



OCTOBER 2020 MONTHLY ACTIVITY REPORT

Model Code Language

This model code would affect multi-residential structures built with light-frame wood (4-7 stories, defined as:

- Light-frame: Vertical, horizontal, and/or load-bearing elements are primarily made from combustible materials, including all wood truss and joist construction.
- Multi-residential: R-occupancy structures containing more than two sleeping or dwelling units. This covers apartments, hotels, and multi-use buildings with residential units, etc.
- Single-family dwellings and townhouses are exempt, were townhouses are defined as three or more adjacent but separated units, which extend foundation-to-roof and are open on at least two sides each.

Proposed Model Code Language:

- Height and story limits.
- Unprotected framing: 3 stories or 60 feet.
- Protected framing: 4 stories or 70 feet.
- Story height must be measured from grade plane. This means the use of non-combustible pedestals/podiums on otherwise combustible buildings no longer allows them to go above height limits for their materials
- NFPA 13 Sprinkler Protection. This is an upgrade from the current requirement for NFPA 13-R (residential), which leaves concealed spaces (between walls, attics, etc.) unprotected.

- Fire partitions, horizontal assemblies, and fire walls. All must be non-combustible or fire-retardant treated wood. Fire partitions and horizontal assemblies must be rated at one hour of fire resistance, and fire walls must be rated at two hours.
- In structures with five or more sleeping/dwelling units, horizontal assemblies don't create separate structures for the purposes of height limits, area limits, continuity of firewalls, or construction type.
- Fire watch. From the beginning of construction to the installation of sprinklers and certificate of occupancy, whenever construction work is not underway. The developer or owner is responsible for hiring and training the fire watch warden to inspect, patrol, and report weekly on potential fire safety threats.
- Fire watch wardens can be active or retired firefighters, fire inspectors/marshals, building trades council members, police officers, first responders, code officials, or certified security guards.

Signage indicating building material. An 8x11 white placard with large, bold letters must be displayed prominently within 10 feet of the entrance, with a description of the building material in this format: "Load-bearing light-framed combustible walls serve as the primary structural system of this structure".

This measure is product-neutral, so other building materials would display appropriate descriptions, such as "load-bearing concrete walls," structural steel frame," or "fire-treated lumber".



A COALITION OF THE NATIONAL READY MIXED CONCRETE ASSOCIATION

- “Building a Safer Los Angeles” expands Fire District 1, which has the strongest fire safety regulations, to cover all areas within the city covered by the state of California’s Very High Fire Severity Zone, the city’s High Wind Velocity Zone, and population centers with a density of at least 5,000 residents per square mile.
- As in New Jersey and Philadelphia, our coalition has the support of the main building trades union groups. Recently, we have garnered the full support of the Carpenters/Contractors Cooperation Committee (statewide) and the LA Building Trades with outreach.
- On December 3rd, 2019 the Los Angeles Planning and Land-Use Management (PLUM) committee voted 4-0 to pass the “Building a Safer Los Angeles” motion, sponsored by Councilmembers Bob Blumenfield and Monica Rodriguez. [Build With Strength has issued a press release](#) with details of the committee vote, as has [Councilmember Blumenfield](#).

Latest Actions

- Build With Strength anticipates the proposed ordinance will be heard by the Public Safety committee this fall. If the ordinance passes the committee as expected, its positive votes from the Public Safety and Planning and Land-Use Management (PLUM) committees will represent a majority of the City Council as a whole.
- A fire recently destroyed a 61-unit apartment complex under construction for low-income families and veterans, damaging nearby structures and displacing several community members. Michael McDowell, a Build With Strength coalition member and President/CEO of the Valor Club USA is quoted in a [Build With Strength press release](#):

“As someone who has invested a significant portion of their life to veterans housing, the news of the East Los Angeles project is truly devastating... The Los Angeles City Council has an opportunity to ensure that something like this doesn’t happen again. Low income and veterans housing should be built safely and affordably with non-combustible materials.”

- Our coalition continues its outreach to Los Angeles’ 99 neighborhood councils. Several large neighborhood councils have expressed support, and we expect that supporting councils will file letters with the city council in support of our proposed ordinance. Most recently, the coalition met with Silverlake Neighborhood Council, represented by Councilman David Ryu, and anticipates the council’s support for *Building a Safer Los Angeles*.



