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Lessons Learned from Working with Codes- and Standard-setting Groups

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POSTED BY: ELLEN THORP, CAE **MAY 31, 2016**

When I joined the staff of the **EPDM Roofing Association (ERA)** almost a decade ago, my job description was pretty clear. As associate executive director of ERA, I helped inform the construction community about the benefits of EPDM, especially in a changing marketplace where energy efficiency was becoming increasingly important.

It soon became apparent, though, that there was another important aspect of my job, beyond reaching out to building owners, architects, specifiers and contractors. Increasingly, standards and code-setting organizations were impacting the way our members and their customers were doing business, and much of that impact was

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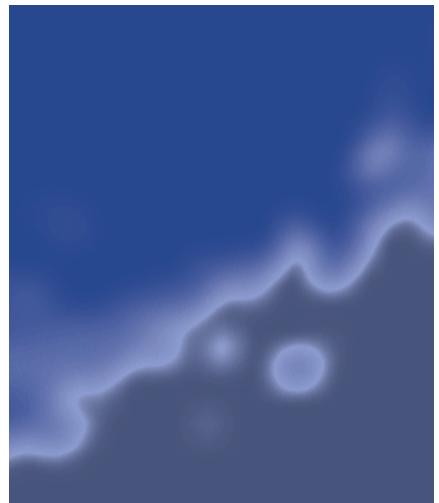
potentially reflected on their bottom lines. As an organization representing the interests of all makers of EPDM, it was incumbent upon ERA to become involved with the standard-setting bodies and share our knowledge with them.

It didn't take long for an urgent opportunity to present itself. Nine years ago, the **Ozone Transport Commission**, or OTC, issued regulations designed to achieve federally mandated air-quality standards in the Northeast and Mid-Atlantic regions. The regulations, though not legally binding, were drafted by air quality directors from the Mid-Atlantic and Northeastern states to serve as a model that the individual states would use when drafting their own regulations.

This first round of regulations, designed to lower volatile organic compounds, or VOCs, in the adhesives, sealants and primers used in roofing construction, were based on those used in southern California. This created problems almost immediately: The materials developed for use under the new regulations in California were primarily water-based. While they worked effectively year-round in the mild California climate, they would have been of very limited use in the colder climates of the states covered by the OTC. In fact, most of the new products needed to be stored at or above 40 F, could be used only when the temperature was 45 F and rising and were challenging to use when the humidity was above a certain level. The proposed regulations threatened to bring the roofing industry to a halt or limit it to a relatively short warm-weather season.

As it worked to draft the model regulations, members of the OTC had neglected to involve the roofing industry. Likewise, as the first several states adapted these model regulations to their specific needs, they also failed to consult with industry experts. As individual states began to promulgate their regulations, the roofing industry was caught completely by surprise. In one instance, the state assembly had to pass an amendment to create a delayed implementation schedule for the products used with

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single-ply roofing. And most of the early-implementing states found themselves scrambling to create “phase in” schedules that would give industry enough time to develop products to meet the new standards.

The ERA staff began a grassroots effort to work with the appropriate state regulators. We emphasized that our goals were the same as theirs: As an industry, we wanted to support efforts designed to protect and improve the environment. But we underscored the fact that the industry needed time to develop sealants that would work in the colder climates of New England and the mid-Atlantic states. Every single conversation that I had with regulatory officials was met with eagerness to receive scientific, unbiased information. They were very enthusiastic and came to see us as partners—not adversaries—in the process. For ERA, our members and our customers, the benefits of these efforts were two-fold. First, we worked with the impacted states to ensure that our industry would have enough time to develop new, innovative products that would meet the new requirements. Just as important for ERA, we learned from our experiences with the VOC regulators, and we have applied those learnings in multiple interactions with standard-setting, code-setting and regulatory bodies over the years since our first VOC challenges. Here are the principles we now follow to ensure that our members’ voices are heard before many important industry groups :

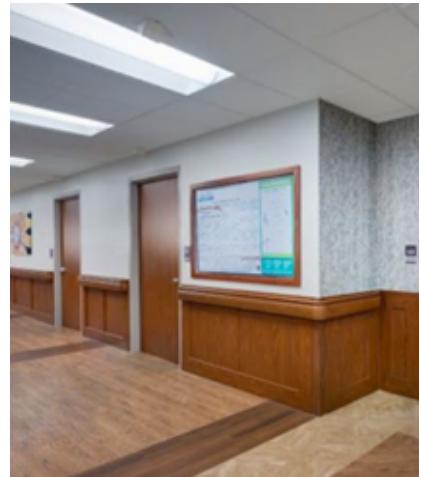
1. Deal in science and research-based facts, and share them in a readily accessible format. ERA hired a third-party researcher to prepare a straightforward, four-page document that we provided to regulators in all the OTC states. This document was localized for each state to explain how the climate of southern California and the climate of the state in question were different. We also tailored the document to provide a general overview of the roofing construction economic climate in each state, and explain how jobs would be affected if the regulations were implemented immediately.

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2. Use social media and your website to inform the community about pending actions and your activities relating to upcoming regulatory and code-setting events. The **ERA website** became the go-to source to update the industry as VOC regulations and implementation deadlines were updated and revised. Since then, we have used our **blog** to update readers about our activities before standard-setting and code-setting groups.

3. Do your homework on the positions of other influential organizations in the construction business to know who your potential allies might be. Depending on the challenge faced in any individual code or regulatory hearing, alliances will shift. Know, in advance, who is likely to support your position, and work with them to reinforce each others' activities.

4. Likewise, study the opposition and look to the science you have generated to be able to rebut their arguments.

5. Understand your audience. For instance, state regulators frequently are the targets of activist groups, who may take legal action against the states for not doing enough. The regulators will welcome your scientific data to help them in their decision-making and also to defend against potential lawsuits. Likewise, code officials will need to generate information that contractors, builders, and owners can understand and follow. Equally as important, codes should be straightforward enough so that officials can enforce them.

There's no doubt that staying ahead of the code-setting and regulatory curve requires a significant investment of time and resources. But there's also no doubt that you will reap major returns on this investment. When influential industry groups know the realities of the construction business and base their decisions on science-based information, it creates a winning outcome for all concerned.



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As associate executive director of the Bethesda, Md.-based EPDM Roofing Association, Ellen Thorp does advocacy work for ERA related to codes, standards and state regulations.

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