

Regulatory Analysis Form

(Completed by Promulgating Agency)

**INDEPENDENT REGULATORY
REVIEW COMMISSION**

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

(1) Agency

Department of Labor & Industry

(2) Agency Number: 012

Identification Number 107

IRRC Number:

2018 AUG 10 A 10:35

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3211

(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):

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(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 nearly all provisions of the 2015 International Code Council (ICC) codes, as directed by the UCC Review and Advisory Council (RAC). These ICC codes are national model construction codes created by building code officials and code administrators and are updated every three years. In October 2017, the General Assembly passed legislation amending the Pennsylvania Construction Code Act (PCCA) and requiring the RAC to re-review the 2015 ICC Codes. The RAC determines whether any portion of the updated ICC codes should be adopted into the UCC. *See* 35 P.S. § 7210.108(a). Afterwards, the RAC is required to submit a report to the Secretary specifying the adopted or modified provisions. *See* 35 P.S. § 7210.108(b).

Section 304(a)(1) of the PCCA mandates that the Department promulgate final-omitted regulations adopting the RAC's decisions contained in the report "without change" so that the regulations can take effect on October 1, 2018. 35 P.S. § 7210.304(a)(1).

(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)(ii) of the PCCA, 35 P.S. § 7210.304(a)(1)(ii). This section provides that the Department “shall promulgate final-omitted regulations” adopting the revisions listed in the report “without change.” Also, this section requires the regulations to take effect October 1, 2018. Section 304(a)(2) of the PCCA, 35 P.S. § 7210.304(a)(2), exempts these regulations from Section 205, 45 P.S. § 1205, of the Commonwealth Documents Law and Sections 204(b) and 301(10), 71 P.S. §§ 732.204(b) and 732.301(10), of the Commonwealth Attorneys Act.

(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), states that “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 council’s decisions contained in the report without change.” Section 304(a)(1)(ii) states that “[r]egulations promulgated by the department as a result of the 2015 Review shall take effect October 1, 2018.” 35 P.S. § 7210.304(a)(1)(ii).

(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). The purpose of the UCC is to provide standards for the protection of life, health, property and environment and for the safety and welfare of the consumer, general public and the owners and occupants of buildings and structures; to encourage standardization and economy in construction by providing requirements for construction and construction materials consistent with nationally recognized standards; to permit to the fullest extent feasible the use of state-of-the-art technical methods, devices and improvements consistent

with reasonable requirements for the health, safety and welfare of occupants or users of buildings and structures; to foster a process leading to the design, construction and alteration of buildings under a uniform standard; and to ensure that buildings are accessible to and usable by persons with disabilities. 35 P.S. § 7210.102. The regulations are intended to broadly benefit all persons who live or work in buildings constructed in Pennsylvania.

(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 updates to the ICC codes, which will update the standards for construction and building in Pennsylvania. Each state enacts its own construction codes based on the ICC. As such, the Department does not anticipate that this regulation would affect Pennsylvania's ability to compete with other states.

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 updates to the ICC codes. The Department does not anticipate that 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) of the PCCA 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 updates to the ICC following a statutorily-prescribed review process. Following its review, which included recommendations after detailed reviews by technical advisory subcommittees and a public hearing, on February 13, 2018, where public comment was solicited, the RAC issued a report to the Secretary of the Department on May 1, 2018 advising the Department which updates were to be adopted into the UCC. On June 12, 2018 and July 23, 2018, the RAC amended its report to more accurately reflect the matters the RAC discussed and voted upon.

(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?

The Department does not possess data on the numbers of people, businesses and small businesses that will be affected by this regulation. Local governments and third-party inspection agencies enforcing the UCC and the Department are 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, developers, and manufactured housing and modular building manufacturers are 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 updates.

(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.

The Department does not collect data on the number of people, groups and entities that will be required to comply with this regulation. Building and facility contractors, design professionals, manufactured housing and modular building manufacturers, 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 by the cost of compliance with updated building codes. The PCCA requires the Department to promulgate this regulation based on the RAC's report without change. 35 P.S. § 7210.304(a)(1).

However, the entire Commonwealth will benefit by having updated building codes.

The Department is unaware of any social impact caused by the regulation.

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

The PCCA requires the Department to promulgate this regulation based on the RAC's report without change and does not permit the Department to undertake a cost benefit analysis. This regulation provides for updated building codes, which will improve the safety of buildings constructed or altered in the Commonwealth, providing inherent benefits to citizens of the Commonwealth.

(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 mandated by these regulations. It is impossible to estimate the cost of compliance since the number of projects and the design of each individual project is unknown.

Third-party agencies that perform UCC inspection may incur costs associated with updating their code materials. However, these agencies may have already purchased some of the 2015 ICC code books to comply with the current regulations that adopted some portions of the 2015 ICC codes, specifically those related to the accessibility requirements in the ICC Building Code, ICC Existing Building Code, and the ANSI A117.1 Standard on Accessibility and Usable Buildings and Facilities.

These agencies may also experience some costs to train employees on the new codes.

The total cost to purchase a complete set of the 2015 ICC code materials is \$ 1,134.00 per set.
The total cost to purchase 2015 ICC Special PA Code Book is estimated at \$114.00.

(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 may incur costs associated with updating their code materials. However, local municipalities may have already purchased some of the 2015 ICC code books to comply with the current regulations that adopted some portions of the 2015 ICC codes, specifically those related to the accessibility requirements in the ICC Building Code, ICC Existing Building Code, and the ANSI A117.1 Standard on Accessibility and Usable Buildings and Facilities.

The total cost to purchase a complete set of the 2015 ICC code materials is \$ 1,134.00 per set.
The total cost to purchase 2015 ICC Special PA Code Book is estimated at \$114.00.

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 is already incurring costs to comply with the regulations that updated other sections of the current code at the time of its original review and the current review and adoption.

The cost to purchase 47 complete sets of the 2015 ICC code materials at the Department's ICC member rate is \$851.00 per set for a total cost of \$39,997. This amount is necessary for the Department staff involved in enforcement of the UCC have complete code book sets.

The total cost to purchase 2015 ICC Special PA Code Book is \$114 per book for a total cost of \$5,358.

The enforcement costs will be similar to the costs incurred by the current UCC enforcement program. The Department's SFY 17-18 costs for the UCC enforcement program is approximately \$6,283,850.

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 final-form regulation will not significantly change the existing reporting, record keeping or other paperwork requirements. Current forms will be updated following enactment of the regulation. This must be done because the current forms have reference to prior ICC code years that, as of October 1, 2018, will no longer be in effect.

(22a) Are forms required for implementation of the regulation?

Yes.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here.** If your agency uses electronic forms, provide links to each form or a detailed description of the information

required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.

Accessibility Advisory Board Petition – <http://www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/Documents/UCC/ucc-1a.pdf>

Application for Building Permit – <http://www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/Documents/UCC/ucc-1a.pdf>

Special Inspections and Observation Statement – <http://www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/Documents/UCC/ucc-6.pdf>

(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.

	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
Local Government	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
State Government	0	0	0	0	0	0
Total Savings						
COSTS:						
Regulated Community	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
Local Government	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
State Government	85,355	40,000	40,000	40,000	40,000	40,000
Total Costs	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
REVENUE LOSSES:						
Regulated Community	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
Local Government	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
State Government	0	0	0	0	0	0
Total Revenue Losses	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown

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

Program	2015-2016	2016-2017	2017-2018	2018-2019
UCC Enforcement	\$5,414,200	\$5,414,000	\$6,490,200	\$6,283,850

(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.

There are approximately 200 small businesses certified with the Department as third-party agencies. These businesses are comprised of inspection agencies and engineer and architecture firms. The anticipated costs for these businesses is approximately \$965 for each UCC certified employee. These costs are for the purchase of the 2015 ICC code books (\$851), and a 2015 ICC code supplemental book (\$114). There may also be costs associated with training UCC certified staff. However, that will vary depending on the avenue the third-party agency wishes to pursue to provide training if it chooses to do so. The most cost-efficient method would be for the agency to permit the UCC certified individuals to self-train or to provide training in-house.

The Department cannot consider less intrusive or less costly methods because the PCCA requires the Department to adopt this regulation based on the RAC's report without change. 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 based on the RAC's report without change. 35 P.S. § 7210.304(a)(1). No special provisions have been developed, as this would not be consistent with the purpose of the PCCA or the RAC's report.

(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 according to the RAC's adoption of ICC Code provisions without changes. 35 P.S. § 7210.304(a)(1). Accordingly, no alternatives have been 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 performance 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 according to the RAC's adoption without changes. 35 P.S. § 7210.304(a)(1). As such, the Department did not conduct a regulatory flexibility analysis.

(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.

This regulation was not based on the collection of data.

