



JOHN R. MCGINLEY, JR., ESQ., CHAIRMAN
ALVIN C. BUSH, VICE CHAIRMAN
DANIEL F. CLARK, ESQ.
ARTHUR COCCODRILLI
MURRAY UEBERG, ESQ.
ROBERT E. NYCE, EXECUTIVE DIRECTOR
MARY S. WYATTE, CHIEF COUNSEL

**INDEPENDENT REGULATORY REVIEW COMMISSION
COMMONWEALTH OF PENNSYLVANIA
333 MARKET STREET
14TH FLOOR
HARRISBURG, PA 17101**

irrc@irrc.state.pa.us
http://www.irrc.state.pa.us
(717) 783-5417
Fax (717) 783-2664

November 20, 2003

Honorable Stephen M. Schmerin, Secretary
Department of Labor and Industry
1700 Labor and Industry Building
Harrisburg, PA 17120

Re: Regulation #12-60 (IRRC #2283)
Department of Labor and Industry
Uniform Construction Code; Administration and Enforcement; Elevators and
Other Lifting Devices

Dear Secretary Schmerin:

The Independent Regulatory Review Commission approved the subject regulation today.
Our Order is enclosed and will be available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that meets the criteria
and intent of the Regulatory Review Act.

Sincerely,



John R. McGinley, Jr.

Chairman

wbg

Enclosure

cc: Honorable Joseph B. Scarnati, III, Chairman, Senate Labor and Industry Committee
Honorable Christine M. Tartaglione, Minority Chairman, Senate Labor and Industry Committee
Honorable Bob Allen, Majority Chairman, House Labor Relations Committee
Honorable Robert E. Belfanti, Jr., Democratic Chairman, House Labor Relations Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held November 20, 2003

John R. McGinley, Jr., Esq., Chairman
Alvin C. Bush, Vice Chairman, by Phone
Daniel F. Clark, Esq.
Arthur Coccodrilli
Murray Ufberg, Esq.

Regulation No. 12-60
Department of Labor and Industry
Uniform Construction Code;
Administration and Enforcement;
Elevators and Other Lifting Devices

On August 14, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Labor and Industry (Department). This rulemaking amends 34 Pa. Code by amending Chapter 401 and adopting Chapters 403 and 405. The proposed regulation was published in the August 24, 2002 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was initially submitted to the Commission on May 8, 2003. On June 9, 2003, the Department withdrew the regulation. The final-form regulation was resubmitted to the Commission on October 22, 2003. The Department tolled the review of this regulation to make corrections and clarify references, and simultaneously submitted revisions on November 6, 2003.


This regulation implements the Pennsylvania Construction Code Act (Act) (35 P.S. §§ 7210.101-7210.1103). As required by the Act, the regulation establishes a Uniform Construction Code (UCC) for Pennsylvania. It sets forth administrative and enforcement provisions including procedures for municipalities to elect to adopt and enforce the UCC and statewide standards for elevators and other lifting devices.

We have determined this regulation is consistent with the statutory authority of the Department (35 P.S. §§ 7210.301 and 7210.304) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.





John R. McGinley, Jr., Esq., Chairman