

RECEIVED

IRRC

INDEPENDENT REGULATORY
REVIEW COMMISSION
2015 SEP 22 PM 2:27

Regulatory Analysis Form

(Completed by Promulgating Agency)

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency
Department of Labor and Industry

(2) Agency Number:
Identification Number: 12-100

IRRC Number:
3120

(3) PA Code Cite: 34 Pa. Code, Part XIV, Chapters 401 and 403.

(4) Short Title: Uniform Construction Code

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact:

Jennifer Berrier, Director
Bureau of Occupational and Industrial Safety
Room 1613, L&I Building
651 Boas Street, Harrisburg, PA 17121
717-783-6304
Fax: 717-787-8363
Email: jeberrier@pa.gov

Secondary Contact:

Peter Von Getzie, Deputy Chief Counsel
Office of Chief Counsel
Department of Labor and Industry
10th Floor, L&I Building
651 Boas Street, Harrisburg, PA 17121
717-787-4186
Fax: 717-787-1303
Email: petgetzie@pa.gov

(6) Type of Rulemaking (check applicable box):

- Proposed Regulation
 Final Regulation
 Final Omitted Regulation

- Emergency Certification Regulation;
 Certification by the Governor
 Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

This regulation updates the Uniform Construction Code (UCC) by adopting certain 2015 revisions to the International Code Council (ICC) codes, as directed by the UCC Review and Advisory Council (RAC). These codes, which are adopted into the UCC by reference, are updated every three years. Under the current statutory scheme, the RAC is required to review the revisions to the ICC codes within 12 months

of publication. Section 107(B.1)(1) of the Pennsylvania Construction Code Act (PCCA), 35 P.S. § 7210.107(B.1)(1). The RAC determines whether any revisions should be adopted into the UCC. 35 P.S. § 7210.107(B.1). The RAC is required to submit a report to the Secretary, specifying the adopted provisions. 35 P.S. § 7210.107(B.1)(3).

Section 304(a)(1) of the PCCA, 35 P.S. § 7210.304(a)(1), mandates that the Department promulgate final-omitted regulations adopting the revisions specified in the RAC's report, "without change," within three months of receiving the report.

(8) State the statutory authority for the regulation. Include specific statutory citation.

This final-omitted rulemaking is promulgated under the authority provided in section 304(a)(1) of the PCCA, 35 P.S. § 7210.304(a)(1). This section provides that, within three months of receiving the RAC's report identifying the revisions adopted, the Department "shall promulgate final-omitted regulations" adopting the revisions listed in the report "without change."

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

Yes. Section 304(a)(1) of the PCCA, 35 P.S. § 7210.304(a)(1), provides that "within three months of the receipt of the [RAC's] report under section 107(b.1), the department shall promulgate final-omitted regulations under the act of June 25, 1982 (P.L. 633, No. 181), known as the Regulatory Review Act, to adopt the triennial code revisions made in the report without change."

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The changes made by this regulation are mandated by the PCCA. See 35 P.S. § 7210.304(a)(1).

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no provisions that are more stringent than federal standards.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

This regulation adopts certain updates to the ICC codes, which will update the standards for construction and building in Pennsylvania. Each state enacts its own construction codes.

This regulation negatively impacts Pennsylvania's ability to compete with other states because building contractors, design professionals, building and facility owners and others, who are required to comply with Pennsylvania's UCC, must review multiple editions of the ICC codes to discern the applicable standard in Pennsylvania. To explain, Pennsylvania last adopted the ICC codes, in their entirety, in 2009. In 2011, the Legislature changed the review procedure. Under the current procedure, the RAC reviews the triennial revisions to the ICC and votes on which provisions should be *added* to the UCC. The Department promulgates regulations adopting only the provisions approved by the RAC into the UCC. Thus, Pennsylvania continues to rely on the 2009 edition of the ICC codes *plus* any provisions from later editions which the RAC votes to add to the UCC. This fragmentary nature of Pennsylvania's regulations results in increased costs of having to buy and consult different yearly editions and causes confusion as to what Pennsylvania's most current UCC actually requires.