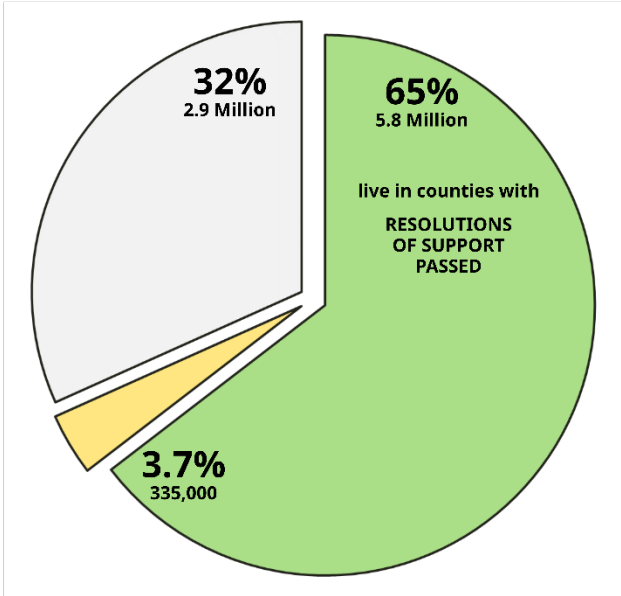
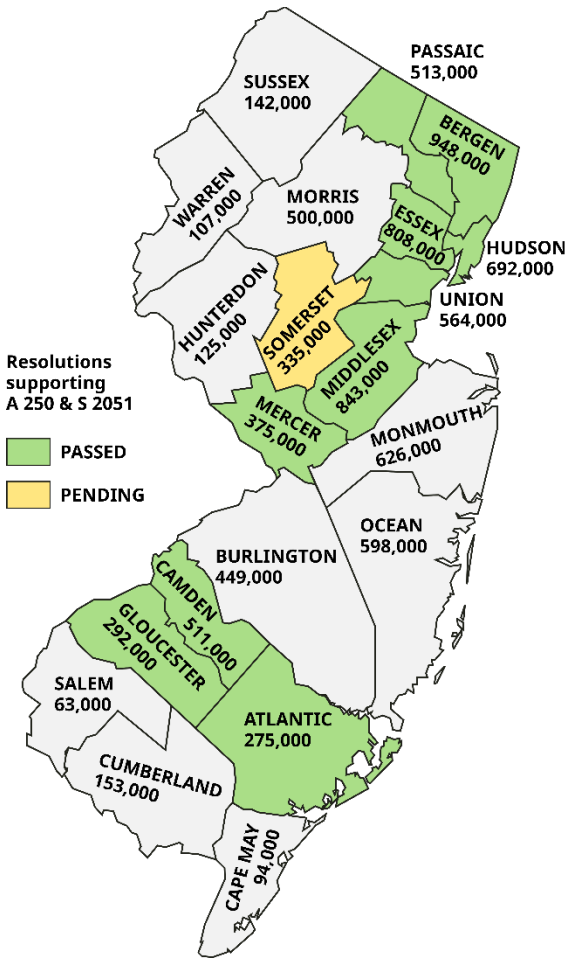
A COALITION OF THE NATIONAL READY MIXED CONCRETE ASSOCIATION

- Bill A 250 & S 2051 will amend the state code with our fire safety bill language. The bill has the public support of Senate President Steve Sweeney, Senate Majority Leader Loretta Weinberg (sponsor), Assembly Speaker Craig Coughlin, and Deputy Speaker Wayne DeAngelo (sponsor).
- All major building trades unions have now joined a Build With Strength coalition in support of the bills: contractors, carpenters, teamsters, bricklayers, IUPAT/painters, electrical workers, pipe- and sprinkler-fitters, and more.
- Resolutions of support for our legislation have been passed by 10 counties' boards of freeholders, representing 5.8 million people, equal to 65% of the population of New Jersey.
- See the Build With Strength [New Jersey webpage](#), highlighting news stories and analysis that support the need for comprehensive fire safety in the state.
- On August 21st, a massive fire severely damaged an apartment complex in Somerville, NJ, located in Somerset county. [Build With Strength authored a press release](#) highlighting the need for legislation to address fire safety.

