was the turn of the century, the apartment building was dangerously close to tumbling down; plumbing was all but non-existent, too many people living in too small a space, makeshift wiring inside, broken bulbs outside. Tomorrow’s disaster looked just like yesterday’s news.

Then the inspector in the white hat rode into Town. He forced landlords to repair and maintain their buildings, established minimum standards, improved sanitation, and made a few enemies.

The real estate tycoons and industrial mogels were having to spend money that didn’t enhance their personal comfort, so they banded together and decided to teach the building inspector how to play hardball. They were about to find out that was the inspector’s favorite game. He wrote safety standards, building codes and ordinances. Tenants, factory workers, fire departments, local police and skittish politicians all stood behind him, but when the showdown came, he stood alone; when it was over he stood tall.

The inspector in the next town over had the same problems, but he wasn’t as versed in construction and knew nothing about building ordinances. When the showdown came, though, he sought help from other inspectors, who rallied to his side, and he stood tall.

Organizing to bring about improvements, not unlike other professions, came from necessity for the building inspectors. They formed statewide groups to write meaningful codes and develop a uniform approach to policing the building industry. State code groups formed regional groups which evolved into major building official organizations with considerable influence. From the Mississippi east, and encompassing many of the Southern States, BOCA reigns. (BOCA—Building Officials and Code Administrators International, Inc., est. 1915 and based in Homewood, Illinois) Virtually all of the Western States are in the dominion of ICBO (International Conference of Building Officials, est. 1922 and based in Whittier, California). The deep South and parts of the Atlantic coast come under the jurisdiction of SBCCI (Southern Building Code Congress International, est. 1940 and based in Birmingham, Alabama).

These associations drafted model codes to be adopted into legislation by cities, towns and states. They established review boards to evaluate types of construction, products, building classifications. They unified building standards which allowed contractors to follow one set of rules from city to town in a given region. These associations are now combining their
Inspectors... have become ingrained in the political “system”; fight them and you are buried in delays, paperwork, review boards, stop-work orders, and harassment on the jobsite

knowledge to unify codes throughout the U.S. and have formed international AD-HOC committees. They have come a long way in influencing construction standards and products, and with that has come a great deal of power... but... as the pendulum swings...

Inspectors through the years have become ingrained in the political “system”; fight them and you are buried in delays, paperwork, review boards, stopwork orders, and harassment on the jobsite. Legal recourse can be expensive and time consuming. Right or wrong it did not take long for architects, builders and material manufacturers to learn when you buck the system you lose. Building officials began their careers playing hardball. They—every one—had to prove himself on construction sites, at dispute hearings and public meetings.

Associations made up of such hardy individuals can be very difficult to work with. Today’s code officials are by definition bureaucrats. They follow rigid routines and arbitrarily reject anything which falls outside of narrow rules. They lose sight of their objective—BUILD SAFE BUILDINGS. Tunnel vision becomes an art form—the unspoken objective becomes “CYA”.

To this end, some inspectors legislate away problems they are confronted with. In other cases there is just a bureaucrat crying “wolf” or, more appropriately “public safety,” to avoid having to deal with new products or construction techniques. Advanced forms of construction and building products are categorically rejected simply because building officials do not know how to deal with them. One city demands all exterior claddings be noncombustible in class 1-A construction, yet allows the interiors to be loaded with highly flammable furnishings (99 percent of all building fires start inside the building). Many cities requiring noncombustible construction, approve complete glass exteriors on high rise buildings. Glass, of course, can fracture during a building
fire and send schrapnel over many hundreds of yards. In other cities, buildings are built so tall, there is no way to evacuate the upper floors in a fire emergency. In still other instances, elevators have been approved for installations with heat sensitive buttons which cause the elevator to open on the very floor that may be on fire!

