliminated the option of adopting the entire suite of International Codes by adopting the Uniform Plumbing Code. On the other hand, the Uniform Code series has been discontinued and will no longer be maintained in the future. (5)

The best choice for replacement of the UBC and the UFC are the new International Building Code (IBC) and International Fire Code (IFC). These codes appear to be reasonably well received, and have the advantages of being well coordinated and in wide circulation. From this base, the logical choice would appear to be to adopt the new IMC and IFGC as well. The IMC is well coordinated with the IBC and the IFC, which will significantly reduce the number of conflicts between Codes. Likewise, The IFGC is well coordinated with the IMC. Unfortunately, the new IMC has some serious drawbacks, as appropriately pointed out by the Mechanical Contractors of Alaska.

A major advantage of the current Uniform Mechanical Code (UMC) is that it contains clear performance requirements with supporting tables and guidelines. The IMC, on the other hand, relies on external references for much of the important technical material. External references are not a problem for an established engineering firm like AMC, but it is unlikely that the average mechanical contractor or (7)

plumber will have all of the reference material available. Human nature being what it is, this could lead to a lot of confusion and error in the field as people "wing it" for lack of good information. "Winging it" will not serve the public's best interest for safety.

Considering the balance of interests that must be weighed, we recommend that one of the following two alternative courses of action be taken:

First Choice: Adopt the 2000 IBC, IFC, IMC, and IFGC and also issue a companion reference document published by the Alaska State Fire Marshal's Office that includes a copy of all the major reference tables and related documents identified in the IMC. The primary idea here is to create a coordinated code set that is nearly as complete as the UMC, in just one additional supplement. (5)

Additional amendments should be adopted to address the many individual technical issues that have been identified. An logical amendment would be a ruling stating that in the event of a conflict, the Uniform Plumbing Code (UPC) will take precedence over the International Fuel Gas Code (IFGC).

Alternative Choice: Stick with the existing Uniform Code Series entirely, and wait a few years for the dust to settle in the Code arena. The entire purpose of a body of Codes is to protect the public interest. No one will be protected if we have chaos, which could easily occur if the code set is incomplete or contradictory. Certainly there are warts on the Uniform Codes, but realistically they are a pretty good set of documents. The Uniform Codes have come a long way over the past 20 years, and are probably adequate to survive a few more years.

We like the idea of consistent and well coordinated Codes. Like a new car, all of the parts should work together. The radio, or the muffler, and even the tires can be manufactured by almost anyone, but the engine and transmission need to be from the same company. No one would dream of buying a new Chevy with a Ford transmission. The Building Code, Fire Code and Mechanical Code are the power train of the Code series, and need to be coordinated. The International series has great promise in this regard, but the important issues raised by the Mechanical Contractors should be cleanly resolved.

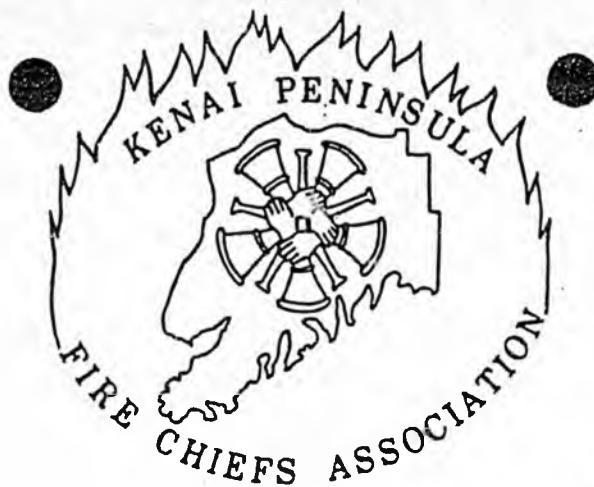
We realize that this is an extremely difficult situation, and wish the best of luck in coming to a suitable resolution.

Sincerely,

AMC ENGINEERS

Tami Hamler, P.E.
Mechanical Engineer

Boyd Morgenthaler, P.E.
Principal Mechanical Engineer.



231 S. Binkley Street Soldotna, Alaska 99669

RECEIVED
MAY 25 2000
Director's Office
Div. of Fire Protection
Anchorage, Alaska

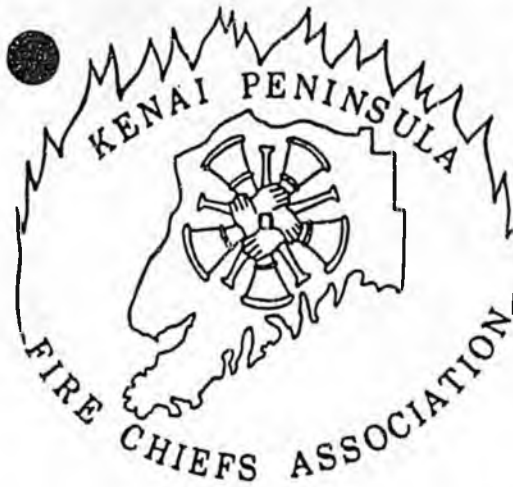
May 25, 2000

Attached is Resolution 2000-02 from the Kenai Peninsula Fire Chiefs Association. This Resolution was passed unanimously by the members in attendance at the May 19, 2000 meeting.

We would appreciate the support of your office regarding this Resolution.

Sincerely yours,

Chief Billy W. Harris
President
Kenai Peninsula Fire Chiefs Association



RESOLUTION 2000-02

A RESOLUTION OF THE KENAI PENINSULA FIRE CHIEFS ASSOCIATION RECOMMENDING THE INTERNATIONAL CODE SET NOT BE ADOPTED FOR THE STATE OF ALASKA BY THE STATE FIRE MARSHALS OFFICE.

Whereas, the Kenai Peninsula Fire Chiefs Association is dedicated to public fire prevention and promoting life safety issues throughout the Kenai Peninsula and the State of Alaska, and

Whereas, the State of Alaska adopted the 1997 Uniform Fire, Building, and Mechanical Codes on March 27th of 1999 and the Uniform Code Set has been the adopted Code for this State since the late 1950's, and this code has protected Alaskans for more than 40 years, and

Whereas, the Uniform Fire Code and the National Fire Protection Association are in the process of developing a National Fire & Building Code to be released in the year 2003, and,

Whereas, the International Code set is a first edition and not a proven code, and,

Whereas, by adopting a new code standard, Deferred Jurisdictions responsible for code enforcement will have an added burden and cost associated with such adoption, and

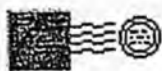
Whereas, the Kenai Peninsula Fire Chiefs Association consists of three Deferred Jurisdictions (Kenai, Soldotna, and Seward) that will be directly effected by such code adoption, and

Whereas, Deferred Jurisdictions who are responsible for code enforcement should have a vote on which code is adopted in the State of Alaska, since they bear the costs of enforcement in their jurisdictions,

NOW, THEREFORE BE IT RESOLVED that the Kenai Peninsula Fire Chiefs Association recommends that the State of Alaska continue using the 1997 Uniform Code set, and that the International Code set not be adopted during the 2000 code cycle, but wait until the 2003 code cycle to give all major codes an equal chance for consideration.

