



DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-6002

December 22, 2023

VIA E-MAIL ONLY: carl@media.org

Carl Malamud
Public.Resource.Org
95 Kennedy Lane
Healdsburg, CA 95448

Re: Petition for Public Records Disclosure Order
Building Codes Division, Oregon Department of Consumer and Business Services
Oregon State Fire Marshall
DOJ File Nos.: 440918-GA0188-23 and 260001-GA0190-23

Dear Mr. Malamud:

This letter is the Attorney General's response to two petitions filed by you, on behalf of Public.Resource.Org, for the disclosure of records under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petitions ask the Attorney General to order the Building Codes Division of the Department of Consumer and Business Services (BCD) and Oregon State Fire Marshall (OSFM) to disclose "digital copies * * * of the entire" Oregon Electrical, Plumbing, Structural, Mechanical, and Residential Specialty Codes (the "building codes"), as well as the Oregon Fire Code.

We discussed your petitions with BCD and OSFM. They explained that the official versions of the Oregon building and fire codes are codified in OAR Chapters 918 and 837, respectively. Those rules are freely available for the public to download from the Oregon Secretary of State's website.¹ However, they noted, your requests for "digital copies * * * of the entire" codes appear to be seeking instead privately compiled versions of the codes that differ from the official rules. Specifically, the official rules do not contain the entire text of provisions from model specialty codes that are incorporated into the rules only by reference,² whereas the

¹ See The Oregon Administrative Rules Compilation for 2023, *available at* <https://secure.sos.state.or.us/oard/displayCompilation.action?compRsn=121> (accessed December 21, 2023).

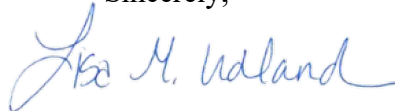
² See, e.g., OAR 837-040-00010(2) ("[T]he 2022 Oregon Fire Code which is the 2021 edition of the International Fire Code, as published by the International Code Council, and as amended by the Department of the State Fire Marshal, is adopted.").

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privately published versions include the text of official rules along with the full text of the incorporated model specialty codes. However, according to BCD and OSFM, neither agency publishes nor possesses such integrated digital versions of the codes.³

Under the circumstances, we are not able to grant your petitions because neither BCD nor OSFM maintain the digital records you are seeking. We therefore respectfully deny your petitions.

Sincerely,

A handwritten signature in blue ink that reads "Lisa M. Udland". The signature is fluid and cursive, with the first name "Lisa" being the most prominent.

LISA M. UDLAND
Deputy Attorney General

ACF/pjn
c via e-mail only: Todd Smith (BCD)
Chad Hawkins (OSFM)

³ BCD and OSFM inform us that the model specialty codes are developed and copyrighted by various specialty code-making organizations, and that many of those organizations do publish integrated, but unofficial versions of five of the Oregon specialty codes you have requested. BCD and OSFM maintain physical copies of those integrated versions in their offices for inspection, but they inform us that neither agency possesses digital copies of those unofficial versions.