

Resolution No.   11

Date: May 18, 1996

City: Washington, D.C.

### NAHB Resolution

Title: Standards Referenced in Legislation and Regulations  
Original Sponsor: Standards Subcommittee of the Construction and Codes  
Committee

WHEREAS, a 1992 report by the National Institute of Standards and Technology (NIST) states, “A typical building code may reference on the order of 350 standards developed and offered by as many as 50 standards-generating organizations,” and that “these referenced standards, along with other provisions contained in the building code, become the legal minimum criteria which building designers and constructors must meet for design, construction, modification, and repair of buildings;”

WHEREAS, an increasing number of new and revised standards are written in mandatory language to facilitate adoption as part of building codes, regulations and legislation, and the Building Officials and Codes Administrators International (BOCA), the predominant building code organization in the northeastern, mid-Atlantic, and upper Midwestern states, requires all newly referenced standards to be consensus standards;

WHEREAS, most standards are consensus standards developed under procedures requiring a balance of directly and materially-affected interests on committees writing standards, as well as a fair and open process, and these procedures are prescribed by the American National Standards Institute (ANSI), the American Society for Testing and Materials (ASTM), and other organizations;

WHEREAS, ANSI accredits standards organizations and their procedures and approves standards developed by them;

WHEREAS, Congress and federal government reference standards in legislation and regulations that are developed by private sector standards writing organizations, but do not require that these standards be developed through a consensus process;

WHEREAS, in the Energy Policy Act of 1992, Congress required that state codes must meet or exceed ASHRAE Standard 90.1-1989, Energy Efficient Design of New Buildings Except Low-Rise Residential Buildings, development by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, in all commercial buildings and residential buildings over three stories in height, but ASHARE 90.1-1989 had been denied approval as an ANSI standard for failure to reach consensus, based on failure to make meaningful efforts to resolve all opposing viewpoints and failure to provide justification for portions of the standard that were challenged on technical grounds; and

WHEREAS, federal government reference of non-consensus standards represents a dangerous precedent that could discriminate against many interest, including home building;

NOW, THEREFORE, BE IT RESOLVED that the National Association of Home Builders urge Congress and federal agencies, when referencing private sector standards in legislation and regulations, to reference only standards developed through proper consensus procedures (including balanced committees and a fair and open process) such as those of the American National Standards Institute (ANSI) and the American Society for Testing and Materials, and not to reference any standard that has been denied approval by ANSI.

Board of Directors Action:  
Joint Executive/Resolutions Committee Action:  
Resolutions Committee Action:  
Federal Governmental Affairs Committee Action:  
Construction and Codes Committee Action:  
Standards Subcommittee of the Construction and  
Codes Committee Action:

Approved  
Recommends Approval  
Recommends Approval  
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Recommends Approval