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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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NEW MEMBER ORIENTATION CO-CHAIRMAN

October 15, 2002

Honorable Johnny J. Butler, Secretary
Department of Labor & Industry
1700 Labor & Industry Building
Harrisburg, PA 17120

Re: Comments on Regulation #12-60 (IRRC #2283)
Uniform Construction Code; Administrative and Enforcement;
Elevators and Other Lifting Devices

Dear Secretary Butler:

We are writing to present the comments of the House Labor Relations Committee on the Department's proposed Administrative and Enforcement regulations (#12-60) for the Uniform Construction Code. We applaud the hard work the department's staff has exhibited in developing these proposed regulations. It is a difficult issue that affects many interested parties. Especially laudable is the time that department's staff has taken to meet with individuals and organizations, including the time the department took recently to conduct public hearings on these regulations. It is important stakeholders continue to have the opportunity to provide formal input. We are especially appreciative of the complete cooperation this committee has received from your staff. They were both professional and helpful in appearing before this committee to answer questions concerning these regulations. They were also willing to meet with our staff to clarify and explain the department's position on various issues.

As you are aware, the passage of SB 647, the Universal Construction Code (Act 45 of 1999) was the result of years of intense negotiation between all interested parties. While the Local Government Committee was the committee that debated and approved the legislation, it is the responsibility of the Labor Relations Committee, as the oversight committee in the House of Representatives for your department, to ensure the regulations which are ultimately promulgated properly reflect the overall legislative intent of SB 647, (Act 45 of 1999).

This act was passed for the expressed purpose of providing basic statewide standards for builders to follow while protecting consumers and occupants from poor construction. We understand that in attempting to write regulations which satisfy all the interested

parties, some conflicts may result. We recognize this challenge. The regulations, however, should maintain a balance between accomplishing the goal of specificity and the goal of being as citizen-friendly as possible.

It is our responsibility to ensure the proposed regulations are consistent with the original intent of the law and do not contain provisions that go beyond the scope of the law. It is also our responsibility to ensure the comments from stakeholders are fairly considered. Where appropriate, the regulations should be adjusted for stakeholder comments that point out technical errors or problems. They should also be adjusted for reasonable procedural changes that make the regulations more citizen-friendly.

Our Committee members, and staff, have carefully reviewed the proposed regulations and the comments stakeholders provided to the department. In addition, we reviewed several letters from stakeholders sent directly to our offices emphasizing their views. We also reviewed oral and written testimony received from major stakeholders at an informational meeting held October 3, 2002. At this stage of the regulatory process, it is not our desire to initiate a detailed technical commentary on each technical item/issue stakeholders have raised. However, we believe throughout this process many stakeholders have provided detailed, well-researched testimony giving their arguments significant merit. While we believe all of the stakeholder comments warrant evaluation, in particular, we believe the department should:

- Seriously consider making technical revisions to the proposed regulations where technical problems have been pointed out by respected organizations, such as comments offered by the American Institute of Architects-Pennsylvania.
- Seriously consider adopting suggestions concerning how the regulations can be made more minimally intrusive and user-friendly as was pointed out by the Pennsylvania State Association of Township Supervisors. Also consider the points made concerning fees, what actions require permits, etc.
- Seriously consider expanding the exemption language for modular and manufactured housing. The Pennsylvania Manufactured Housing Association and the Modular Home Building Systems Association have presented logical and legal arguments about sections of the regulations that go beyond the scope of statutory authority granted the department in Act 45.
- Seriously consider the requests made by the Hospital & Healthsystem Association of Pennsylvania on behalf of health care providers to maximize the cooperation between the Department of Labor and Industry and the

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Department of Health in the enforcement of the code to prevent multiple and duplicative inspections.

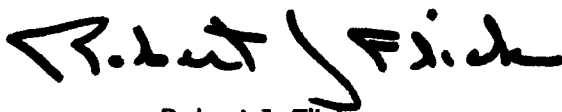
- Carefully evaluate concerns raised by the Accessibility Advisory Board to ensure, in the enforcement of the (Act 45 of 1999) regulations, municipalities meet the needs of our disabled population.

It is our intent to continue to seek information from stakeholders and to closely monitor the progress of the department's work on the final-form regulations. Again, we understand attempting to write regulations, which satisfy every party is not realistic. However, given the large volume of comments from interested parties, we feel the department should make every effort to work with affected parties to assuage as many of their concerns as possible.

The result of this process should be final-form regulations, which meet the original intent of the law, to provide a statewide building code that protects consumers and occupants, yet is not overly intrusive or bureaucratic. We trust the final-form regulations the department issue will satisfy most interested parties. Thank you for giving the Labor Relations Committee the opportunity to comment on the proposed regulations, #12-60 (IRRC #2283).

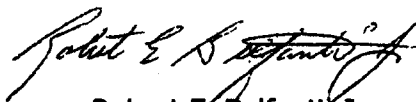
We have taken the liberty of attaching additional comments and testimony received from interested parties for the department to carefully consider. Best regards.

Sincerely,



Robert J. Flick
Majority Chairman

Sincerely,



Robert E. Belfanti, Jr.
Minority Chairman

cc: Labor Relations Committee Members
✓ Robert E. Nyce, Executive Director, IRRC