Bill Harris

Chief Bill Harris, President
Kenai Peninsula Fire Chief's Association



Thursday, June 15, 2000 11:35:07 AM

Fire Chiefs

From:  Jason Elson

Subject:

To:  Fire Chiefs

After reading the recent remarks on the Code adoption process and representing a deferred jurisdiction I feel compelled to write and express my opinion on this highly controversial issue.

This issue first came to my attention in Kenai at the State Fire Chiefs Conference in the fall of 1999. At that time a motion was made to support adoption of the Uniform Fire Code. The State Fire Marshal raised an objection, based on the fact that he was not willing to support any code without first looking at all that was out there to look at in the Code world. At the time this sounded like a fair objection and I, very vocally, supported the State Fire Marshal. My remarks at that time included the statement that I felt all those involved in the Code enforcement process should be involved in the review and adoption process. The Chiefs agreed and the Fire Marshal had his say.

Between this meeting and the Spring Chiefs meeting I began to hear word of how the State Fire Marshals Office had begun to support the adoption of the IFC. Along with this rumor came the inference that this code was going to be adopted whether the Chiefs liked it or not. This disturbed me, considering I had been so vocal in supporting the State Fire Marshal in what I thought was going to be a fair process. Needless to say nothing about the code adoption process was discussed until the spring Chief's meeting in Juneau when the State Fire Marshal approached me and we discussed these "rumors". In my discussions with the State Fire Marshal I made it clear that I was not willing to accept the adoption of any Code without a fair public hearing process that included comments and concerns of the states fire chiefs. The State Fire Marshal assured me this would take place. Unfortunately it did not happen while we were in Juneau.

From the time we left Juneau to the date of the invitation to participate in a teleconference I have not been contacted by any member of the State Fire Marshals Office with regards to any particular Code preference or what my opinion would be about the adoption of any particular code. **THIS IS WHAT DISTURBS ME AND SHOULD DISTURB ANY CHIEF RESPONSIBLE FOR ENFORCING THE FIRE CODE IN ALASKA.** As the Fire Marshals Office has stated just recently, why should I just accept at face value what others are telling me?

The second question that comes to mind, what is the rush? What is the driving force behind adopting a code when the current code works so well? This would not be the first code cycle to have been skipped. Ron Coleman, a leading authority in the nations fire service wrote in the May issue of Fire Chief's magazine a response to an article he wrote "I never said in the column that fire chiefs weren't included. I said they were being treated in a deplorable fashion and excluded from the decision-making process regarding the overall system of organization for the family of codes." Sound familiar to anyone? When discussing the consensus of a single national fire code he goes on to state "I don't think so. I said in the column that I believe the issue will remain contentious for some time to come. I'll be so bold as to predict that period of time: two more code cycles. It will take that long to work out the conflict." If that is the case again I ask, what is the rush?

And finally, I offer up as evidence that the International Code is not exactly considering the best interests of the fire service, the press release page for the International Fire Code Insitute(www.ifci.org). Under top ten advantages architects should know about the IBC, #3 Less restrictive provisions for egress through adjoining rooms. #5 Allows for larger floor areas with lesser fire resistance. #7 Escape and rescue openings not required where a rated corridor provides access to two exits or in sprinklered buildings. Do these sound like changes that are in the best interests of those we are trying to protect?

For me the bottom line is this, there should be no rush to adopt any new code until the dusts settles on these controversial issues and all those responsible for code enforcement have an opportunity to review all codes that are available to us. At that time there must be a public hearing process that involves all those responsible for enforcing the codes and then and only then should the State Fire Marshal begin the adoption process for the next fire code. I might also add that the State Fire Marshal would be wise to consider the consensus of the fire chiefs of this state, for believe it or not, these are his constituents.

Jason A. Elson
Fire Chief
City of Kenai

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FIRE PREVENTION

TONY KNOWLES, GOVERNOR

RONALD L. OTTE
COMMISSIONER

May 3, 2000

Len A. Malmquist
Fire Chief
Central Emergency Services
231 South Binkley
Soldotna, AK 99669-8084

Dear Chief Malmquist:

In response to your letter to me dated March 6, 2000, I will not attempt to reply on a point by point basis. I fail to see the purpose or benefit in answering 22 questions of which you know most of the answers. I will, however, tell you where we are on the adoption of the 2000 edition of the fire, building and mechanical codes. I believe that is the real intent of your letter.

As you know, the code issue has been quite fluid over the last several months, if not years. In the time that I have been in the State Fire Marshal position I have:

- Read numerous articles in trade journals on the issue
- Met with or had phone conversations with several building officials
- Met with or had phone conversations with several fire officials
- Met with a number of architects and engineers
- Attended overview classes of the IBC
- Attended the State & Provincial Fire Marshals Forum at NFPA
- Attended and participated in code hearings for the IBC and IFC
- Examined copies of the IBC, IFC and IMC
- Watched closely the developments of the WFCA, NFPA and IAPMO

These activities have helped formulate our direction for adoption of the next set of building safety codes for Alaska.

At this point in time, we intend to adopt the International set of codes, specifically the IBC, IFC and IMC. We have broad based support for this direction, and in fact would have difficulty justifying any other position. As you know, no other current building code exists at this time.

Our concept of the adoption process is to form code committees to review each of the respective codes and make recommendations for state amendments. Local jurisdictions then have the

BY TO: P.O. BOX 111200
JUNEAU, ALASKA 99811-1200
PHONE: (907) 465-4331
FAX: (907) 463-5860
TDD: (907) 465-5491

5700 EAST TUDOR ROAD
ANCHORAGE, ALASKA 99507
PHONE: (907) 269-5604
FAX: (907) 338-4375
TDD: (907) 269-5094

1979 PEGER ROAD
FAIRBANKS, ALASKA 99709
PHONE: (907) 451-5200
FAX: (907) 451-5218
TDD: (907) 451-5344

ATTACHMENT #4

Powell/Malmquist
May 3, 2000

option to adopt local amendments, if necessary. Our goal is to have as few different local amendments as possible. In other words, if a local amendment is adopted in Fairbanks regarding assisted living facilities, we would hope the same amendment would work for Soldotna or Seward, etc. The makeup of the committees will involve all the deferred jurisdictions as well as at large members and representatives from architects, engineers and builders. Each deferred jurisdiction will be entitled to a building official on the building code committee and a fire official on the fire code committee. Participation will be at the jurisdiction's expense but we will attempt to keep meetings to a minimum and conduct as much as possible electronically. Throughout the process meetings for the purpose of public input will be held in Fairbanks, Anchorage, the Kenai Peninsula and possibly Southeast Alaska (Juneau). We will hire a project coordinator to facilitate the process and do expect it to take 12 to 18 months.

