

Mr. JACOBS. I think, sir that what we are all interested in is eliminating as much red tape and conflict of authority as is possible any place in government and any place in this country. The next question that comes up, on the other side of the coin, is as to the point raised by the prior witnesses, as to whether the Building Code itself does not leave structures in some instances less than safe, from the point of view of safety experts. Therefore my question is should that be true, it is true the Building Code is not comprehensive enough to provide for the safety features with which we are concerned, the authority that issues the Building Code should not be required to change its regulations so that there wouldn't be two different authorities dealing in safety, or whether it is impossible to eliminate the conflict. That is the nub of the question as I see it. Do you have any comment on that?

Mr. SCHNABEL. We have tried—there was a discussion about a Grandfather Clause—we have tried to exclude that type of situation from this, because we feel that if some unsafe working condition is found, and the building is not actually being built now under the approval of the building permit, that there should be provision for making the thing safe.

Mr. JACOBS. That is fine on general coverage, but again with the two different agencies of government involved, let me ask you then is the agency that issues the Building Code competent, fully competent, to protect the public entirely in the area of the use of the building and the safety features and the structure that is required to make that use safe?

Mr. SCHNABEL. Mr. Jacobs, I think you are asking a question a little bit out of my field of competence. The intent of the Building Code is to insure safety. This is its primary reason for being.

Mr. KNEIPPLE. I believe, Mr. Jacobs, that Mr. Green said that any change of the nature that we are talking about, where a building is under construction or newly constructed, that the Industrial Safety Board would recommend that it be in accordance with the Building Code. I don't think he said that—

Mr. JACOBS. If I may interrupt, the question is would the Building Code in all instances conform to what safety experts—

Mr. KNEIPPLE. I would assume that it would, although there is always—

Mr. JACOBS. You have testified that it does not.

Mr. KNEIPPLE. There is always the possibility of some oversight or omission I suppose.

Mr. JACOBS. Let me ask this. Have any of you gentlemen at the table considered just what the law should provide in terms of the coordination between those issuing building permits and those charged with the more specific responsibility of insuring the very last ounce of safety for employees in the building?

Mr. KNEIPPLE. Yes, we have certainly considered that, and we feel that if the Building Code in some respects, in the opinion of the Industrial Safety Board, did not have sufficient requirements to create a safe condition, that it should be a matter for discussion between the two agencies, so that they can coordinate it, rather than impose any burden on the owner or the people that construct these buildings to say "which one are we going to follow."

Mr. JACOBS. It is your opinion, then, that there is a conflict that comes naturally and not just as a result of ambiguity of legislation. That there is a natural conflict?