This difficulty in comprehending, applying and complying with Pennsylvania's UCC will likely put the Commonwealth at a competitive disadvantage when businesses are choosing between different states for a construction project.

The PCCA requires the Department to promulgate this regulation.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This regulation changes the UCC by adopting specific revisions to the ICC codes. The Department is not aware whether this regulation will affect any other regulations.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. (“Small business” is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Department is mandated by section 304(a)(1) to promulgate these regulations, adopting the specific sections of the ICC Codes identified in the RAC’s report “without change.” 35 P.S. § 7210.304(a)(1). The RAC reviewed the 2015 revisions to the ICC following a statutorily-prescribed review process. Following its review, which included detailed review by subcommittees and three public hearings where public comment was solicited, the RAC issued a report to the Secretary of the Department on May 29, 2015, advising the Department which revisions were to be adopted into the UCC. On June 17, 2015, the RAC issued a clarification letter, identifying the specific sections of the ICC codes changed by the adopted revisions. Under the statute, the Department has no input on determining the adopted revisions.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

Local governments and third party inspection agencies enforcing the UCC and the Department are adversely affected in that they will need to absorb the cost of updating their code materials and their code enforcement staff may require training on the changes.

Building and facility owners, contractors and developers may be adversely affected, as they are required to absorb the cost of compliance with any new or altered construction to meet the new standards mandated by these adopted code revisions.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Building and facility contractors, design professionals, building and facility owners, developers, local municipalities, construction code officials, third party inspection agencies and the Department must comply with this regulation.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The regulated community will be financially impacted with the cost of compliance. The PCCA requires the Department to promulgate this regulation. 35 P.S. § 7210.304(a)(1).

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The PCCA requires the Department to promulgate this regulation.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulated community is required to absorb the cost of compliance with the new or altered standards adopted through this regulation. It is impossible to estimate the cost of compliance since the number of projects and the design of each individual project is unknown.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Local municipalities that have opted to enforce the UCC will incur costs associated with updating their code materials. The total cost to purchase a complete set of the 2015 ICC code materials is \$700 per set. Municipalities may need to purchase multiple copies of the code books depending on the number of employees assigned to its building code program. Municipalities that contract with third-party inspection agencies may incur no additional expense. Municipalities may also incur costs of any necessary training required by its code officials concerning the new standards.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Department will incur cost of approximately \$49,500 to acquire copies of the updated ICC codes affected by this regulation.

The costs will be similar to the costs incurred by the current UCC enforcement program. The Department FY 14-15 costs for the UCC building code program, which includes enforcement of the UCC standards, was approximately \$5,060,000. The Department must incur an approximate cost of \$1,100 for purchasing 45 copies of the 2015 editions of the International Code Council standards, commentaries and associated reference standards and materials.

The Department will incur costs for staff training, approximately \$800 per individual totaling \$40,000, concerning the new standards adopted through this regulation.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

This proposed regulation will not significantly change the existing reporting, record keeping or other paperwork requirements. Current forms will be updated following enactment of the regulation.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Savings	0	0	0	0	0	0
COSTS:						
Regulated Community	Unknown					
Local Government	Unknown					
State Government	5,464,486	5,737,711	5,909,842	6,087,137	6,208,879	6,333,057
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Buildings	4,868,273	5,020,524	5,059,710	5,464,486

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Data is not available to answer this question. The PCCA mandates the Department to promulgate this regulation. 35 P.S. § 7210.304(a)(1).