Latest Actions

- Build With Strength welcomes five new sponsors of S 2051: Senator Christopher “Kip” Bateman (R), Senator Nilsa I. Cruz-Perez (D), Senator Nia H. Gill Esq. (D), Senator Nellie Pou (D), and Senate President pro tempore M. Teresa Ruiz (D). The bill has bipartisan support from two primary sponsors and eight cosponsors from both parties.
- S 2051 was referred to the Senate Community and Urban Affairs Committee. The chair of that committee, Senator Troy Singleton, is a co-sponsor of the bill, and another committee member, Senator Brian Stack, is a primary sponsor. We anticipate that the bill will be heard shortly in an upcoming committee meeting on November 9th, 2020.

NEW JERSEY SUPPORTS BILL A 250 & S 2051 FOR FIRE SAFE BUILDING



We anticipate the support of at least 11 counties, representing over 6 million people, equal to over 70% of the population of New Jersey

Resolutions of support passed for A 250 & S 2051:

By counties:

- [Atlantic](#)
- [Bergen](#)
- [Camden](#)
- [Essex](#)
- [Gloucester](#)
- [Hudson](#)
- [Mercer](#)
- [Middlesex](#)
- [Passaic](#)
- [Union](#)

By cities:

- [Edgewater](#) Borough (in Bergen County)
- [Maplewood](#) Township (in Essex County)
- [Wall](#) Township (in Monmouth County)





- [Bill H 3844 and S 1799](#) will direct the Board of Building Regulations and Standards (BBRS) to amend the state code with our fire safety bill language.
- Massive fires have struck Massachusetts' wood residential buildings in recent years, including [the 264-unit Edison on the Charles apartment complex in Waltham](#), and [the 83-unit, \\$45 million Treadmark building in Dorchester](#). Both buildings burned in 2017 while under construction, while the unprotected framing of a wood building is especially vulnerable.
- The Joint Public Safety and Homeland Security Committee has unanimously passed both the House and Senate bills through their first reading vote.
- See the Build With Strength [Massachusetts webpage](#), highlighting news stories and analysis that support the need for comprehensive fire safety in the Commonwealth.

Latest Actions

- Build With Strength is pursuing a coalition-building strategy that includes building trades unions, fire fighter groups, community organizations representing Massachusetts residents, chambers of commerce, affordable housing groups, and social justice organizations. Build With Strength is currently seeking new coalition members from among these groups, who have not yet joined the campaign.
- Letters of support for both bills have been submitted to the House and Senate Ways and Means Committees by the following coalition partners:
 - [International Union of Operating Engineers \(IUOE\) Local 4](#), representing the Commonwealth of Massachusetts
 - [Mason Contractors Association of Massachusetts \(MCAM\)](#)
 - [New England Concrete Manufacturers Association \(NECMA\)](#)



A COALITION OF THE NATIONAL READY MIXED CONCRETE ASSOCIATION

- Our fire safety model legislation is planned for introduction in Philadelphia and supported by a broad-based coalition of building trades unions, community organizations representing Philadelphia residents, fire fighter groups, chambers of commerce, business associations, and affordable housing groups. This coalition includes the [AFL/CIO](#), [Philadelphia Building Trades Council](#), and [Philadelphia Fire Fighters' and Paramedics' Union](#).
- Build With Strength is pursuing this ordinance in the form of a city-wide fire district with stricter fire safety regulations, similar to New York City, Chicago, and the proposed ordinance in Los Angeles.
- NRMCA staff has met with many city council members and secured their support for upcoming fire safety legislation.
- See the Build With Strength [Philadelphia webpage](#), highlighting news stories and analysis that support the need for comprehensive fire safety in the city.

Latest Actions

- Immediately following the election, Build With Strength is meeting with our coalition partners and City Council to advance our model fire safety legislation, as either a bill in the city council or an administrative rule from the Fire Commissioner. The Building Trades Council recently held a meeting, and voted that the Build With Strength campaign was their number one priority for this fall's City Council actions.

