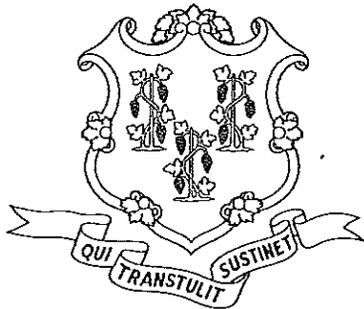


Board of Materials Review

Connecticut
General Assembly



LEGISLATIVE
PROGRAM REVIEW
AND
INVESTIGATIONS
COMMITTEE

SUNSET 1982

CONNECTICUT GENERAL ASSEMBLY

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 as the Legislative Program Review Committee to evaluate the efficiency and effectiveness of selected state programs and to recommend improvements where indicated. In 1975 the General Assembly expanded the Committee's function to include investigations and changed its name to the Legislative Program Review and Investigations Committee. During the 1977 session, the Committee's mandate was again expanded by the Executive Reorganization Act to include "Sunset" performance reviews of nearly 100 agencies, boards, and commissions, commencing on January 1, 1979.

The Committee is composed of twelve members, three each appointed by the Senate President Pro Tempore and Minority Leader, and the Speaker of the House and Minority Leader.

1981-82 Committee Members

Senate

Nancy L. Johnson, Co-chairman
M. Adela Eads
John C. Daniels
Margaret E. Morton
Amelia P. Mustone
Carl A. Zinsser

House

Joseph H. Harper, Jr., Co-chairman
William J. Cibes, Jr.
J. Peter Fusscas
Carol A. Herskowitz
Dorothy K. Osler
William J. Scully, Jr.

Committee Staff

Michael L. Nauer, Ph.D., Director
Kenneth L. Levine, Staff Attorney
Anne E. McAloon, Program Review Coordinator
George W. McKee, Sunset Review Coordinator
L. Spencer Cain, Program Analyst
Catherine McNeill Conlin, Program Analyst
Debra S. Eyges, Program Analyst
Jill E. Jensen, Program Analyst
Leslee L. Meltzer, Program Analyst
Toby Moore, Ph.D., Program Analyst
Gary J. Reardon, Program Analyst
Lillian B. Crovo, Administrative Assistant
Mary Lou Gilchrist, Administrative Assistant

Staff on this Project

Catherine McNeill Conlin, Program Analyst

Legislative Office Building, 18 Trinity St., Hartford, CT 06115 (203) 566-8480

SUNSET REVIEW 1982

BOARD
OF
MATERIALS REVIEW

VOL III - 8

JANUARY 1982

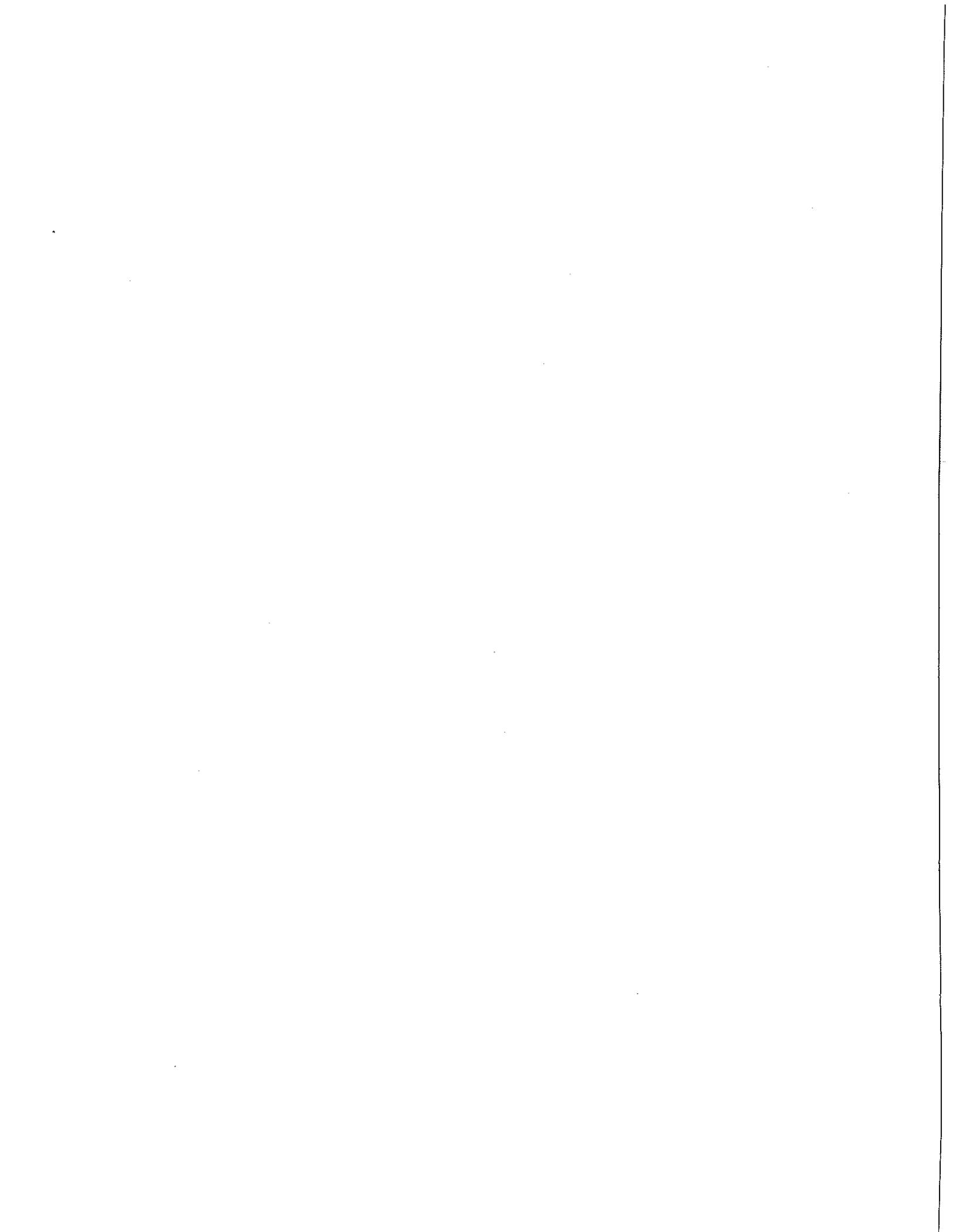
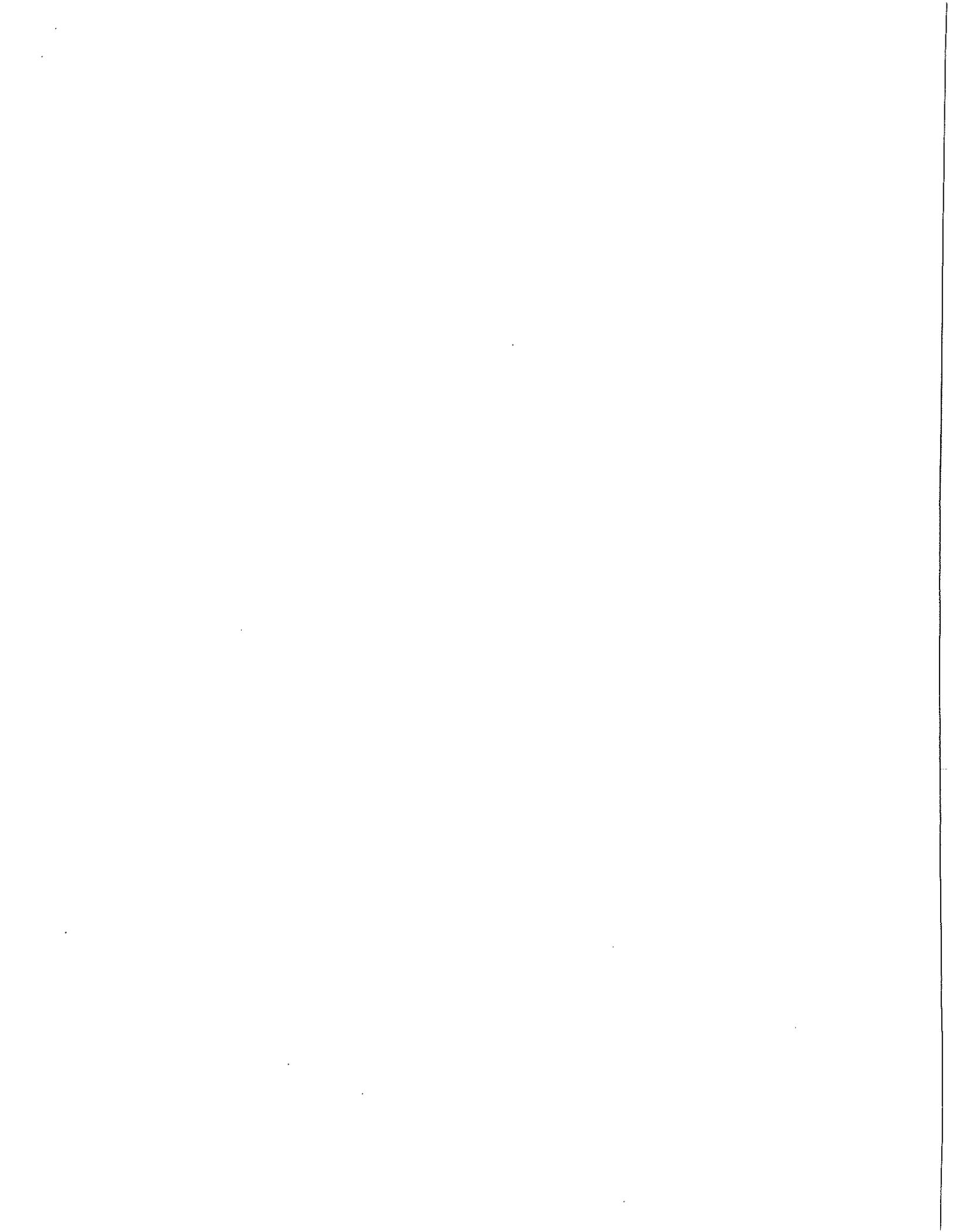