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

The PCCA requires the Department to promulgate this regulation. 35 P.S. § 7210.304(a)(1). No special provisions have been developed.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The PCCA requires the Department to promulgate this regulation. 35 P.S. § 7210.304(a)(1). No alternatives can be considered.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

The PCCA requires the Department to promulgate this regulation. 35 P.S. § 7210.304(a)(1). No regulatory flexibility analysis was conducted by the Department.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

N/A

(29) Include a schedule for review of the regulation including:

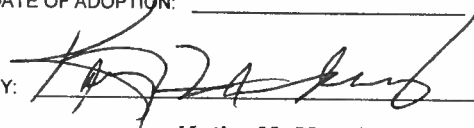

- | | |
|---|--------------------------|
| A. The date by which the agency must receive public comments: | <u>N/A</u> |
| B. The date or dates on which public meetings or hearings will be held: | <u>N/A</u> |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <u>N/A</u> |
| D. The expected effective date of the final-form regulation: | <u>December 31, 2015</u> |
| E. The date by which compliance with the final-form regulation will be required: | <u>December 31, 2015</u> |
| F. The date by which required permits, licenses or other approvals must be obtained: | <u>December 31, 2015</u> |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The PCCA requires the Department to promulgate this regulation. 35 P.S. § 7210.304(a)(1).

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)**

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p>Department of Labor and Industry _____ (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>12-100</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY:  _____ TITLE Kathy M. Manderino Secretary (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: </p> <p>SEP 18 2015 _____ DATE OF APPROVAL</p> <p><input type="checkbox"/> (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
---	---	--

FINAL-OMITTED REGULATIONS

Title 34: LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

**[34 Pa. Code, Chap. 401]
Uniform Construction Code Training
and Certification of Code Administrators**

**[34 Pa. Code, Chap. 403]
Administration**

FINAL-OMITTED RULEMAKING

Title 34 Labor and Industry Uniform Construction Code Chapters 401 and 403 [34 Pa. Code, Part XIV, Chapters 401 and 403]

In accordance with section 304 of the “Pennsylvania Construction Code Act,” Act of November 10, 1999, *as amended*, 35 P.S. § 7210.101 *et seq.* (PCCA), the Department of Labor and Industry (Department) amends Chapter 401 (relating to Uniform Construction Code training and certification of code administrators) and Chapter 403 (relating to administration) to read as set forth in Annex A.

Statutory Authority

This final-omitted rulemaking is issued under the authority provided in section 304(a)(1) of the PCCA, 35 P.S. § 7210.304(a)(1). This section provides that, within three months of receiving the report from the Uniform Construction Code Review and Advisory Council (RAC) specifying the triennial code revisions of the International Code Council (ICC) codes that are to be adopted into Pennsylvania’s Uniform Construction Code (UCC), the Department “shall promulgate final-omitted regulations” adopting the revisions listed in the report “without change.”

Background

In 1999, the Legislature established the UCC and directed the Department to promulgate regulations adopting certain building codes as the UCC. *See* 35 P.S. §§ 7210.102(a)(3) and 7210.301. Accordingly, the current UCC incorporates by reference various codes issued by the ICC, including the International Building Code (IBC), International Mechanical Code (IMC), International Fire Code (IFC), International Fuel Gas Code (IFGC), International Residential Code (IRC), International Plumbing Code (IPC), International Existing Building Code (IEBC) and International Energy Conservation Code (IECC). *See* 34 Pa. Code §§ 403.1 and 403.21.

Every three years, the ICC publishes revisions to these codes.

In Act 106 of 2008, the Legislature established the RAC and charged it with the duty to review the periodic changes to the codes prior to adoption into the UCC. *See* 35 P.S. § 7210.107. At that time, the RAC reviewed “new and amended provisions contained in the triennial revisions” to the ICC codes and directed the Department which sections should be excluded. 35 P.S. § 7210.107.

For the 2009 review cycle, the RAC reviewed the revisions to the 2006 codes and advised the Department that it was not directing exclusion of any revised provisions. The Department then promulgated the necessary regulations, as required under the PCCA, and the 2009 edition of the ICC codes were adopted, in their entirety, into the UCC.

