

June 28, 2011

Richard M. Thomas, Associate General Counsel  
Office of Government Ethics  
1201 New York Ave, NW  
Suite 500  
Washington, DC 20005-3917

RE: RIN 3209-AA09  
[Proposed Rule Exemption and Amendment Under 18 USC 208(b)(2)]

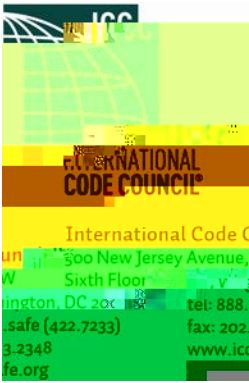
Dear Mr. Thomas:

The International Code Council (ICC) is a membership association dedicated to building safety, fire prevention, sustainability and energy efficiency. The International Codes, or *I-Codes*, published by ICC, provide minimum safeguards for people at home, at school and in the workplace. Building codes benefit public safety and support the industry's need for one set of codes without regional limitations. Fifty states and the District of Columbia have adopted the *I-Codes* at the state or jurisdictional level. Federal agencies including the Architect of the Capitol, General Services Administration, National Park Service, Department of State, U.S. Forest Service and the Veterans Administration also enforce the *I-Codes* for the facilities that they own or manage. The Department of Defense references the International Building Code for constructing military facilities, including those that house U.S. troops, domestically and abroad. Puerto Rico and the U.S. Virgin Islands enforce one or more of the *I-Codes*.

The International Code Council (ICC) was established in 1994 as a non-profit organization dedicated to developing a single set of comprehensive and coordinated national model construction codes. The founders of the ICC are Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International, Inc. (SBCCI). Since the early part of the last century, these non-profit organizations developed three separate sets of model codes used throughout the United States. Although regional code development has been effective and responsive to our country's needs, the time came for a single set of codes. The nation's three model code groups responded by creating the International Code Council and by developing codes without regional limitations; the International Code Council is now the national governing body for the ICC.

Membership Councils that keep the ICC connected with local expertise is utilized in the development of the

Current federal regulations prohibit federal employees from participating on these boards without a specific exemption; often difficult to obtain and inconsistent between different federal agencies. This prohibition prevents otherwise qualified technical experts from providing their knowledge and experience to the ICC through voluntary service on its Board of Directors and/or technical committees.



As many federal agencies utilize the *I-Codes* as their construction standards for new buildings domestically and around the globe, it would be logical to have regular and unimpeded communication between these agencies and the ICC through the full participation of qualified federal employees in code development and governance committees. Most state, city and local jurisdictions that utilize the *I-Codes* encourage their employees who are building, fire and sustainability technical experts to participate in the ICC Technical Code Committees, Governing Committees and/or Board of Directors to ensure the highest level of communication with the ICC and the best technical expertise for code development. Federal agencies that are directly impacted by the I-Codes should have the same opportunity as other state or local governments to provide input to the ICC through their agency employees without the burden of seeking individual exemptions in order to do so.

In addition to the burden that the current restriction and difficult exemption process places on Federal agencies, the system also impacts the professional development of technical experts within Federal agencies, by limiting the ability of such employees to fully participate in the development of building codes that govern the construction of buildings throughout the nation, and around the world. Such limitations on the ability of Federal employees to fully participate in non-profit organizations such as ICC, where building codes are developed, comes at a time when the Federal government seeks to recruit employees who are fully cognizant and involved in current issues and activities relating to their expertise, and when many agencies seek to utilize the building codes to advance important public policy objectives such as energy conservation, mitigation of injuries and damage to buildings from natural disasters, and sustainable construction and building operation practices for Federal buildings.

ICC appreciates the current involvement of many Federal employees in the ICC code development process for the International Building Code (IBC), the International Residential Code(IRC), the International Fire Code (IFC) and the International Energy Conservation Code (IECC) through the submission of proposed code changes and testimony at public hearings. Such involvement demonstrates the interest and relevance of ICC Codes to Federal agencies. We believe the rule and proposed exemption would permit even more involvement, with benefits flowing to the agencies, to the Federal employees and to the public at large, which all benefit from codes that promote safer, stronger and more energy efficient buildings.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Karmol".

David L. Karmol  
Vice President, Federal and External Affairs