

**INDEPENDENT REGULATORY REVIEW COMMISSION
PUBLIC MEETING MINUTES**

10:00 A.M.

Thursday, September 13, 2018
14th Floor Conference Room
333 Market Street

I. CALL OF THE MEETING

The September 13, 2018 public meeting of the Independent Regulatory Review Commission (Commission) was called to order by Chairman Bedwick at 10:02 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg, PA.

Commissioners Present: George D. Bedwick, Chairman
 Murray Ufberg, Esq.
 Dennis A. Watson, Esq.

Telephone: John F. Mizner, Esq., Vice Chairman
 W. Russell Faber

II. APPROVAL OF THE AUGUST 16, 2018 PUBLIC MEETING MINUTES

Chairman Bedwick asked for a motion for approval of the August 16, 2018 public meeting minutes, as submitted. Commissioner Ufberg made the motion and Commissioner Watson seconded, and the motion passed 5-0.

III. NEW BUSINESS

A. DEEMED APPROVED

1. No. 3181 Department of Agriculture #2-185: Vegetable Marketing and Research Program

2. No. 3155 Department of Transportation #18-469: Hazardous Material Transportation

B. ACTION ITEMS

1. No. 3211 Department of Labor and Industry #12-107: Uniform Construction Code

Scott Schalles, Regulatory Analyst, explained that the regulation would update the Uniform Construction Code (UCC) in Pennsylvania by adopting provisions of the 2015 International Code Council (ICC) code updates. Mr. Schalles said that the UCC Review and Advisory Council (RAC) of the Department of Labor and Industry (Department) reviewed the

2015 ICC code amendments and the recommendations were codified and promulgated as regulation by the Department in 2016. Mr. Schalles added that the rulemaking adopted limited provisions of the 2015 updates to the ICC. “Act 36 of 2017 made numerous amendments to the Pennsylvania construction code. As it relates to this rulemaking, it required the UCC and RAC to initiate a second review of the 2015 ICC updates and directed the Department to promulgate final omitted regulations, adopting the new recommendations,” said Mr. Schalles. He added that RAC received more than 300 public comments during a 30-day public comment period and at its public hearing, as well as organized four hearings with its technical advisory committees. Mr. Schalles concluded that staff has not received any public comments on the rulemaking and both the House and Senate standing committees have deemed it approved.

Robert Schramm, Deputy Chief Counsel, and Jennifer Berrier, Deputy Secretary for Safety and Labor-Management Relations, Department, were present to answer any questions.

Mr. Schramm stated the UCC is Pennsylvania’s statewide building code and incorporates publications from the ICC, which publishes models of building codes for the protection of public health and safety. The codes, known as the I-Codes, are a result of the code development process that offers avenues for building professionals from all facets of industry to discuss and vote on performance and restrictive requirements that ultimately make up the model business code, Mr. Schramm said. He explained the Pennsylvania Construction Code Act created RAC whose members represent industry sectors that participate in the various aspects relating to building construction. Mr. Schramm said RAC was tasked with reviewing the I-Code and determining what codes will be incorporated into Pennsylvania’s regulations.

Mr. Schramm continued that the Pennsylvania Construction Code Act requires the council to perform a second review of the 2015 I-Codes. He stated per the Act, the Department was required to adopt the council’s recommendations, and based on the report the Department submitted the regulation which will be effective October 1, 2018. Mr. Schramm urged the Commission to adopt the regulation as it is necessary to update the Pennsylvania Building Code.

Commissioner Watson inquired if whether the regulation addresses the fire and smoke protection features. Mr. Schramm explained the Fire Code contains provisions that do not have anything to do with construction. He said the 2015 Fire Code has been adopted but there are portions outside of the RAC’s purview.

Chairman Bedwick commented he hopes the Department will work with the Commission’s counsel going forward as there is a potential difference of opinion of what the scope of the Commission’s review is, but he does not see any issues today. Mr. Schramm replied the Department would be happy to work together moving forward.

Commissioner Ufberg made a motion for approval. Commissioner Watson seconded, and the motion passed 5-0.

2. No. 3179 Department of Agriculture #2-187: Weighmasters

Corinne Brandt, Regulatory Analyst, discussed that the regulation would delete outdated provisions that require weighmaster certificates and certificates of quality for anthracite coal be prepared in triplicate and bear additional language distinguishing the original certificate from the copies. Ms. Brandt added that no public comments were received on the final form regulation and both the House and Senate standing committees have deemed it approved.

Dwight Smith, Assistant Counsel, Department of Agriculture, was present to answer any questions.

Chairman Bedwick made a motion for approval. Commissioner Watson seconded, and the motion passed 5-0.

IV. OTHER BUSINESS

Approval of Vouchers

Commissioner Ufberg made motions to approve vouchers and expenses for the period July 20, 2018 through August 16, 2018. Commissioner Watson seconded, and the motions passed 5-0.

V. DATE AND PLACE OF SUBSEQUENT MEETING

Chairman Bedwick announced the next public meeting is scheduled for Thursday, October 18, 2018, at 10:00 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg.

VI. EXECUTIVE SESSION ANNOUNCEMENTS

Chairman Bedwick announced that no executive session would be held.

VII. ADJOURNMENT

Chairman Bedwick announced the meeting adjourned at 10:14 a.m.