

# Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY  
REVIEW COMMISSION

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

(1) Agency

Department of Labor and Industry

(2) Agency Number:

Identification Number: 12-101

IRRC Number: 3127

(3) PA Code Cite: 34 Pa. Code, Part XIV, Chapters 401, 403, and 405.

(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)

These regulations update the Uniform Construction Code (UCC) by adopting Chapter 11 and Appendix E of the International Building Code of 2015, issued by the International Code Council (ICC). Section 304(A)(3) (35 P.S. § 7210.304) of the Pennsylvania Construction Code Act (35 P.S. §§ 7210.101-7210.1103) (PCCA) requires the Department of Labor and Industry (Department) to promulgate regulations updating accessibility standards under Chapter 3 of the act by adopting Chapter 11 and

Appendix E of the International Building Code of 2012 (IBC 2012), or its successor, by December 31 of the year of issuance of the new code. The latest successor to the IBC 2012 is the International Building Code of 2015 (IBC 2015). These regulations will be effective upon publication in the *Pennsylvania Bulletin*.

These regulations will also include the latest revisions published by the American National Standards Institute (ANSI) of the *American National Standards for Passenger Tramways, Aerial Tramways, Aerial Lifts, Surface Lifts and Tows*, ANSI B77.1, as mandated by section 302(a)(1), (2) of the act (35 P.S. § 7210.302(a)(1), (2)). The latest ANSI B77.1 is the ANSI B77.1-2011, *American National Standard for Passenger Ropeways –Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors –Safety Requirements*, as supplemented by ANSI B77.1a-2012 (collectively ANSI B77.1).

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

These regulations are promulgated under the authority provided in section 301 of the PCCA (35 P.S. § 7210.301), and, more specifically, section 304(a)(3) of the act (35 P.S. § 7210.304), which requires the Department to promulgate regulations updating accessibility standards by adopting Chapter 11 and Appendix E of the IBC 2012, or its successor, by December 31 of the year of the ICC's issuance of the new code. The latest successor to the 2012 Code is the IBC 2015. Section 302(a)(1), (2) of the act (35 P.S. § 7210.302(a)(1), (2)) requires the inclusion of the latest ANSI standards applicable to the operation of ski lifts, which is ANSI B77.1-2011. These regulations will be effective upon publication in the *Pennsylvania Bulletin*.

(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.

Section 304(A)(3) of the PCCA (35 P.S. § 7210.304) directs the Department to promulgate regulations updating accessibility standards under Chapter 3 of the act by adopting Chapter 11 and Appendix E of the IBC 2012, or its successor, by December 31 of the year of issuance of the new code. The latest successor to the IBC 2012 is the 2015 Code. These regulations will be effective upon publication in the *Pennsylvania Bulletin*.

Section 302(a)(1), (2) of the act (35 P.S. § 7210.302(a)(1), (2)) requires the inclusion of the latest ANSI standards applicable to the operation of ski lifts, which is ANSI B77.1-2011.

(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 updates made by these regulations are mandated by the PCCA. Section 304(A)(3) of the PCCA (35

P.S. § 7210.304) requires the Department to promulgate regulations updating accessibility standards under Chapter 3 of the act by adopting Chapter 11 and Appendix E of the IBC 2012, or its successor, by December 31 of the year of issuance of the new code. The latest successor to the IBC 2012 is IBC 2015. These regulations will be effective upon publication in the *Pennsylvania Bulletin*.

Section 302(a)(1), (2) of the PCCA (35 P.S. § 7210.302(a)(1), (2)) requires the utilization of the latest ANSI standards applicable to the operation of ski lifts, which is ANSI B77.1-2011.

(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 federal laws that adopt building code standards. The federal Americans with Disabilities Act (ADA) mandates that certain buildings and facilities comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). The proposed regulations adopt Chapter 11 of the IBC 2015, which adopts by reference ICC/ANSI A117.1. The ICC/ANSI A117.1 standards are consistent with the federal ADAAG accessibility standards.

There are no federal standards for the operation of ski lifts.

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

All 50 states and the District of Columbia have adopted versions of the International Building Code and many states have adopted a version of ANSI B77.1 for the operation of ski lifts. These regulations will update Pennsylvania's accessibility standards to the 2015 edition of Chapter 11 and Appendix E and adopt the latest ANSI standards applicable to the operation of ski lifts, ANSI B77.1. These regulations should not affect Pennsylvania's ability to compete with other states.