TABLE OF CONTENTS

	SUMMARY.....	iii
I.	INTRODUCTION.....	1
	Purpose and Authority for Sunset Review.....	1
	Methodology.....	2
II.	BACKGROUND.....	3
	Legislative History.....	3
	Structure.....	4
	Purpose, Powers and Duties.....	4
	Fiscal Information.....	5
III.	ACTIVITIES.....	7
IV.	ANALYSIS AND RECOMMENDATIONS.....	9
	APPENDICES.....	15
	A. Summary Sheet.....	17
	B. Survey of Board Members.....	19
	C. Survey of Local Building Officials.....	23
	D. Legislative Changes.....	26



BOARD OF MATERIALS REVIEW

SUMMARY

In 1945, the Connecticut General Assembly mandated that the state Housing Authority investigate or accept authenticated reports on new building materials or modes of construction so that Connecticut would benefit from new building technology. This function was transferred to the commissioner of public works in 1951.

In 1969, Public Act 443 established the Board of Standards and Appeals to review such new building materials. Public Act 71-802 changed its name to the Board of Materials Review to more aptly describe its overall purpose.

In 1977, the Board of Materials Review was transferred to the Department of Public Safety and its composition was changed to comply with the public member requirement. The board is comprised of nine members, six members with technical expertise and three public members. The functions of the board are:

- to investigate new materials or modes of construction intended for use in the construction of buildings or structures;
- to review authenticated reports from recognized authoritative sources on new materials or modes of construction;
- to conduct an annual compliance review of new materials that have not been adopted in the state building code; and
- to promulgate regulations, with the approval of the commissioner of public safety, setting forth the conditions under which such materials or modes of construction may be used.

The following is a summary of the analysis and recommendations concerning the Board of Materials Review:

Existence of the Board

The committee's analysis shows that the Board of Materials Review has no testing facilities or research staff. Therefore, no tests for safety of materials or modes of construction can

be conducted. Further, in a response to a questionnaire sent to local building officials, the respondents indicated they were not satisfied with the performance of the board. Finally, the Board of Materials Review does not communicate with the Building Code Standards Committee, even though the former's decisions have a significant impact on the building code.

As a result of these findings, *the Legislative Program Review and Investigations Committee recommends that the Board of Materials Review be terminated.*

Review Function

The committee finds that the current procedure, involving the review of testing results and/or research reports conducted by nationally recognized laboratories or model code agencies, is duplicative. *The Legislative Program Review and Investigations Committee recommends that the Department of Public Safety list each new material or mode of construction for use in the state, provided that it is accompanied by testing results conducted by nationally recognized laboratories and/or research reports from one of the model code agencies.*

Notification of Local Building Officials

The committee recognizes that keeping the local building officials informed of which materials are listed for use in Connecticut is of paramount importance. *The Legislative Program Review and Investigations Committee, therefore, recommends that the Department of Public Safety be statutorily required to publish a bulletin on a semi-annual basis, noting all new materials listed for use in the state.*

Application Fee

The Board of Materials Review had been charging a \$100 application fee until mid-1981, when the legislature's Regulations Review Committee directed the board to discontinue this practice because the board lacked the statutory authority to charge such a fee. The Legislative Program Review and Investigations Committee determined, however, that it is a standard practice in other states to charge such a fee, and further, these fees could offset a portion of staff costs.