I encourage you or a representative from your department to participate in the code revision meetings in San Francisco this September. Each deferred jurisdiction is entitled to at least one class A voting member on the fire code changes, and one on the building code. Contact ICBO for information and registration materials. I would also encourage support for Deputy Chief Jim Tidwell from Ft. Worth, Texas. He is running for a vacant seat on the ICBO Board of Directors. Having been primarily involved in the negotiation process as WFCA attempted to become a member of the International Code Council, he should be a good advocate for the fire service.

Sincerely,



Gary L. Powell
State Fire Marshal

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

P.O. BOX 111200
JUNEAU, ALASKA 99811-1200
PHONE: (907) 465-4322
FAX: (907) 465-4362

May 23, 2000

RECEIVED
MAY 24 2000

Fire Chief Len A. Malmquist
Central Emergency Services
231 South Binkley
Soldotna, AK 99669-8084

Director's Office
Div. of Fire Prevention
Anchorage, Alaska

Dear Chief Malmquist:

I have received and reviewed your recent letter and attachments. I have discussed the fire code issue with State Fire Marshal Powell on numerous occasions. We recognize that you have a strong position on the fire code issue, and we certainly support your right to have an opinion on the matter. Other fire chiefs, building officials, architects and engineers also have the right to an opinion on the fire code issue. The same is true of the industry. The issue has been discussed, reviewed and debated. The preponderance of support is in favor of the new International Codes.

In his briefings to me after the Fire Chief's conferences, State Fire Marshal Powell discussed the code issue. At the Kenai conference, Mr. Powell expressed that a last minute resolution to adopt a *future* code was premature. He also stated his opposition to the manner in which the resolution was brought to the floor. If any deception took place in Kenai, it was by those who proposed the resolution. In my opinion, it is irresponsible to propose a resolution of this type without involving the State Fire Marshal in the process. It is my understanding that State Fire Marshal Powell raised those two concerns during the conference and the resolution was withdrawn.

At the Spring Conference in Juneau, State Fire Marshal Powell's recollection is that the fire code was not much of an issue. On the last day of the conference, in a room with eight or ten people remaining, he was given an opportunity to give his general report. In that report he mentioned that no formal decision had been made, but "the handwriting was on the wall." In plain language, there was no other building code to choose from and NFPA would not have a code available for two to four years. The State would not adopt incompatible building and fire codes and therefore, the International Codes were the only option.

Fire Chief Len A. Malmquist
May 23, 2000
Page 2

State Fire Marshal Powell has made an informed decision which he believes is in the best interest of all Alaskans. I support his decision and feel that he made it appropriately and with integrity. I would like to make it clear that State Fire Marshal Powell vigorously supports the fire service in general and the Alaska Fire Chiefs in particular. It would be unfortunate if that support were not reciprocal in nature. I am sure there are many other issues on which you can agree, and I encourage you to continue working with the State Fire Marshal's Office on those issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Otte". The signature is fluid and cursive, with a large initial "R" and "O".

Ronald L. Otte
Commissioner

cc: Gary Powell, State Fire Marshal

ALASKA MECHANICAL CONTRACTORS ASSOCIATION, INC.

P.O. Box 92950 - Anchorage, Alaska 99509-2950
Phone 1-907-229-1700 - Fax 1-907-243-8466

May 30, 2001

To Whom it may concern:

I attended the May 7th, 2001 meeting of the Anchorage Mechanical Contractors Association. At that meeting, Mr. Ross Fosberg, representing the State Fire Marshal's Office, stated that the reopening of the public comment period for the repeal of the 1997 Uniform Mechanical Code and the adoption of the 2000 International Mechanical Code was due to a mistake in the original advertisement and was merely a formality. He stated that the adoption was a "done deal", and that he would entertain no suggestions concerning adopting the 2000 Uniform Mechanical Code.

Signed,

	General Mechanical, Inc.
	SHEET METAL FABRICATORS, INC.
	H&K SHEET METAL FABRICATORS, INC.
	Central Plumbing & Heating
	International Mech. Inc.
	PATRICK / LAST FRONTIER, LLC
	NORCOAST MECHANICAL
	CRL SERVICES, LLC
	MECHANICAL CONSTRUCTION & CONSULTING
	Superior P & H, Inc.
	MANTECH MECHANICAL INC.
	Alaskan Plumbing & Heating Co. Inc.
	NOBLE MECHANICAL INC.
	NOBLE MECHANICAL INC.
	AVM, INC.

A VIKING MECHANICAL, Inc.

Post Office Box 230804

Anchorage, Alaska 99523-0804

Phone (907) 346-8384

Fax (907) 346-2153

E-mail avm@gci.net

June 8, 2001

Ross Fosberg
Code Adoption Coordinator
Dept of Public Safety
Division of Fire Protection
5700 E. Tudor Road
Anchorage, Alaska 99507-1225

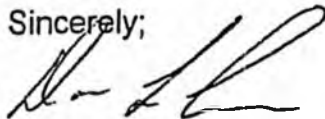
RECEIVED
JUN 11 2001
Director's Office
Div. of Fire Prevention
Anchorage, Alaska

Re: Proposed Changes to 13 AAC 50

Dear Mr. Fosberg:

Please put the attached copy to the letter regarding your statements to the Alaska Mechanical Contractors Association into the public record.

Sincerely;



Don L. Crane

ALASKA CHAPTER

national electrical contractors association, inc.

712 West 36th Avenue • Anchorage, Alaska 99503
(907) 561-1958 • FAX (907) 561-8633

June 6, 2001

Ross Fossberg, Code Adoption Coordinator
Dept. of Public Safety, Div. of Fire Prevention
5700 East Tudor Road
Anchorage, AK 99507-1225

RE: Proposed Changes in Title 18 dealing with Codes and Standards of Construction

Dear Mr. Fossberg:

I would like to make the following comments regarding the proposed changes:

- I notice that reference is made to 8 AAC 70.025 regarding the National Electrical Code as the Electrical Standard. Our organization supports the use of this standard and consider it a foundation of our industry. It is used not only for construction inspectors but also provides a major portion of our craft people's training and continued education. To make a change in this standard would be ludicrous.
- We would like to know why this change (96 pages) is being pursued. There is no mention of a fiscal analysis. It seems that this would be a significant change to implement for the construction industry. Based on this, we would strongly oppose making these changes without any impetus from the industry being impacted.

In summary, we are opposed to these regulation changes, but if they are changed we are strongly in favor of retaining the National Electrical Code as the electrical standard.

Sincerely,
Alaska Chapter, NECA

Steven F. Boyd
Steven F. Boyd
Chapter Manager

CC: Fran Ulmer, Lieutenant Governor

No change is being
made. All reference to
the Electrical Code in the
IBC, IMC + IFC are to the
Dept of Labor Adaption of the
NECA.