In 2011, the Legislature amended the procedure by which the triennial revisions to the ICC codes would be reviewed and adopted into the UCC. *See* Act 1 of 2011, *as amended*; 35 P.S. §§ 7210.107 and 7210.304. Beginning with the 2012 revisions, the RAC was directed to review only the “latest triennial revisions” of the new codes and to vote on what provisions should be added to the UCC. 35 P.S. § 7210.107(B.1). For each review, the RAC must hold public hearings and perform a review utilizing the criteria set out in the statute. 35 P.S. § 7210.701(B.1)(2), (4). To approve a revision for adoption into the UCC, the RAC is required to approve that revision by a “two-thirds vote of council membership.” 35 P.S. § 7210.701(B.1)(5). The RAC then submits a report to the Secretary identifying every provision that the Council approved for adoption into the UCC. 35 P.S. § 7210.701(B.1)(3). The Department is required to “promulgate final-omitted regulations . . . to adopt the triennial code revisions made in the report without change.” 35 P.S. § 7210.304(a)(1).

Following the 2012 review cycle, the RAC did not adopt any new revisions to the ICC codes and no changes were made to Pennsylvania’s existing UCC.

In May 2014, the ICC published the 2015 triennial revisions to the ICC codes, involving over 1900 revisions. The RAC formed subcommittees for each ICC code category to review the revisions. Each subcommittee reviewed and gave recommendations on their respective revisions. The RAC held three public hearings: on November 19, 2014 in Youngwood, PA; on January 11, 2015 in Harrisburg, PA; and on February 11, 2015 in Allentown, PA. On May 20, 2015, the RAC held a meeting to discuss and vote on the 2015 triennial building code revisions. The RAC voted to adopt sixteen (16) revisions. On May 29, 2015, Mr. Thomas McCosby, Chairman of the RAC, sent a final report to the Honorable Kathy M. Manderino, Secretary of the Department,

listing the ICC revisions that were “specified for adoption.” Because most of the adopted ICC revisions affected multiple ICC code provisions, the Department sought clarification concerning the provisions being adopted. On June 17, 2015, Mr. McCosby sent a clarification letter, identifying the revised ICC code provisions covered by the adopted revisions.

Pursuant to section 304(a)(1), 35 P.S. § 7210.304(a)(1), the Department is now required to promulgate final-omitted regulations adopting, “without change,” the provisions outlined in the RAC’s report, and as clarified in the RAC’s June 17, 2015 letter.

Purpose

The purpose of this final-omitted rulemaking is to amend 34 Pa. Code §§ 401.1 and 403.21 to adopt the revisions specified in the RAC’s report, as required by section 304(a)(1) of the PCCA, 35 P.S. § 7210.304(a)(1).

Summary of Revisions Adopted by the RAC

The sixteen (16) revisions listed in the RAC’s May 29, 2015 report impacted multiple sections of the ICC codes. The June 17, 2015 clarification letter identified specific code sections impacted. The Department drafted these regulations incorporating these sections into the UCC. For ease of use and clarity, changes to each section are listed separately in the amended regulations.

The RAC approved the following:

IBC G28-12, revising sections 304.1, 306.2, 2902.3 of the 2015 IBC and section 202 of the 2015 IFC.

IBC G30-12, revising section 304.1 of the 2015 IBC and the definition of “Business Group B” found at section 202 of the 2015 IFC.

IBC G227-12, revising section 406.3 of the 2015 IEBC.

IECC RE6-13, revising the definition of “Insulated Siding” found at section R202 of THE 2015 IECC and section N1101.6 of the 2015 IRC.

IECC RE58-13, revising section 402.2.4 of the 2015 IECC and section N1102.2.4 of the 2015 IRC.

IECC RE60-13, revising section R402.2.8 of the 2015 IECC and section N1102.2.8 of the 2015 IRC. This revision also amended the criteria for air barriers and insulation installation for “floors” in Table R402.4.1.1 of the 2015 IECC and Table N1102.4.1.1 of the 2015 IRC.

IECC RE195-13 Part1, revising section 402.1.3 of the 2015 IECC and section N1102.1.3 of the 2015 IRC-2015.