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

- | | |
|---|--------------------------|
| A. The length of the public comment period: | <u>N/A</u> |
| B. The date or dates on which any public meetings or hearings will be held: | <u>February 13, 2018</u> |
| C. The expected date of delivery of the final-form regulation: | <u>August 13, 2018</u> |
| D. The expected effective date of the final-form regulation: | <u>October 1, 2018</u> |
| E. The expected date by which compliance with the final-form regulation will be required: | <u>October 1, 2018</u> |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>October 1, 2018</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 according to the RAC's adoption

without change. 35 P.S. § 7210.304(a)(1). However, the ICC codes are updated every three years. The RAC is required to commence review 21 months after the publication of a new edition of an ICC code. *See* 35 P.S. § 7210.108(a)(1)(i). This RAC must submit a report within two years after commencement of its review. *See* 35 P.S. § 7210.108(b). The Department will have up to nine months after receipt of this report to publish updated regulations and these regulations will be effective 33 months after commencement of the RAC's review. 35 P.S. § 7210.304(a)(1)(i).

UCC Review and Advisory Council

OFFICIAL Record of 2015 I-Code Review

May 1, 2018
Amended July 23, 2018

CODE	ACTION	AMENDMENTS
2015 ADMIN	ADOPT	None
2015 IWUIC	ADOPT	None
2015 IFC	ADOPT	None
2015 IBC	ADOPT	Delete Section 913.2.2 Circuits supplying fire pumps. (This does not exist in 2009 and is simply a deletion)
		Modify Section 2609.4, Exception 3: “...occupied for growing <u>or maintaining</u> plants...” (This is 2018 language)
2015 IECC – C	ADOPT	Delete Section C104.2.6 (Reverts to 2009 Section 104.3)
		Delete Section C408.2.4 (This does not exist in 2009 and is simply a deletion)
2015 IEBC	ADOPT	Add exception to Section 101.2 Scope: <u>“Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with this code or the International Residential Code.”</u> (This is a slightly modified version of the 2018 language.)
2015 IFGC	ADOPT	Add new: <u>“Section 310.1.2 Arc-resistant CSST. This section applies to corrugated stainless steel tubing (CSST) that is listed with an arc-resistant jacket or coating system in accordance with ANSI LC 1/CSA 6.26. The CSST shall be electrically continuous and bonded to an effective ground fault current path. Where any CSST component of a piping system does not have an arc-resistant jacket or coating system, the bonding requirements of Section 310.1.1 shall apply. Arc-resistant-jacketed CSST shall be</u>

		considered to be bonded where it is connected to an appliance that is connected to the appliance grounding conductor of the circuit that supplies that appliance.” (This is 2018 language, renumbered)
2015 IPC – C	ADOPT	None
2015 IMC – C	ADOPT	None
2015 IRC	ADOPT	Delete Section R302.5.1. (Reverts to 2009 R302.5.1)
		Delete Section R322.2.1 (Reverts to 2009 R322.2.1)
		Delete Section R322.3.2 (Reverts to 2009 R322.3.2)
		Amend Section R325.5: “R325.5 Openness. Mezzanines shall be open and unobstructed to the room in which they are located except for walls not more than 42 inches (1067 mm) <u>36 inches (914mm)</u> in height, columns and posts. Exceptions: 1. Mezzanines or portions thereof are not required to be open to the room in which they are located, provided that the aggregate floor area of the enclosed space is not greater than 10 percent of the mezzanine area. 2. In buildings that are not more than two stories above-grade plane and equipped throughout with an automatic sprinkler system in accordance with NFPA 13R or NFPA 13D, a mezzanine having two or more means of egress shall not be required to be open to the room in which the mezzanine is located.” (This is 2018 language.)
		Delete Table R507.6 and replace with Table R507.5 from 2018 IRC.
		Amend Section R602.3.1 by adding Exception 3: “3. <u>Exterior load-bearing studs not exceeding 12 feet (3658 mm) in height provided in accordance with Table R602.3(6). The minimum number of full height studs adjacent to openings shall be in accordance with Section R602.7.5. The building shall be located in</u>

		<p><u>Exposure B, the roof live load shall not exceed 20 psf (0.96 kPa), and the ground snow load shall not exceed 30 psf (1.4 kPa). Studs and plates shall be No. 2 grade lumber or better.”</u></p> <p>and by adding new Table R602.3(6). (This is 2018 language and table)</p>
		Delete Table R602.7.5 and replace it with 2018 Table R602.7.5.
		Delete Section E3901.7 (Reverts to 2009 E3901.7)
		<p>Amend Section E3901.11:</p> <p>“E3901.11 Foyers. Foyers that are not part of a hallway in accordance with Section E3901.10 and that have an area that is greater than 60 square feet (5.57 m²) shall have a receptacle(s) located in each wall space that is 3 feet (914 mm) <u>6 feet (1829 mm)</u> or more in width, <u>but a minimum of one receptacle.</u> Doorways, door-side windows that extend to the floor, and similar openings shall not be considered as wall space.”</p>
2015 IRC-P		Delete Section P2503.5.1 (Reverts to 2009 language allowing air testing)
2015 IRC-M		<p>Amend Section M1601.4.1, Exception 3:</p> <p>“3. For ducts having a static pressure classification of less than 2 inches of water column (500 Pa), additional closure systems shall not be required for continuously welded joints and seams and locking-type joints and seams. <u>This exception shall not apply to snap-lock and button-lock type joints and seams that are located outside of conditioned spaces.</u>”</p>

		Amend Section M1602.2, item 2: "2. The amount of return air taken from any <u>perimeter</u> room or space shall be not greater than the flow rate of supply air delivered to such room or space."
2015 IECC-R	ADOPT	Delete Section R102.1.1 (Reverts to 2009 language) In conjunction, delete IRC Section N1101.4 (Reverts to 2009 language)
		Chapter RE 2 Add definition: "Framing Factor. The fraction of the total building component area that is structural framing." In conjunction, add this definition to IRC Section N1101.6
		Amend Table R402.1.2, Climate Zone 6 Wood Frame Wall R-value to add: "or 18 + 6.5 ^h " In conjunction, add this amendment to IRC Table N1102.1.2.
		Amend Table R402.1.2 by adding footnote: "j. R-18 insulation shall be permitted in place of R-20 requirement provided the wall framing factor is 20% or less or exterior walls with 24" o.c. nominal vertical stud spacing." In conjunction, add this footnote to IRC Table N1102.1.2.
		Add new Sections R403.3.6 and R403.3.7 (This is 2018 language.) In conjunction, add IRC Sections N1103.3.6 and N1103.3.7.
		Amend Section R402.4.1.2: "R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding five air changes per hour in Climate Zones 1- and 2, and three air changes per hour in Climate Zones 3- through 8." In conjunction, make this amendment to IRC Section N1102.4.1.2.

		<p>Delete Section R403.3.5 (Reverts to 2009 language Section R403.2.3) In conjunction, delete IRC Section N1103.3.5. (Reverts to 2009 language N1103.2.3)</p>
		<p>Delete Section R403.5.2 Demand recirculation systems. (This does not exist in 2009 and is simply a deletion) In conjunction, delete IRC Section N1103.5.2. (This does not exist in 2009 and is simply a deletion)</p>
		<p>Amend Section R405.2 to add: “.....shall be insulated to a minimum of R-6. <u>Compliance with this section requires that the mandatory provisions identified in Section R402.4.1.2 be met.</u>” In conjunction, make this amendment to IRC Section N1105.2.</p>

		Amend Table R406.4 and add footnote "a":																		
		TABLE R406.4 MAXIMUM ENERGY RATING INDEX																		
		<table><tr><th>CLIMATE ZONE</th><th>ENERGY RATING INDEX¹</th></tr><tr><td>1</td><td>52-57</td></tr><tr><td>2</td><td>52-57</td></tr><tr><td>3</td><td>51-57</td></tr><tr><td>4</td><td>54-62</td></tr><tr><td>5</td><td>55-61</td></tr><tr><td>6</td><td>54-61</td></tr><tr><td>7</td><td>53-58</td></tr><tr><td>8</td><td>53-58</td></tr></table>	CLIMATE ZONE	ENERGY RATING INDEX ¹	1	52-57	2	52-57	3	51-57	4	54-62	5	55-61	6	54-61	7	53-58	8	53-58
CLIMATE ZONE	ENERGY RATING INDEX ¹																			
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3	51-57																			
4	54-62																			
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8	53-58																			
		a. Where on-site renewable energy is included for compliance using the ERI analysis of Section R406.4, the building shall meet the mandatory requirements of R406.2 and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table R402.1.2 or Table R402.1.4.																		
		(This is 2018 language)																		
		In conjunction, make this amendment and add footnote "a" to IRC Table N1106.4.																		