THE TOP OF THE WORLD CHAPTER



PREMIER MECHANICAL
PLUMBING & HEATING CONTRACTOR'S
PO BOX 4011
KODIAK ALASKA 99615
(907) 486-5594 FAX 486-5596

RECEIVED
MAY 23 2001

Director's Office
Div. of Fire Prevention
Anchorage, Alaska

KODIAK - ALASKA
99615

MAY 21, 2001

Dear Ross,

I would like to take
the time to tell you I am strongly
opposed to the possible change from the
I.M.C. to the J.M.C. If for years
~~something has worked fine then why~~
~~fix it.~~ Enclosed are some very good
~~reasons~~ to stay the course. I personally
own 5 plumbers here in Kodiak and none
them want this change.

Please Reconsider This Action,

Respectfully,

Lenno Wolff

Jon M. [Signature]

(12)



Comments on the International Mechanical Code (I.M.C.):

1. Section "Maintenance" of I.M.C. has a significant disclaimer for any liability resulting from compliance or non-compliance with I.M.C. The U.M.C. contains no such disclaimer. (7)

2. Under paragraph (11) of 13AAC 50.023 of the proposed regulations the addition of the Table 304.7 would not be needed if 2000 U.M.C. were adopted. This information is contained in Table 3-1 of 2000 U.M.C. This is a concrete example of how much more prescriptive the U.M.C. is.

3. The code users currently using the 1997 U.M.C. will find it a relatively smooth transition to the 2000 U.M.C. in comparison to adopting the I.M.C. It is clear from comparing the size of the two books that the U.M.C. 2000 is significantly more prescriptive in its approach, a philosophy that has been utilized in the development of the Uniform codes. This philosophy is evident in the fact that the 2000 U.M.C. reproduces important standards in the code for ease of use while the I.M.C. only references them. The State Fire Marshal needs to examine these differences and consider their impact on the health and safety of the communities in Alaska. (10)

4. The 2000 I.M.C. consists of 110 pages, the 2000 U.M.C. consists of 284 pages. The 2000 U.M.C. is a much more descriptive, stand-alone, document. Part of the difference in size is probably due to the fact that the publishers of the U.M.C. have many more years of experience publishing a Mechanical Code than the publishers of the I.M.C. The I.M.C. relies heavily on incorporating other codes and standards by reference. This makes the I.M.C. more cumbersome for the user and therefore more prone to mistakes and misunderstandings. Exactly the sorts of problem codes are designed to avoid. (9)

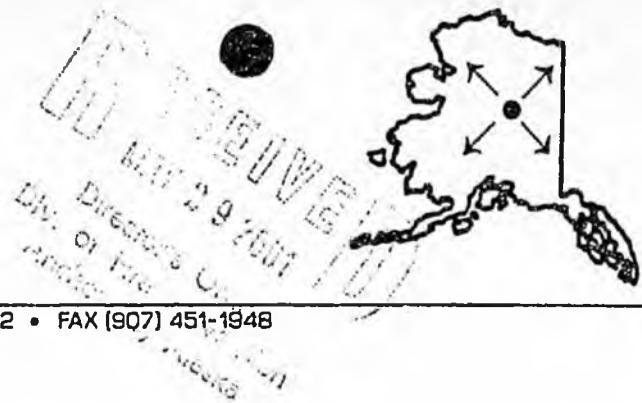
5. Since the Fire Marshal's proposed regulations already incorporate the 2000 Uniform Plumbing and 2000 Uniform Solar Energy Code, doesn't it make sense for him to adopt the 2000 Uniform Mechanical Code?
Then there would be an integrated family of Uniform Codes that cover all of the plumbing, heating and ventilation systems in a building. Considering that these Uniform Codes are superior to their International Code counterparts and that the installers (Plumbers, Pipe Fitters and Mechanical Administrators) are licensed (as required by statute) according to the Uniform Codes and are familiar with Uniform Codes it seems apparent that better, safer systems could be installed. (3)
To my knowledge, today there are no installers or mechanical administrators licensed per the International Mechanical Code in the State of Alaska. (12)
Once more we raise the question "What is the compelling reason to adopt the International Mechanical Code?"

6. LPG Facilities are prohibited in pits or basements and other specific locations by Section 1313.5 of the U.M.C. The 2000 I.M.C. does not contain any such restriction. (4)



7. Referenced Standards: Appendix A of the 2000 U.M.C. contains 7 U.M.C. standards. These standards based on nationally recognized standards are reproduced in their entirety in the U.M.C. The I.M.C. does not have any standards in it and only mentions them by reference. (3)
8. The I.M.C. reproduces text from other codes. As an example refer to Section 513 in the I.M.C. for Smoke Control systems. The U.M.C. does not use this approach. Section 513 of the I.M.C. reproduces portions of the I.B.C. and the I.F.C. for this section. I urge you to study Section 513 of the I.M.C. (3)
9. Chapter 11 Refrigeration:
There are several differences in this chapter. In size alone, the U.M.C. chapter is about double the size of the I.M.C. chapter. The reason is that the U.M.C., while keeping with its philosophy, has several prescriptive provisions so as to allow the user to have all the information needed in the chapter. The I.M.C. refers to both the I.C.C. Building and Fire Code extensively and defers to standards for requirements such as refrigerant control valves. The I.M.C. chapter requires access to several other documents for the user to comply with its provisions. (4)
10. Chapter 14 of the 2000 U.M.C. covers Process Piping. There is no equivalent chapter in the 2000 I.M.C. (4)
11. The U.M.C. 2000 has Appendix A, B, C and D. Appendix A contains 8 standards. Appendix B contains Fuel Gas Piping, Installation and Testing of Gas or Fuel Fired Equipment, Installation and Testing of Oil (liquid) Fuel Fired Equipment. Appendix C has sizing tables for venting systems. I.M.C. has 2 appendices - one for combustion air openings and one for chimney connector pass throughs. The I.M.C. has no provisions for Fuel Gas Piping. (4)

BRYAN F. BORJESSON, PE
CONSULTING
CIVIL ENGINEER



P.O. BOX 74715 • FAIRBANKS, ALASKA 99707 • (907) 451-4482 • FAX (907) 451-1948

May 25, 2001

Ross Fosberg
Code Adoption Coordinator
Department of Public Safety
Division of Fire Prevention
5700 East Tudor Road
Anchorage, AK 99507-1225

Dear Mr. Fosberg:

It has been called to my attention that your office is preparing to adopt a new Mechanical Code. It appears as though you are preparing to adopt the 2000 International Mechanical Code in lieu of the 2000 Uniform Mechanical Code.

Having utilized codes for the last nearly 50 years, I can offer a historical perspective as well as a current perspective as to why the International Mechanical Code should not be adopted and that we should continue with the Uniform Mechanical Code.