ONGOING LEGISLATIVE EFFORTS

42 WINS	12 ONGOING EFFORTS	4 LOSSES
1 Supported Bill Passed 2 Opposed Bills Defeated	3 Bills Supported	3 Supported Bills Failed Sine Die 1 Supported Bill Vetoed
1 Supported Code Change Passed	4 Code/Standard Changes Supported 2 Code/Standard Changes Monitored 2 Code/Standard Changes Opposed	
1 Local Resolution (see p. 8)	1 Local Incentive Supported	
37 "Construction is Essential" Declarations (see p. 1)		

CALIFORNIA – 1 bill

AB 3164

Status: Vetoed by Governor - LOSS

Position: SUPPORT

Summary:

This bill requires the development of a wildland-urban interface risk model to determine the risk for communities or parcels in specified wildfire hazard zones. The bill will help the state and its communities prepare for wildfires and prioritize the use of wildfire prevention and mitigation funds. It also calls for an update of the model and guidelines when fire severity zones are revised.

The bill passed both houses, but was vetoed by Governor Gavin Newsom on September 29th, 2020.

Actions:

Build With Strength submitted a letter of support to the bill's sponsors and key committees.

COLORADO – 1 bill

SB 20-159

Status: Held until 2021 session - **WIN**

Position: **OPPOSE** unless amended

Summary:

This bill would require contractors to develop facility-specific Environmental Product Declarations (EPDs) for building materials, including concrete, to participate in public project bids, and the global warming potential (GWP) calculated for each material would be required to meet a maximum limit based on an industry average. This is similar to “Buy Clean” legislation. See NRMCA.org for reasons Build With Strength opposes “Buy Clean”.

Build With Strength would seek significant amendments to the bill in order to support it.

Actions:

Build With Strength worked with the state affiliate to develop a testimony focusing on the bill’s major shortcomings. The bill was laid over (held) until the end of the 2020 legislative session, allowing time to work with the sponsors on a favorably amended version of the bill.

GEORGIA – 1 bill

HB 1015

Status: Failed Sine Die - **LOSS**

Position: **SUPPORT**

Summary:

Under existing law, Georgia maintains a “carbon sequestration registry,” an optional registry for landowners and producers of crops or products that sequester atmospheric carbon. This by default includes all forest products. The registry is not used as the basis for subsidies, but may be in the future.

This bill amends that program by making “building materials” at large eligible for inclusion in the registry. This would allow concrete to compete with wood materials in this area, where it was previously not eligible. New technologies such as carbon mineralization allow carbon sequestration in concrete. A advisory committee created in the bill will establish technical details for sequestration reporting.

Actions:

The state affiliate provided guidance to the sponsor of the bill to encourage its introduction. Build With Strength and the state affiliate are prepared to support the bill in subsequent technical committees.

HAWAII – 2 bills

HB 1754 & SB 2128

Status: Failed Sine Die - **LOSS**

Position: **SUPPORT**

Summary:

This bill would require homebuilders of 1- and 2-family homes to provide a state-developed cost estimate for installation and maintenance of a sprinkler system.

The bill failed sine die at the end of Hawaii's legislative session on July 10th, 2020. It may be reintroduced in the 2020 legislative session.

Actions:

Build With Strength submitted testimony in support of this bill to chairs of the House Committee on Intrastate Commerce and the House Committee on Consumer Protection & Commerce.

HB 1761 & SB 2135

Status: Failed Sine Die - **LOSS**

Position: **SUPPORT**

Summary:

Existing law prevents any county government from adopting regulations that would require automatic fire sprinkler protection for one- and two-family homes. This bill would repeal that ban, allowing counties to pass regulations more stringent than the state code, requiring sprinklers in one- and two-family homes.

The bill failed sine die at the end of Hawaii's legislative session on July 10th, 2020. It may be reintroduced in the 2020 legislative session.

Actions:

Build With Strength submitted testimony in support of this bill to the chair of the House Committee on Consumer Protection & Commerce.

MAINE – 1 bill

LD 1280 (aka SP 400)

Status: Held without possibility of carryover - WIN

Position: OPPOSE

Summary:

This act, titled the "Buy American and Build Maine Act," requires all public agencies' construction projects (including reconstruction and repair) to purchase cement, iron, and steel from US manufacturers. Wood is not included in the materials that must be US-made. Exceptions are allowed if materials are not available or if they would increase the cost by an unreasonable amount. In Maine, this harms local members, who source cement for their concrete from Canada.