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

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<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 hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p style="text-align: center;"><u>Department of Labor and Industry</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>12-107</u></p> <p>DATE OF ADOPTION:</p> <p>BY: <u>W. Gerard Oleksiak</u> W. Gerard Oleksiak</p> <p>TITLE: <u>Secretary</u> (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>_____ DATE OF APPROVAL</p> <p>(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>
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NOTICE OF FINAL-OMITTED RULEMAKING

TITLE 34. LABOR AND INDUSTRY

PART XIV. UNIFORM CONSTRUCTION CODE

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

CHAPTER 403. ADMINISTRATION

FINAL-OMITTED RULEMAKING

Title 34 Labor and Industry
Part XIV. 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,” the act of November 10, 1999, (P.L. 491, N. 45) (PCCA), *as amended*, 35 P.S. §§ 7210.101 - 7210.1103, the Department of Labor and Industry (Department) amends Chapter 401 (relating to Uniform Construction Code (UCC) 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 sections 304(a)(1), 35 P.S. § 7210.304(a)(1), and 304(a)(2), 35 P.S. § 7210.304(a)(2), of the PCCA. Section 304(a)(1) provides that, effective October 1, 2018, the Department “shall promulgate final-omitted regulations” adopting the revisions provided in a report issued by Uniform Construction Code Review and Advisory Council (RAC) to the Secretary of Labor and Industry specifying the 2015 code revisions of the International Code Council (ICC) codes. The Department must adopt the RAC’s revisions “without change.” Section 304(a)(2) exempts the regulations from section 205 of the Commonwealth Documents Law, 45 P.S. § 1205, and sections 204(b) and 301(10), 71 P.S. §§ 732-204(b) and 732-301(10).

Background

In 1999, the Legislature established the PCCA 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. Since then, various codes issued by the ICC, including the International Building Code (IBC), the International Energy Conservation Code (IECC), the International Existing Building Code (IEBC), the International Fire Code (IFC), the International Fuel Gas Code (IFGC), International Mechanical Code (IMC), International Performance Code, International Plumbing Code (IPC), International Residential Code (IRC) and International Wildland-Urban Interface Code (IWUIC) have been adopted, in whole or in part, by reference into the UCC. *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 General Assembly established the RAC whose members represent industry sectors that participate in the various aspects relating to building construction including building component design, construction, building code enforcement and local government representation. The RAC is charged to review the periodic changes to the revised ICC codes prior to adoption into the UCC. *See* 35 P.S. § 7210.107.

Three years ago, for the 2015 review cycle, the RAC decided only to adopt sixteen (16) provisions in all the 2015 ICC codes. This was subsequent to the RAC’s 2012 decision to not

adopt any portion of the 2012 ICC codes. As a result, the legislature amended the adoption procedure. Act 36 of 2017 directed the RAC to conduct a complete review of the 2015 ICC codes, disregarding the RAC's previous action on the 2015 Codes. 35 P.S. § 7210.108(a)(1)(i). For this review, the RAC was required to hold only one public meeting, 35 P.S. § 7210.108(a)(1)(ii)(B), with a 30-day public comment period. 35 P.S. § 7210.108(a)(1)(ii)(A). The RAC was also permitted to rely on the technical analysis of the 2015 edition of the ICC codes performed during the previous review of the 2015 codes. 35 P.S. § 7210.108(a)(1)(ii)(D). If the 2015 ICC Codes updated the 2012 ICC Code provisions, then the RAC was free to consider those updated provisions. However, the RAC was to review any sections of the 2015 ICC codes that did not update the 2012 ICC sections only if two-thirds of the RAC determined a review to be necessary. 35 P.S. § 7210.108(a)(1)(iii).

In its review, the RAC was required to consider: 1) the impact that the section may have upon the health, safety and welfare of the public; 2) the economic and financial impact of the section, including impact on the end consumer; and 3) the technical feasibility of the section. 35 P.S. 7210.108(a)(2).

For the 2015 code review, the RAC was required to submit a report to the Secretary of Labor and Industry outlining the ICC codes that the RAC was adopting or modifying. 35 P.S. § 7210.108(b). The recommendations of the RAC must be adopted by the Department "without change," 35 P.S. § 7210.304(a)(1), and are to be effective on October 1, 2018. 35 P.S. § 7210.108(a)(1)(i)(B).

After its review of the 2015 ICC codes was complete, the RAC submitted its report to the Secretary on May 1, 2018, outlining 37 different recommendations. On June 12, 2018 and July 23, 2018, the RAC submitted amended reports. Pursuant to section 304(a)(1) of the PCCA, 35 P.S. § 7210.304(a)(1), the Department is required to promulgate final-omitted regulations adopting, "without change" the provisions of the ICC Codes outlined in the RAC's July 23, 2018 amended report. 35 P.S. § 7210.304(a)(1).

Compliance with Executive Order 1996-1, Regulatory Review and Promulgation

On February 13, 2018, the RAC held a public hearing to consider the adoption of the 2015 ICC codes at which the RAC solicited public comment. This public outreach was in addition to that conducted during the RAC's original consideration of the 2015 ICC Code in 2014-2015. As part of its original review of the 2015 updates, the RAC held three public hearings—on November 19, 2014; January 14, 2015; and February 11, 2015—and solicited public comment.

Purpose

The purpose of this final-omitted rulemaking is to amend 34 Pa. Code §§ 401.1, 403.21 and 403.26 to adopt the revisions specified in the RAC's July 23, 2018 report, as required by section 304(a)(1) of the PCCA, 35 P.S. § 7210.304(a)(1).

Summary of Proposed Rulemaking

34 Pa. Code § 401.1. Definitions.

This section changes the definitions for the IBC, the IECC, the IEBC, the IFC, the IFGC, the IMC, the International Performance Code, the IPC, the IRC, the IWUIC, National Electric Code and Uniform Construction Code to replace “the” with “a” or “an” and remove any reference to the year the ICC code was published. This was done because multiple printings of the ICC codes are being incorporated into the regulations and, as such, the definitional section is no longer appropriate to identify the year a particular ICC code was published.

The section also adds a definition for International Swimming Pool and Spa Code as this code sets the standards for swimming pools and spas for both residential and commercial properties and is incorporated by reference by both the IBC of 2015 and the IRC of 2015.

34 Pa. Code § 403.1 Scope.

This Department is amending paragraph to reflect that coal-fired boilers are subject to the IRC of 2015. This is being done because the definitional section for the IRC no longer contains a specific year.

34 Pa. Code § 403.21. Uniform Construction Code.

The RAC voted to adopt Chapters 2-10, 12-29 and 31-35 of the IBC of 2015 except the RAC voted to retain the exceptions regarding the maximum riser height and minimum tread depth in occupancies in Use Group R-3 and within dwelling units in occupancies in Use Group R-2. The RAC also voted to retain the requirement regarding nosing on stairways with solid risers. As such, the Department is amending paragraph (a)(1) to take this language out of the main body of paragraph (a)(1) and add a new subparagraph (a)(1)(i) which will list the requirements for riser heights, tread depths and nosing on stairways with solid risers. The amendment also eliminates the word “that” to make it more readable. In addition, the RAC voted to exclude Section 913.2.2 of the IBC of 2015 (relating to circuits supplying fire pumps). Second, in Section 2609.4 of the IBC of 2015 (relating to area limitations and greenhouses), the RAC voted to modify exception three to include “or maintaining plants.” As such, the Department is adding subparagraphs (a)(1)(ii) and (a)(1)(iii) to add these exceptions from the IBC of 2015. In addition, the Department is amending paragraph (a)(1) to delete subparagraphs (i) through (xix) in the current regulation because those subparagraphs contained previous adoptions of the IBC of 2015 and are now incorporated in the main body of paragraph (a)(1).

The RAC voted to adopt the IMC of 2015 in its entirety. As such, the Department is amending paragraph (a)(3) to incorporate the entirety of the IMC of 2015. In addition, the Department is deleting language referring to § 507.2 of the IMC of 2015 because that language is redundant as this provision was a previous adoption of the IMC of 2015 and is incorporated into the main body of paragraph (a)(3).

The RAC voted to adopt the IFGC of 2015 in its entirety except § 310.3 of the IFGC of 2018 (relating to arc-resistant CSST). The RAC had the authority to adopt portions of the 2018 ICC Codes because it can modify the 2015 Codes. 35 P.S. § 7210.108(a)(3)(ix)(B). As such, the

Department is amending paragraph (a)(4) to incorporate the entirety of the IFGC of 2015 with the exception regarding arc-resistant CSST.

The RAC did not vote to adopt the International Performance Code of 2015. As such, the Department is amending paragraph (a)(5) of the UCC to clarify that the International Performance Code of 2009 remains in effect.

The RAC voted to adopt the IPC of 2015 in its entirety. As such, the Department is amending paragraph (a)(6) to incorporate the entirety of the IPC of 2015.

The RAC voted to adopt the IRC of 2015 except the RAC voted to exclude the following sections: Section R302.5.1 (relating to opening protection); Section R322.2.1 (relating to elevation requirements for flood hazard areas); Section R322.3.2 (relating to elevation requirements for coastal high hazard areas); Section R325.5 (relating to openness); Table R507.6 (relating to deck beam span lengths); Table R602.7.5 (relating to minimum number of full height studs at each end of headers in exterior walls); Section N1101.4 (relating to above code programs); Section N1103.3.5 (relating to building cavities); Section N1103.5.2 (relating to demand recirculation systems); Table N1106.4 (relating to maximum energy rating index); Section P2503.5.1 (relating to rough plumbing); and Section E3901.7 (relating to outdoor outlets). The Department amended the main paragraph of (a)(7) to incorporate the entirety of the IRC of 2015 except for the portions the RAC voted to exclude or modify. The Department also deleted current clauses (a)(7)(iii)(A)-(BB) because those clauses refer to provisions of the 2015 IRC the RAC previously adopted and are addressed in other parts of paragraph (a)(7). The Department replaced them with new paragraphs and subparagraphs (a)(7)(iii)(A)-(L) to indicate the portions of the IRC of 2015 that the RAC did not adopt. Furthermore, the Department is adding paragraphs and subparagraphs (a)(7)(v)(A)-(G) to indicate the portions of the IRC of 2009 that remain in effect.