As you know codes evolve over time. The series of codes produced by the International Conference of Building Officials have been in use since prior to 1950. As is the case codes of this nature they evolve with time. Then stay up with innovations in the industries that they cover as well as fine tune provisions to avoid confrontation and legal actions as a result of contradictory interpretations. In addition, enforcement officials as well as the contractors and owners of structures come to understand and know the codes if not by studying them, then at least by the use of

industry standards that result from code usage. This knowledge and usage brings with it a uniformity in the field of code interpretation and usage.

Beginning in the early 1990's the Uniform Building Codes had their format changed to be in compliance with most other codes as far as the locations in the codes where certain work items are included. Just this simple change in the codes created enormous confusion and difficulty of use for a time period. Now most everyone in the industry is used to the change in format as well as the under signed and now the confrontation and adjudication processes are back to what they were before the change. The one area that was not changed when the format was changed was the actual contents of the codes themselves. Very little change has occurred other than the normal changes that are to update and upgrade the codes that happen periodically.

We have had an opportunity to go through the new International Mechanical Code and find that not only has the format changed but there are a great deal of other items that have changed. We believe it will be at least 10 to 15 years before these codes are truly tested through the courts and all of the confusion and arbitrariness removed and the full education of the user's is accomplished. I, personally, do not believe that we should have to go through this. I believe we should continue to use and adopt the Uniform series of codes for the next 2 cycles which is approximately 6 years and observe what is happening to the International Codes in other areas of the country. In other words, why should we be guinea pigs and suffer through all of the problems that everyone else is going to suffer through when we can simply avoid it by using a familiar and well known code into the near future and allow others to suffer the trials and tribulations of a new code system. I would suggest that this should be reviewed in approximately 6 years to see if the new International Code is 1) still in existence and 2) is providing the necessary protections for building owners and has been tested in court to eliminate those controversial portions which ultimately will be tested.

(8)

Another point that I would call to your attention is that in any given cycle, to adopt a complete series of new codes will act as a

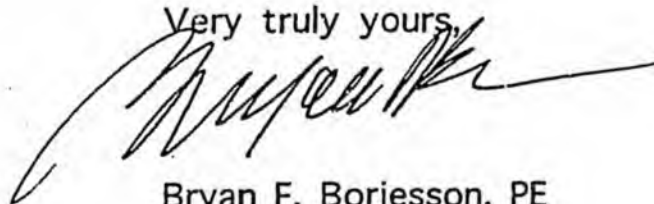
magnifier to the confusion, misinterpretation and actual misuse of the codes themselves. The various codes should be adopted one at a time so that the magnitude of the change is greatly reduced allowing the user's of the codes to become educated and get used to the changes in format and requirements.

As a Forensic Engineer I testify often in court cases involving codes, their interpretations and applications. I would hate to think of going to court with a new code, trying to interpret it and to show both the judge and a jury that its applications are proper and fair to all concerned. Only if this code has been tried and tested in the field and its applications well known by everyone would I feel comfortable in a court of law offering an opinion on a particular incident as to its correct application.

I strongly recommend that consideration be given to maintaining the series of Uniform Building Codes for at least the next 2 cycles until the International Codes have been tried and tested in the field and found usable.

This concludes my remarks. I appreciate your taking the time to read my letter and hope that it may be of assistance in the determination of which codes to adopt.

Very truly yours,



Bryan F. Borjesson, PE

CC: MCA, E. Rutland
P. O. Box 74796
Fairbanks, AK 99707

BFB:bjh
bfb99.1 Code Adoption Response

A VIKING MECHANICAL, Inc.
Post Office Box 230804
Anchorage, Alaska 99523-0804

Phone: 907-346-8384
Fax: 907-346-2153
E-mail: avm@gci.net

May 29, 2001

Office of the Governor
Tony Knowles, Governor
State Capitol, Third Floor
Post Office Box 110001
Juneau, Alaska 99811-0001

RECEIVED
MAY 31 2001
Director's Office
Div. of Fire Prevention
Anchorage, Alaska

Dear Governor Knowles:

RE: Alaska State Fire Marshal's proposed regulation changes in Title 13AAC 50.023
Mechanical Code

I am writing to protest the Alaska State Fire Marshal's proposed regulation changes in Title 13AAC 50.023 Mechanical Code. He has proposed to repeal the 1997 Uniform Mechanical Code (UMC) and adopt the 2000 International Mechanical Code (IMC). I am concerned that the Fire Marshal is repealing a code which has served this state well for many years and is substituting a code that has no track record, especially in the area of life safety.

I am dismayed at the process by which this code change has occurred. I responded in writing to the proposed changes last fall and received no reply. I also made three phone calls to Mr. Ross Fosberg's office; my calls were not returned. In addition, Ross Fosberg was a guest at the Anchorage Mechanical Contractors Association meeting on May 7, 2001. At this meeting, Mr. Fosberg explained that because of mistakes in the advertising process, public comment had been extended until June 8. When I asked if he would entertain suggestions concerning the adoption of the 2000 UMC instead of the 2000 IMC, he stated that it was merely a formality and that the adoption of the IMC was a "done deal." He went on to say that he would only review comments on the IMC, and that any comment concerning keeping the UMC would be a wasted effort. I question how this can be considered a fair process if the Fire Marshal chooses to ignore any comment that encourages keeping the UMC in place. I also question why Mechanical Administrators were not represented on the board which chose to review the IMC over the UMC. This committee was composed entirely of public officials and engineers. It is certain that the State of Alaska is looking at legal challenges to its arbitrary implementation of the IMC when it ignores the input of licenced administrators - by far, the group most affected by this change. (2)

As a licenced Mechanical Administrator in the State of Alaska, I utilize the UMC daily and have complete confidence that any work my company performs in accordance with the UMC is to a nationally recognized standard. The IMC contains a disclaimer under Maintenance in the Preface of the code which states that the organizations and their members participating in the development of this code "do not accept any liability resulting from compliance or noncompliance with the provisions." The UMC contains no such disclaimer. I am gravely concerned with the legal ramifications of working under a code that accepts no responsibility for what it embodies. It is no wonder that the UMC is used either in total or as the basis of code in the majority of the United States. (7)

Tony Knowles, Governor

- 2 -

May 29, 2001

The State of Alaska requires that all Mechanical Administrators be licensed by statute to the UMC. In addition, the State of Alaska under 12AAC 39.410 requires that Mechanical Administrators document continuing education for the UMC. If the IMC is adopted, the State of Alaska will have to change its statutes to reflect the new code. It makes no sense for the State to adopt a code which lacks the support and confidence of the very people who utilize it. The Fire Marshal's proposed regulations already incorporate the 2000 Uniform Plumbing Code and 2000 Uniform Solar Energy Code. It only makes sense to adopt the 2000 Uniform Mechanical Code and keep the family of Uniform Codes complete. (6)

In closing, I would ask that you reassess the State of Alaska's position on this issue and adopt the 2000 Uniform Mechanical Code. At the very least, the entire process should begin anew to allow equal representation in the review process by all concerned in this proposed change.

Sincerely,



Don L. Crane, President
A Viking Mechanical, Inc.

