



Exempt Action Final Regulation Agency Background Document

Agency name	Department of Housing and Community Development
Virginia Administrative Code (VAC) citation	<u>13 VAC 5 - 63</u>
Regulation title	Virginia Uniform Statewide Building Code
Action title	Amendments to Establish New Performance Standards for Defective Drywall
Final agency action date	July 25, 2011
Document preparation date	July 26, 2011

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Pursuant to § 36-99 D of the Code of Virginia, the Board of Housing and Community Development is amending the Virginia Uniform Statewide Building Code (USBC) to establish interim performance standards and code provisions addressing the installation, application and use of gypsum wallboard which may contain defects from the manufacturing process resulting in the off-gassing of corrosive chemicals affecting the electrical and mechanical systems of buildings.

The amendments to the USBC are contained in § 13 VAC 5-63-120 F–X and are summarized as follows:

13 VAC 5-63-120 F: Establishes a general section on defective products which supersedes other provisions of the USBC.

13 VAC 5-63-120 G :Prohibits the use of defective drywall in new construction.

13 VAC 5-63-120 H: Establishes a remediation standard for the removal of defective drywall and the rebuilding of buildings affected by the installation of defective drywall.

13 VAC 5-63-120 I: Defines defective drywall for the purposes of applying the interim performance and remediation standards.

13 VAC 5-63-120 J: Requires a permit to be obtained under the USBC for the remediation of defective drywall.

13 VAC 5-63-120 K: Requires the remediation standards to be used when defective drywall is replaced and clarifies that the local building official has authority to consider modifications to the standards.

13 VAC 5-63-120 L: Requires the removal of defective drywall when remediation is undertaken and permits non-defective drywall to remain in place under certain conditions where not affected by the defective drywall.

13 VAC 5-63-120 M: Addresses the conditions under which insulation and floor materials are to be removed and replaced.

13 VAC 5-63-120 N – P: Addresses the conditions under which electrical wiring and plumbing and mechanical system components and equipment are to be removed and replaced.

13 VAC 5-63-120 Q – S: Establishes cleaning, airing-out and clearance testing criteria to apply after remediation and prior to rebuilding the building.

13 VAC 5-63-120 T: Establishes standards for testing agencies conducting pre- or post-rebuilding clearance testing.

13 VAC 5-63-120 U: Clarifies that rebuilding is subject to the code under which the building was originally constructed.

13 VAC 5-63-120 V: Establishes standards for post-rebuilding clearance testing.

13 VAC 5-63-120 W: Addresses final approval by the local building official.

13 VAC 5-63-120 X: Addresses the approval of remediation work undertaken prior to the approval of remediation standards.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

At its January 24, 2011 meeting, the Board of Housing and Community Development approved a recommendation from its Codes and Standards Committee to conduct a public hearing pursuant to § 36-99 D of the Code of Virginia on defective drywall and possible alternatives for remediation. On March 28, 2011, after proper notice and notification of interested parties, the Board of Housing and Community Development conducted a public hearing on defective drywall and the Board's intent to establish interim performance and remediation standards addressing the use of defective drywall. At its July 25, 2011 meeting, the Board of Housing and Community Development adopted final regulations pursuant to § 36-99 D of the Code of Virginia establishing interim performance and remediation standards for the use of defective drywall.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The final regulations do not have an impact on the institution of the family and family stability.