In addition, the RAC voted to modify the following provisions of the IRC of 2015: Section N1101.6 (relating to defined terms) by adding the definition of "framing factor" as the fraction of the total building component area that is structural framing; Table 1102.1.2 (relating to insulation and fenestration criteria) by adding "or 18 + 6.5^H" to climate zone 6 wood frame wall R-value; Table N1102.1.2 (relating to insulation and fenestration requirements by components) by adding footnote j which permits R-18 insulation to be permitted in place of R-20 requirement provided the wall framing factor is 20% or less or exterior walls with 24" o.c. nominal vertical stud spacing; Section N1102.4.1.2 (relating to testing) by having an air leakage rate not exceeding five air changes per hour for all climate zones; Section N1105.2 (relating to mandatory requirements) by requiring compliance with the mandatory provisions of section N1102.4.1.2; Section M1601.4.1, exception 3 (relating to joints, seams, and connections) by excluding this exception for snap-lock and button-lock type joints and seams located outside of conditioned spaces; Section M1602.2 item 2 (relating to return air openings) by adding the word perimeter before the first use of the word room; and Section E3901.11 (relating to foyers) by replacing 3 feet (914 mm) with 6 feet (1829 mm) and a minimum of one receptacle. As such, the Department is adding new paragraphs and subparagraphs (a)(7)(iv)(A)-(H).

Furthermore, the RAC voted to adopt the following provisions of the IRC of 2018: Section R325.5 (relating to openness) except for exception 2; Table R507.5 (relating to deck beam span

lengths); Section R602.3.1 (relating to stud size, height, and spacing) exception 3; Table R602.3(6) (relating to alternate wood bearing wall stud size, height, and spacing); Table R602.7.5 (relating to minimum number of full height studs at each end of headers in exterior walls); Section N1103.3.6 (relating to ducts buried within ceiling insulation); Section N1103.3.7 (relating to ducts located in conditioned space); and Table N1106.4 including footnote "a" (relating to maximum energy rating index). As such, the Department is adding new paragraphs and subparagraphs (a)(7)(vi)(A)-(H).

The RAC voted to adopt the IFC of 2015 in its entirety. As such, the Department is amending paragraph (a)(8) to incorporate the entirety of the IFC of 2015. In addition, the Department is adding language currently found in subparagraph (a)(8)(i) into the main body of paragraph (a)(8). This is being done because the Department is eliminating subparagraph (ii) because that language is redundant so there are no longer multiple subparagraphs. Current subparagraph (a)(8)(ii) is being eliminated because these clauses are incorporated in the main body of paragraph (a)(8).

The RAC voted to adopt the IECC of 2015 in its entirety except: Section R102.1.1 (relating to above code programs); Section C104.2.6 (relating to final inspection); Section R403.3.5 (relating to building cavities); Section R403.5.2 (relating to demand recirculation systems); Table R406.4 (relating to maximum energy rating index); and Section C408.2.4 (relating to preliminary commissioning report). As such, the Department amended the main paragraph of (a)(9) to incorporate the entirety of the IECC of 2015 except for the portions the RAC voted to exclude or modify. As such, the Department is deleting current subparagraphs (a)(9)(i)-(v) because they are redundant because these clauses referred to provisions of the IECC of 2015 the RAC previously voted to adopt and are now incorporated into the main body of the paragraph (a)(9). In addition, the Department is replacing them with new clauses (a)(9)(i)(A)-(F) to indicate the portions of the IECC of 2015 that the RAC did not adopt. Furthermore, the Department is adding new clauses (a)(9)(iii)(A)-(C) to indicate the portions of the IECC of 2009 that remain in effect.

The RAC also voted to modify the following provisions of the IECC of 2015: Chapter RE 2 by adding the definition of "framing factor" as the fraction of the total building component area that is structural framing; Table R402.1.2 (relating to insulation and fenestration criteria) by adding "or $18 + 6.5^H$ " to climate zone 6 wood frame wall R-value; Table R402.1.2 (relating to insulation and fenestration requirements by components) by adding footnote j which permits R-18 insulation to be permitted in place of R-20 requirement provided the wall framing factor is 20% or less or exterior walls with 24" o.c. nominal vertical stud spacing; Section R402.4.1.2 (relating to testing) by having an air leakage rate not exceeding five air changes per hour for all climate zones; and Section 405.2 (relating to mandatory requirements) to require compliance with the mandatory provisions of section R402.4.1.2 (relating to testing). As such, the Department is adding new clauses (a)(9)(ii)(A)-(E).

In addition, the RAC voted to adopt the following provisions of the IECC of 2018: Section R403.3.6 (relating to ducts buried within ceiling insulation); Section R403.3.7 (relating to ducts located in conditioned space); and Table R406.4 including footnote "a" (relating to maximum energy rating index). As such, the Department is adding new clauses (a)(9)(iv)(A)-(C).

The RAC voted to adopt the IEBC in its entirety except that it voted to modify Section 101.2 (relating to scope) to add an exception for detached residential buildings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures to comply with either the IEBC of 2015 or the IRC of 2015. As such, the Department is amending paragraph (a)(10) to incorporate the IEBC of 2015 with the exception regarding detached residential buildings and townhouses no more than three stories above grade plane in height with a separate means of egress. In addition, the Department is deleting subparagraphs (a)(10)(i) and (a)(10)(ii), which are now redundant because these clauses represented a previous decision to adopt portions of the IEBC of 2015 and are now incorporated in the main body of paragraph (a)(10).

The RAC voted to adopt the IWUIC of 2015 in its entirety. As such, the Department is amending paragraph (a)(11) to reflect the RAC's decision to adopt the IWUIC.

The RAC did not vote to adopt Appendix H of the IBC of 2015. As such, the Department is amending paragraph (a)(13) to clarify that Appendix H of the IBC of 2009 remains in effect.

The Department is deleting paragraph (a)(14) because the language is redundant since it is incorporated as part of the International Swimming Pool and Spa Code of 2015, which is incorporated by reference by the IBC of 2015 and the IRC of 2015.

The Department is amending subsection (b) to fix a typographical error.

The Department is amending subsection (c) to reflect the Appendices that are being adopted pursuant to the RAC's vote.

34 Pa. Code § 403.23. Child day care facilities.

The Department is amending paragraph (d) to reflect that day care facilities are subject to the IBC of 2015. This is being done because the definitional section for the IBC no longer contains a specific year.

34 Pa. Code § 403.26. Swimming pools.

The Department is amending subsection (a) to reflect the RAC's vote to adopt portions of the IRC of 2015, which incorporates by reference the International Swimming Pool and Spa Code of 2015. The Department is deleting old paragraphs (a)(1)-(4) because they are no longer pertinent.

The Department is amending subsection (b) to reflect the RAC's vote to adopt portions of the IBC of 2015, which incorporates by reference the International Swimming Pool and Spa Code of 2015.

The Department is deleting subsection (c) (relating to hot tubs or spas) because hot tubs and spas are governed by the International Swimming Pool and Spa Code, which are incorporated by reference by the IBC of 2015 and IRC of 2015.

34 Pa. Code § 403.27 Applicability and use of standards.

The Department is amending subparagraphs (a)(1)-(4) to reference that IBC of 2015, IRC of 2015, IPC of 2015 and IMC of 2015 are incorporated by reference. This is being done because the definitional sections of the IBC, IRC, IPC and IMC no longer contain a specific year.

The Department is amending paragraph (b) to reflect that the IBC of 2015 and IEBC of 2015 apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings no more than three stories in height with a separate means of egress and their accessory structures. This is being done because the definitional section for the IBC and IEBC no longer contains a specific year.

The Department is amending paragraph (f) to reflect that IMC of 2015 does not apply if the provision conflicts with the Boiler and Unfired Pressure Vessel Law (35 P. S. §§ 1331.1—1331.9). This is being done because the definitional section for the IMC no longer contains a specific year.

34 Pa. Code § 403.28. Uncertified buildings.

The Department is amending subparagraph (b)(1) to reflect that the IBC of 2015 applies to maximum story height, minimum allowable construction type based on floor area, vertical opening and shaft protection requirements, means of egress requirements pertaining to minimum number of exits, maximum travel distances to exits, means of egress illumination, minimum egress widths and heights for exit doors, exit stairs, exit ramps and exit corridors requirements for uncertified buildings for which the Department has jurisdiction. This is being done because the definitional section for the IBC no longer contains a specific year.

The Department is amending subparagraph (b)(2) to reflect that the fire safety requirements of the IBC of 2015 applies to fire alarms, fire extinguishers, heat and smoke detectors, automatic sprinkler systems and occupancy and incidental use separations for uncertified buildings for which the Department has jurisdiction. This is being done because the definitional section for the IBC no longer contains a specific year.

The Department is amending subparagraphs (b)(3)(ii)-(iii) to reflect that the accessibility requirements for uncertified buildings for which the Department has jurisdiction must comply with the IBC of 2015. This is being done because the definitional section for the IBC no longer contains a specific year.