Alaska Administrators Licence No. 100

cc: Ross Fosberg, Code Adoption Coordinator

May 23, 2001

OFFICE OF THE
MAY 31 2001
LIEUTENANT GOVERNOR

To: Fran Ulmer, Lieutenant Governor
Third Floor, State Capitol
P.O. Box 110001
Juneau, Alaska 99811-0001

From: Gary Hile, Chief Plumbing/Mechanical Inspector, Municipality of Anchorage

Re: Proposed adoption of the International Mechanical Code

Dear Lieutenant Governor Ulmer,

I am very concerned that the State Fire Marshal is considering adoption of the 2000 International Mechanical Code (IMC) in lieu of the 2000 Uniform Mechanical Code (UMC). The State of Alaska and the Municipality of Anchorage have used the UMC since 1964. I question why the State is considering adopting a new document that is essentially unproven. The IMC has only been in existence since 1997, whereas the UMC has been printed since 1964. The UMC has served us well over the years. Engineers, Plan Reviewers, Inspectors, Contractors, and Installers are all familiar with the provisions of the UMC. It has proven to be reliable, user-friendly and most importantly it has maintained a high standard of safety.

The UMC is a turnkey document. All the information needed to install a mechanical system is included in the document. The IMC requires an individual to reference several other documents to achieve the same goal. The additional documents would only add confusion and cost. Most all journeymen have been trained utilizing the UMC. If the IMC were adopted, several training facilities and apprenticeship programs would have to rewrite their courses. The State and Municipal tests would have to be rewritten at great time and expense.

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There are some individuals that have concern that the UMC will not harmonize with the International Building Code. The California Building Standards Commission spent several months investigating this issue, and concluded that there are no appreciable conflicts, other than a couple of


definitions. After several months of evaluating the International Codes, the State of California opted not to adopt the International Codes and elected to continue to use the Uniform Codes. They also elected to continue using the older 1997 Uniform Building Code, instead of adopting the newer 2000 International Building Code. I believe their decision was based on the same concerns that I have in reference to safety and user friendliness.

Another issue to take into consideration is the process used in the adoption of code changes to existing codes. The UMC and the Uniform Plumbing Code (UPC) are now created in cooperation with the National Fire Protection Association (NFPA), using the American Standards Institute (ANSI) process. The ANSI process is the only true open consensus process, where anybody and everybody have a vote. The IMC restricts voting privileges to member Government Officials only. Shouldn't the end user, the public, have a voice and a vote on which codes are adopted?

I do not know of any compelling reasons or justifications to adopt a new Mechanical Code (IMC), when we currently have an excellent Mechanical Code (UMC) already in place. I urge you to please do everything in your power to overturn the State Fire Marshal's decision to adopt the IMC. I do not believe his intentions are in the best interest of the public. He may be very knowledgeable on Fire Codes, but I believe I have more expertise in relation to Mechanical Codes and it is my opinion that the UMC is far superior to the IMC.

Please feel free to call me if you have any questions that I may be able to clarify. I have enclosed my business card.

Respectfully,


Gary Hile
Chief Plumbing/Mechanical Inspector
Municipality of Anchorage

Key Mechanical Co.

of Washington

Contractors

19430 68TH AVENUE SOUTH, SUITE B • KENT, WASHINGTON 98032
#KEYMEW*240 NZ:WA #0093479:OR #20901:AK

(253) 872-7392
FAX (253) 872-7398

June 8, 2001

Mr. Ross Fosberg
CODE ADOPTION COORDINATOR
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF FIRE PREVENTION
5700 E. Tudor Road
Anchorage, AK 99507-1225

RECEIVED
JUN 8 2001
Director's Office
DIV. OF FIRE PREVENTION
ANCHORAGE, AK

SUBJECT: UNIFORM MECHANICAL CODE

Dear Mr. Fosberg:

Key Mechanical as a Company, and I as an individual, are strongly opposed to the adoption of the International Mechanical Code. Key Mechanical would spend enormous amounts of money and time to become skilled at a new mechanical code that will not provide any increased protection to the public at large. In fact using the two codes proposed, (2000 INTERNATIONAL MECHANICAL CODE and 2000 UNIFORM MECHANICAL CODE) in the way the Fire Marshal proposes results in less protection to the public.

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We are presently renewing our Mechanical Administrators License by reviewing changes in the 2000 Uniform Mechanical Code. Why are we being asked to do this? What is the reason to adopt the International Mechanical Code?

We see no positive reason in adopting the International Mechanical Code. The Uniform Mechanical Code is prescriptive in its approach. It is a much more descriptive stand-alone document. The International Mechanical Code refers to standard in the ICC Building and fire codes. Thus, we would have to become versant in other code documents due to the adoption of the International Mechanical Code.


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The Uniform Mechanical Code has served the industry well for many decades. We see no compelling reasons to, "...fix what is not broken."

Respectfully,

KEY MECHANICAL CO. OF WASHINGTON

Frank W. Leonard 

Frank W. Leonard, President
FWL.mmp

Providing Superior Service Since 1975

Cc: OFFICE OF THE GOVERNOR
Tony Knowels, Governor
Third Floor, State Capital
P. O. Box 110001
Juneau, AK 99811-0001

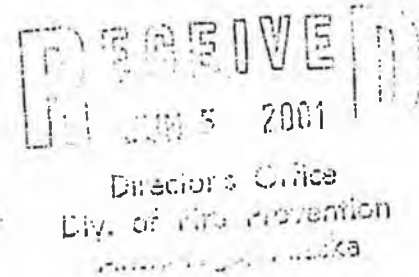
MECHANICAL CONTRACTORS OF ALASKA
Eugene R. Rutland, Executive Director
P. O. Box 74796
Fairbanks, AK 99707-4796

ANCHORAGE PLUMBING & HEATING, INC.

P.O. BOX 201563 ANCHORAGE, ALASKA 99520
(907) 349-6620 FAX (907) 349-0754

June 4, 2001

Ross Fosberg, Code Adoption Coordinator
Department of Public Safety
Division of Fire Prevention
5700 East Tudor Rd
Anchorage, Alaska 99507-1225



Dear Sir or Madam:

We are writing this letter to express our disappointment in the proposed change from the Uniform Mechanical Code UMC, a code which has served the state of Alaska and the Municipality of Anchorage well for over 40 years, to the International Mechanical Code IMC. A code that wasn't even published until 1997, has no track record, has never been used in Anchorage, or anywhere in Alaska, and is only used in a couple of states in the whole United States.

Anchorage Plumbing & Heating is a company that readily accepts change when the advantages of doing so are realized. So we went to work trying to find a logical reason why changing would be a good idea.

As we began comparing the two codes, we first thought maybe whoever was making this decision felt the International Mechanical Code was easier to use and understand than the Uniform Mechanical Code. As we leafed through the IMC, the idea of easier became laughable as we found no less than 100 times that it referred to other publications for the information needed. This means as a contractor we would have to purchase and carry volumes of other publications, manuals, and reference materials to do what we can now do with one book.

