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TECHNICAL HANDBOOK FOR  
ENVIRONMENTAL HEALTH AND ENGINEERING  
VOLUME I - ADMINISTRATION  
**PART 4 - TECHNICAL RESOURCE GROUPS**

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**CHAPTER 4-3 CODES COMMITTEE ORGANIZATION**

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**4-3.1 Introduction**

A. Purpose

This Chapter establishes a Codes Committee under the direction of the Division of Engineering Services (DES), which is designated as the Authority Having Jurisdiction (AHJ) for all Indian Health Service (IHS) healthcare facilities staff. This authority was delegated jointly to the DES offices in Dallas and Seattle by memoranda dated August 19, 1996, and February 9, 2004, by the Acting Associate Director, Office of Environmental Health and Engineering (OEHE). As defined in the 1996 delegation memorandum, the AHJ is the authority designated "to resolve conflicts that arise from interpreting and applying criteria, codes, etc. in different ways, and applying different codes, criteria, guidelines, etc., in similar situations."

This chapter outlines procedures for the Codes Committee membership and for rendering interpretations. The Committee is responsible for reviewing all requests for interpretations of codes, standards, design criteria, and technical guidelines.

B. Applicability

This chapter shall be used as a guide to maintain the Codes Committee and to address resolution of all interpretations and conflicts requested by IHS facilities personnel. It may also be used to address interpretations requested by other agencies as appropriate. Any request for IHS technical guidance that is not already established or involves a policy decision will be forwarded to the Health Facilities Advisory Committee (HFAC).

C. Material Superseded

This chapter supersedes Engineering Services-Dallas OI- 91-01, Revision No.3, dated 2/14/94 and the Engineering Services-Seattle memorandum dated 10/19/92.

D. Background

Originally the two DES offices established their own codes committees to deal with interpretations. In August 1996 IHS OEHE delegated the responsibility of AHJ jointly to the DES offices. Since that time DES has been rendering decisions from one Codes Committee. This chapter supercedes all previous independent

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instructions, and creates one single committee with an alternating chairperson.

#### **4-3.2 Codes Committee Organization**

##### **A. Membership**

###### **(1) Structure**

The committee shall be composed of minimum five members including the chairperson selected from DES staff. At a minimum each DES office will be represented by at least one member, with the chairperson alternating between the two offices. Appointments shall be made so that each of the following disciplines will be represented on the committee: civil/structural engineering, mechanical engineering, electrical engineering, and architecture. Up to two non-voting members from the IHS Area Offices may be appointed to the Codes Committee. An Area may have no more than one representative appointed at the same time.

###### **(2) Selection Criteria**

All members of the committee must be currently registered in their respective discipline. All members shall have completed training in the National Fire Protection Association (NFPA) Life Safety Code and preferably training in the Centers for Medicare and Medicaid Services (CMS) Basic Life Safety Code. The DES Director of each office (Seattle and Dallas) shall appoint all members.

###### **(3) Terms**

Terms shall be staggered so that no more than three members' terms expire in any one year. Appointments shall normally be for two-year terms. The Director of each DES office may remove any member they appointed for cause.

###### **(4) Chairperson**

The chairperson shall be rotated between the two DES offices. The chairperson's term shall be for one year without the possibility of extension.

###### **(5) Vice-Chairperson**

The vice-chairperson shall be rotated between the two DES offices. The vice-chairperson's term shall be for one year, whereupon he/she will immediately progress into the chairperson's position. The vice-chairperson shall be appointed by the respective DES Director at the beginning of his/her two-year term as a committee member.

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B. Responsibilities

(1) Members

All members are expected to actively participate on the committee to the maximum extent possible. When assigned the responsibility of lead person on a request, the member is expected to research all applicable background data including past similar interpretations and provide the information to all committee members. The lead person is responsible for also preparing the draft and final interpretation per the format provided in Appendix A.

(2) Chairperson/Vice-Chairperson

The chairperson of the committee is responsible for logging all requests into a master log and monitoring status on a regular basis. This log will also include all final decisions. The chairperson shall routinely distribute copies (electronic) of the master request log to all committee members. He/she is also responsible for maintaining the archives of all decisions including background information. A complete archive will be maintained in each DES office, as well as posted on the DES web site at <http://www.des.ihs.gov>. The vice-chairperson will maintain the complete archive for the other DES office.

Upon receipt of a request, the chairperson shall make an initial assessment of the request. If the request has merit he/she will then convene the committee to discuss the request and assign a lead person to research the request and report back to the committee. The vice-chairperson shall assume this responsibility during the chairperson's absence.

C. Procedure

(1) Requests

All requests for interpretations from IHS Service Unit staff shall be routed through their respective Area Facilities Manager and/or Safety Officer. The initiator of the request for interpretation shall complete the first four paragraphs of the form listed in Appendix A. All requests for interpretations shall be submitted initially to the Director of the DES office providing services to the Area making the request, who will forward the request to the current chairperson.

All interpretations of the committee are final. Those requesting interpretations are strongly encouraged to include all applicable facility data and define all issues potentially requiring clarification to allow a thorough analysis of the code requirements. Reconsideration of an issued interpretation will only be made if circumstances have changed or information previously unavailable comes to light.

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Requests for reconsideration shall be routed to Director of the DES office with administrative responsibility.

(2) Quorum

A quorum of the committee shall consist of at least three members, which includes representation of both DES offices and either the chairperson or vice-chairperson. Conference calls are an appropriate means for achieving a quorum.

(3) Decision-making

Participating members of national code committees shall be invited to provide technical expertise on all topics relevant to that committee. All relevant IHS technical handbooks, CMS interpretative guidelines (as applicable), codes and standards should be reviewed prior to rendering a final interpretation.

The committee will strive for consensus, but dissenting votes will be allowed. All interpretations require a minimum of three concurring approvals (unless more than 5 voting members have been appointed, which would require the respective majority vote). Signatures on an interpretation acknowledge participation in the actual final interpretation.

(4) Rules and procedures

The committee is responsible for establishing any additional procedures deemed appropriate to accomplish the requirements of this instruction.

(5) Time frames

Within 14 calendar days of receipt of the request by the DES, the Codes Committee chairperson will provide a confirmation letter to the requestor. The confirmation letter will include a projected time frame for issuance of an interpretation or a request for additional information. Upon receipt of all relevant information from requestor, interpretations shall be rendered within 28 calendar days.

(6) Format

A sample of the required format to document all interpretations is included in Appendix A.