Therefore, the Legislative Program Review and Investigations Committee recommends that the Department of Public Safety be authorized to require a \$100 fee to accompany each application for a listing of a new material or mode of construction.

INTRODUCTION

Purpose and Authority for the Sunset Review

Chapter 28 of the Connecticut General Statutes provides for the periodic review of certain governmental entities and programs and for the termination or modification of those which do not significantly benefit the public health, safety, or welfare. This law was enacted in response to a legislative finding that there had been a proliferation of governmental entities and programs without sufficient legislative oversight.

The authority for undertaking the initial review in this oversight process is vested in the Legislative Program Review and Investigations Committee. This committee is charged, under the provisions of section 2c-3 of chapter 28, with conducting a performance audit of each entity or program scheduled for termination. This audit must take into consideration, but is not limited to, the four criteria set forth in section 2c-7. These criteria include: (1) whether termination of the entity or program would significantly endanger the public health, safety, or welfare; (2) whether the public could be adequately protected by another statute, entity, or program or by a less restrictive method of regulation; (3) whether the governmental entity or program produces any direct or indirect increase in the cost of goods or services and, if it does, whether the public benefits attributable to the entity or program outweigh the public burden of the increase in cost; and (4) whether the effective operation of the governmental entity or program is impeded by existing statutes, regulations, or policies, including budgetary and personnel policies.

In addition to the criteria contained in section 2c-7, the Legislative Program Review and Investigations Committee is required, when reviewing regulatory entities or programs, to consider, among other things: (1) the extent to which qualified applicants have been permitted to engage in any profession, occupation, trade, or activity regulated by the entity or program; (2) the extent to which the governmental entity involved has complied with federal and state affirmative action requirements; (3) the extent to which the governmental entity involved has recommended statutory changes which would benefit the public as opposed to the persons regulated; (4) the extent to which the governmental entity involved has encouraged public participation in the formulation of its regulations and policies; and (5) the manner in which the governmental entity involved has processed and resolved public complaints concerning persons subject to review.

In accordance with its legislative mandate, the Legislative Program Review and Investigations Committee reviewed sixteen entities and programs scheduled to terminate July 1, 1982. Contained in this report to the General Assembly is the result of the committee's review of the Board of Materials Review.

Methodology

The Legislative Program Review and Investigations Committee's sunset review was divided into three phases. The initial step focused on collecting quantitative and qualitative data related to each entity's background, purpose, powers, duties, costs, and accomplishments. Several methods were used by committee members and staff to obtain this information. These include: (1) a review of statutes, transcripts of legislative hearings, entity records (including minutes, complaint files, test results and reports), and data and statutes of other states; (2) staff observations of numerous meetings held by each entity between January and August of 1981; (3) surveys of persons connected with each entity; (4) formal and informal interviews of selected individuals serving on, staffing, affected by, or knowledgeable about each entity; and (5) testimony received at public hearings.

During the second phase, the staff organized the information into descriptive packages and presented them to the committee. The presentations took place in public sessions designed to prepare committee members for the hearings, identify options for exploration, and alert entity officials to the issues the committee would pursue at the hearings. Seven public hearings concluded this phase.

The final step of the review involved committee members and staff following up on and clarifying issues raised at briefings and public hearings. During this period, the staff prepared decision papers and presented recommendations to the committee. The committee, in public sessions, then debated and voted upon recommendations for the continuation, termination or modification of each entity.

BACKGROUND

Legislative History

In 1945, the Connecticut General Assembly mandated that the state Housing Authority:

[secure] for the public the benefits of new developments in the building industry...[through investigations or acceptance of] authenticated reports from recognized authoritative sources, of new materials or modes of construction intended for use in the construction of buildings or structures.¹

In January 1951, responsibility for all duties related to this function, including the review of new materials, was transferred to the commissioner of public works. He retained jurisdiction until 1969.

At that time, the Connecticut General Assembly passed P.A. 443, which included the establishment of a state-mandated building code, and a Building Code Standards Committee to oversee the code in conjunction with the state building inspector. This legislation also created the Board of Standards and Appeals to take over the material review function from the commissioner of public works. The board was located in the Department of Public Works. It was composed of six members, all residents of the state, who were appointed by the commissioner of public works.

Established on October 5, 1970, the Board of Standards and Appeals was given the power to employ such assistance as it found necessary to conduct business. In 1971, P.A. 802 changed the name of the board to the Board of Materials Review to more accurately reflect its overall purpose. The board remained unchanged until the Executive Reorganization Act of 1977, which expanded the board's membership to nine, including three public members, and transferred it to the newly created Department of Public Safety.

¹ Connecticut Public Acts, Section 4110.

Structure

The Board of Materials Review is located within the Department of Public Safety. It is comprised of the following nine members appointed by the commissioner:

- two registered architects;
- three professional engineers (one structural, one mechanical, and one electrical);
- one builder or superintendent of building construction; and
- three public members.

Each nonpublic member must have ten years experience in his/her field to be eligible for appointment.

The board has no budget or staff of its own. However, personnel from the Department of Public Safety are assigned to service the board. This staff includes the assistant state building inspector, who provides technical aid, and a senior secretary, who takes minutes, prepares agendas, and performs other clerical duties as needed. During most of the period when the committee was reviewing the board, the position of assistant state building inspector was vacant and the state building inspector provided staff assistance. The Department of Public Safety estimated 10 percent of the state building inspector's time and 30 percent of the senior secretary's time was devoted to board related activities.

Purpose, Powers and Duties

The Board of Materials Review's purpose is "securing for the public the benefits of new developments in the building industry and insuring public health and safety."² The board, therefore, is to ensure that Connecticut's building industry is allowed to keep pace where the use of new materials or modes of construction is concerned. This role is to be tempered, however, with the overriding concern of protecting the public health and safety.

² Connecticut General Statutes, Section 19-399.

