

June 2010

# ENGINEERING NEWSLETTER



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## 2012 NC State Building Code Adoption Update

The NC Building Code Council has begun the adoption process for the 2012 Edition of the NC State Building Codes. The proposed 2012 NC Code amendments are posted for public comment through July 16<sup>th</sup> at:

[http://www.ncdoi.com/OSFM/Engineering/BCC/engineering\\_bcc\\_ah\\_minutes.asp](http://www.ncdoi.com/OSFM/Engineering/BCC/engineering_bcc_ah_minutes.asp) .

The summary amendments are posted at:

[http://www.ncdoi.com/OSFM/Engineering/BCC/engineering\\_bcc\\_codes\\_2012\\_proposed.asp](http://www.ncdoi.com/OSFM/Engineering/BCC/engineering_bcc_codes_2012_proposed.asp)

## 2010 COCO Quadrennial Conference

Mark your calendars for this year's North Carolina Council of Code Officials 9th Quadrennial Educational Research Conference to be held on August 1-4, 2010, at the Hilton Wilmington Riverside, Wilmington, NC. The COCO Quadrennial Conference is an opportunity for all of the inspection associations to meet together at one location while receiving continuing education credit. For more information or to register, go to the COCO newsletter at:

[http://www.ncdoi.com/OSFM/Engineering/Documents/COCO\\_Newsletters/COCO\\_NEWSLETTER\(April-2010\).pdf](http://www.ncdoi.com/OSFM/Engineering/Documents/COCO_Newsletters/COCO_NEWSLETTER(April-2010).pdf)

## From the Code Enforcement Services Section

### New Lead Based Paint Requirements

On January 1<sup>st</sup>, 2010, new legislation became effective to create the North Carolina Lead-Based Paint Hazard Management Program. Shortly thereafter, a letter was sent to all jurisdictions explaining the program and the requirements of the legislation. Based on that letter, we have gotten several calls asking about the building inspectors' responsibilities in enforcing these requirements.

The legislation makes clear that responsibility for enforcement of the new rules, which include certification of persons working with lead-based paint as part of certain renovation projects, is left to the Health Hazards Control Unit (HHCU), a Division within the NC Department of Health and Human Services. Further, contractors have a responsibility to obtain proper certifications for the type of work they perform. However, the Code Enforcement Official is also responsible for the public welfare and is in a unique position to be helpful with enforcement.

It is therefore our recommendation that jurisdictions provide assistance whenever they can. Certainly notify the HHCU if you are aware of a violation involving renovations in a home or child occupied facility built prior to 1978. If your jurisdiction has a large number of older homes being renovated, it could be helpful to familiarize yourself with the legislation to aid in spotting violations. It might also be a good idea to post information about the law if you have a public information bulletin board.

Included below is a press release regarding the new legislation from the HCCU, which includes their contact information. They are ready to answer any questions you may have about the new requirements.

#### ***New Lead-Based Paint Regulation in Effect in North Carolina***

*In April of 2008, the Environmental Protection Agency issued a new rule aimed at protecting children from lead-based paint hazards in places they frequent. The rule applies to renovation, repair and painting activities in housing and child-occupied facilities built prior to 1978. The rule was fully effective by April 22, 2010.*

*North Carolina now has a new law. North Carolina's Lead Hazard Management Program (LHMP) for Lead-Based Paint Renovation, Repair and Painting (RR&P) Rule became effective January 1, 2010. In North Carolina, the Health Hazards Control Unit (HHCU), certifies firms and renovators who perform renovations in housing and child-occupied facilities built before 1978, and accredits training courses and training providers who wish to teach the required renovator and/or dust sampling technician courses for certification purposes.*

*These rules require that contractors performing renovation, repair and painting activities provide the "Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools" lead hazard information pamphlet to the owner/occupant before the renovation begins and follow specific lead safe work practices.*

*To get more information on this new rule, visit our web site:*

*North Carolina Lead-Based Paint Hazard Management Program*

*<http://www.epi.state.nc.us/epi/lead/lhmp.html>*

*The NC Department of Health and Human Services (DHHS), Division of Public Health, Health Hazards Control Unit (HHCU) can be contacted by calling (919) 707-5950.*

## New Evaluations and White Paper Posted

This month, the Evaluation Services Section posted several documents for your use.