IFC F144-13, revising sections 904.2, 904.2.1, 904.11, 904.11.1, 904.11.1.1, 904.11.1.2, 904.11.1.3, 904.11.1.4, 904.11.2, 904.11.2.1, 904.11.2.2, 904.11.2.3, and 904.11.3 of the 2015 IBC and sections 904.2, 904.2.1, 904.11, 904.11.1, 904.11.1.1, 904.11.1.2, 904.11.1.3, 904.11.1.4, 904.11.2, 904.11.2.1, 904.11.2.2, 904.11.2.3, and 904.11.3 of the 2015 IFC. This revision also added “Automatic Water Mist System” to the definitions found at section 902.1 of the 2015 IBC and sections 202 and 902.1 of the 2015 IFC. Of note, the RAC’s June 17, 2015 clarification letter contained a typographical error, listing § 804.11.1.2, instead of § 904.11.1.2 of the IBC-2015 and IFC-2015. Relying on Revision No. F144-15, the Department identifies the correct section in these regulations.

IFC F359-13, revising sections 907.2.11.3 and 907.2.11.4 of the 2015 IFC and sections 907.2.11.3 and 907.2.11.4 of the 2015 IBC.

IMC M106-12, revising section 507.2 of the 2015 IMC.

IRC RB68-13, revising Table R302.1(1) of the 2015 IRC.

IRC RB172-13, revising section R316.5.11 of the 2015 IRC.

IRC RB262-13, revising section R507.2.4 and Figure R507.2.3(2) of the 2015 IRC

IRC RB264-13, revising sections R317.1.4, R507.1, R507.4, R507.5, R507.5.1, R507.6, R507.7, R507.7.1, R507.8, R507.8.1; Tables R507.4, R507.5, R507.8; and Figures R507.5, R507.6, R507.7.1, R507.8.1 of the 2015 IRC-2015.

IRC RM34-13, revising section M1503.4 of the 2015 IRC.

IRC RM53-13, revising section M1601.4.1, Exception 3, of the 2015 IRC.

Fiscal Impact

The Commonwealth will incur additional costs under this regulation. Such costs are related to the purchase of the 2015 editions of code books and training for Commonwealth personnel.

Compliance with updated building codes will have some fiscal impact on the regulated community.

Reporting, Recordkeeping and Paperwork Requirements

This regulation will not require the creation of new forms or reporting requirements. Current forms may be updated.

Sunset Date

There is no sunset date for these regulations. Under the current statutory scheme, the referenced standards in these regulations are reviewed every three years following publication of the triennial revisions to the ICC Codes.

Effective Date

These regulations will take effect on December 31, 2015.

Contact Person

The contact person is Jennifer Berrier, Director, Bureau of Occupational and Industrial Safety, Department of Labor and Industry, 16th Floor, 651 Boas Street, Harrisburg, Pennsylvania, 17121; jeberrier@pa.gov.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on 9/22/15, the Department submitted a copy of the final-omitted regulations to the Independent Regulatory Review Commission (IRRC) and the Senate Committee on Labor and Industry and the House Labor Relations Committee (Committees). In addition to submitting the final-omitted regulations, the Department also provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department.

Under section 5.1(j.1)-(j.3) of the Regulatory Review Act, these final-omitted regulations were deemed approved by the Committees on _____. IRRC met on _____ and approved the regulations in accordance with section 5.1(e) of the Regulatory Review Act.

Findings

The Department finds that:

(a) This final-omitted rulemaking is authorized by section 304(a)(i) of the PCCA, 35 P.S. § 7210.304(a)(1).

Order

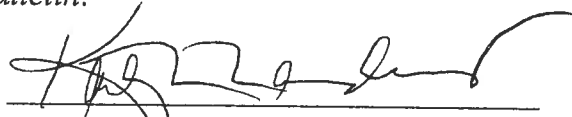
The Department, acting under authorizing statute, orders that:

(a) The regulations of the Department, 34 Pa. Code, Chapters 401 and 403, are amended by amending §§ 401.1 and 403.21 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to legality and form as required by law.

(c) The Secretary of the Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall become effective effect upon publication of the final-omitted regulations in the *Pennsylvania Bulletin*.

A handwritten signature in black ink, appearing to read 'Kathy M. Manderino', written over a horizontal line.