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

No.

(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 sought input from the Accessibility Advisory Board, created under section 106 of the

act. The Accessibility Advisory Board consists of members appointed by the Secretary, including members with physical disabilities, an architect, a member of the business community, a representative of the multifamily housing industry and a municipal official. Pursuant to section 106(b) of the PCCA, the Accessibility Advisory Board reviewed the proposed regulation and gave its approval on September 24, 2015.

In 2012, the accessibility regulations were initially adopted in accordance with Act 1 of 2011. The Department published the proposed regulations in the *Pennsylvania Bulletin* and received comments questioning its authority to adopt the standards of ANSI A117.1, *Accessible and Usable Buildings and Facilities*. ANSI A117.1 is not specifically mentioned in the 2012 regulations or the 2015 proposed regulations, but is effectively adopted by its reference in Chapter 11 of both the IBC 2012 and IBC 2015 versions. IBC 2015 explains that “[w]hile the IBC contains scoping provisions for accessibility (e.g., what, where and how many), ICC/ANSI A117.1, *Accessible and Usable Buildings and Facilities*, is the referenced standard for the technical provisions (i.e., how).” IBC 2015, *Effective Use of the International Building Code*, p. xiii. The Department is neither required nor authorized to specifically adopt ANSI A117.1, but instead, ANSI A117.1 is automatically adopted into the standards by Chapter 11’s reference. The latest version of ANSI A117.1 was issued in 2009. Accordingly, the ANSI A117.1 requirements have not changed since the current regulation’s adoption of IBC 2012 and will not be changed by the proposed regulations.

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

Local governments and third party inspection agencies enforcing the UCC and the Department are 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 ski lift operators, designers, and manufacturers may be affected, as they are required to absorb the cost of compliance with any new or altered construction to meet the new standards mandated by the PCCA.

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

Building and facility contractors, design professionals, building and facility owners, developers, local municipalities, construction code officials, third party inspection agencies, ski lift operators, ski lift designers, ski lift manufacturers, and the Department must comply with these regulations.

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

benefits expected as a result of the regulation.

The regulated community will be financially impacted with the cost of compliance. The PCCA requires the Department to update these regulations (Accessibility -- 35 P.S. § 7210.304(a)(1); Ski lifts -- 35 P.S. § 7210.302(a)(1), (2)). The benefits of adopting these regulations include providing the most recent widely-recognized standards for ensuring Pennsylvania's buildings and structures are accessible and usable by people with disabilities, while protecting the life, health, and property for the Commonwealth's citizens. These regulations will also assure that the latest state-of-the-art technical methods, devices, and improvements are used for the safe operation of ski lifts in Pennsylvania.

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

The PCCA requires the Department to update these regulations to the latest standards. The Department has no discretion regardless of any benefits or adverse effects.

(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.

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

Local municipalities that have opted to enforce the UCC will incur costs associated with updating their code materials. However, local municipalities may have already purchased some of these codes in order to comply with other regulations under the act adopting provisions of the updated codes.

The total cost to purchase a complete set of the 2015 ICC code materials is \$700 per set.

The cost to purchase ANSI A117.1 is \$46.00.

The cost to purchase ANSI B77.1-2011 with supplement ANSI B77.1a-2012 is \$175.00.

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. Accordingly, the only additional costs incurred will be the purchasing of ANSI B77.1-2011 with supplement ANSI B77.1a-2012.

The enforcement costs will be similar to the costs incurred by the current UCC enforcement program. The Department's FY 14-15 costs for the UCC enforcement program was approximately \$5,414,200. The Department must incur an approximate cost of \$4,550 for purchasing 26 copies of ANSI B77.1-2011 with supplement ANSI B77.1a-2012.

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

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

This proposed regulation will not significantly change the existing reporting, record keeping or other paperwork requirements. Current forms will be updated following enactment of the regulation. The PCCA requires the Department to update these regulations (Accessibility -- 35 P.S. § 7210.304(a)(1); Ski lifts -- 35 P.S. § 7210.302(a)(1), (2)).

(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.

