

Ten Do's and Don'ts for Working with your Local Code Officials  
Steve Dalbey  
Distillery Code Consulting  
August 24, 2011

Code enforcement is not an exact science nor are code officials infallible. Code officials are best at those things they do the most. For most of them that probably doesn't include distillery operations. Your interaction with them at the beginning may dictate the level of cooperation you get from them throughout the project. Clear communications with them about your plans and progress should help to insure that there are no last-minute requirements dropped in your lap at a time you expected to be shipping your finished products. The following list of do's and don'ts should help make your interactions with them remain on a positive level.

1. Don't view the code official as the enemy. View him/her as a partner. You aren't going to be able to accomplish the goals of your business plan without the help of that person. Begin the conversation by communicating a desire to be compliant with code requirements along with a desire to understand not only what is required but why/how some of those requirements make the process safer or more effective. In other words, "I'll do what is required but help me understand why I'm being asked to do some of these things (other than 'because the code says so')."
2. Do some research. Find out which fire code(s) apply to your operation. Those include state and local codes. Find out who the controlling authority is. State officials may defer authority to local officials, or vice versa. In other words, find out who's in charge and what rules they're charged to enforce. Ask where you can find copies of the code with which you are expected to comply. They may be made available on-line by the controlling authority or are viewable at a particular location.
3. Don't take everything you are told to do at face value. Ask questions and, when you're not sure you understand what is being asked of you, ask for code references so you can read it for yourself. No code official should balk at telling you exactly where the requirement can be found. Although the code officials enforce codes for a living, they are still getting most of their information by reading it out of a book. You can read, too.
4. Do some more research. Flammable liquid regulations can be confusing, but understanding the basics will go a long way toward preparing you for discussing them intelligently with your local authorities. You may find alternatives or exceptions that they missed. Your research and follow-up questions make them do more research. A better understanding of the codes is good for everyone.
5. Don't approach the code official totally ignorant and say "What do I need to do?" The aforementioned research into the code regulations will help set the stage for speaking from an informed standpoint. You are pretty much at the mercy of the code officials if you have no knowledge or understanding of even the basic code requirements.
6. Do make an attempt to understand the chemical and physical properties of your products. For code enforcement purposes alcohol is considered a hazardous material and a flammable liquid. However, the properties of alcohol are very different than those of many other hazardous materials, including different concentrations of alcohol in solution (i.e., vodka vs. 190-proof alcohol). A good understanding of those differences will help

you to create a safe working environment for your employees, visitors, and customers. It will also help you to develop reasonable alternatives to the letter of the law.

7. Don't over- or under-estimate the code officials' knowledge about how the codes apply to your particular situation. If you have a good working relationship with your code officials you can teach each other about how code enforcement and distilling/blending operations should be companion activities with mutual goals that can be met in a cooperative manner. This may be pie-in-the-sky with some of them, but for the most part they all want to work cooperatively and apply the codes properly and effectively.
8. Do understand the position the code official is in. The failure to enforce the provisions of a legally-adopted code can put that person in legal jeopardy professionally and personally. Asking them to just overlook a particular provision of the code simply because it seems a little too much for you may be like asking them to take personal responsibility for something that goes wrong well down the road. A mutual understanding of the codes and the physical/chemical properties of your products will help you to work out reasonable alternatives to the letter of the law that can be documented, protecting the professional interests of all parties.
9. Don't expect the code officials to be able to know and recite all applicable code provisions without a chance to do a little research on their own. Hazardous material codes applicable to distillery operations may not be something they deal with on a weekly basis. The variety of exceptions and alternatives can be confusing even for them. Some of the most important code provisions are written in the smallest font at the bottom of the page, and some of them are provisions that benefit you. Give them a chance. The background research you do will help to bring all of those things out in the open. Don't expect the code official to design the distillery for you.
10. Do ask if there are any exceptions, alternatives, or trade-offs that apply to your situation. There often are exceptions to the general rules provided within the codes that may apply to your situation. Even where no specific exceptions or alternatives exist, the codes provide some wiggle room where reasonable arguments for alternatives can be considered.

Code officials don't need to be unwavering robots, unable to recognize that a different approach to compliance may actually be more effective in meeting the intent of the codes. This is where a mutual understanding between the code officials and the distillery owners of each others' disciplines can go a long way toward compromise that better serves everyone's interests. Working cooperatively with your code officials will always bring better results for you. Even if, in the end, you must comply with a code provision that creates a burden for you, knowing its root and purpose may make it easier to swallow. A better understanding of distilling/blending operations by the code official will make it easier for them to accept alternatives to the black-and-white letter of the law.