KATHY M. MANDERINO

Secretary

Annex "A"

TITLE 34. LABOR AND INDUSTRY

PART XIV. UNIFORM CONSTRUCTION CODE

CHAPTER 401. UNIFORM CONSTRUCTION CODE TRAINING AND
CERTIFICATION OF CODE ADMINISTRATORS

§ 401.1. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Uniform Construction Code—This [chapter] **part**, “The International Building Code 2009” (first printing) and the “International Residential Code for One- and Two-Family Dwellings 2009” (first printing), available from the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795, 1 (888) 422-7233; and any standards adopted by the Department in this [chapter] **part** under sections 301 and 304 of the act (35 P. S. §§ 7210.301 **and 7210.304**).

* * * * *

CHAPTER 403. ADMINISTRATION STANDARDS

§ 403.21. Uniform Construction Code.

(a) The Department adopts and incorporates by reference the following codes as the Uniform Construction Code:

(1) The provisions of Chapters 2—10, 12—29 and 31—35 of the “International Building Code,” except that in occupancies in Use Group R-3 and within dwelling units in occupancies in Use Group R-2 the maximum riser height shall be 8 1/4 inches (210 mm) and the minimum tread depth shall be 9 inches (229 mm). A 1-inch (25 mm) nosing shall be provided on stairways with solid risers.

(i) The following provisions of the International Building Code of 2015 are adopted:

- (A) Section 304.1, concerning “Business Group B” uses and occupancies.
- (B) Section 306.2, concerning “moderate-hazard factory industrial, Group F-1” uses and occupancies.
- (C) Section 2902.3, concerning exceptions for “employee and public toilet facilities.”
- (D) Section 902.1, relating to “definitions,” to the extent that “Automatic Water Mist System” was added.
- (E) Section 904.2, relating to installation of automatic fire-extinguishing systems.
- (F) Section 904.2.1, relating to “restrictions on using automatic sprinkler system exceptions or reductions.”
- (G) Section 904.11, relating to “automatic water mist systems.”
- (H) Section 904.11.1, relating to “design and installation requirements.”
- (I) Section 904.11.1.1, relating to general requirements for design and installation.
- (J) Section 904.11.1.2, relating to “actuation.”
- (K) Section 904.11.1.3, relating to “water supply protection.”
- (L) Section 904.11.1.4, relating to “secondary water supply.”
- (M) Section 904.11.2, relating to “water mist system supervision and alarms.”
- (N) Section 904.11.2.1, relating to “monitoring.”
- (O) Section 904.11.2.2, relating to “alarms.”
- (P) Section 904.11.2.3, relating to “floor control valves.”
- (Q) Section 904.11.3, relating to “testing and maintenance.”
- (R) Section 907.2.11.3, relating to installation of smoke alarms near cooking appliances.
- (S) Section 907.2.11.4, relating to installation of smoke alarms near bathrooms.

(2) Chapter 11 of the “International Building Code of 2012.”

(3) The “International Mechanical Code.”

(i) Section 507.2 of the International Mechanical Code of 2015, relating to commercial kitchen hoods, “Type 1,” is also adopted.

* * * * *

(7) The “International Residential Code,” except that:

(i) The provisions of R314.4 requiring interconnected smoke alarms do not apply to one-family and two-family dwellings undergoing alterations, repairs or additions. Noninterconnected battery operated smoke alarms shall be installed in these dwellings.

(ii) The following specifications apply to residential stairway treads and risers.

(A) The maximum riser height is 8 1/4 inches. There may be no more than a 3/8 inch variation in riser height within a flight of stairs. The riser height is to be measured vertically between leading edges of the adjacent treads.

(B) The minimum tread depth is 9 inches measured from tread nosing to tread nosing.

(C) The greatest tread depth within any flight of stairs may not exceed the smallest by more than 3/8 inch.

(D) Treads may have a uniform projection of not more than 1 1/2 inches when solid risers are used.

(E) Stairways may not be less than 3 feet in clear width and clear headroom of 6 feet 8 inches shall be maintained for the entire run of the stair.

