

Report to the Governor and General Assembly on the Warehouse Safety Standards Task Force, for the meeting held July 10, 2024

Pursuant to Public Act 102-1115, the General Assembly established the Warehouse Safety Standards Task Force to study warehouse safety standards. The Task Force is charged with providing quarterly updates of its findings, discussions, and decisions to the Governor and General Assembly, leading to a final report of recommendations by January 1, 2025.

The Task Force held its fifth meeting on July 10, 2024, at the Illinois Department of Labor's Springfield office at 524 S. 2nd Street. After Task Force procedural items, the Task Force heard expert testimony from Bernie Arends, Fire Protection Specialist at the Office of the Illinois State Fire Marshal (OSFM), on the topic of fire codes. He expressed that a major issue in Illinois is that there are many different fire codes across municipalities and other local governments, and many municipalities that have no fire code at all, instead of one unified statewide fire code, which makes enforcement difficult. By comparison, some other states have a statewide fire code, typically reflecting the [2024 International Fire Code](#), and a statewide agency charged with conducting inspections and enforcing those requirements.

Sen. Rachel Ventura asked how often buildings in Illinois are inspected for compliance after construction is complete. Mr. Arends clarified that the State of Illinois only inspects State-supported facilities such as daycares, public schools, and group homes; otherwise, buildings may be subject to inspection by a local public body. Many municipalities plan to inspect all buildings at least once per year, particularly focusing on places of public assembly with a permitted occupancy of 50 or more people, such as restaurants, theaters, gymnasiums, etc.

Guest Alex Cope asked whether the passage of [SB 2368/PA 103-0510](#) helped solve the issue of the “patchwork” of local code ordinances. Mr. Arends said the only issue is not whether or not local bodies adopt a building code, but whether they enforce it. Many areas, particularly rural areas, lack sufficient staffing to properly enforce codes. He noted the prevalence of large warehouses constructed with little input from the local fire authority for safety and suggested the oversight authority might be better administered at the state level since the local governments do not have the necessary resources. Rep. Katie Stuart asked about warehouses that are built without a specific purpose in mind, and modify their operations after inspection, and whether they should be re-inspected for their current purpose. Mr. Arends said it's the responsibility of the owner to notify authorities if there is change in commodities or population, and referred to a [fire that took place at a lithium battery storage facility](#) in 2021 in Morris, IL. He stated that [local authorities were unaware](#) that that facility was being used for storage of lithium batteries rather than its original purpose as a paper mill.

Rep. Dan Ugaste asked for more detail about the possibility of a state agency such as OSFM taking over code enforcement. He pointed out that a one-size-fits-app approach may not work statewide. How would that affect local communities who do their own code enforcement? Mr. Arends said OSFM already does assist local governments, because OSFM has inspectors in each county who can help with plan reviews or anything else the local government might need help with. But the local authority has final decision on approval. Mr. Arends then concluded his discussion.

After taking care of procedural business, the Task Force then turned to Tim Schmitz, Regional Director for the International Code Council, a major publisher of building codes adopted by many jurisdictions worldwide. He discussed the organizational structure and mission of the ICC, and the process by which ICC develops and adopts updates to its code books.

Mr. Schmitz showed a map of the United States, demonstrating that some states have adopted different versions of the International Building Code and the International Residential Code (2021, 2018, 2015, etc) while Illinois has no statewide code and instead relies on local jurisdictions to adopt. However, Illinois has adopted the International Energy Conservation Code for all jurisdiction, and recently enacted PA 103-0510 which requires all communities to use a recent version of the International Building Code, the International Residential Code, and the International Existing Building Code beginning on January 1, 2025. He reiterated that Illinois is a patchwork of codes and enforcement, but PA 103-0510 is intended to ensure that all areas of Illinois are covered by a minimum standard, which means that residents become eligible for Federal Emergency Management Agency grant funds.

Mr. Schmitz spoke to the importance of code consistency resulting in improved building, efficiency, and safety, and new versions of the codes are published every 3 years to address technological advances. He stated that using the most up-to-date version of the code books means that communities that experience natural disasters can rebuild more quickly and easily. Director Flanagan asked to clarify whether the changes in PA 103-0510 would impact municipalities that do not have a code in place. Mr. Schmitz stated that, prior to PA 103-0510, units of government that adopted a building code had broad discretion to adopt any code they wanted; but units of government that did not adopt any building code, by default under State law, had to use one of the 2 more recent versions of the International Building Code. After PA 103-0510, local units of government that adopt their own codes also must choose from a recently-published version.

Like Mr. Arends, Mr. Schmitz also emphasized that having codes on the books is important, but having sufficient enforcement resources is also crucial. He reiterated that Illinois doesn't have a central statewide code authority.