Ok, so maybe the IMC does a better job of addressing safety than the Uniform Mechanical Code we thought. Not even close! Just one example of many, is non-vented furnaces. This type of gas fired furnace uses mechanical devices to ensure that the deadly gas Carbon Monoxide is not being poured into the dwelling. The IMC accepts these appliances as safe. The Uniform Mechanical Code on the other hand does not allow them to be installed. Perhaps we could find a NASA engineer, one who worked on the Challenger space shuttle to break the tie by telling us whether it's possible for a mechanical device to fail. We wouldn't install them in our homes, and it's a sure bet that given the facts you wouldn't either, but a building contractor given a chance to save a couple hundred dollars by not installing a vent would likely pick this choice every time.

So we think we have stumbled onto someone's justification for changing... MONEY!

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ANCHORAGE PLUMBING & HEATING, INC.

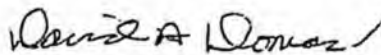
P.O. BOX 201563 ANCHORAGE, ALASKA 99520
(907) 349-6620 FAX (907) 349-0754

It is our opinion that the IMC is written in a way that saves builders money by compromising standards associated with safety. It has become a political issue and the focus on protecting our fellow Alaskans will now take a back seat to the building industry making a buck. (5)

Equally as troubling is how this issue is being handled. When concerned contractors in our industry have called the people whose job it is to make the decision to keep the Uniform Mechanical Code or change to the IMC, they have been told that "although it is open for public comment, you can save your breath, because nothing anyone says will change anything. The decision has already been made." It seems that when you have several contractors who stand to make more revenue if the new code is adopted, all saying don't adopt the new code in the name of safety. And all the while the decision makers are plugging their ears saying "we don't have to listen to you", we are on a crash course for disaster. It's like the deck chair salesman on the Titanic telling the owners, "I know I could sell you a couple hundred more chairs, but are you sure you wouldn't rather use this area for a couple more life boats instead?" (2)

When it comes to public safety, let's keep politics out of it and make the safety of our citizens the driving force when deciding which code best serves our community. We need to reinstate the Uniform Mechanical Code. Any help in this matter will be greatly appreciated

Sincerely,



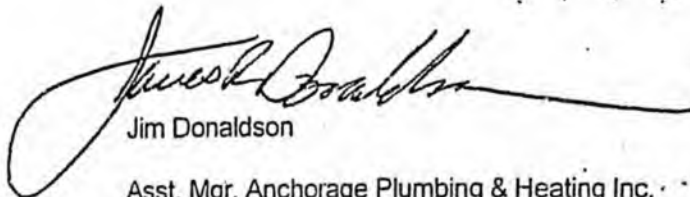
Dave Domas

Owner, Anchorage Plumbing & Heating Inc.



Jerry Brawn

Mgr. Anchorage Plumbing & Heating Inc.



Jim Donaldson

Asst. Mgr. Anchorage Plumbing & Heating Inc.

CC. Tony Knowles, Governor

Eugene Rutland



BITTNER PLUMBING & HEATING, INC.

SERVING ALASKA SINCE 1963
648 E. DOWLING ROAD, #102 ANCHORAGE, ALASKA 99518
(907) 561-8822 FAX (907) 561-8184

May 21, 2001

OFFICE OF THE GOVERNOR
Tony Knowles, Governor
Third Floor, State Capitol
P. O. Box 110001
Juneau, Alaska 99811-1001

RECEIVED
MAY 9 12 01
Director's Office
Div. of Fire Prevention
Anchorage, Alaska

Dear Governor Knowles,

Re: Uniform Mechanical Code vs. International
Mechanical Code

I am an Alaska licensed Mechanical Contractor and a Mechanical Administrator . I started my business in 1963 and I have many years of experience with the Codes and Code changes. I recently served on the code review committee.

I have been informed the Alaska State Fire Marshal proposes to adopt regulation changes in Title 13AAC 50.023 Mechanical Code. He proposes to repeal the 1997 Uniform Mechanical Code and adopt the 2000 International Mechanical Code.

I am opposed to the adoption of the 2000 International Mechanical Code. The 2000 Uniform Plumbing Code has been adopted by the Alaska Department of Labor. My Mechanical Administrator License is based, by statute, on the Uniform Plumbing Code and the Uniform Mechanical Code which are coordinated and integrated to provide codes for all mechanical systems within a building to assure the public of safe installations. (6)

I have confidence based on experience in the Uniform Mechanical Code and why should we spend time and money to become skilled in a new mechanical code that is not going to provide the public with any increased protection.

Since the Fire Marshal's proposed regulations already incorporate the 2000 Uniform Plumbing and 2000 Uniform Solar Energy Code, doesn't it make sense for him to adopt the 2000 Uniform Mechanical Code? Then there would be an integrated family of Uniform Codes that cover all of the plumbing, heating and ventilation systems in a building. Considering that these Uniform Codes are superior to their International Code counterparts and that the installers (Plumbers, Pipe Fitters and Mechanical Administrators) are licensed (as required by statute) according to the Uniform Codes and are familiar with Uniform Codes, it seems apparent that better, safer systems could be (1)

installed. I am not aware of any installers or mechanical administrators licensed per the International Mechanical Code in the State of Alaska.

The code users currently using the 1997 U.M.C. will find it a relatively smooth transition to the 2000 U.M.C. in comparison to adopting the I.M.C. It is clear from comparing the size of the two books that the U.M.C. 2000 is significantly more prescriptive in its approach. The 2000 I.M.C. consists of 110 pages and the 2000 U.M.C. consists of 284 pages. The 2000 U.M.C. is a much more descriptive, stand-alone document. Part of the difference in size is probably due to the fact that the publishers of the U.M.C. have many more years of experience publishing a Mechanical Code than the publishers of the I.M.C. The I.M.C. relies heavily on incorporating other codes and standards by reference. This makes the I.M.C. more cumbersome for the user and therefore more prone to mistakes and misunderstandings which are exactly the sorts of problems codes are designed to avoid.

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My question, therefore, is "What is the compelling reason to adopt the International Mechanical Code?"

(12)

Sincerely yours,



Paul J. Bittner, President
Bittner Plumbing and Heating, Inc.

Cc: Ross Fosberg, Code Adoption Coordinator
Department of Public Safety
Division of Fire Prevention
5700 East Tudor Road
Anchorage, Alaska 99507-1225

Medical License # 619
A104 4 19

CASSIDY'S PLUMBING & HEATING
P O BOX 112278
ANCHORAGE, AK 99511-2278
(907) 522-8126
FAX (907) 522-8590

June 1, 2001

Mr. Ross Fosberg
Code Adoption Coordinator
Division of Public Safety
Division of Fire Protection
5700 East Tudor Road
Anchorage, AK 99507-1225

RECEIVED
JUN 5 2001
Director's Office
Div. of Fire Prevention
Anchorage, Alaska

Re: Proposed Adoption of 2000 International Mechanical Code

Dear Mr. Fosberg:

It has just recently come to my attention your plan to adopt the 2000 International Mechanical Code ("IMC") in place of the 1997/2000 Uniform Mechanical Code ("UMC") currently in effect.