The board is statutorily empowered with the following powers and duties:

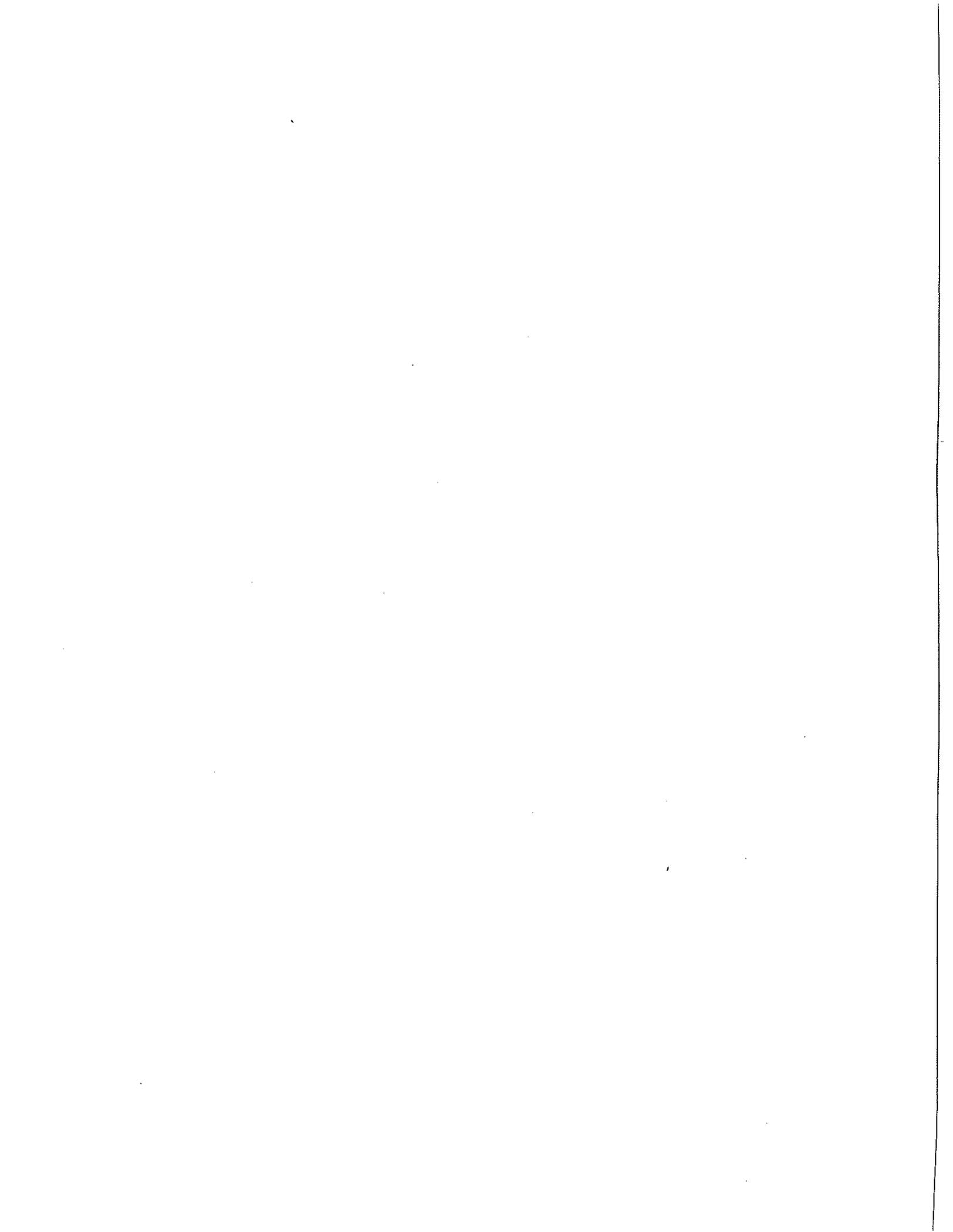
- to investigate new materials or modes of construction intended for use in the construction of buildings or structures;
- to review authenticated reports from recognized authoritative sources on new materials or modes of construction;
- to conduct an annual compliance review of new materials that have not been adopted in the state building code; and
- to promulgate regulations, with the approval of the commissioner of public safety, setting forth the conditions under which such materials or modes of construction may be used.

Fiscal Information

The board members receive no compensation or reimbursement for expenses. The only expense incurred by the board is the assessed dollar value of the staff assigned to it. This cost is based on the amount of their time spent on board duties as discussed above.

\$6,500	Senior Secretary
<u>2,600</u>	Building Inspector
\$9,100	Total Expenses

The Board of Materials Review had customarily been charging a \$100 application fee for each review. In the spring of 1981, however, the procedure was stopped because the legislature's Regulation Review Committee found the board had no statutory authority to charge the fees. These fees totaled \$5,800 during calendar year 1979 and \$6,000 during 1980.



ACTIVITIES

The Board of Materials Review meets every third Tuesday at the Department of Public Safety's complex in Meriden. The meetings generally last between 1 and 1½ hours. The two major activities of the board are the review of new materials and the performance of annual compliance reviews.

The procedure the board follows for the review of new materials is outlined below:

- 1) an application is filed with the State Building Inspector's office;
- 2) the application is checked for all documentation and supporting data;
- 3) it is placed on the agenda for the next Board of Materials Review meeting;
- 4) the application is assigned to a member with expertise in the area of the request;
- 5) the application and supporting data are reviewed by the assigned member;
- 6) the assigned member moves the application be approved or denied listing (if approved, the committee sets conditions for its use);³
- 7) a vote is taken on approval or denial of listing; and
- 8) the application form is signed by the member who reviewed it.

Once the above procedure has been completed and the material is listed, it may be used in the state for a period of one year. If the manufacturer/applicant wishes to renew the listing, he must submit to the board's annual compliance review procedure.

³ The conditions for use established by the board are usually the same conditions as those set by the manufacturer, the national code agency, or an independent laboratory.

A compliance application must be affixed with an engineer's seal. The committee reviews the application to ensure that the seal is included and that no new materials have been added to the approved listing. Once the application for compliance has been reviewed, one of the board members moves to either approve or deny the listing for another year.

Based on a review of minutes from September 1980 to March 1981, the following table gives an accounting of the board's review activities:

Table II-1. Board of Materials Review--Initial and Compliance Reviews.

Initial Reviews:	Approved	30
	Denied	2
	Continued	<u>7</u>
	TOTAL	39
Compliance Reviews:	Approved	38
	Continued	<u>3</u>
	TOTAL	41

Source: Legislative Program Review and Investigations Committee staff analysis.

