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Texas Sunset Commission
P.O. Box 13066
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Dear Texas Sunset Commission,

I am writing on behalf of the International Code Council (the "Code Council") to provide comments on the Sunset Staff Report for the Texas State Board of Plumbing Examiners ("TSBPE") as it pertains to an issue not included in the report and a recommendation we respectfully request the Sunset Commission to consider implementing.

Texas Occupations Code § 1301.255 as enforced by **22 Texas Administrative Code § 367.2** requires the TSBPE to adopt the Uniform Plumbing Code ("UPC") and the International Plumbing Code ("IPC").

This legislation results in two conflicting codes that have created unneeded complexity in the plumbing industry and the TSBPE when the trend of plumbing code adoptions in Texas, and the U.S. at large, has consistently moved towards the IPC.

The vast majority of Texas jurisdictions, including, but not limited to large cities such as, Dallas, Fort Worth and San Antonio, as well as Abilene, Amarillo, Arlington, Bay Town, Bellaire, Belton, Buda, Carrollton, Cedar Park, Cleveland, Conroe, Corpus Christi, El Paso, Frisco, Galveston, Garland, Georgetown, Harlingen, Hutto, Katy, Kyle, Laredo, Lubbock, Midland, Missouri City, Montgomery, New Braunfels, Pearland, Plano, Odessa, Richmond, Rosenberg, Round Rock, San Angelo, San Marcos, Sugar Land and Waco, have chosen to adopt and enforce the IPC for many years.

In comparison, only eight Texas jurisdictions still adopt the UPC: Alpine, Austin, Cibolo, Galena Park, Houston, Junction, La Porte and Pasadena.

Since two codes are referenced in statute, TSBPE is forced to develop tests that meet the requirements of both the UPC and IPC, which is not only an administrative burden, but also adds yet another hurdle to obtaining a plumbing license in Texas by forcing candidates to learn a code, the UPC, that is not widely adopted or enforced. Adopting one widely accepted standard plumbing code, the IPC, would create additional efficiencies in the licensing process for TSBPE.

Also, a comparison between these two codes reveals definitive technical differences and economic advantages in favor of the IPC; an impact that we ask the Sunset Commission to carefully consider now, and in the future, given the challenging economy and competitive development market.

The IPC is an essential member of the I-Codes, the correlated family of building safety codes including the International Residential Code, the International Building Code, and the International Energy Conservation Code, which the Texas Legislature determined are the standard building codes for the State. The I-Codes are correlated to work together without conflicts, thereby eliminating confusion in building design or inconsistent code enforcement among different jurisdictions. This correlation enables ease of use by all stakeholders. The UPC does not correlate with the other building codes in Texas.

Notably, a broad range of stakeholders, including the American Institute of Architects, the Building Owners and Managers Association, the National Association of Homebuilders, the American Gas Association, the Air Conditioning Contractors of America, the Sheet Metal and Air Conditioning Contractors' National Association and the major engineering design group ASHRAE support the I-Codes.

Through the I-Codes, designers and builders may work across jurisdictional, county and state boundaries with conformity and ease. Non-correlated codes, force jurisdictions to spend numerous hours of tedious review time and effort, drafting additional local amendments to each of their adopted codes in order to reference a non-correlated code like the UPC.

Since most Texas cities adopt the IPC, the consequences can be significant for those that do not. Contractors, developers, manufacturers, and other businesses value predictability over inconsistency. Those accustomed to working with the IPC in the majority of Texas jurisdictions face confusing code challenges and restrictive design choices in UPC cities causing undue hardship with delayed project timelines, cost re-estimating of labor and materials, and burdensome logistical changes.

Accordingly, statewide usage of the IPC makes good safety sense as well as prudent resource management for industry and governmental entities, like the TSBPE, who are responsible for safe plumbing installations. Coordinated and correlated codes from a single source will streamline the building regulatory system in Texas by bringing consistency and compatibility to multiple layers of requirements existing at the international, federal, state and local levels.

Furthermore, one model code for Texas, the IPC, will make it easier for inspectors, plumbing contractors, installers and manufacturers to expand their reach and increase their business across not only visible geographical boundaries, but also the invisible business borders. For example, nationally recognized developers such as Home Depot, Target, Kraft Foods and Wal-Mart, prefer consistency rather than having to comply with multiple plumbing codes within the same State, as one code allows them to design uniform buildings and systems, which saves time and valuable resources.

The Sunset Commission can help increase the uniformity that industry and stakeholders desire by recommending the adoption of only the IPC for the TSBPE. The adoption of the UPC by the TSBPE perpetuates non-uniformity.

In summary, Texas currently recognizes two plumbing codes, which have created confusing and inconsistent plumbing requirements within the State. We believe the reasons outlined above justify the Sunset Commission to review and recommend the adoption of one single plumbing code, the International Plumbing Code, for the TSBPE and the State of Texas.

Thank you for the opportunity to comment on the TSBPE Sunset Commission report. The Code Council, through our 4,200 Texas members and 16 active Texas Chapters, hopes our position is met with your acceptance and encouragement.

Sincerely,

Kelly D. Sadler

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