My investigation of the IMC raises serious concerns for public health and safety in our community if in fact adopted. My initial concerns are first; current UMC Section 1313.5 prohibits LPG facilities in pits or basements in order to prevent hazardous explosive conditions. IMC contains no such restrictions. (4)

Furthermore, the 2000 UMC has Appendices A, B, C, and D. Appendix A contains 8 standards. Appendix B contains fuel gas piping, installation and testing of gas or fuel fired equipment, and installation and testing of oil (liquid) fuel fired equipment. Appendix C contains sizing tables for venting systems. The IMC contains two; one for combustion air openings and one for chimney connector pass throughs. The IMC contains no provisions for fuel gas piping. (4)

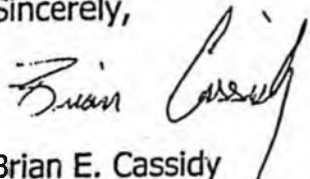
These two points alone, in my opinion, cause serious concern to public safety issues in the hands of uneducated unscrupulous contractors with only the IMC to follow. (5)

Mr. Ross Fosberg
Code Adoption Coordinator
Division of Public Safety
Division of Fire Protection
June 1, 2001
Page Two

Furthermore, the current UMC book, as adopted today, is a stand-alone document. A contractor equipped with this book has to look no further to answer questions. The IMC document heavily references other codes and standards, meaning a contractor would need a virtual library of reference materials to do his job correctly. All this will undoubtedly lead to misunderstandings and mistakes, with possibly life threatening results. (3)

In conclusion, I see no possible benefits to adopting a new, less restrictive, code in place of the current UMC, but rather, the possibility of less protection to the public at large. I personally see this as a step backward in the progress of our state of Alaska. I would urge all those involved reconsidering the adoption of the IMC and continuing to use the UMC currently in place.

Sincerely,



Brian E. Cassidy
Mechanical Administrator

Ccs: Office of the Governor
Tony Knowles, Governor
Third Floor, State Capitol
P O Box 110001
Juneau, AK 99811-0001

Eugene R. Rutland, Executive Director
Mechanical Contractors of Alaska, Inc.
P O Box 74796
Fairbanks, AK 99707-4796

WHEELER MECHANICAL, INC.
19535 FIRST STREET
EAGLE RIVER, AK 99577-7104

PHONE 907-696-7326

FAX 907-696-5718

PAGER 267-7695

June 8, 2001

Gary Powell
 Alaska State Fire Marshall
 5700 E Tudor Road
 Anchorage, AK 99507-1225

RECEIVED
 JUN 8 2001
 Director's Office
 Div. of Fire Prevention
 Anchorage, Alaska

RE: Opposition to adoption of The International Mechanical Code

Mr. Powell,

I am the owner of Wheeler Mechanical Plumbing and Heating, Inc. Our work involves commercial and residential plumbing, heating, gas piping, and processed piping in the Anchorage Bowl Area, as well as, other communities through the State of Alaska.

It has been brought to my attention, this week that the State of Alaska is on the verge of dropping the Uniformed Mechanical Code and replacing it with, by it's own admission, a far less prescriptive code, the International Mechanical Code.

I have many concerns involving this code, but the two that I find immediately alarming are:

- 1) I find it incredibly frustrating that a decision as important as the deletion of one entire code and replacing it with a drastically different code would be pushed through the political process without even one public hearing or the inclusion of the men and women of these trades in the process.
 It appears that while the State accepts the ideas of engineers, architects, and building officials, it did not deem the input from the actual people in these prospective trades that do the hands on installations as important enough to include them in the process.
- 2) The Uniform Mechanical Code has been used in the State of Alaska from statehood to the present and is as important a tool in the field as a pipe wrench, soldering torch or a power tool. My employees continually use this book as well as the Uniform Plumbing Code book on a daily Basis.

The International Code Book while having vast reference material in it is not a code book that my employees could use in the field without carrying all the reference material described in this new code book.

The International Code Book, to my knowledge, has not address the licensing or training that is needed in this to bring all the people involved up to speed so that quality workmanship can continue not to mention the incredible expense to all to get this training.

In the past couple of days after learning of this decision by you as the State Fire Marshall, I have questioned many people in the Mechanical Trades, as well as the Mechanical Inspectors. I have yet to find one individual working the mechanical trades that agrees with a complete change of this code.

On the other hand many understood the need to tweak and fine tune the Uniformed Mechanical Code to meet the needs of other codes that work in unison with this code book.

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Page 2 of 2
June 8, 2001
Gary Powell

I would ask all parties involved to postpone this decision until such time as the Mechanical Trades people can be heard in this process. And that proper information is disbursed to all, so that an educated decision can be made by and for the people of Alaska, with regards to health, life, and safety.

I would be very happy to discuss these matters in more detail any time you could make yourself available. My office phone number is 907-696-7326, or my cell number is 907-360-2185.

Respectfully



Michael R. Wheeler
President
Wheeler Mechanical, Inc.

Cc: Governor Tony Knowles
Lt. Governor Fran Ulmer
Commissioner Glenn Godfrey



Mailing: P.O. Box 60067 • Fairbanks, Alaska 99706-0067
Physical: 2225 Van Horn Road • Fairbanks, Alaska 99701
Phone: (907) 452-1831 • Fax: (907) 456-3493 • Email: westmech.com
Contractor Registration #333 • Business License #014458

May 9, 2001

State of Alaska
Department of Public Safety
Division of Fire Prevention
5700 East Tudor Road
Anchorage, AK 99507-1225

Attn: Ross Fosberg, Code Adoption Coordinator

Subject: Proposed Adoption of Regulation Changes

Gentlemen:



Thank you for providing notice of the proposed adoption of regulation changes in Title 13 of the Alaska Administrative Code. I offer the following comments.

13 AAC 50.023 Mechanical Code: I am opposed to adoption of the International Mechanical Code 2000 Edition. The 2000 Edition of the Uniform Mechanical Code should be adopted to replace the 1997 Edition of the UMC.

- As a Mechanical Administrator I am licensed by statute to the Uniform Mechanical Code, not the International Mechanical Code. (6)
- I support the adoption of prescriptive Codes, because there is a much lower probability of misinterpretation of the Code requirements. (10)
- The IMC lacks requirements for fuel gas piping; installation and testing of gas- or fuel-fired equipment; installation and testing of oil-fired equipment. (4)
- The IMC appears to allow the installation of LPG systems within pits or basements. (11)
- There does not appear to be any compelling reason to replace the Uniform Mechanical Code, other than updating it to the current edition. (12)