Up until about four years ago, the Board of Materials Review was also involved in distributing a bulletin naming all the new materials listed for use in the state. Due to lack of funds, this practice was stopped in 1977.

ANALYSIS AND RECOMMENDATIONS

The Legislative Program Review and Investigations Committee's review of the Board of Materials Review focused on four major issues. The issues included: the existence of the Board of Materials Review; its review function; notification of local building officials; and the application fee.

Existence of the Board

There is no question that Connecticut must be aware of and able to utilize new building materials and modes of construction. This state must be able to compete with other areas of the country in incorporating new building technology into actual practice. However, the state's desire to be at the forefront of new technology should not in any way compromise concern for the public's health or safety. This two-pronged goal is the statutory purpose of the Board of Materials Review.

The committee accepted the notion that the best interests of Connecticut's citizens are served by this overall goal and focused its analysis on whether Connecticut's method of achieving it is the best one. Although the Board of Materials Review is given the statutory authority to investigate materials, the committee found the board does not have access to testing facilities. As a result, in almost all cases, it accepts authenticated reports from other organizations such as one of the model code agencies (e.g., Building Officials and Code Administrators), testing results from independent laboratories, or both, as the basis of its decisions. Further, because the board does not have any staff, no research, even of a superficial nature, is conducted on a material or mode of construction.

The process that actually occurs in a material review is that the application with its accompanying documents is given to one of the board members with expertise in the specific area for review. There are two major problems with this procedure. First, the use of the term "review"--defined as an examination--is misleading. The material or mode of construction, itself, is given no examination or testing at the state level. Rather, the "review" consists of reading over the application and supporting documents, and making a judgement on that.

Second, the board member with expertise in a specific area becomes overburdened when a large number of requests are submitted in that area. Because of this, an application may

be continued for three or four months due to the backlog of applications this one member must review.

In an effort to gauge grassroots support for the board and its activities, the Legislative Program Review and Investigations Committee mailed questionnaires to half of the local building officials in Connecticut. Their responses, summarized below, indicate no clear support for retaining the board. In fact, the numbers indicate that a majority of the 45 local building officials who responded are dissatisfied with the board's performance.

Do you feel the Board of Materials Review operates effectively?

5 YES
32 NO
8 DON'T KNOW

On a scale of 1 = very satisfied to 4 = not satisfied, how would you rate the Board of Materials Review in the overall performance of its functions? If you feel you don't know enough about the board to rate its performance, please indicate by circling number 5 - Don't Know.

<u>Very Satisfied</u>		<u>Not Satisfied</u>	<u>Don't Know</u>
2	8	8	12
			15

Would your job become more difficult if the Board of Materials Review were eliminated?

20 YES
19 NO
5 DON'T KNOW

The committee concluded that the Board of Materials Review operates in a vacuum. Despite the fact that decisions made by the Board of Materials Review have a substantial effect on the work of the Building Codes Standards Committee, the program review committee uncovered no communication or coordination between the two entities. One of the major drawbacks of this dearth in communication is that materials are reviewed year after year by the board without standards ever being developed for them in the building code. For example, in December 1980,

the Board of Materials Review granted a certificate of compliance to a material that was first listed in 1971.⁴

Finally, the committee considered the local building officials' complaint that they are never informed of new materials listed for use in Connecticut. While this is apparently due to a lack of funds and not board neglect, it does point out the futility of listing materials without informing the very people the decisions affect.

In light of the above factors, *the Legislative Program Review and Investigations Committee recommends the Board of Materials Review be terminated.*

Review Function

As the analysis above points out, there is no testing of the building material or mode of construction but rather a review is made of the supporting test results or research reports accompanying the application.

The committee believes that since each application must be supported with technical data substantiating the material's safety, it is duplicative to have a review of the supporting documentation at the state level. This is underscored by the fact that the state has no testing facilities to verify this documentation.

Therefore, the Legislative Program Review and Investigations Committee recommends that the Department of Public Safety list each new material or mode of construction for use in the state, provided that it is accompanied by testing results conducted by nationally recognized laboratories and/or research reports from one of the model code agencies.

This change would end the current "review" practice, determined to be duplicative and subjective. Under this proposal, the Department of Public Safety will serve as a clearing house, where manufacturers/applicants file a written request to have a material or mode of construction listed for use in Connecticut. This listing would automatically be granted to any applicant, whose application was supported by documentation of testing results conducted by a nationally recognized independent laboratory and/or research reports from one of the model code agencies. If the application had no such supporting documentation, it would be denied.

⁴ Minutes of Board of Materials Review, December 1980, p. 3.

To eliminate questions about what to consider as a nationally recognized independent laboratory, the department may wish to adopt the listing of the laboratories that BOCA uses. The committee believes this procedure would substantially decrease the state's role in the listing procedure, but would still fulfill the intended goal--to introduce new building materials and modes of construction to Connecticut, while maintaining the public's safety and eliminating duplication.

Notification of Local Building Officials

One of the prime criticisms that surfaced during this review was that building officials are never informed of what is approved for listing in Connecticut. Up until 1977, Connecticut published a bulletin of new listings. Members of the Board of Materials Review indicated that the practice was discontinued due to a lack of funds.

The Legislative Program Review and Investigations Committee considered this notification of paramount importance, realizing that no listing system would work well without this crucial link. In order to ensure that this notification is conducted, *the Legislative Program Review and Investigations Committee recommends that the Department of Public Safety be statutorily required to publish a bulletin on a semi-annual basis, noting all new materials listed for use in the state.*

The committee learned that the funding is available for this notification. Captain Leslie Williams, of the Department of Public Safety, stated at the August 21, 1981 public hearing:

The Commission on Legal Publications [which distributed the building code] offers also a follow-up service that we were unable to provide with our staff and our resources, but the commission, by charging a \$40 fee for the building code, will provide a follow-up service to all holders of the code. This follow-up service includ[es] quarterly mailings of Board of Materials Review approvals, so that the building officials and any users of the code will have quarterly listings of products approved by the Board of Materials Review.⁶

