HOME BUILDERS & REMODELERS ASSOCIATION OF CONNECTICUT, INC.
3 Regency Drive, Suite 204, Bloomfield, CT 06002
Tel: 860-216-5858 Fax: 860-206-8954 Web: www.hbact.org

Your Home Is Our Business

February 28, 2017

To: Senators Logan and Cassano, and Representative Lamar, Co-Chairs
Representative Zawistowski, Ranking Member
Members of the Planning & Development Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **Support SB 794, AA Assisting Homeowners with Crumbling Foundations**
Support SB 905, AAC Failing Concrete Foundations
Oppose HB 7175, AA Requiring the Testing of Concrete Aggregate for the Presence of Pyrrhotite

The HBRA of Connecticut is a professional trade association with about eight hundred (800) member firms statewide employing tens of thousands of CT's citizens. Our members, all small businesses, are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry and to consumers. We build between 70% to 80% of all new homes and apartments in the state each year and engage in countless home remodeling projects.

There should be no doubt by any legislators that crumbling concrete issues are a serious, even devastating, matter for affected homeowners. It's also a serious matter for the entire real estate community and, therefore, the economy of the entire state. The ripple effects of depressed property values or delayed sales from this issue will reach most if not all of CT.

As has been discovered and shown by the AG and DCP reports, the mineral pyrrhotite in the aggregates used to mix concrete appears to be the primary natural culprit.[1] Residential concrete foundation pours are done and have been done the same way across the state and, indeed, across many states. As we stated, if it was the result of how home foundation pours are performed, there would be ample evidence of crumbling concrete issues virtually everywhere. Yet, there is no evidence of which we are aware that such issues are occurring beyond certain geographic areas of Connecticut (except for issues in Canada, Ireland and UK) or from concrete supplied by any company other than Mottes. We do not even know if Mottes could have known that years later this natural mineral would cause failures in their concrete. However, given this is the first time, to our knowledge, that this issue has occurred in the U.S., everyone concludes that nobody is to blame. Yet, the damage is very real. **Given its natural origin, we urge all policy makers to not give up on assistance from FEMA.**

Your continued FEMA efforts aside, homeowners and other building owners with failing foundations due to the presence of pyrrhotite in the concrete need immediate help, both

[1] Concrete is a mixture of powdered cement and water, which forms a paste, and further mixed with sand and gravel (i.e., stone aggregates) of various sizes, depending on the demands of the order. The mixture is done at a concrete mixing, or batching, plant, then loaded onto the familiar round concrete trucks and delivered to a construction site. See http://www.pyriteproblem.com/ for research on the pyrrhotite problem.

technical and financial. Thus, we offer comments on the three P&D bills on today's joint public hearing agenda.

We support SB 794, the Governor's bill, to expand the bonding authority of the CT Health and Educational Facilities Authority and allowing municipalities to address this issue as a public nuisance. We have supported efforts to have the state bond funds as seed money to start offering some relief. The Governor's innovative approach might be the alternative start to relief that homeowners need. In section 8 of the bill, while we support the permit relief offered, we would suggest that a permit should still be sought and that the bill simply waive the permit fee. Otherwise, local building officials have no way of knowing that work is undertaken and there would be no inspection to ensure compliance with the State Building Code. In section 11, we suggest deleting the clause at (A) (lines 967 – 968) because landlords who do not use their 1, 2, 3, or 4 family units as a primary residence are also impacted if faced with a failing foundation, as are all their tenants. It seems odd to exclude these small landlords and their tenants from relief.

We support SB 905, charging the DCP with adopting a program to assist owners of residential and commercial buildings with failing concrete foundations in the repair or replacement of such foundations. DCP already regulates contractors so this agency is best equipped to protect consumers. We stand ready to work with DCP and other stakeholders to bring our collective construction expertise to the table to best help affected homeowners and other building owners.

We oppose HB 7175, requiring concrete companies to test aggregates for the presence of pyrrhotite. While we supported such a test last year, much has been learned over the past year to change our view on this issue. As was stated at the information hearing held a few weeks ago by the concrete companies, there is no reliable test for pyrrhotite. National and state standard specifications for concrete or aggregates used in concrete mixing do not include provisions to test aggregates for the presence of pyrrhotite. There are no accepted criteria regarding the amount of pyrrhotite in aggregate that could make concrete fail. The cost of this testing is likely very expensive and, other than some research institutions, there are no commercial testing firms equipped to conduct such testing. Finally, we do not know how often such tests should be conducted or in how many spots in a gravel pit tests should be done in order to provide assurances that the problem will not occur. As pyrrhotite appears naturally in different concentrations apparently everywhere, any required tests could produce many false negatives, meaning such tests cannot, at this time, achieve its desired goal of preventing future problems.

Much more research needs to be done before requirements in HB 7175 are imposed. We need to learn how much pyrrhotite in concrete or aggregates is too much. Are there other contributing factors, such a high sulphur content in water used in the batching process or on-site, and how much suplhur is too much? Can geo-mapping be improved to the point where it reliably tells us what areas should not be mined for gravel to be used in concrete batching? Can UConn's engineering school be charged to look into these questions in conjunction with private stakeholders who have expertise in the matter?

Thank you for the opportunity to comment on this critically important issue.