Now, BOCA, through the infinite wisdom of the “Interpretation Committee,” has decided to establish new rules for approval of the EIFS (Exterior Insulation and Finish Systems) manufacturers’ products. They have decided they like fasteners, so they must be used or the adhesive traditionally used must be tested with every substrate and every sheathing supplier’s product used, prior to approval. They have not as yet decided on an acceptable test method or the pass/fail criteria. BOCA also requires a complete battery of fire tests for each brand of polystyrene bead (raw material used to manufacture foam insulation board), which is listed on the approval of the wall system. There are some 20 EIFS manufacturers, and one series of tests alone for each represents a cost, collectively, of $360,000, and there are several bead manufacturers. The additional tests are pointless, as the EIFS manufacturers have run all the tests available, using foam insulation representative of the industry. These systems have not been responsible for the loss of life or property for the 19 years they have been used in the U.S.

BOCA’s position, in my opinion as an independent consultant, is unreasonable. I am not representing the EIFS industry’s position, nor anyone’s opinion but my own. There are some actions the model code agencies have been taking which should be challenged.

BOCA and other model code agencies are exercising powers they do not have. They are making arbitrary decisions which could be catastrophic to a number of currently successful businesses. In relation to other manufacturing groups, the threats of cancelling code approvals and demanding unreasonable testing is discriminatory. However, the EIFS industry and respective applicators may have choices other than those dictated by “Inter-pretation Committees” which could be very enlightening for code officials:

1. BOCA, ICBO and SBCCI are all trade associations and have no legislative authority, and as such, must follow the same rules as any other trade association, such as AWCI, EIMA, etc.

2. If BOCA favors one industry in its test requirements over another, this may be construed as antitrust, or a restraint of trade, which carries severe penalties.

3. A trade association which practices any form of discrimination, which may include unreasonable restrictions or test requirements, is subject to loss of tax exempt status.

4. Building officials who join together in an association or group to attack an industry or manufacturer or contractor, may be involving themselves in a conspiracy, which in this case has an extensive paper trail.

5. If BOCA or another model code agency revokes a product approval or arbitrarily trumps up requirements for approval, it may be in violation of antitrust laws. This becomes particularly absurd in light of the fact the EIFS industry has about a billion square feet of product on the wall and a 19 year history of successful installations to support their contributions to the construction industry.

6. To state or imply a product is
detrimental to “public safety” merely to avoid having to deal with problems of legitimate investigative product approval and subsequent field inspection, is my pet peeve, and also may be construed as fraud.

Model code associations have done a lot of good for the construction industry, but they happen to be picking on the most tested and most historically cooperative industry towards code groups, in construction. The problem is quite clear; there are a number of competitive systems, combining a number of similar but different products, applied in a number of similar but different ways, over a number of similar but different substrates, by a number of similar but different applicators with a varying degree of skill, under similar but different conditions, on all types of buildings, everywhere in the United States. The EIFS industry is constantly trying to improve, which is evolutionary, and competitors within the industry are constantly sharing knowledge, which is revolutionary, and it’s time for building officials to do the same. They have always been welcome at technical and applicator training seminars, but seldom have taken the time, although most architects, applicators and private industry building executives have participated. Without continuing education in this fast-paced industry, it doesn’t take long to become lost, which brings me back to code agencies. They are long overdue in getting their collective houses in order, and the following are some starting points:

1. Begin attending industry training. EIMA might even sponsor a special program geared to building inspectors.
2. Review tax exempt status requirements for associations.
3. Review policy, code changes and approval requirements for antitrust violations.
4. Insist on facts. Stop using “public safety” as an excuse to keep the work load down.
5. Be prepared to prove the code agency’s position, just as applicants must prove theirs.
6. Spend some time with the association insurance underwriters discussing possible exposure.

The EIFS industry, although relatively small, has waged a formidable battle with competitive industries. They have grown from zero to one hundred million in sales and a half billion in completed contracts of applicators annually in less than 20 years. They have accomplished this through continuing education and tenacity. Hardball is the only game they have been allowed to play, but they have learned along the way how to solve problems, unlike code officials who all too often try to bury them in legislative graves.

Some contractors, distributors and manufacturers are beginning to see red over this unending harassment. Code agencies would be wise to “clean up their act” before tension escalates further. Their pontifical attitude is completely out of line with their vulnerability.