The Department is amending subparagraph (b)(4) to reflect that structural requirements for uncertified building for which the Department has jurisdiction will not be imposed unless the Department determines that the building or a portion of the building has defects that are defined as dangerous in section 202 of the IEBC of 2015. This is being done because the definitional section for the IEBC no longer contains a specific year.

The Department is amending subparagraph (c)(1) to reflect that a construction code official shall grant a certificate of occupancy for an uncertified building for which the Department does not have jurisdiction if that building meets the requirements of the latest version of the IEBC of

2015 or Chapter 34 of the IBC of 2015. This is being done because the definitional sections for the IEBC and IBC no longer contains specific years.

34 Pa. Code § § 403.42. Permit requirements and exemptions.

The Department is amending subparagraph (c)(1)(xi) to reflect that a permit is not required for window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support of group R-3 as applicable in the IBC of 2015 and Group U occupancies. This is being done because the definitional section for the IBC no longer contains a specific year.

34 Pa. Code § § 403.42a. Permit application.

The Department is amending subparagraph (f)(3)(ii) to reflect that permit applicants must submit shop drawings that contain referenced installation standards found in the IBC of 2015. This is being done because the definitional section for the IBC no longer contains a specific year.

The Department is amending paragraph (i) to reflect that permit applicants shall submit certifications required in the IBC of 2015 for construction in a flood hazard area to the building code official. This is being done because the definitional section for the IBC no longer contains a specific year.

The Department is amending paragraph (k) to reflect that permit applicants shall describe an inspection program, identify a person or firm who will perform special inspections and structural observations if sections 1704 and 1705 of the IBC of 2015 requires special inspections or structural observations for the construction. This is being done because the IBC of 2009 gave applicants a choice to comply with either section 1704 and 1710, while the IBC of 2015 requires applicants to comply with both sections 1704 and 1705. In addition, the change is being made because the definitional section for the IBC no longer contains a specific year.

34 Pa. Code § 403.44. Alternative construction materials and methods.

The Department is amending paragraph (c) to reflect that new buildings or remodelings, alterations, additions or changes of use and occupancy of an existing building which complies with the "International Performance Code of 2009" shall also comply with the Uniform Construction Code. This is being done because the definitional section of the International Performance Code no longer contains a specific year.

34 Pa. Code § 403.45. Inspections.

The Department is amending paragraph (f) to reflect that code administrators may act in place lumber grading or inspection agency to satisfy the requirements under section 2303.1.1 of the IBC of 2015 or its successor code. This is being done because the definitional section for the IBC no longer contains a specific year.

34 Pa. Code § 403.46. Certificate of occupancy.

The Department is amending subparagraphs (b)(6)-(7) to reflect that certificate of

occupancies must contain use and occupancy classifications and types of construction that comply with the IBC of 2015. This is being done because the definitional section for the IBC no longer contains a specific year.

34 Pa. Code § 403.103. Municipalities electing not to enforce the Uniform Construction Code.

The Department is amending paragraph (c) to require building code officials to accept compliance with the "International Performance Code of 2009" for alternative materials, designs or methods of construction. This is being done because the definitional section for the International Performance Code no longer contains a specific year.

The Department is amending paragraph (d) to require building code officials to determine the climatic and geographic design criteria contained in Table R301.2(1) of the IRC of 2015 for residential construction. This is being done because the definitional section for the IRC no longer contains a specific year.

Affected Persons

This regulation will affect all builders and contractors in the construction industry and all building code officials who enforce the regulations.

Fiscal Impact

The Department and building code officials will need to purchase some 2015 and 2018 ICC code books to enforce these regulations. The Department already possesses some 2015 ICC code books to enforce the current regulations and presumably building code officials will possess those same 2015 ICC code books.

Builders and contractors will have to absorb some costs to comply with the updated standards. The Department does not possess specific data on any increase of costs to builders or contractors.

Reporting, Recordkeeping and Paperwork Requirements

This Department will have to update the following forms: Accessibility Advisory Board Petition, Application for Building Permit, and Special Inspections and Observation Statement. There are no additional reporting, record keeping or paperwork requirements.

Sunset Date

There is no sunset date for these regulations. The PCCA requires referenced standards to be reviewed every three years following publication of the triennial revisions to the ICC codes.

Effective Date

This final-omitted regulation will take on October 1, 2018.

Contact Person

The contact person is Matthew W. Kegg, Director, Bureau of Occupational and Industrial Safety, Department of Labor & Industry, 651 Boas Street, Room 1613, Harrisburg, Pennsylvania, 17121, (717) 783-6304; mkegg@pa.gov.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on 8/10, 2018, the Department submitted a copy of this final-omitted rulemaking to the Chairpersons of the Senate Committee on Labor and Industry and the House Committee on Labor and Industry and to the Independent Regulatory Review Commission (IRRC). In addition to submitting the final-omitted rulemaking, the Department has provided the Committees and IRRC with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5.1(j.2) 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 sections 304(a)(1), 35 P.S. § 7210.304(a)(1), and 304(a)(2), 35 P.S. § 7210.304(a)(2), of the PCCA.

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, 403.1, 403.21, 403.23, 403.26, 403.27, 403.28, 403.42, 403.42a, 403.44, 403.45, 403.46 and 403.103 to read as set forth in Annex A.
- (b) The Department submitted these regulations to the Independent Regulatory Review Commission and the Senate and House Labor and Industry Committees.
- (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 on October 1, 2018.



W. Gerard Oleksiak
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:

* * * * *

International Accreditation Service, Inc. – The International Accreditation Service, Inc., 5360 Workman Mill Road, Whittier, California 90601.

International Building Code – [Chapters 2-10, 12-29 and 31-35 of the] An [“]International Building Code [2009” (first printing)] issued by the ICC. Chapter 11 and Appendix E of the “International Building Code 2015” issued by the ICC. The term includes all errata issued by the ICC.

International Energy Conservation Code – [The] An [“]International Energy Conservation Code [2009” (first printing)] issued by the ICC. The term includes all errata issued by the ICC.

International Existing Building Code – [The] An [“]International Existing Building Code for Buildings and Facilities [2009” (first printing)] issued by the ICC. The accessibility provisions in the “International Existing Building Code for Buildings 2015” issued by the ICC. The term includes all errata issued by the ICC.

International Fire Code – [The] An [“]International Fire Code [2009” (first printing)] issued by the ICC. The term includes all errata issued by the ICC.

International Fuel Gas Code – [The] An [“]International Fuel Gas Code [2009” (first printing)] issued by the ICC. The term includes all errata issued by the ICC.

International Mechanical Code – [The] An [“]International Mechanical Code [2009” (first printing)] issued by the ICC. The term includes all errata issued by the ICC.

International Performance Code – [The] An [“]International Performance Code for Buildings and Facilities [2009” (first printing)] issued by the ICC. The term includes all errata issued by the ICC.

International Plumbing Code – [The] An [“]International Plumbing Code [2009” (first printing)] issued by the ICC. The term includes all errata issued by the ICC.

International Residential Code – [The] An [“]International Residential Code for One- and Two-Family Dwellings [2009” (first printing)] issued by the ICC. The term includes all errata issued by the ICC.

International Swimming Pool and Spa Code – An International Swimming Pool and Spa Code issued by the ICC. The term includes all errata issued by the ICC.

International Wildland-Urban Interface Code – [The] An [“]International Wildland-Urban Interface Code [2009” (first printing)] issued by the ICC. The term includes all errata issued by the ICC.

Legally occupied – Use or habitation of a building or facility that was occupied in accordance with all valid construction statutes and ordinances in effect before April 9, 2004.

* * * * *

Manufactured housing – Under section 901(a) of the act (35 P. S. § 7210.901(a)), housing which bears a label as required by and referenced in the Manufactured Housing Act (35 P. S. §§ 656.1—1656.9), certifying that it conforms to Federal construction and safety standards adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. § § 5401—5426).

NEC – NFPA-70, [the] a [“]National Electrical Code [2008”] issued by the NFPA [on July 26, 2007]. The term includes all errata issued by the NFPA.

NFPA – The National Fire Protection Association, One Batterymarch Park, Quincy, MA 02169.

Uncertified building –

- (i) An existing building which was not approved for use and occupancy by the Department or a municipality which was enforcing a building code before April 9, 2004.
- (ii) The term does not include a residential building.

Uniform Construction Code – This part, [“The] An 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, (888) 422-7233; and any standards adopted by the Department in this part under sections 301 and 304 of the act (35 P. S. §§ 7210.301 and 7210.304).

Utility and miscellaneous use structures –

- (i) Buildings or structures of an accessory character and miscellaneous structures not classified by the ICC in any specific use group.

- (ii) The term includes carports, detached private garages, greenhouses and sheds having a building area less than 1,000 square feet.
- (iii) The term does not include swimming pools or spas.

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CHAPTER 403. ADMINISTRATION

§ 403.1 Scope.

