



October 16, 2024

California Building Standards Commission cbsc@dgs.ca.gov
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Subject: **CWUIC 504.7.3.2**

Dear Commissioners:

This public comment is a follow up to my oral public comments originally made at the July 10, 2024 public hearings of the CBSC.

I retired from the Office of the State Fire Marshal some 30 years ago. During the 1990's, I was the CSFM Regulations Unit Coordinator, a job similar to what Chief Sujeski does now. I am currently a consultant to Hoover Treated Wood Products.

Health & Safety Code 18930

My public comment focuses on proposed state amendments to Section 504.7.3.2 having to do with the protection of decks. As you know, these proposals must comply with Health & Safety Code 18930. In particular, Subsection (a), criteria 7 states:

“(7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.(A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.(B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.”

The proposed state amendments in CWUIC 504.7.3.2 do not adopt the minimum requirements for decks as found in the IWUIC, which is a national specification, a published standard, and a model code. In fact, this state amendment is less restrictive than what is required by the IWUIC.

International Wildland-Urban Interface Code (IWUIC)

Please be aware that the state fire marshal did submit this state amendment as a code change proposal to the IWUIC at ICC. It was heard by the ICC International Fire Code Committee in April of this year. It is identified as WUIC54-24. After hearing testimony from the State Fire Marshal and others at the ICC code hearings, the International Fire Code Committee voted to disapprove the proposal by a vote of 11 – 2.

Subsequently, and based on the ICC Committee Action Hearing testimony and coordination with other IWUIC-approved proposals, the State Fire Marshal submitted a new proposal which deleted the amendments to allow Class B decks.

In order to be consistent with the actions of the State Fire Marshal at the ICC IWUIC hearings, the same deletion to CWUIC 504.7.3.2 (item 6 and 7) must also be made. Otherwise, the first edition of the California Wildland Urban Interface Code will be significantly less restrictive than the model code, the IWUIC.

The whole purpose of the state adopting and amending a model code and/or standard, whether it be from ICC, NFPA, ASTM, etc., is that the state accepts the minimum safety standards established by the voting members of those organizations based on a greater depth and volume of consensus found within those organizations. It acknowledges that the international code arenas do a much better job of vetting code proposals and of reaching a much larger consensus than could be achieved at the state level.

American Wood Council (AWC)

It should also be noted that the American Wood Council (AWC) submitted its own proposed code change to the IWUIC (WUIC42-24) to allow any materials permitted by code within 5 ft horizontally from the deck where all exterior walls attached to the deck have a 1-hour fire-resistance rating, are rated for exposure to fire from the exterior side, and have ignition-resistant materials complying with Section 503.2 on the exterior side.

ICC Committee Action Hearing Reason for Disapproval

The committee stated that the reasons for the disapproval of the proposal were: *“It is premature to add this option if there is a standard under development. It would be good for that standard to be developed and testing to be done to see how the deck would affect the exterior wall. Also, the need to address the exterior glazing, vents, and door openings. (Vote: 12-1)”*

As you can see, the initial proposal from the American Wood Council (AWC) is far more stringent than what is proposed by the State Fire Marshal for the CWUIC. Nevertheless, it was disapproved by the ICC Committee as being inadequate.

In response to this disapproval, the American Wood Council has submitted a new proposal to ICC to require additional protection for the exterior walls, the glazing, the doors, the vents, and the eaves and soffits.

While this issue is still be heard and decided on at ICC, any state amendments to the state version of the IWUIC regarding decks in the WUI areas should be put on hold until this controversy is resolved at ICC.

In the meantime, since the State Fire Marshal has decided to delete the two exceptions which allow Class B decks from its new ICC WUI54-24 proposal, it seems only prudent to do the same for CWUIC 504.7.3.2 at the state level.

Thank you for the opportunity to provide public comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Manny Muniz". The signature is written in dark ink and is positioned below the word "Sincerely,".

Manny Muniz

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