(F) Handrails may project from each side of a stairway a distance of 3 1/2 inches into the required width of the stair.

(iii) The following provisions of the International Residential Code of 2015 are adopted:

(A) **Section N1101.6, only to the extent that this section contains the definition of “insulated siding.”**

(B) **Section N1102.2.4, relating to “access hatches and doors.”**

(C) **Section N1102.2.8, relating to “floors.”**

(D) **Table N1102.4.1.1, only to the extent that amendments were made to the “Floors” row of this table.**

(E) **Section N1102.1.3, relating to “r-value computation.”**

- (F) Table R302.1(1), relating to requirements for exterior walls.
- (G) Section R316.5.11, relating to “sill plates and headers.”
- (H) Section R317.1.4, relating to “wood columns.”
- (I) Section R507.1, relating to “decks.”
- (J) Section R507.2.4, relating to “deck lateral load connection.”
- (K) Section R507.4, relating to “decking.”
- (L) Section R507.5, relating to “deck joists.”
- (M) Section R507.5.1, relating to “lateral restraint at supports.”
- (N) Section R507.6, relating to “deck beams.”
- (O) Section R507.7, relating to “deck joist and deck beam bearing.”
- (P) Section R507.7.1, relating to “deck post to deck beam.”
- (Q) Section R507.8, relating to “deck posts.”
- (R) Section R507.8.1, relating to “deck post to deck footing.”
- (S) Table R507.4, relating to “maximum joist spacing.”
- (T) Table R507.5, relating to “deck joist spans for common lumber species.”
- (U) Table R507.8, relating to “deck post height.”
- (V) Figure R507.2.3(2), relating to “deck attachment for lateral loads.”
- (W) Figure R507.5, relating to “typical deck joist spans.”
- (X) Figure R507.6, relating to “deck beam span lengths.”
- (Y) Figure R507.7.1, relating to “deck beam to deck post.”
- (Z) Figure R507.8.1, relating to “typical deck posts to deck footings.”
- (AA) Section M1503.4, relating to “make-up air required” for range hoods.
- (BB) Section M1601.4.1, relating to “joints, seams, and connections” for duct construction, is adopted only with regards to Exception No. 3.

(8) The “International Fire Code.” Section 806.1.1 of the International Fire Code (relating to natural cut trees) is not adopted under this chapter. A municipality that elects to adopt an ordinance for the administration and enforcement of the Uniform Construction Code may, by ordinance, restrict the placement of natural cut trees in an occupancy group. The ordinance restricting the placement of natural cut trees is not subject to section 503(b)—(k) of the act (35 P. S. § 7210.503(b)—(k)) and § 403.102(i)—(k) (relating to municipalities electing to enforce the Uniform Construction Code).

(i) The following portions of the International Fire Code of 2015 are adopted:

- (A) Section 202, limited to changes to definitions for “Business Group B” and “Automatic Water Mist System.”
- (B) Section 902.1, relating to definitions, to the extent that “Automatic Water Mist System” was added.
- (C) Section 904.2, relating to relating to installation of automatic fire-extinguishing systems.
- (D) Section 904.2.1, relating to “restrictions on using automatic fire extinguisher systems exceptions or reductions.”
- (E) Section 904.11, relating to “automatic water mist systems.”
- (F) Section 904.11.1, relating “design and installation requirements.”
- (G) Section 904.11.1.1, relating to general requirements for design and installation.
- (H) Section 904.11.1.2, relating to “actuation.”
- (I) Section 904.11.1.3, relating to “water supply protection.”
- (J) Section 904.11.1.4, relating to “secondary water supply.”
- (K) Section 904.11.2, relating to “water mist system supervision and alarms.”
- (L) Section 904.11.2.1, relating to “monitoring.”
- (M) Section 904.11.2.2, relating to “alarms.”
- (N) Section 904.11.2.3, relating to “floor control valves.”
- (O) Section 904.11.3, relating to “testing and maintenance.”
- (P) Section 907.2.11.3, relating to installation of smoke alarms near cooking appliances.
- (Q) Section 907.2.11.4, relation to installation of smoke alarms near bathrooms.