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- (f) The electrical, plumbing and lumber and wood provisions, except for the wood provisions related to pressure treatment, of the Uniform Construction Code do not apply to a dwelling unit or one-room school house utilized by a member or members of a recognized religious sect if a code administrator grants an exemption under section 901(b) of the act (35 P.S. § 7210.901(b)) as follows:
 - (1) The permit applicant shall file an application with the code administrator stating the manner in which an electrical provision, a plumbing provision or a lumber and wood provision of the Uniform Construction Code conflicts with the applicant's religious beliefs. The application must also contain an affidavit by the applicant stating:
 - (i) The permit applicant is a member of a religious sect.
 - (ii) The religious sect has established tenets or teachings which conflict with an electrical, a plumbing or a lumber and wood provision of the Uniform Construction Code.
 - (iii) The permit applicant adheres to the established tenets or teachings of the sect.
 - (A) For a dwelling unit, the dwelling will be used solely as a residence for the permit applicant and the applicant's household.
 - (B) For a one-room school house, the school house will be used solely by members of the religious sect.
 - (2) The code administrator shall grant the application for the exemption if made in accordance with paragraph (1).
 - (3) If the permit applicant receives an exemption for a building under section 901(b) of the act and the applicant subsequently sells or leases the building, the applicant shall bring the building into compliance with the provision of the Uniform Construction Code from which it was exempted prior to the sale or lease of the

building unless the prospective subsequent owner or lessee files an affidavit in compliance with paragraph (1).

- (g) Coal-fired boilers installed in residential buildings must be designed, constructed and tested in accordance with the requirements of Chapter 20, section M2001.1.1 of the “International Residential Code of 2015,” except for the ASME stamping requirement.

§ 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 of 2015,” 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. The following provisions of the “International Building Code of 2015” are adopted:

- (i) Section 304.1 concerning “Business Group B” uses and occupancies.
- (ii) Section 306.2 concerning “moderate-hazard factory industrial, Group F-1” uses and occupancies.
- (iii) Section 2902.3 concerning exceptions for “employee and public toilet facilities.”
- (iv) Section 902.1 (relating to definitions) to the extent that “Automatic Water Mist System” was added.
- (v) Section 904.2 (relating to installation of automatic fire-extinguishing systems).
- (vi) Section 904.2.1 (relating to restrictions on using automatic sprinkler system exceptions or reductions).
- (vii) Section 904.11 (relating to automatic water mist systems).
- (viii) Section 904.11.1 (relating to design and installation requirements).
- (ix) Section 904.11.1.1 (relating to general requirements for design and installation).

- (x) Section 904.11.1.2 (relating to actuation).
 - (xi) Section 904.11.1.3 (relating to water supply protection).
 - (xii) Section 904.11.1.4 (relating to secondary water supply).
 - (xiii) Section 904.11.2 (relating to water mist system supervision and alarms).
 - (xiv) Section 904.11.2.1 (relating to monitoring).
 - (xv) Section 904.11.2.2 (relating to alarms).
 - (xvi) Section 904.11.2.3 (relating to floor control valves).
 - (xvii) Section 904.11.3 (relating to testing and maintenance).
 - (xviii) Section 907.2.11.3 (relating to installation of smoke alarms near cooking appliances).
 - (xix) Section 907.2.11.4 (relating to installation of smoke alarms near bathrooms).]
- (i) 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.
 - (ii) That Section 913.2.2 (relating to circuits supplying fire pumps) is excluded.
 - (iii) That in Section 2609.4 (relating to area limitations and greenhouses), exception three is modified to include "or maintaining plants".
- (2) Chapter 11 of the "International Building Code of 2015."
 - (3) The "International Mechanical Code of 2015." [Section 507.2 of the International Mechanical Code of 2015 (relating to commercial kitchen hoods, "Type 1,") is also adopted.]
 - (4) The "International Fuel Gas Code of 2015[.]" except that Section 310.3 of the "International Fuel Gas Code of 2018" (relating to arc-resistant CSST) is also adopted.

- (5) The “International Performance Code of 2009.”
- (6) The “International Plumbing Code of 2015.”
- (i) Except that a municipality within a county of the second class may not administer and enforce the “International Plumbing Code” adopted under this chapter.
- (ii) A municipality within a county of the second class that has adopted a plumbing code and accompanying rules and regulations under the Local Health Administration Law (16 P.S. § 12001—12028), shall retain the authority to promulgate and enforce this plumbing code and to make any changes it deems necessary if the changes meet the Uniform Construction Code’s minimum requirements.
- (7) The “International Residential Code of 2015,” 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.]

(iii) **The following provisions are excluded:**

- (A) **Section R302.5.1 (relating to opening protection).**
- (B) **Section R322.2.1 (relating to elevation requirements for flood hazard areas).**
- (C) **Section R322.3.2 (relating to elevation requirements for coastal high hazard areas).**
- (D) **Section R325.5 (relating to openness).**
- (E) **Table R507.6 (relating to deck beam span lengths).**
- (F) **Table R602.7.5 (relating to minimum number of full height studs at each end of headers in exterior walls).**
- (G) **Section N1101.4 (relating to above code programs).**
- (H) **Section N1103.3.5 (relating to building cavities).**
- (I) **Section N1103.5.2 (relating to demand recirculation systems).**
- (J) **Table N1106.4 (relating to maximum energy rating index).**
- (K) **Section P2503.5.1 (relating to rough plumbing).**
- (L) **Section E3901.7 (relating to outdoor outlets).**

(iv) **The following provisions are modified:**

- (A) Section N1101.6 (relating to defined terms) is amended by adding the definition of "framing factor" as the fraction of the total building component area that is structural framing.
- (B) Table 1102.1.2 (relating to insulation and fenestration criteria) is amended by adding "or 18 + 6.5^H" to climate zone 6 wood frame wall R-value.
- (C) Table N1102.1.2 (relating to insulation and fenestration requirements by components) is amended by adding footnote i which permits R-18 insulation to be permitted in place of R-20 requirement provided the wall framing factor is 20% or less or exterior walls with 24" o.c. nominal vertical stud spacing.
- (D) Section N1102.4.1.2 (relating to testing) is amended as having an air leakage rate not exceeding five air changes per hour for all climate zones.
- (E) Section N1105.2 (relating to mandatory requirements) is amended to require compliance with the mandatory provisions of section N1102.4.1.2.
- (F) Section M1601.4.1, exception 3 (relating to joints, seams, and connections) is amended by excluding this exception for snap-lock and button-lock type joints and seams located outside of conditioned spaces.
- (G) Section M1602.2 item 2 (relating to return air openings) is amended to add the word perimeter before the first use of the word room.
- (H) Section E3901.11 (relating to foyers) is amended by replacing 3 feet (914 mm) with 6 feet (1829 mm) and a minimum of one receptacle.
- (v) The following provisions of the International Residential Code of 2009 are adopted:
 - (A) Section R302.5.1 (relating to opening protection).
 - (B) Section R322.2.1 (relating to elevation requirements for flood hazard areas).
 - (C) Section R322.3.2 (relating to elevation requirements for coastal high hazard areas).

- (D) Section N1101.8 (relating to above code programs).
- (E) Section N1103.2.3 (relating to building cavities).
- (F) Section P2503.5.1 (relating to rough plumbing).
- (G) Section E3901.7 (relating to outdoor outlets).
- (vi) The following provisions of the “International Residential Code of 2018” are adopted:
 - (A) Section R325.5 (relating to openness) is adopted except for exception 2.
 - (B) Table R507.5 (relating to deck beam span lengths).
 - (C) Section R602.3.1 (relating to stud size, height, and spacing) exception 3.
 - (D) Table R602.3(6) (relating to alternate wood bearing wall stud size, height, and spacing).
 - (E) Table R602.7.5 (relating to minimum number of full height studs at each end of headers in exterior walls).
 - (F) Section N1103.3.6 (relating to ducts buried within ceiling insulation).
 - (G) Section N1103.3.7 (relating to ducts located in conditioned space).
 - (H) Table N1106.4 including footnote “a” (relating to maximum energy rating index).
- (8) The “International Fire Code of 2015[.]” except that [(i)] 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).
- [(ii)] 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 to 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 (relating to installation of smoke alarms near bathrooms).]
- (9) The “International Energy Conservation Code of 2015[.]” [The following portions of the International Energy Conservation Code of 2015 are adopted] except that:

- [(i) Section R202 only to the extent that this section contains the definition of “insulated siding.”
- (ii) Section R402.2.4 (relating to access hatches and doors).
- (iii) Section R402.2.8 (relating to floors).
- (iv) Table R402.4.1.1 only to the extent the row for “floors” was amended.
- (v) Section 402.1.3 (relating to r-value computation).]