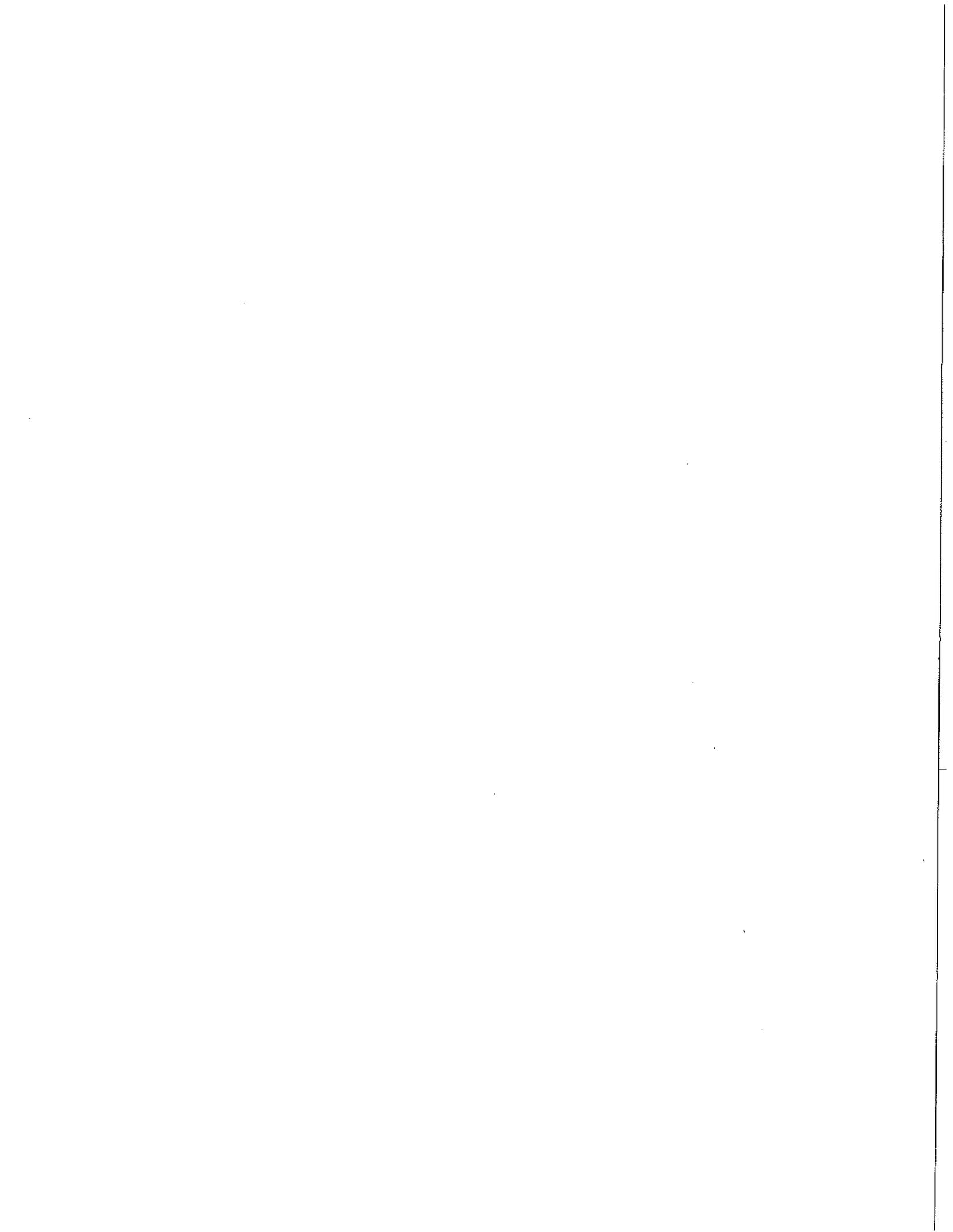
⁶ Captain Leslie Williams, Public Hearing Testimony, August 21, 1981, p. 28.

Application Fee

Finally, the Legislative Program Review and Investigations Committee studied whether a fee should be charged when an application is filed with the state for the listing of a new material or mode of construction. As discussed in the fiscal information section, the Board of Materials Review was charging a \$100 application fee until told to discontinue doing so by the legislature's Regulations Review Committee, which found the board had no statutory authority to charge a fee.

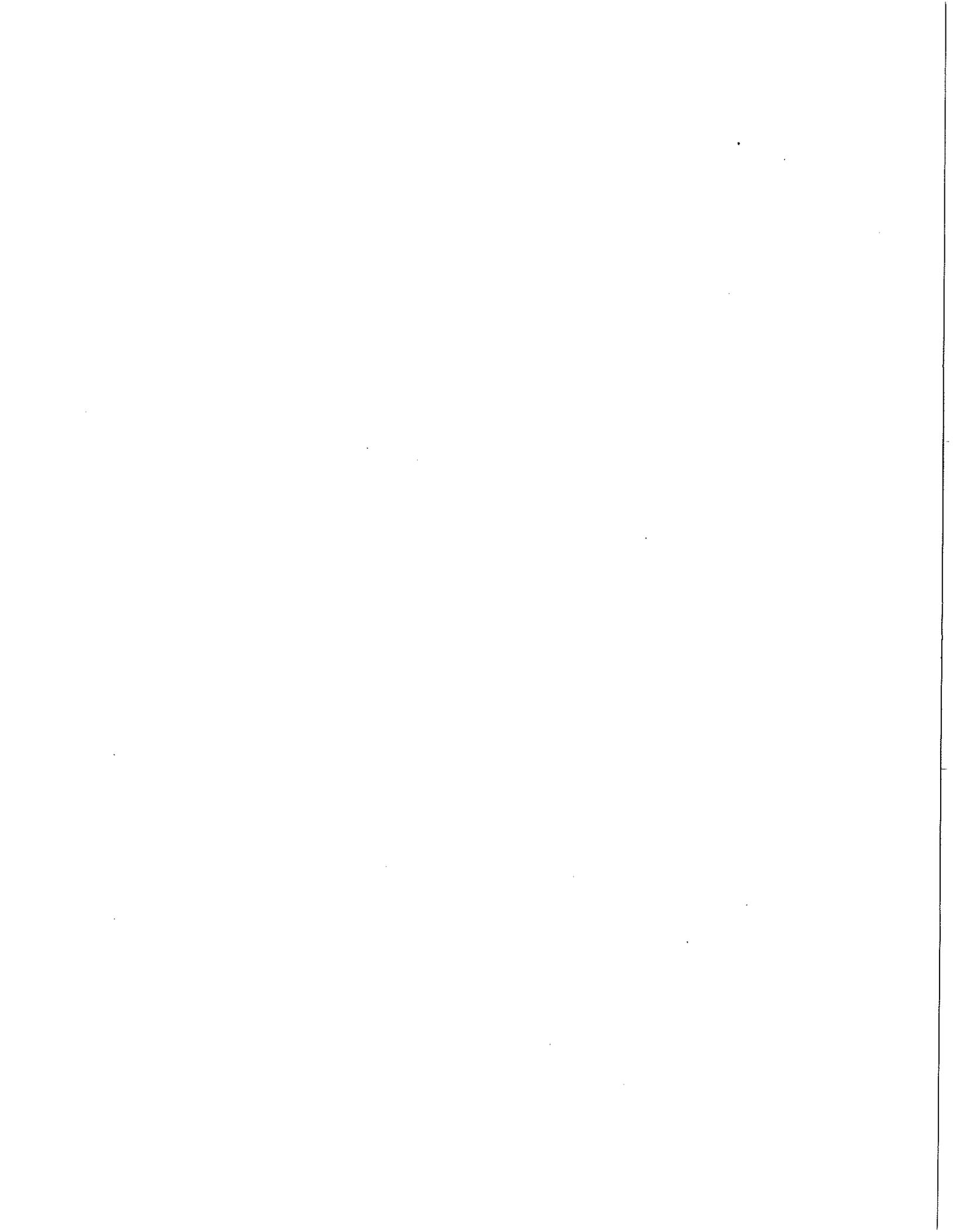
It is not unusual for states or localities to charge a filing fee for such an application. Rhode Island charges \$100 while New York City's fee is \$400. The committee explored the fee question at its August 21, 1981, public hearing. Each person who responded to such queries stated that a fee should be charged. Further, while the fees do not total up to substantial amounts--\$5,800 in 1979 and \$6,000 in 1980--those fees could offset some of the costs needed for staff to check on the applicant's documentation as well as the notification of local building officials.