The following new Evaluations are located at:

[http://www.ncdoi.com/OSFM/Engineering/engineering\\_evaluations.asp](http://www.ncdoi.com/OSFM/Engineering/engineering_evaluations.asp)

- Photoluminescent Exit Signs
- Spray Polyurethane Foam Insulation in Attic, Crawl Space Walls, Roofing and Miscellaneous Applications (Regulated by the Building Code)
- Impact-Resistant Coverings for Protection of Glazed Openings in Wind-Borne Debris Regions

In addition, the [Residential Code Spray Polyurethane Foam Insulation](#) document was revised and re-posted on that same web page. The revision appears in Section 7C.

The following White paper is located at:

[http://www.ncdoi.com/OSFM/Engineering/engineering\\_wpt.asp](http://www.ncdoi.com/OSFM/Engineering/engineering_wpt.asp)

- Process for Submission and Consideration of Alternate Material, Design, or Methods of Construction and Equipment

### What is the difference between an Evaluation and a White Paper?

For our purposes, a White Paper explains or clarifies a procedure or requirement in the code that is not specific to a product group or a method of construction.

An Evaluation starts with a question about the code requirements (or lack thereof) for a method of construction or a product group. The ES Section then researches the topic thoroughly and provides information specific to that topic to assist the building official with understanding what the test requirements for performance are, what questions to ask the designer or contractor, and how to determine if the product or methods should be approved for the specific project.

### Upcoming Topics

Based on your questions and referrals, we have several more topics for development of Evaluations or White Papers on our board. At least 13 are in some phase of development at this time with many others waiting to be started. This is not a quick process, since we need to be as thorough as possible before publishing any document, but we are working as quickly as possible to get the information to you.

The ES Section welcomes your input regarding these documents. They will be revised as additional testing, code changes, or other pertinent information is received. Please contact us at [susan.gentry@ncdoi.gov](mailto:susan.gentry@ncdoi.gov), and your comments will be forwarded to the appropriate consultant.

## State Laws Concerning Procedure Required For Adoption of Local Fire Prevention Policies

The purpose of this outlined procedure is to relay the North Carolina General Statutes associated with the Building Code Council regarding local amendments and the procedures for recognition of local ordinances.

To provide context, the North Carolina General Statutes (N.C.G.S.) 143-138(a) identifies that the authority to prepare and adopt a comprehensive, statewide, uniform building code is vested solely with North Carolina Building Code Council (BCC) . The General Statute is intended to have North Carolina State Building Code applied consistently throughout the State. In addition, cities and counties need not adopt local ordinances to enforce the State Building Code ((N.C.G.S. 143-139b).

If a local governing body wishes to establish a local fire code addressing activities or conditions that is more stringent than the State Fire Code, they may adopt local fire prevention codes. No such code or regulation shall be effective until they have been officially approved by the Building Code Council as providing adequate minimum standards to preserve and protect health and safety. [N.C.G.S. 143-138(e)] The local approval preceding the BCC approval is important allowing, for public input and community buy-in before a premature debate occurs at the state level.

Below, OSFM is providing a review of the process that is required by North Carolina General Statute for a locality to adopt a policy more stringent than state code.

N.C.G.S 153A- 323 authorizes counties and N.C.G.S. 160A-436 authorizes cities to make regulations for the prevention, extinguishment, or mitigation of fires within the primary fire limits. In so doing, they are bound by the procedural provisions set forth in N.C.G.S. 160A-364 requiring public notice and hearing.

Thus, in order for a local government to adopt a policy more stringent than the state code, the local government must (per N.C.G.S 153A-323 and N.C.G.S. 160A-364):

- Provide notice of a public hearing between 10-25 days prior to the hearing once a week for two consecutive weeks
- Review and/or complete the hearing process
- Present this policy to the North Carolina Building Code Council for consideration and possible adoption. (N.C.G.S. 143-138(e))

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Local fire prevention codes are not effective until officially approved by the Council, although Council approval is obligatory if such local fire prevention codes are (1) more stringent than the statewide fire prevention code, (2) regulate only activities and conditions in buildings, structures, and premises, and (3) are not in conflict with the State Building Code.

