

JOHN F. MIZNER, ESQ., CHAIRMAN
GEORGE D. BEDWICK, VICE CHAIRMAN
W. RUSSELL FABER
MURRAY UFBERG, ESQ.
DENNIS A. WATSON, ESQ.
DAVID SUMNER, EXECUTIVE DIRECTOR
LESLIE LEWIS JOHNSON, CHIEF COUNSEL



PHONE: (717) 783-5417
FAX: (717) 783-2664
irrc@irrc.state.pa.us
<http://www.irrc.state.pa.us>

INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

March 3, 2016

Honorable Kathy Manderino, Secretary
Department of Labor and Industry
1700 Labor and Industry Building
Harrisburg, PA 17120

Re: Regulation #12-102 (IRRC #3141)
Department of Labor and Industry
Uniform Construction Code

Dear Secretary Manderino:

On March 2, 2016, we discussed with your staff a drafting error that could be clarified by tolling the final-omitted regulation.

1. The list of accessibility provisions adopted by Subparagraph 403.21(a)(10)(ii) should be reviewed, and amended as appropriate, to make sure the list is complete.

If you choose to toll the review period, your agency must deliver written notice to both the Standing Committees and our office on the same day. The written notice must be delivered before either Committee takes action on the regulation, or before the end of the Committees' review period on March 30, 2016, whichever occurs first.

As required by Section 307.5 of our regulations, written notice must include:

1. A citation to the section(s) the Department is considering revising,
2. A description of the revisions the agency is considering, and
3. An explanation of how the revisions will satisfy the concerns listed above.

If your written notice includes revisions that are beyond the scope of our recommendations, the Independent Regulatory Review Commission ("Commission") may object to tolling the review period. We are required to notify you and the Committees within two business days after receipt of your tolling notice if we object. If the Commission objects to your tolling notice, the review period will not be tolled and your regulation will be considered by the Commission at our public

Department of Labor and Industry
March 3, 2016
Page 2

meeting on March 31, 2016. If the Commission does not object, the review period is tolled for up to 30 days beginning with receipt of your letter and ending on the day you resubmit the regulation.

Please contact me if you have any questions.

Very truly yours,



David Sumner
Executive Director

jms

Enclosure

cc: Honorable Lisa J. Baker, Majority Chairman, Senate Labor and Industry Committee
Honorable Christine M. Tartaglione, Minority Chairman, Senate Labor and Industry Committee
Honorable Mauree A. Gingrich, Majority Chairman, House Labor and Industry Committee
Honorable John T. Galloway, Minority Chairman, House Labor and Industry Committee
Amy Elliott, Esq., Office of Attorney General
Shawn E. Smith, Esq., Office of General Counsel
Jennifer L. Gerrier, Director, Bureau of Occupational and Industrial Safety, Department of Labor and Industry
Peter Von Getzie, Deputy Chief Counsel, Office of Chief Counsel, Department of Labor and Industry