



**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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January 30, 2012

The Honorable Jerry Chang, Chair
Committee on Water, Land, and Ocean Resources
House of Representatives
State Capitol, Room 435
Honolulu, Hawaii 96813

Dear Chair Chang:

Subject: H.B. 2358 Relating to the Building Code

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD strongly oppose H.B. 2358, as it conflicts with Section 132-3 of the Hawaii Revised Statutes (HRS), relating to the adoption of the state fire code. We offer the following comments:

Currently, Section 107-28, HRS allows each county to amend the state building code (SBC) as it applies to their jurisdiction without the State Building Code Council's (SBCC) approval. These amendments pertain to the administration and permitting of local codes and conditions, and we believe this should continue. If a county creates an amendment that makes the SBC less restrictive, approval should originate from the SBCC. Recent responses to our inquiry on this issue were that most states only allow stricter code amendments unless approval is granted by the state building authority to allow less stringent amendments. The proposed bill does not reflect this concept.

We oppose removing the SFC from the SBCC. New SBCC members have no expertise in the national fire codes and standards or their development over many decades. The fire code is one part of a compilation of codes that apply to the built environment. It addresses issues such as fire apparatus access roads, fire protection water supply, flammable liquids, and gas tank storage and use. These important fire protection requirements should be addressed by members of the fire service who have the requisite knowledge and experience.

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We oppose removing the 18-month timeframe for reviewing and adopting new model building codes. With an open-ended timeframe to adopt new codes, the process may be further prolonged.

We oppose exempting the state from SBC requirements. We question the merits of state construction requirements pertaining to building and occupant safety and health when the state would not have to meet those requirements.

We strongly oppose reverting the SBC to the Building Code of the City and County of Honolulu, 1929, issue 490, which would supersede existing state and county building codes. This would negate the decade's work of code development for life safety and health and the most up-to-date technological advances made with regard to materials and methods in the building industry.

We oppose removing each county's obligation to adopt amendments to the currently adopted SBC within a given timeframe. The current language would allow a county to remain on an outdated code that may jeopardize life safety and health.

We oppose that the SFC will only propose, not adopt, to the SBCC a state fire code. The proposed, new SBCC members consist of special interest groups with limited fire protection background or expertise.

The SFC and the HFD urge your committee's deferral on the passage of H.B. 2358.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or sbratakos@honolulu.gov.

Sincerely,



KENNETH G. SILVA
Chair

KGS/LR:cn