The bill was carried over from Maine's 2019 legislative session. In March 2020, the Maine Legislature ruled to adjourn mid-April due to COVID-19. The bill was carried over by a joint order to any future special session in 2020, but no special session was called. It cannot be carried over to 2021, as the 129th Legislature ends in 2020.

Actions:

Build With Strength has notified the state affiliate to be ready for action if the bill moves forward.

MASSACHUSETTS – 2 bills

S 2477

Status: In 1st Chamber

Position: SUPPORT

Summary:

This bill sets out a "next-gen climate policy," setting emissions reduction targets for every 5 years, beginning in 2025 and ending in 2050, as well as creating programs to help the state achieve those emissions reduction targets. One of these programs is a "net-zero stretch energy code". Within 1 year, the Department of Energy Resources, in consultation with the Board of Building Regulation and Standards (BBRS), must adopt the stretch code as an appendix to the state building code, which includes a definition of "net-zero building."

In Massachusetts, municipalities cannot amend codes to be more stringent than the state code, except by adopting a stretch code established on the state level. A more stringent stretch energy code already exists, and is adopted by a majority of the state's municipalities. This net zero stretch energy code represents an additional, even more stringent option for municipalities.

Actions:

Build With Strength has notified the state affiliate to be ready for action if the bill moves forward.

H 3997 “Greenworks” (formerly H 3897)**Status: In 2nd chamber****Position: SUPPORT****Summary:**

This bill appropriates \$1 billion and creates Greenworks, a sustainable/resilient infrastructure program under the Office of Energy and Environmental Affairs. \$705 million of its funding is set aside for the office to make grants to municipal governments. Municipalities can apply for Greenworks grants for the new construction or major improvements to existing public infrastructure that improve climate resiliency, reduces climate impact (including but not limited to carbon emissions), or implements energy efficiency measures.

Actions:

Build With Strength has notified the state affiliate to be ready for action if the bill moves forward.

MISSISSIPPI – 1 bill

SB 2709**Status: Passed - WIN****Position: SUPPORT****Summary:**

Existing law requires insurance companies to offer a discount or rate reduction to residential building owners who build new construction to hurricane- and windstorm-resistant standards, including the Fortified for Safer Living standard, or similar standards adopted by the insurance commissioner.

This bill extends the same benefits to commercial construction statewide, effective July 1, 2021.

Actions:

Build With Strength has worked with the state insurance commissioner to promote this issue, and has notified the state affiliate to prepare to support this bill.

The Senate bill, SB 2709, passed the Senate unanimously (51-0) on March 5th, 2020, and passed the House with minor amendments (116-3) on May 28th, 2020. It was signed by the governor on June 23rd, 2020.

PENNSYLVANIA – 1 bill

HB 2276

Status: In 1st Chamber – Labor and Industry Committee

Position: **SUPPORT**

Summary:

This bill clearly delineates responsibilities for different elements of concrete tests that are already required by existing law, and their related costs. It makes a testing agency hired by the building owner responsible for most phases of testing. Contractors are responsible for providing water, power, and on-site storage for test specimens, while the building owner's testing agency is responsible for the casting of test specimens, transportation to a lab, maintenance, final testing, and the reporting of results. This alleviates the cost burden that could previously be placed on contractors.

Actions:

Build With Strength and its state affiliate will support this bill as it moves forward.

CODES & STANDARDS

The International Code Council (ICC) amends its model codes on a three-year basis. With the publication on April 8, 2010 of the final action results from the Online Governmental Consensus Vote (OCGV), the changes to be implemented in the 2021 edition of the International Building Code (IBC) are completed and the new code cycle for changes to be implemented in the 2024 IBC will commence.

The process for revisions to building code provisions other than fire codes for the 2024 edition will take place over 2021 and 2022.

ICC 2024 Group A – 4 proposed code changes

The International Code Council (ICC) amends its model codes on a three-year basis. The code cycle for proposed changes to be implemented in the 2024 edition of the International Building Code (IBC) has commenced with Group A codes this year. Code changes proceed in phases, as outlined in the Group A Code Development schedule below. The Group B code development process will commence in 2021.

