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SUBMITTED VIA E-MAIL: fema-recovery-pa-policy@fema.dhs.gov

The Honorable Deanne Criswell, Administrator
U.S. Department of Homeland Security
Federal Emergency Management Agency (FEMA)
500 C Street, SW
Washington, DC 20472

**Re: Public Assistance Consensus-Based Codes, Specifications, and Standards Policy
Update Public Comment Period**

Dear Administrator Criswell,

BuildStrong America writes in support of FEMA Policy FP-104-009-11, "Consensus-Based Codes, Specifications, and Standards for Public Assistance," (hereinafter referred to as "the Policy"). We commend the Policy's emphasis on using hazard-resistant and consensus-based codes, specifications, and standards for federally funded repair or replacement of major disaster projects. This approach is critical for enhancing community resilience and ensuring that public infrastructure can withstand the impacts of natural hazards, both in the aftermath of disasters and against future events. The broad application of these consensus-based guidelines promotes consistency, quality, and safety across the built environment, benefiting both local communities and the entire nation.

Over the past decade, BuildStrong and our partners have been strong advocates for solutions to address the rising costs and impacts of disasters in the United States. We have identified many important opportunities for policy changes that promote mitigation and the smart investment of federal resources, including providing input that informed several key provisions of the Disaster Recovery Reform Act of 2018 (DRRA, Division D of P.L. 115-254), specifically Section 1235(b), which serves as the basis for this FEMA policy update.¹

The adoption and enforcement of the latest building codes is one of the most impactful steps in bolstering community resilience. Based on the research and findings of the National Institute of Building Sciences (NIBS), this may result in an as much as an \$11 per \$1 return on investment for the taxpayer. While building codes set minimum requirements to protect life safety, NIBS also found stricter requirements can cost-effectively boost life safety and speed functional recovery. For example, the study found that above-code design could save \$4 per \$1 cost. The Insurance Institute for Business & Home

¹ DRRA amended Stafford Act Section 406(e) to require FEMA to fund the repair, restoration, reconstruction, or replacement of facilities in a way that conforms to the latest published versions of relevant consensus-based codes, specifications, and standards. These codes and standards must incorporate the latest hazard-resistant design and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities that may receive disaster assistance. This is intended to protect the health, safety, and general welfare of facility users against disasters.

Safety's (IBHS) FORTIFIED voluntary designation program is a great example of an above code design. The study found that on the Gulf and Atlantic coasts, building to FORTIFIED standards could save \$3.8 billion per year, with some benefit-cost ratios over 16:1. Despite these cost-savings facts, much help is still needed to facilitate the adoption and enforcement of codes at the state and local level. And it is this reason that the streamlined expansion of hazard-resistant criteria for federally funded projects in the Policy is particularly noteworthy.

Throughout the nation, we've witnessed instances where the dialogue surrounding code adoption has shifted. It has moved away from discussions about which code provisions will enhance community resilience, to a state of confusion regarding which specific code will render buildings eligible for reimbursement post-disaster. By incorporating the national model building codes developed by organizations like the American Society of Civil Engineers (ASCE), International Association of Plumbing & Mechanical Officials (IAPMO), International Code Council (ICC), National Fire Protection Association (NFPA), and others, FEMA's proposed policy directly tackles this issue by clearly stating that jurisdictions have a range of options available when determining the most suitable approach to meet their resilience requirements. Allowing for greater flexibility at the local level enables communities to tailor solutions to their unique needs and risks.

Comments, Best Practices, and Lessons Learned

In response to FEMA Policy FP-104-009-11, "Consensus-Based Codes, Specifications, and Standards for Public Assistance," BuildStrong America offers the following comments, best practices, and lessons learned from our over decade-long experience in the resilience space. **We are concerned that the purpose of the Policy, which is to promote resiliency and achieve risk reduction, may be undermined by two specific sections of the Policy. We encourage FEMA to consider ways to address these identified issue areas programmatically.**

D. VERIFICATION REQUIREMENTS

Under section *D. VERIFICATION REQUIREMENTS, 2.*, we have concerns with the, "but not limited to" language used. Resilient materials can absorb a shock and still return to their original state, meaning the material remaining in the elastic region of the stress-strain curve. However, for materials to remain resistant to shocks, they must be installed correctly and to technical specifications. We are supportive of written certification by a registered engineer, architect, or design professional, that the project was designed and constructed in compliance with the applicable codes, specifications, and standards identified as sufficient evidence. At a minimum, we would like to see transparency around the decisions that are outside of this scope.

F. OTHER CONSIDERATIONS

We have grave concerns with section *F. OTHER CONSIDERATIONS, 2.*, mandating that FEMA will pay for the least expensive alternative when codes or standards allow for discretion in design. To state the obvious, the most resilient approaches are rarely the least expensive up front. The benefits pay out over time, as greater resilience reduces repair, replacement, and collateral costs over the lifecycle of the system. Greater emphasis must be placed on the long-term benefits to help drive better, longer-term decisions. To be effective, FEMA must incorporate consideration of life cycle costing when evaluating

funding decisions, so that the true, long-term benefits of greater resiliency are more effectively factored into the benefit-cost analysis (BCA).

While we appreciate FEMA considering whether the alternative is better achieved through other programmatic options, such as mitigation funding, we believe this could potentially slow down recovery and increase administrative burdens on communities that are trying to build back stronger. Programs and products must be created that are flexible, scalable, and easily replicated, which will allow both the public and private sectors to be creative and ultimately transformational. Programs should leverage other programs, be easily combined with other streams of funding, help speed implementation, overcome challenges and undue burdens, and avoid delay. But this must be met with accountability and metrics that illustrate the real, measurable impact on drawing down risks and hazards for individuals, businesses, and communities.

In conclusion, the adoption and enforcement of appropriate standards for the use of resilient materials and life safety methods must be prioritized and incentivized by all federal programs and policies. The enforcement of these standards dramatically increases the resiliency of our homes and structures. Encouraging the replacement of vulnerable infrastructure with infrastructure that meets higher standards will result in the avoidance of or reduction in damage, lifestyle interruptions, and reconstruction costs.

We commend FEMA for its focus on incentivizing communities to embrace and enforce building codes, specifications, and standards that prioritize resilience, thereby safeguarding lives, property, and taxpayer funds. Additionally, we appreciate FEMA's receptiveness to feedback from stakeholders regarding the necessity of incorporating all primary building codes established by ASCE, IAPMO, ICC, NFPA, and others in its proposed policy revision. Once again, we express gratitude for your leadership on this crucial matter.

Respectfully,



Natalie F. Enclade, Ph.D.
Executive Director
BuildStrong America

cc: William C. Hagmaier, Assistant Administrator, Recovery Directorate
Robert Pesapane, Director, Public Assistance Division