In the absence of approval by the Building Code Council, or in the event that approval is withdrawn, local fire prevention codes and regulations shall have no force and effect. A local policy is only effective once it is approved by the NC Building Code Council.

## **2012 International Code Council Hearing Schedule**

The ICC Final Action Hearings will be held in Charlotte between October 23 and 31. These hearings will determine the final technical content for the 2012 ICC Energy Conservation Code that will likely become the 2015 NC Energy Code. The proposed schedule and proposed amendments will be posted at [www.iccsafe.org](http://www.iccsafe.org) . The ICC Annual Business Meeting will also be held during the Charlotte hearings. This is an excellent opportunity for you to be involved in or observe the ICC code development process.

## **With Time Running Out to get Licenses Before July 4<sup>th</sup>, Temporary Pyrotechnic Operator's License Approved**

On June 25, 2010 Governor Perdue signed Senate Bill 992 into law. SB992 establishes provisions to allow the NC Department of Insurance/Office of State Fire Marshal to issue a one-time temporary display operator's license to pyrotechnicians who have not taken or passed the NC pyrotechnic display operator's exam as of this date. This temporary display operator's license will only be valid for thirty (30) days after the date of issuance and may be issued until July 31, 2010. No temporary license will be issued after July 31, 2010.

The temporary license process will involve an application and supporting documentation of pyrotechnic display experience. Such documentation shall include one of the following: (1) proof that the applicant has conducted at least six (6) permitted fireworks displays in the past ten 10 years; or (2) provide a letter of experience signed by an ATF license holder under whose supervision the applicant is to conduct pyrotechnic displays.

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All of the other provisions of the Display Operator's permit rules remain intact including the on-site Assistant Operator's Permit for the Fourth of July holiday.

The following link will take you to the OSFM website for further details on the display operator's licensing program.

[http://www.ncdoi.com/osfm/PyrotechnicOperatorCertification/pyrotechnic\\_temp\\_permits.asp](http://www.ncdoi.com/osfm/PyrotechnicOperatorCertification/pyrotechnic_temp_permits.asp)

Please contact Rob Roegner with the NC Department of Insurance, Office of State Fire Marshal at 919-661-5880, ext. 249 or [rob.roegner@ncdoi.gov](mailto:rob.roegner@ncdoi.gov) for further information regarding the temporary display operator's license program.

## From the Home Inspector Licensure Board Director

Many NC Certified Building Officials are also NC Licensed Home Inspectors. The HILB periodically publishes a newsletter for its licensed inspectors with information and updates. If you are interested, you can find those newsletters posted at [http://www.ncdoi.com/OSFM/Engineering/hilb/engineering\\_hilb\\_bulletins.asp](http://www.ncdoi.com/OSFM/Engineering/hilb/engineering_hilb_bulletins.asp)

If you have questions, please contact [mike.hejduk@ncdoi.gov](mailto:mike.hejduk@ncdoi.gov) or call 919-662-4480 to speak to staff.

## Use of Borates in Residential Preconstruction Subterranean Termite Treatments

The North Carolina Structural Pest Control Committee has issued the following statement in a letter concerning Disodium Octaborate Tetrahydrate (DOT) products (i.e. "borates") for the prevention of subterranean termites in new construction.

"The borate-based products are among the termiticides approved by the Committee under 2NCAC 34.0502(b) as stand alone treatments. Section 02 NCAC 34.0505 (6) of the Rules and Regulations specifies that such DOT treatments are an acceptable alternative to termite baiting systems of soil applied termiticides in North Carolina. In addition, some of these DOT products are listed on the Division's web site as approved sole source termiticides for preconstruction termite treatments."

As such, borate treatment systems approved by the Structural Pest Control and Pesticides Division of the NC Department of Agriculture may be allowed as an alternate method of protection against subterranean termites as required in Section R320 of the 2009 NC Residential Code and in Section 2304.11.6 of the 2009 NC Building Code.