- Submission of code change proposals, in progress with submission deadline of January 11, 2021
- Committee hearings, scheduled April 11-21, 2021
- Public comment hearings, scheduled September 22-29, 2021
- Online Governmental Consensus Vote (OGCV), scheduled October 2021

These scheduled dates are anticipated to be extended slightly due to the 2021 Group B code appeals process, which recently concluded in the first week of October 2020.

A number of proposals are under development for submission as part of the 2024 Group A cycle and are highlighted below.

IBC 703.4

Status: Under evaluation by FCAC committee

Position: **SUPPORT**

Summary:

References ASCE/SEI 7 where performance-based structural fire design is applied for structural systems.

IBC 1402.5

Status: Under development in FCAC Exterior Wall Work Group

Position: **MONITOR**

Summary:

The proposal requires all exterior building cladding to be in compliance with the performance criteria of NFPA 285.

IBC 3302

Status: Under development in FCAC Construction Fire Safety Work Group

Position: **SUPPORT**

Summary:

Introduces fire safety daily site inspections for building under construction consistent with IFC 2021 code modifications.

IBC Appendix O

Status: Under development by BCAC committee

Position: **OPPOSE**

Summary:

References UL 3401 and requires UL certification for the design of 3D printed structures.

BUILDING STANDARDS – 1 standard

ASHRAE 189.1

Status: Revision under development

Position: **SUPPORT**

Summary:

Standard for the Design of High-Performance Green Buildings, except low-rise residential buildings. Revisions to Chapter 9: Materials & Resources are enhancing performance-based options, with more specific references to ASTM E2921 and comparative life-cycle analysis (LCA) assessments.

Actions:

Build With Strength is participating in working group meetings for ASHRAE 189.1.

FIRE STANDARDS – 4 standards

A number of referenced fire standards are currently under development or revision. The following is a summary of progress for selected referenced fire standards.

ACI/TMS 216.1

Status: Revision under development

Position: **SUPPORT**

Summary:

Code Requirements for Determining Fire Resistance of Concrete and Masonry Construction Assemblies. The next edition will support performance approaches to concrete fire design and analyses.

Actions:

Build With Strength is supporting the update of ACI/ TMS 216.1 as a participating ACI 216 Technical Committee Member.

ASTM WK 59635

Status: Unresolved negative votes. Under revision for re-ballot.

Position: **OPPOSE**

Summary:

New Standard Test Method for Determining Flammability of Exterior Wall Assemblies for Mass Timber Multi-Story Structures. As currently developed, will provide favorable test conditions for exterior wall assemblies for mass timber multi-story structures.

Actions:

Build With Strength and other concrete and masonry industry members submitted negative ballots in response to ASTM WK 59635. Negative ballots were discussed in virtual committee task group meetings in September 2020 with several persuasive arguments. The proposed standard will be reballotted.

NFPA 4 – Standard for Integrated Fire Protection and Life Safety System Testing

Status: Passed - **WIN**

Position: **SUPPORT**

Summary:

This code change amends the scope of the standard, so that the minimum testing requirements are applied equally to both active fire protect and life safety systems (such as sprinklers) and passive systems (such as fire barriers and fire walls). This results in a more balanced approach to fire protection.

Actions:

Build With Strength submitted a position statement in support of this amendment.

NFPA 285 Appendix B

Status: Under Development

Position: MONITOR

Summary:

Appendix B is the proposed Guide for Extensions of Results from Assemblies that Meet NFPA 285 Test Requirements. The Guide is under currently under development.

Actions:

Build With Strength is attending meetings of the and relevant task groups to monitor the ongoing development of this Appendix to the standard and evaluate BWS' position.

OTHER – 1 Incentive

Los Angeles Department of Water & Power (LADWP) Custom Performance Program (CPP)

Status: Proposal Review

Position: SUPPORT

Summary:

LADWP offers rebates for the installation of various energy efficiency measures through the CPP. NRMCA developed a rebate for the reduction of embodied carbon in building materials. The rebate takes the form of a one-time payment based on the reduction in global warming potential (GWP), calculated by environmental product declarations (EPDs).

Actions:

NRMCA developed and proposed this change, which would favorably reward concrete for energy efficiency.