

Concise Explanatory Statement

Rhode Island Government Register

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, following is a concise explanatory statement:

AGENCY: Rhode Island Department of Business Regulation

DIVISION: Building Code Commission

RULE IDENTIFIER: 510-RICR-00-00-18

REGULATION TITLE: Use of Native Lumber

RULEMAKING ACTION: Full rulemaking
Amendment

COMMENT PERIOD: June 27, 2025 – July 27, 2025

A. Statement of Purpose of the Amendments

The Building Code Standards Committee (BCSC) has proposed to amend the various components of the Rhode Island Building Code by adopting national model codes. As part of the process to update 510-RICR-00-00-1, the State Building Code, and adopt the 2021 International Building Code, the BCSC reviewed its state specific amendments to Chapter 23: Wood. The BCSC has decided to remove the native lumber state amendments in the Building Code, 510-RICR-00-00-1, and relocate them in this regulation which sets for the requirements for the Use of Native Lumber in Rhode Island.

This regulation was originally adoption to provide standards for the use of native lumber in this state. It is not utilized very often and only a few mills are registered. However, this regulation provides a means for homeowners/builders to utilize native lumber in certain situations in compliance with this regulation.

This amendment will be promulgated simultaneously with the amendments to 510-RICR-00-00-1 so there is no gap in the law. The amendments to 510-RICR-00-00-1 include deleting the native lumber language in Chapter 23 and replacing that with a new cross reference to this regulation.

This regulation has not been updated since the BCSC has been incorporated into DBR. In addition to adding content to this regulation from Part 1, the regulation is being updated to conform with the RICR structure for regulations by clarifying the authority section, adding definitions, and removing forms. All RI General Laws citations and building code citations were reviewed and updated if necessary. Additionally, administrative references to the BCSC have been replaced by the State Building Office which staffs the BCSC. The BCSC retains the decision-making authority, but the amendments clarify that all applications and inspections are handled by the SBO staff on the BCSC's behalf. However, there are no substantive changes to

the requirements for the use of Native Lumber in RI or any changes to the registration requirements.

Summary of changes and reorganization.

§ 18.1 – Changed title to Authority and Purpose. Simplified and updated content.

§ 18.2 (old numbering) – deleted the “supporting statement” section. The first sentence was deleted because it was redundant. The second sentence was relocated to § 18.3(A)(1) & (2).

§ 18.2 (new numbering) – added a definitions section and included 5 terms used in the regulation.

§ 18.3 – Consolidated, organized and updated the registration requirements to reflect that the BCSC is staffed by DBR’s SBO.

§ 18.4 – Added a new heading for the provisions related to Investigations and Enforcement Actions. Relocated the content from old numbering § 18.3.9.

§ 18.5 – Added the language that was deleted from 510-RICR-00-00-1. No substantive changes were made. We checked and updated all cross references to the IBC and made a few other minor changes to reflect the SBO staffing of the BCSC.

§ 18.4 (old numbering) – Deleted the application and certification forms from the regulation. The content of the forms is summarized in the regulation. The forms will be updated and made available at the SBO and on the Building Code Commission’s website.

B. Summary of the Regulatory Analysis

This amendment applies to each mill engaged in producing native lumber in RI and there are currently 4 mills registered pursuant to this regulation.

These amendments modernize an old regulation and consolidate all provisions regarding Native Lumber in one place. The use of native lumber is not that common, and it is better for this information to be in this specific native lumber regulation, rather than adding rarely used provisions to the Building Code, 510-RICR-00-00-1.

The amendments result in a more user-friendly document, with accurate citations to the general laws and building codes. There are no substantive changes to any of the registration requirements or fees. These amendments will have a positive impact on small businesses because they simplify, clarify, and update existing requirements for the use of native lumber in RI.

C. Summary of Comments Not Resulting in Regulatory Language Changes

Below is a summary of other public comments received that did not result in changes to the text of the Regulation and a brief description of the Department's reasons for not making any such changes after due consideration.

1. *510-RICR-00-00-18* - Commentary was received suggesting the adoption without amendment of the most up-to-date version of the model codes.

The proposed amendments to the State Building Codes reflect a conscientious effort to ensure that the Rhode Island State Building Code is updated in accordance with national standards while taking into consideration that the model code may not capture the circumstances that exist for building in Rhode Island. Therefore, certain amendments to the model codes have been made.

Accordingly, the Department declines to make a change in response to this comment.

2. *510-RICR-00-00-18* – Commentary was received recommending that the Department adopt the 2024 Codes instead of the 2021 Codes.

In general, it is not advisable to skip code cycles (notwithstanding the unique circumstances of Part 8 adopting the 2024 IECC). The complexity of comparing the model codes from year to year is already a challenge that would be substantially more difficult if the state were to skip the 2021 codes all together. Incremental change is easier to implement and better for industry overall.

The Committee voted on amendments necessary to adopt the 2021 codes and that was what was proposed. It will move forward to finalize these codes. It will start the process to review the 2024 ICC codes and consider if any state-specific amendments may be necessary. However, at this time, the Committee declines to make a change in response to this comment. Furthermore, pursuant to R.I.G.L. § 24-35-6.1, “[a]n agency may not file a rule that differs from the rule proposed in the notice of proposed rulemaking unless the final rule is consistent with, and a logical outgrowth of, the rule proposed in the notice.” The amendments and adoption noticed for the State Building Code reflect the 2021 Codes and, therefore, the 2024 Codes cannot be substituted for the rules as originally proposed.

Accordingly, the Department declines to make a change in response to this comment.