Rep. Keicher asked about codes that require that renovations of older homes comply with current code, such as new windows and outlet height, leading members of the public to avoid beginning renovations or updates because of a perception that they have to comply with modern code. Mr. Schmitz recommended that communities adopt the International Existing Building Code which provides more flexible options for building owners to achieve code compliance.

Alex Cope asked if the ICC has any standards pertaining to severe weather preparedness, and tilt-up warehouses, which seem to have problems withstanding high winds. Mr. Schmitz said that the codes do include information on severe weather, but local communities may adopt the International Building Code but include "local amendments" that leave out provisions such as those pertaining to wind resistance. For example, a jurisdiction in Illinois might not need to adopt the ICC section on hurricanes, but a jurisdiction in Florida would.

Rep. Stuart asked to clarify that Illinois allows local jurisdictions to adopt the ICC codes, but allows them to go below those standards. Illinois is a home rule state that allows local jurisdictions to self-govern, including to modify building codes to meet their needs at the local level. Rep. Stuart expressed concern that municipalities may adopt lower standards in order to attract businesses, which results in a “race to the bottom” for safety. There was discussion of any given ICC standard being the “gold standard,” and the community may remove or replace that section. However, the local government doing so does not forbid owners from complying anyway. In response to a question from Mr. Lynn Cope, Mr. Schmitz said that such local amendments are generally done universally for that jurisdiction, not on a case-by-case basis for individual facilities.

The Task Force then heard from Jeff Stehman, executive director of the Illinois Council of Code Administrators. He explained that his organization, ICCA, represents building and code officials from across Illinois and is a member organization of the ICC.

According to Mr. Stehman, code officials are responsible for reviewing and permitting construction, ensuring compliance with applicable codes, and managing code enforcement, which is either complaint-driven or through proactive community-wide inspections. He noted that communities cannot amend out structural standards but can amend out minor sections. PA 103-0510 defines structural design as “the capacity of a [building] to withstand forces [such as] snow loads, wind loads, soil loads and hydrostatic pressure, rain loads, and earthquake loads, and to resist flood damage.” According to Mr. Schmitz, counties and municipalities are not restricted in how their local codes address any other topic covered by a building code, such as soundproofing or residential fire sprinklers.

Mr. Stehman argued that jurisdictions should invest in their code enforcement by ensuring the code officials are properly trained and maintain certification; and that the code enforcement departments are properly funded and staffed. He stated that, while some municipalities adopt ICC certification as a requirement for their own code inspector employees, there is no statutorily required statewide professional licensure for code enforcement officials, and argued that such a requirement would benefit public safety. He gave the example of the Illinois State Board of Education requirements for building code inspectors who inspect schools ([23 IAC 180.120](#)). He also urged units of government to adopt recent versions of the ICC codes due to changes in industry standards and technology, and said that failure to keep current may result in lack of access to federal FEMA funds and higher insurance rates for the community. He urged the State to adequately fund code enforcement activities. He said that patchwork of code enforcement leaves some communities completely uninspected.

Rep. Stuart asked how many code enforcement officials would be needed to adequately conduct initial and followup inspections for a town with a population of 25,000-35,000. He said most communities that size have 4 to 5 code enforcement staff. However, municipal administrators are responsible for identifying their own need, and two cities with similar populations might have very different needs. Rep. Stuart mentioned that some small municipalities might not be able to afford to hire a certified inspector nor have enough demand to justify it. She suggested there could be regional pools of code inspectors that could serve multiple communities, and Mr. Stehman said that some areas of the state do have systems where the county may loan inspectors to other jurisdictions. Mr. Arends from OSFM shared the story of a community in Grundy

County that has no adopted codes; very limited staffing; and where new warehouses are constructed very quickly. The municipality relies on the OSFM but ultimately local jurisdiction is responsible.

Rep. Keicher mentioned that many technical career fields are facing a staff shortage and the state should focus on this. He asked whether, given that communities are able to use outside engineering firms for plan review, is there a possibility a municipality could hire a private firm to conduct an inspection? Mr. Stehman said yes, and many of those firms do both plan review and inspection. There was discussion that if a city has an insufficient budget for code inspection, the city could require the builder to pay for the inspection, and Rep. Keicher encouraged this framework in communities where there is not enough demand to justify full-time municipal enforcement staff.

Director Flanagan then directed the conversation to discussion of the future business of the task force, culminating in the final report due January 1, 2025, and the Task Force members agreed to plan to discuss recommendations at the next meeting. Rep. Stuart stated that the report should recognize the families who were impacted by the Edwardsville tornado which was the precipitating event, especially the Cope family. Director Flanagan then turned to the Cope family to share any thoughts, and they expressed appreciation for the work the Task Force has done and their eagerness to see the recommendations. The Task Force then adjourned.