(i) The following provisions are excluded:

- (A) Section R102.1.1 (relating to above code programs).**
- (B) Section C104.2.6 (relating to final inspection).**
- (C) Section R403.3.5 (relating to building cavities (mandatory)).**
- (D) Section R403.5.2 (relating to demand recirculation systems).**
- (E) Table R406.4 (relating to maximum energy rating index).**
- (F) Section C408.2.4 (relating to preliminary commissioning report).**

(ii) The following provisions are modified:

- (A) Chapter RE 2 is amended by adding the definition of “framing factor” as the fraction of the total building component area that is structural framing.**
- (B) Table R402.1.2 (relating to insulation and fenestration requirements by component) is amended by adding “or 18 + 6.5^H” to climate zone 6 wood frame wall R-value.**
- (C) Table R402.1.2 (relating to insulation and fenestration requirements by components) is amended by adding footnote i which permits R-18 insulation to be permitted in place of R-20 requirement provided the wall framing factor is 20% or less or exterior walls with 24” o.c. nominal vertical stud spacing.**
- (D) Section R402.4.1.2 (relating to testing) is amended as having an air leakage rate not exceeding five air changes per hour for all climate zones.**

- (E) Section R405.2 (relating to mandatory requirements) is amended to require compliance with the mandatory provisions of section R402.4.1.2.
- (iii) The following provisions of the International Energy Conservation Code of 2009 are adopted:
 - (A) Section 102.1.1 (relating to above code programs).
 - (B) Section 104.3 (relating to final inspection).
 - (C) Section 403.2.3 (relating to building cavities).
- (iv) The following provisions of the International Energy Conservation Code of 2018 are adopted:
 - (A) Section R403.3.6 (relating to ducts buried within ceiling insulation).
 - (B) Section R403.3.7 (relating to ducts located in conditioned space).
 - (C) Table R406.4 including footnote "a" (relating to maximum energy rating index).
- (10) The "International Existing Building Code of 2015[.]" except that Section 101.2 (relating to scope) is modified to add an exception for detached residential buildings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures to comply with either the International Existing Building Code of 2015 or the International Residential Code of 2015.
 - [(i) Section 406.3 of the International Existing Building Code of 2015 (relating to replacement window emergency escape and rescue openings) is adopted.
 - (ii) The accessibility provisions of the International Existing Building Code of 2015 are adopted as follows:
 - (A) Section 107.2 (relating to temporary structures and uses).
 - (B) Section 410 (relating to the prescriptive compliance method).
 - (C) Section 605 (relating to repairs).
 - (D) Section 705 (relating to Level 1 alterations).

- (E) Section 801.1 (relating to Level 2 alterations).
- (F) Section 806 (relating to Level 2 alterations).
- (G) Section 901.2 (relating to Level 3 alterations).
- (H) Section 906 (relating to Level 3 alterations).
- (I) Section 1006 (relating to change of occupancy).
- (J) Section 1012.1.4 (relating to change of occupancy).
- (K) Section 1012.8 (relating to change of occupancy).
- (L) Section 1101.2 (relating to additions).
- (M) Section 1105 (relating to additions).
- (N) Section 1204.1 (relating to historic buildings).
- (O) Section 1205.15 (relating to historic buildings).
- (P) Section 1401.2.5 (relating to performance compliance methods).
- (Q) Section 1508 (relating to construction safeguards).
- (R) Appendix B.]

(11) The “International Wildland-Urban Interface Code of 2015.”

(12) Appendix E of the “International Building Code of 2015.”

(13) Appendix H of the “International Building Code of 2009.”

[(14) Appendix G of the “International Residential Code.”]

- (b) The code adopted under subsection (a)([7]8) is part of the Uniform Construction Code to the extent that it is referenced in Chapter 35 of the “International Building Code of 2015” under section 302(a)(1) of the act (35 P.S. § 7210.302(a)(1)). The provisions of the Uniform Construction Code apply if there is a difference between the Uniform Construction Code and the codes or standards adopted in subsection (a). This chapter’s administrative provisions govern under § 403.27(e) (relating to applicability and use of standards) if there is a conflict with the provisions of the codes relating to administration incorporated under subsection (a).

- (c) Appendices to a code or standard listed in subsection (a) are not adopted in the Uniform Construction Code except for the appendices and resource information found in the “International Existing Building Code of 2015” and the appendices found in subsection (a)([11]12)—(13).
- (d) A permit applicant may utilize one of the following prescriptive methods to demonstrate compliance with the energy conservation requirements of the Uniform Construction Code. The standards are those listed for the climatic zone of this Commonwealth where the building or structure is located:
 - (1) The prescriptive methods for detached residential buildings contained in the [current version of the] “International Energy Conservation Code of 2015” compliance guide containing State maps, prescriptive energy packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (REScheckTM) or “Pennsylvania’s Alternative Residential Energy Provisions.”
 - (2) The prescriptive methods for all other buildings or structures contained in the [current version of the] “International Energy Conservation Code of 2015” compliance guide containing State maps, prescriptive packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (COMcheckTM).
- (e) Construction of individual sewage disposal systems is governed under 25 Pa. Code Chapter 73 (relating to standards for onlot sewage treatment facilities).
- (f) The repair, alteration, change of occupancy, addition and relocation of existing buildings must comply with Chapter 34 of the “International Building Code of 2015” or with the “International Existing Building Code of 2015.”

§ 403.23. Child day care facilities.

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- (d) All other child day care facilities shall be classified under Chapter 3 of the “International Building Code of 2015.” The facilities shall meet all Uniform Construction Code standards for these occupancy classifications.

§ 403.26. Swimming pools.

- (a) A swimming pool, hot tub and spa which is accessory to a one- or two-family dwelling must comply with [all of the following:] the “International Residential Code of 2015” which adopts, by reference, the “International Swimming Pool and Spa Code of 2015.”
 - [(1) Chapter 42 of the “International Residential Code.”
 - (2) Appendix G of the “International Residential Code.”

- (3) Section 2406.4, paragraph 9 of the International Building Code (glazing in walls and fences enclosing indoor and outdoor swimming pools, hot tubs and spas).
- (4) Section 3109.4 of the “International Building Code” (residential swimming pools).]
- (b) A swimming pool, hot tub or spa that is not accessory to a one- or two-family dwelling must comply with [this chapter, the “American National Standards for Public Pools” issued by ANSI and APSP (ANSI/NSPI-1 2003) and] the Public Bathing Law (35 P. S. §§ 672—680d) **and the “International Building Code of 2015” which adopts, by reference, the “International Swimming Pool and Spa Code of 2015.”**
- [(c) A hot tub or spa that is not accessory to a one- or two-family dwelling must comply with this chapter and the “American National Standard for Public Spas” issued by ANSI and APSP (ANSI/NSPI-2 1999).]

§ 403.27. Applicability and use of standards.

- (a) Portions of this chapter designate and incorporate portions of the following ICC copyrighted works:
 - (1) The “International Building Code of 2015.”
 - (2) The “International Residential Code of 2015.”
 - (3) The “International Plumbing Code of 2015.”
 - (4) The “International Mechanical Code of 2015.”
 - (b) The “International Residential Code of 2015” and the “International Existing Building Code of 2015” apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings no more than three stories in height with a separate means of egress and their accessory structures.
 - (c) The ICC owns the copyrighted works in subsection (a). Reproduced with permission. All rights reserved.
- * * * * *
- (e) This chapter governs if there is a conflict between this chapter and the provisions of the codes relating to administration incorporated under § 403.21(a) (relating to Uniform Construction Code).
 - (f) A provision of the “International Mechanical Code of 2015” does not apply if the provision conflicts with the Boiler and Unfired Pressure Vessel Law (35 P. S. §§ 1331.1—1331.9).

§ 403.28. Uncertified buildings.

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- (b) Under section 902(b) of the act, uncertified buildings within the Department's jurisdiction must meet the following requirements which do not apply to uncertified buildings under subsection (a):

- (1) Maximum story height, minimum allowable construction type based on floor area, vertical opening and shaft protection requirements, means of egress requirements pertaining to minimum number of exits, maximum travel distances to exits, means of egress illumination, minimum egress widths and heights for exit doors, exit stairs, exit ramps and exit corridors requirements under the 'International Building Code of 2015.'
- (2) Fire safety requirements in the "International Building Code of 2015" for fire alarms, fire extinguishers, heat and smoke detectors, automatic sprinkler systems and occupancy and incidental use separations. The following also apply:
 - (i) If construction began on a building before May 19, 1984, the installation of automatic sprinkler systems is not required.

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- (3) Accessibility requirements are applicable as follows:
 - (i) If construction of an uncertified building began before September 1, 1965, accessibility requirements will not be imposed by the Department.
 - (ii) If construction of a building began after August 31, 1965, and before February 18, 1989, and if the building is a State-owned building, a restaurant or a retail commercial establishment, the building must have at least one accessible main entrance, an accessible route from the accessible entrance to any public spaces on the same level as the accessible entrance and, if toilet rooms are provided, the building must have at least one toilet room for each sex or a unisex toilet room complying with the accessibility requirements of the "International Building Code of 2015."
 - (iii) If construction of the building began after February 17, 1989, all accessibility requirements of the "International Building Code of 2015" shall be met.
- (4) Structural requirements will not be imposed unless the Department determines that the building or a portion of the building has defects that are defined as dangerous in section 202 of the "International Existing Building Code of 2015." If the building is dangerous, the Department may impose only those requirements minimally necessary to remove danger to the building's occupants.

