



February 4, 2020

International Code Council
500 New Jersey Avenue, NW
Sixth Floor
Washington, DC 20001
t: 888.ICC.SAFE (422.7233)
t: 202.370.1800
f: 202.783.2348
www.iccsafe.org

Senator Jeff Golden

Chair, Senate Committee on Wildfire Reduction and Recovery

900 Court Street NE

Suite 421

Salem, OR 97301

RE: SENATE BILL 1536

Dear Senator Golden,

The International Code Council is a member-focused non-profit association dedicated to building safety and sustainability and we are proud to count many of Oregon's local jurisdictions and more than 1,930 Oregon residents as members. The Code Council develops model building codes, the I-Codes, that are used in the design, build and compliance process to construct safe, sustainable, affordable, and resilient structures. Oregon has adopted, with state amendments, the 2018 editions of the International Building Code, Fire Code, Mechanical Code, and Fuel Gas Code, and the 2015 editions of the International Residential Code and Energy Conservation Code.

The Code Council also develops the International Wildland Urban Interface Code (IWUIC), which addresses ignition resistant construction, noncombustible roof coverings, screens to prevent burning embers from penetrating into eaves and under foundations, combustible decking, fencing and related exterior components, creating and maintaining defensible spaces around the building, fire service access to structures and to water supplies, and fire protection planning. The IWUIC is in use or adopted in 19 states.

We appreciate the opportunity to submit this testimony today **IN SUPPORT, WITH AMENDMENT, of Senate Bill 1536.**

We commend Governor Brown's leadership in recognizing the need to prioritize wildfire mitigation through the Governor's Council on Wildfire Response. The Council's fall 2019 report lists defensible space and building codes as two of the Council's highest identified priorities to be addressed. The Council recommends adoption of the IWUIC's defensible space provisions. The report also recommends updating wildfire building codes and establishing goals for local adoption with state assistance.

SB 1536 details the Council's recommendations by requiring adoption of the 2012 edition of the IWUIC for defensible space (section 11). The Department of Land Conservation and Development (DLCD) is also charged with assisting localities in administering and enforcing building codes that address wildfire risk, but the bill does not require at risk communities to adopt wildfire resistant codes (section 13).

Proposed Amendments to SB 1536

During an Information Meeting on the bill held January 3rd, 2020, the Governor's office indicated that the building code section of the bill may need to be stricken and revisited. Respectfully, the Code Council believes that this section should be maintained and strengthened by encouraging adoption and enforcement of the latest edition of the IWUIC's ignition resistant construction requirements. In areas where risk is particularly acute, requiring adherence to the code should be considered.

Several analyses point to the powerful mitigation value that the IWUIC provides communities. A FEMA funded study by the National Institute of Building Sciences found that 19 counties in Oregon could see \$4 in wildfire mitigation savings for every \$1 invested by adopting the then 2015 IWUIC.¹ A Headwaters analysis found that in the county studied a home could be built to the latest IWUIC for the same cost as a non-mitigated home.² Finally, a McCatchy analysis following the California Camp Fire in October of 2018 found that 51% of the houses built after a WUI fire code was implemented escaped damage compared to only 18% of the 12,100 houses built prior.³

FEMA currently requires federal buildings above 5,000 sqft within the wildland urban interface (WUI) adhere to the latest IWUIC.⁴ For post-disaster recovery, FEMA requires construction meet the latest edition of the IWUIC.⁵ The Agency has deemed adherence to the current version of this code to be so important that it will not fund rebuilding of public facilities post-disaster if that construction deviates. The Agency adopted this policy to increase the resilience of communities after a disaster, protect lives and property, and reduce future vulnerability of disaster-damaged facilities and the need for future federal disaster recovery funding.⁶

To address the risk the Governor's Council identified, and the priority the Council assigned to addressing that risk, the Code Council proposes:

1. Section 11 be updated to reference the "latest published edition" of the IWUIC instead of the 2012 edition. The IWUIC, like the other I-Codes Oregon has adopted, is updated on a 3-year cycle, such that the 2012 edition is two cycles outdated. Referencing the "latest published edition" would make the reference evergreen—updating automatically with each new published edition, and the improvements included therein. Such an approach mirrors that of FEMA's with respect to the IWUIC; and
2. Section 13 be retained in SB 1536 and amended to reference the latest published edition of the IWUIC code (the building code provisions) as a recommended code for DLCDC to assist communities in adopting and enforcing. We also believe the option should be left open for the code to be required in high risk circumstances. The IWUIC's structural provisions complement the defensible space requirements in Section 11 as well as the other I-Code requirements Oregon has adopted for

¹ National Institute of Building Sciences, *Natural Hazard Mitigation Saves: 2018 Interim Report* (2019).

² Headwaters Economics and IBHS, *Building a Wildfire-Resistant Home: Codes and Costs* (Nov. 2018).

³ Lauren Gustus, *Destined to Burn collaboration: Why we did it*, The Sacramento Bee (Apr. 11, 2019). The IWUIC generally meets or exceeds California's structural wildfire code, which is contained within California's Code of Regulations Title 24 Chapter 7a.

⁴ United States Fire Administration, *Implementation Guidelines for Executive Order 13728 Wildland-Urban Interface Federal Risk Management* (2017).

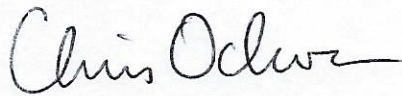
⁵ FEMA Recovery Interim Policy FP- 104-009-11 Version 2.

⁶ *Id.*

residential and commercial buildings. If section 13 is removed, the Code Council would welcome the opportunity to work with the Council and this Committee on that section's future development and reintroduction.

Thank you for your consideration of these amendments which the Code Council believes, would only improve SB 1536 in its current version. If you have any questions, please do not hesitate to contact me at cochoa@iccsafe.org, or (202) 384-2684.

Sincerely,

A handwritten signature in black ink that reads "Chris Ochoa". The signature is written in a cursive, flowing style.

Christopher E. Ochoa, Esq.

Senior Regional Manager

International Code Council

cc: Governor Kate Brown