(9) The “International Energy Conservation Code.”

(i) The following portions of the International Energy Conservation Code of 2015 are adopted:

- (A) Section R202, only to the extent that this section contains the definition of “insulated siding.”
- (B) Section R402.2.4, relating to “access hatches and doors.”
- (C) Section R402.2.8, relating to “floors.”

(D) Table R402.4.1.1, only to the extent the row for “floors” was amended.

(E) Section 402.1.3, relating to “r-value computation.”

(10) The “International Existing Building Code.”

(i) Section 406.3 of the International Existing Building Code of 2015, relating to “replacement window emergency escape and rescue openings,” is also adopted.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY
HARRISBURG, PENNSYLVANIA 17120

THE SECRETARY

September 22, 2015

The Honorable John Mizner
Chairman, Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: Final-Omitted Regulation
Title 34: Labor and Industry
Department of Labor and Industry
34 Pa. Code, Chap. 401
Uniform Construction Code Training
And Certification of Code Administrators
34 Pa. Code, Chap. 403
Administration

Dear Chairman Mizner:

Enclosed is a final-omitted rulemaking package consisting of a face sheet, preamble, annex A and regulatory analysis form. The Department of Labor & Industry is submitting this rulemaking to promulgate regulations under the Pennsylvania Construction Code Act, Act of November 10, 1999, *as amended*, 35 P.S. § 7210.101 – 7210.1103 (PCCA). This final-omitted rulemaking is to amend 34 Pa. Code §§ 401.1 and 403.21 to adopt the revisions specified in the report from Uniform Construction Code Review and Advisory Council (RAC) issued on May 29, 2015, subsequently clarified in a letter dated June 17, 2015, as mandated by Section 304(a) of the PCCA, 35 P.S. § 7210.304(a).

Comments, suggestions or questions should be directed to Jennifer Berrier, Director, Bureau of Occupational and Industrial Safety, Room 1613, Labor and Industry Building, 651 Boas Street, Harrisburg, PA 17121; Telephone: (717) 783-6304; Fax: (717) 787-8363. The email address is: jeberrier@pa.gov.

The Department's staff will provide your staff with any assistance required to facilitate your review of this proposal.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Kathy M. Manderino".

Kathy M. Manderino
Secretary

September 22, 2015
Final Omitted Regulation 12-100
Page 2

cc w/encl: Marsha A. Sajer, Chief Counsel, Labor and Industry
Robert V. O'Brien, Executive Deputy Secretary, Labor and Industry
Sean Ramaley, Deputy Secretary, Labor and Industry
Michael Stefan, Legislative Liaison, Labor and Industry
Jennifer Buchanan Rapach, Policy Director, Labor and Industry
Jennifer L. Berrier, Director, Bureau of Occupational and Industrial Safety
Peter Von Getzie, Deputy Chief Counsel, Labor and Industry



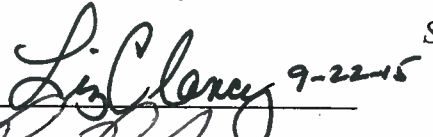


**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 12-100
SUBJECT: Uniform Construction Code Training and Certification of Code Administrators
AGENCY: DEPARTMENT OF LABOR & INDUSTRY

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
		<i>HOUSE COMMITTEE ON LABOR & INDUSTRY</i>
9/22/15		MAJORITY CHAIR <u>Maureen Gingrich</u>
9-22-15		MINORITY CHAIR Marc J. Gergely
		<i>SENATE COMMITTEE ON LABOR & INDUSTRY</i>
X	 9-22-15	MAJORITY CHAIR <u>Lisa Baker</u>
	 9-22-15	MINORITY CHAIR Christine Tartaglione
	 9/22/15	<i>INDEPENDENT REGULATORY REVIEW COMMISSION</i>
_____	_____	<i>ATTORNEY GENERAL</i> (for Final Omitted only)
_____	_____	<i>LEGISLATIVE REFERENCE BUREAU</i> (for Proposed only)