- (5) A construction code official may deny the issuance of a certificate of occupancy if the official deems that a building is unsafe because of inadequate means of egress, inadequate lighting and ventilation, fire hazards or other dangers to human life or to public welfare.
- (c) The following apply to uncertified buildings where the Department does not have jurisdiction and which are not governed under subsection (a):
 - (1) A construction code official shall issue a certificate of occupancy to an uncertified building if it meets the requirements of the latest version of the “International Existing Building Code of 2015” or Chapter 34 of the “International Building Code of 2015.” The construction code official shall utilize the code for the municipality which best applies, in the official’s professional judgment.
 - (2) A construction code official may deny the issuance of a certificate of occupancy if the official deems that a building is unsafe because of inadequate means of egress, inadequate lighting and ventilation, fire hazards or other dangers to human life or to public welfare.

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§ 403.42. Permit requirements and exemptions.

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- (c) A permit is not required for the exceptions listed in § 403.1(b) (relating to scope) and the following construction as long as the work does not violate a law or ordinance:
 - (1) Building construction for the following:
 - * * * * *
 - (x) Swings and other playground equipment accessory to one- or two-family dwellings.
 - (xi) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support of group R-3 as applicable in the “International Building Code of 2015,” and Group U occupancies.
 - (xii) Movable cases, counters and partitions that are not over 5 feet 9 inches in height.

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§ 403.42a. Permit application.

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- (f) All of the following fire egress and occupancy requirements apply to construction documents:

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- (3) The permit applicant shall submit shop drawings for a fire protection system that indicates conformance with the Uniform Construction Code in accordance with the following:
- (i) The shop drawings shall be approved by the building code official before the start of the system installation.
 - (ii) The shop drawings must contain the information required by the referenced installation standards contained in Chapter 9 of the “International Building Code of 2015.”
- (g) Construction documents shall contain the following information related to the exterior wall envelope:
- (1) Description of the exterior wall envelope indicating compliance with the Uniform Construction Code.
 - (2) Flashing details.
 - (3) Details relating to intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane and details around openings.
- (h) Construction documents shall contain a site plan that is drawn to scale. The building code official may waive or modify the following site plan requirements if the permit application is for an alteration or repair or if waiver or modification is warranted. Site plan requirements include all of the following:
- (1) The size and location of new construction and existing structures on the site.
 - (2) Accurate boundary lines.
 - (3) Distances from lot lines.
 - (4) The established street grades and the proposed finished grades.
 - (5) If the construction involves demolition, the site plan shall indicate construction that is to be demolished and the size and location of existing structures and construction that will remain on the site or plot.

- (6) Location of parking spaces, accessible routes, public transportation stops and other required accessibility features.
- (i) A permit applicant shall submit certifications required in the “International Building Code of 2015” for construction in a flood hazard area to the building code official.
- (j) A permit applicant shall identify, on the application, the name and address of the licensed architect or engineer in responsible charge. The permit applicant shall notify the building code official in writing if another licensed architect or engineer assumes responsible charge.
- (k) The permit applicant shall describe an inspection program, identify a person or firm who will perform special inspections and structural observations if section 1704 [or 1710] and 1705 of the “International Building Code of 2015” requires special inspections or structural observations for the construction.

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§ 403.44. Alternative construction materials and methods.

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- (b) Materials, equipment and devices bearing the label or listed by a testing laboratory or quality assurance agency accredited by the International Accreditation Service, Inc. or another agency accredited under the “Calibration and Testing Laboratory Accreditation Systems-General Requirements for Operation and Recognition” issued by ISO (ISO Guide 58) are approved for use if:
 - (1) The testing laboratory or quality assurance agency deemed the material as meeting Uniform Construction Code-required standards.
 - (2) The scope of accreditation is applicable to Uniform Construction Code-required standards.
- (c) A new building or remodeling, alteration, addition or change of use and occupancy of an existing building which complies with the International Performance Code of 2009 shall also be in compliance with the Uniform Construction Code.

§ 403.45. Inspections.

* * * * *

- (e) A construction code official shall conduct a final inspection of the completed construction work and file a final inspection report, which indicates that all of the following areas met Uniform Construction Code requirements after a final inspection of the completed construction work:

- (1) General building under § 401.7(6) (relating to certification category specification for building inspector).
 - (2) Electrical under § 401.7(7).
 - (3) Plumbing under § 401.7(9).
 - (4) Accessibility under § 401.7(11).
 - (5) Fire protection under § 401.7(6).
 - (6) Mechanical under § 401.7(8).
 - (7) Energy conservation under § 401.7(10)
- (f) A code administrator may act in place of a lumber grading or inspection agency to satisfy the requirements under section 2303.1.1 of the “International Building Code of 2015” or its successor code.

§ 403.46. Certificate of occupancy.

* * * * *

- (b) A building code official shall issue a certificate of occupancy within 5 business days after receipt of a final inspection report that indicates compliance with the Uniform Construction Code. The certificate of occupancy shall contain the following information:

* * * * *

- (5) The applicable construction code edition applicable to the occupancy permit.
- (6) The use and occupancy classification under Chapter 3 (Use and Occupancy Classification) of the “International Building Code of 2015,” when designated.
- (7) The type of construction defined in Chapter 6 (Types of Construction) of the “International Building Code of 2015,” when designated.
- (8) Special stipulations and conditions relating to the permit and board of appeals’ decisions and variances for accessibility requirements granted by the Secretary.

* * * * *

§ 403.103. Municipalities electing not to enforce the Uniform Construction Code.

* * * * *

- (b) An applicant for a residential building permit shall obtain the services of a third-party agency certified in the appropriate categories to conduct the plan review and inspections

under §§ 403.61—403.66 (relating to permit and inspection process for residential buildings).

- (c) A building code official shall approve an alternative material, design or method of construction if the proposed design is satisfactory and complies with the intent of the Uniform Construction Code and the offered material, method or work is equivalent to Uniform Construction Code requirements for its intended purpose. The building code official shall accept compliance with the “International Performance Code of 2009” as an alternative to compliance with the Uniform Construction Code.
- (d) A building code official shall determine the climatic and geographic design criteria contained in Table R301.2(1) of the “International Residential Code of 2015” for residential construction.
- (e) A third-party agency which conducts plan review and inspection of residential buildings and utility and miscellaneous use structures shall retain copies of all final inspection reports relating to Uniform Construction Code compliance.

* * * * *

August 10, 2018

The Honorable George D. Bedwick
Chairman, Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: Final-Omitted Regulation 12-107
Department of Labor and Industry
Bureau of Occupational and Industrial Safety
34 Pa. Code Part XIV, Chapters 401 and 403

Dear Chairman Bedwick:

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, 403.21 and 403.26 to adopt the revisions specified in the report of Uniform Construction Code Review and Advisory Council (RAC) issued on May 1, 2018, subsequently amended on July 23, 2018, as mandated by Section 304(a) of the PCCA, 35 P.S. § 7210.304(a).

Under Section 304(a)(2) of the PCCA, 35 P.S. § 7210.304(a)(2), this final-omitted rulemaking is exempt from section 205 of the Commonwealth Documents Law, 45 P.S. § 1205, and sections 204(b) and 301(10) of the Commonwealth Attorneys Act, 71 P.S. §§ 732-204(b), 732-301(10), and therefore from review by the Office of General Counsel and the Office of Attorney General. The Face Sheet included with the regulation does not include approval of the Office of General Counsel or the Office of Attorney General.

Comments, suggestions or questions should be directed to Matthew W. Kegg, 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: mkegg@pa.gov.

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

Very truly yours,



W. Gerard Oleksiak
Secretary

cc w/encl: The Honorable W. Gerard Oleksiak, Secretary
The Honorable Sarah Galbally, Secretary of Planning and Policy
Robert V. O'Brien, Executive Deputy Secretary
Jennifer L. Berrier, Deputy Secretary Safety & Labor-Management Relations
Marc Farrell, Regulatory Specialist, Governor's Office of Policy
Ronald Foster, Assistant Director of Legislative Affairs, Governor's Budget Office
Joanne Manganello, Director of Legislative Affairs
Jennifer Rapach, Executive Policy Manager
Kelly K. Smith, Executive Deputy Chief Counsel
Robert C. Schramm, Deputy Chief Counsel

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

I.D. NUMBER: 12-107
SUBJECT: Uniform Construction Code
AGENCY: DEPARTMENT OF LABOR & INDUSTRY

TYPE OF REGULATION

Proposed Regulation

Final Regulation

X 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

RECEIVED
IRRC
2018 AUG 10 A 10:36

FILING OF REGULATION

DATE

SIGNATURE

DESIGNATION

HOUSE COMMITTEE ON LABOR & INDUSTRY

8/10 Elena Maynard

MAJORITY CHAIR Rob W. Kauffman

8/10 John T. Galloway

MINORITY CHAIR John T. Galloway

SENATE COMMITTEE ON LABOR & INDUSTRY

8/10/18 Kim L. Ward

MAJORITY CHAIR Kim L. Ward

8/10/18 Christine Tartaglione

MINORITY CHAIR Christine Tartaglione

8/10/18 INDEPENDENT REGULATORY REVIEW COMMISSION

INDEPENDENT REGULATORY REVIEW COMMISSION

ATTORNEY GENERAL (for Final Omitted only)

LEGISLATIVE REFERENCE BUREAU (for Proposed only)

August 9, 2018