Therefore, the Legislative Program Review and Investigations Committee recommends that the Department of Public Safety be statutorily authorized to require a fee of \$100 to accompany each application for a listing of a new material or mode of construction.



APPENDICES

- A. Summary Sheet--Board of Materials Review
 - B. Survey of Board Members
 - C. Survey of Local Building officials
 - D. Legislative Changes
-



APPENDIX A

Sunset 1982

Summary Sheet

ENTITY: State Board of Materials Review (C.G.S. Sec. 19-399)

ESTABLISHED: 1969 (P.A. 443)

ORGANIZATIONAL LOCATION: Department of Public Safety

PURPOSE: To secure for the public the benefits of new developments in the building industry and insuring public health and safety.

POWERS AND DUTIES:

- To investigate new materials or modes of construction intended for use in the construction of buildings or structures
- To review authenticated reports from recognized authoritative sources on new materials or modes of construction
- To conduct an annual compliance review of new materials that have not been adopted in the state building code
- To promulgate regulations, with the approval of the Commissioner of Public Safety, setting forth the conditions under which such materials or modes of construction may be used.

COMPOSITION: 9 members:
2 registered architects
3 professional engineers
1 builder or superintendent of building construction
3 public members

Specific Requirements for Appointment - All members (excluding public members) are to have 10 years experience.

Appointing Authority - Commissioner of Public Safety, to serve at his/her pleasure.

STAFF: State Building Inspector at 3.5 hours per week; Senior Secretary
11 hours per week

BUDGET:

Staff:	Annual figure for State Building Inspector	\$2,600.00
	Annual figure for Senior Secretary	<u>3,900.00</u>
		\$6,500.00

STATISTICS - Period from January 1, 1981 to July 7, 1981

NUMBER OF MEETINGS: 9

AVERAGE ATTENDANCE: 5

APPENDIX B

Legislative Program Review and Investigations Committee

1982 Sunset Review
of
The Board of Materials Review

This questionnaire has been constructed to elicit information about the Board of Materials Review. Please read the directions before answering each question to insure the validity of the questionnaire's results.

Please feel free to provide additional comment on either a specific question or the board's activities in general. Any such comment may be included directly on the questionnaire or in a separate attachment.

1. What is your profession or occupation? _____

2. Approximately how long have you been a member of the Board of Materials Review?

Average $\frac{5}{\text{Years}}$ $\frac{2}{\text{Months}}$

3. On a scale of 1 = High Priority to 4 = Low Priority, please rate the following functions as to their importance for continuing the board. Please rate every function; if you feel the board is not involved, please indicate by choosing number 5.

High Priority			Low Priority	Not Involved	
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	
7	0	0	1	0	Investigation of new materials or modes of construction intended for use in the construction of buildings/structures in the state.
7	0	1	0	0	Review of authenticated reports from recognized authoritative sources on new materials or modes of construction

High Priority		Low Priority		Not Involved	
1	2	3	4	5	
7	1	0	0	0	Conduct annual compliance reviews of new materials that have not been adopted in the state building code
3	3	2	0	0	To promulgate regulations, with the approval of the Commissioner of Public Safety, setting forth the conditions under which such materials or modes of construction may be used
1	3				Other (please specify) Assistance to local building officials (2). Input to State Building Code Standards Committee for proposed revisions and amendments (1), Coordination with other boards (1).

4. Approximately what percentage of the board's time would you say is spent on each of the following activities? (Please account for 100% of the board's time.)

- 35% Investigation of new materials or modes of construction intended for use in the construction of buildings or structures
- 39% Review of authenticated reports from recognized authoritative sources on new materials or modes of construction
- 16% Conduct an annual compliance review of new materials that have not been adopted in the state building code
- 9% Promulgation of regulations, with the approval of the Commissioner of Public Safety, setting forth the conditions under which such materials or modes of construction may be used
- 1% Other (please specify) _____

5. On a scale of 1 = Very Effective to 4 = Not Effective, please rate the performance of the board in performing the following functions? If you feel the board is not involved in a particular function, please indicate by choosing number 5.

Very Effective		Not Effective		Not Involved	
1	2	3	4	5	
4	1	2	1	0	Investigation of new materials or modes of construction intended for use in the construction of buildings or structures
4	3	1	0	0	Review of authenticated reports from recognized authoritative sources on new materials or modes of construction
2	4	0	0	1	Conduct annual compliance review of new materials that have not been adopted in the state building code
2	2	0	4	0	Promulgation of regulations with the approval of the Commissioner of Public Safety, setting forth the conditions under which such materials or modes of construction may be used,
1	0	2	0	2	<u>Other (please specify)</u> Coordination with other state boards (1). Assist local building officials with acceptance of materials or modes of construction being used or presented (1). Dissemination of information to local building officials providing input to the State Building Code Standards Committee for revisions (1).

Those who chose number 5 indicated that the Board of Materials Review should be involved in the above activities, but wasn't because of lack of funding and staff.

