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International Code Council, Inc.

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA

19 COUNTY OF SACRAMENTO

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21 Public.Resource.Org., Inc.,

22 Petitioner,

23 vs.

24 California Office of Administrative Law, and
the California Building Standards
25 Commission,

26 Respondents.

Case No. 34-2021-80003612

**Declaration of Mark Johnson In Support of
Motion to Intervene**

Date: August 27, 2021

Time: 10:00 a.m.

Dept.: 27

Judge: Hon. Steven M. Gevercer

Action Filed: March 17, 2021

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DECLARATION OF MARK JOHNSON

I, Mark Johnson, declare as follows:

1. I am the Executive Vice President and Director of Business Development for International Code Council, Inc. (“ICC”), a position I have held since approximately 2011. I have been employed by ICC since 2003. The contents of this declaration are within my personal knowledge or, if they are not, I am informed as to them by individuals with personal knowledge and believe them to be true. If called as a witness in this action, I could and would testify competently to the contents of this declaration.

2. ICC is a not-for-profit organization that exists for the purpose of lessening the burdens of government through the development, maintenance, and publication of model standards and codes to advance public safety, ensure compatibility across products and services, facilitate training, and spur innovation. ICC develops and publishes model codes and standards across a wide range of areas, including architecture, construction, manufacturing, design, and research.

3. Among these codes and standards, ICC publishes the International Building Code (“IBC”), International Residential Code (“IRC”), International Fire Code (“IFC”), and International Existing Building Code (“IEBC”). The IBC, IRC, and IEBC set forth minimum safety standards for the design, installation, and inspection of safe, sustainable, affordable and resilient structures. The IFC sets forth minimum safety standards to safeguard life and property from fires and explosions.

4. The California Building Code (Title 24, Part 2 of the California Code of Regulations), incorporates substantial portions of ICC’s IBC. The California Residential Code (Title 24, Part 2.5 of the California Code of Regulations) incorporates substantial portions of ICC’s IRC. The California Fire Code (Title 24, Part 9 of the California Code of Regulations) incorporates substantial portions of ICC’s IFC. The California Existing Building Code (Title 24, Part 10 of the California Code of Regulations) incorporates substantial portions of ICC’s IEBC. Title 24 of the California Code of Regulations (“CCR”) also contains California-specific

1 provisions, which are authored by Respondent Building Standards Commission (“BSC”). The
2 California-specific provisions of the Title 24 of the CCR include amendments the BSC has made
3 to the IBC, IRC, IFC, and IEBC. ICC publishes and distributes Parts 1, 2, 2.5, 6, and 8-12 of Title
4 24 to the CCR at no additional charge to BSC. The development, maintenance, and free public
5 access to these provisions is funded by the sale these documents in print and electronic formats.

6 5. ICC owns the copyright to the IBC, IRC, IFC, IEBC, and its other model codes and
7 standards. Pursuant to agreement, ICC granted BSC a license to the IBC, IRC, IFC, and IEBC to
8 cover the use and copying of the portions of the IBC, IRC, IFC, and IEBC that BSC incorporates
9 into Title 24 of the CCR. As part of the same agreement, BSC has granted ICC a license to the
10 California-specific portions of Parts 1, 2, 2.5, 6 and 8-12 to Title 24 of the CCR for ICC to copy
11 and distribute copies of the entire CCR to members of the public. ICC’s agreement with the BSC
12 also requires ICC to provide printed copies of the California Building Code, California Residential
13 Code, California Fire Code, and California Existing Building Code to over 100 specified
14 depository libraries in California.

15 6. ICC also posts Title 24 Parts 1, 2, 2.5, 6, and 8-12 of the CCR on its website for
16 free viewing by anyone who is interested in reading any portion of Title 24 of the CCR. People
17 who view the free-access Title 24 of the CCR on ICC’s website may read the content but may not
18 download or distribute copies of it. The license agreement between ICC and BSC does not allow
19 BSC to distribute electronic copies of the IBC, IRC, IFC, or IEBC to members of the public. BSC
20 directs interested parties to ICC and other standards organizations’ public access websites where
21 anyone can view Title 24 of the CCR for free. See <https://www.dgs.ca.gov/BSC/Codes>.


22 7. The relevant agreement does not permit the BSC to disseminate electronic copies
23 of ICC’s copyrighted works.

24 8. ICC uses the fees it receives from the sale of digital and print copies of Title 24 of
25 the CCR to fund its development of the codes and the costs associated with hosting and
26 maintaining public access for the public at no cost.

27 I declare under penalty of perjury under the laws of the State of California that the
28 foregoing is true and correct.

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Executed on this 17 day of May, 2021, at Whittier, California.



Mark Johnson