6. Do you feel the effective operations of the Board of Materials Review is impeded by any statute, regulation, policy or procedure?

5 Yes 3 No

6a. If yes, what do you feel is the major impediment? If you choose more than one, please rate in order of severity (i.e., 1 = most severe impediment; 2 = less severe, etc.).

<u>Most Severe</u>	<u>2nd Most Severe</u>	<u>3rd Most Severe</u>	
1		1	Poor statutory definition of role and functions the board is supposed to perform
	2	1	Lack of communication between the Board of Materials Review and the Building Code Standards Committee
3	1		Lack of staff and funding to carry out the duties mandated by statute
	1		Organizational location within the Department of Public Safety impedes effective operation
			Lack of participation on the part of some committee members
		1	Statutory mandate is too extensive for a volunteer committee
1			Other (please specify) <u>Extreme length of time between updates of code or approved amendments to code.</u>

7. This final question is optional. If the Board of Materials Review were eliminated, what do you think would be the most viable alternative for carrying out the board's current functions? (For example, add the board's functions to those of the State Building Code Standards Committee's.)

Some comments were:

- Put greater reliance on BOCA [or other national] listing and add other functions to State Building Code Standards Committee.
- Have paid staff perform all the necessary functions
- Add to the State Building Code Standards Committee
- No alternative - if the board were eliminated, the public would be open to all kinds of goods being offered without verification of authenticity or deliverance [efficacy] of the product
- No alternative. Since the State Building Code Standards Committee is regulatory and restrictive, the functions of the Board of Materials Review therefore, could not be appropriately adopted by them.

APPENDIX C

Sunset 1982

Survey of Local Building Officials

This questionnaire has been designed to obtain information from the state's building officials on several boards and commissions and committees that are being reviewed under the provisions of the sunset law.

The questionnaire will be divided into five sections. Each section will clearly identify the board or committee and will pose several questions concerning that board.

BOARD OF MATERIALS REVIEW

1. Do you feel the Board of Materials Review operates effectively?

5 YES 32 NO 8 DON'T KNOW

2. If no to question 1, what do you think is the major impediment to the board's effective operation? If you choose more than one, please rank in order of severity (i.e., 1 = most severe impediment; 2 = less severe impediment).

1st most severe	2nd most severe	3rd most severe	
0	0	<u>1</u>	Poor statutory definition of role and functions board is supposed to perform
12	3	<u>0</u>	Lack of communication between the Board of Materials Review and local building officials
5	7	<u>0</u>	Lack of staff and funding to carry out the board's functions
0	1	<u>1</u>	Organizational location within the Department of Public Safety
0	0	<u>0</u>	Lack of participation on the part of some committee members
0	3	<u>3</u>	Statutory mandate is too extensive for a volunteer committee
0	2	<u>0</u>	Other (please specify) National groups already doing it are more qualified - approval is given [in CT] to materials not appropriate (1). We (building officials) should have available data on material <u>before</u> it is available to public to place in their homes, not six months later.

3. On a scale of 1 = very satisfied to 4 = not satisfied, how would you rate the Board of Materials Review in the overall performance of its functions? If you feel you don't know enough about the board to rate its performance, please indicate by circling number 5 - Don't Know.

<u>Very Satisfied</u>		<u>Not Satisfied</u>	<u>Don't Know</u>
2	8	8	12
			15

4. Would your job become more difficult if the Board of Materials Review were eliminated?

20 YES 19 NO 5 DON'T KNOW

BUILDING CODE STANDARDS COMMITTEE

1. Do you feel the Building Code Standards Committee operates effectively?

12 YES 24 NO 8 DON'T KNOW

2. If no to question 2, what do you think is the major impediment to the board's effective operation? If you choose more than one, please rank in order of severity (i.e., 1 = most severe, 2 = less severe).

<u>1st most severe</u>	<u>2nd most severe</u>	<u>3rd most severe</u>	
0	0	0	Poor statutory definition of role and functions
13	4	2	Lack of communication between the Building Code Standards Committee and the local building officials
0	0	1	Lack of participation on the part of some committee members
1	1	3	Organizational location of the committee within Department of Public Safety
6	4	0	Statutory mandate is too great for a volunteer committee
1	5	1	Lack of coordination between the building and fire safety codes, including officials and committees involved
2	2	1	Other (please specify) <u>Too slow to update code (with adoption of BOCA in Sept., we will be three years behind) (1); Lack of staffing within state building inspector's office to adequately notify building officials of decision (1); Chairman too aggressive during hearings, leading board's decisions, a tendency for board to rule in favor of professionals - (architects or engineers) because of professional courtesy (1); Adopt mandatory classes for all new building officials before any certification (2); Lack of building officials as representatives on the standards commission (1); The SBI should be a member of the SBCSC, his office should provide clerical assistance. The state building inspector should not be equal to the SBCSC (1); Department of Public Safety should function independently of state police.</u>

3. Are you satisfied that the certification process of building officials assures that only competent and knowledgeable persons are being certified?

19 YES 20 NO 6 NO OPINION

4. On a scale of 1 = very satisfied to 4 = not satisfied, please rate the Building Code Standards Committee on the overall performance of its functions. If you feel you don't know enough about the committee to rate its performance, please indicate by circling number 5 - Don't Know

<u>Very Satisfied</u>		<u>Not Satisfied</u>		<u>Don't Know</u>
5	12	6	7	15

5. Would your job be made more difficult if the Building Code Standards Committee were eliminated?

26 YES 11 NO 8 DON'T KNOW

Add'l comment- To eliminate would be a mistake - but representation should be changed; too many design professionals now.

THIS APPENDIX INCLUDES ONLY RESPONSES TO QUESTIONS CONCERNING THE BOARD OF MATERIALS REVIEW AND THE BUILDING CODE STANDARDS COMMITTEE. OMITTED ARE THE RESPONSES DEALING WITH FIRE SAFETY CODE STANDARDS COMMITTEE, OCCUPATIONAL LICENSING BOARDS AND THE COMMISSION ON DEMOLITION.

APPENDIX D

Legislative Changes

- Repeal Section 19-399a of the Connecticut General Statutes, which creates the Board of Materials Review.
- Amend Section 19-399b of the Connecticut General Statutes to give the Department of Public Safety the authority to:
 - list any material which is accompanied by testing results and/or research reports conducted by either an independent laboratory or a model code agency;
 - publish a bulletin on a semi-annual basis, notifying all local building officials of all new materials and modes of construction; and
 - require a \$100 fine to accompany each application for the listing of a new material or mode of construction.