	<b>Current FY Year</b>	<b>FY +1 Year</b>	<b>FY +2 Year</b>	<b>FY +3 Year</b>	<b>FY +4 Year</b>	<b>FY +5 Year</b>
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Savings</b>						
<b>COSTS:</b>						
<b>Regulated Community</b>	Unknown					

<b>Local Government</b>	Unknown					
<b>State Government</b>	5,685,000	5,969,000	6,267,000	6,580,000	6,580,000	6,500,000
<b>Total Costs</b>						
<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Revenue Losses</b>						

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

<b>Program</b>	<b>FY -3</b>	<b>FY -2</b>	<b>FY -1</b>	<b>Current FY</b>
UCC Enforcement	5,020,524	5,059,710	5,414,200	5,414,000

(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.

A regulatory flexibility analysis was not conducted by the Department. The PCCA requires the Department to update these regulations (Accessibility -- 35 P.S. § 7210.304(a)(1); Ski lifts -- 35 P.S. §

7210.302(a)(1), (2)).

(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.

No special provisions may be developed. The PCCA mandates the Department to update these regulations and the Department is without discretion to modify them. (Accessibility -- 35 P.S. § 7210.304(a)(1); Ski lifts -- 35 P.S. § 7210.302(a)(1), (2)).

(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.

No alternatives may be considered. The PCCA requires the Department to update these regulations and the Department is without discretion to modify them. (Accessibility -- 35 P.S. § 7210.304(a)(1); Ski lifts -- 35 P.S. § 7210.302(a)(1), (2)).

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

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

There is no flexibility with these regulations. The PCCA requires the Department to update these regulations and the Department is without discretion to modify them. (Accessibility -- 35 P.S. § 7210.304(a)(1); Ski lifts -- 35 P.S. § 7210.302(a)(1), (2)).

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or



supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

N/A

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

- A. The date by which the agency must receive public comments:       N/A
- B. The date or dates on which public meetings or hearings will be held:       N/A
- C. The expected date of promulgation of the proposed regulation as a final-form regulation:       N/A
- D. The expected effective date of the final-form regulation: February 6, 2016
- E. The date by which compliance with the final-form regulation will be required: February 6, 2016
- F. The date by which required permits, licenses or other approvals must be obtained: February 6, 2016

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

The PCCA requires the Department to update these regulations and the Department is without discretion to modify them. (Accessibility -- 35 P.S. § 7210.304(a)(1); Ski lifts -- 35 P.S. § 7210.302(a)(1), (2)).

CDL-1

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to  
form and legality. Attorney General

BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

\_\_\_\_\_  
DATE OF APPROVAL

Check if applicable  
Copy not approved. Objections  
attached.

Copy below is here by certified to be a true and correct copy  
of a document issued, prescribed or promulgated by:

**Department of Labor and Industry**

\_\_\_\_\_  
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 12-101

DATE OF ADOPTION: 10/20/15

BY: \_\_\_\_\_

TITLE **Kathy M. Manderino**  
**Secretary**  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as to form  
and legality. Executive or Independent Agencies.

BY: \_\_\_\_\_

**DEC 09 2015**

\_\_\_\_\_  
DATE OF APPROVAL

**Deputy General Counsel**  
(Chief Counsel, Independent Agency)  
(Strike inapplicable title)

Check if applicable. No Attorney General  
approval or objection within 30 days after  
submission.

**FINAL-OMITTED REGULATIONS**

**Title 34: LABOR AND INDUSTRY**

**DEPARTMENT OF LABOR AND INDUSTRY**

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

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

**[34 Pa. Code, Chap. 405]  
Elevators and Other Lifting Devices**

## FINAL-OMITTED RULEMAKING

### **Title 34 Labor and Industry Uniform Construction-Code Chapters 401, 403 and 405**

#### **[34 Pa. Code, Part XIV, Chapters 401, 403, and 405]**

In accordance with sections 302 and 304 of the act of November 10, 1999 (P.L. 491, No. 45), *as amended*, (35 P.S. § 7210.101 – 7210.1103), known as the Pennsylvania Construction Code Act (PCCA), the Department of Labor and Industry (Department) amends Chapters 401, 403 and 405 (relating to Uniform Construction Code training and certification of code administrators; administration; and elevators and other lifting devices) to read as set forth in Annex A.

#### *Background*

The PCCA mandates a process for the adoption of updated building codes issued by the International Code Council (ICC). Although most building code provisions are reviewed by the Pennsylvania Uniform Construction Code Review and Advisory Council under Section 107 of the PCCA, the Legislature has excluded accessibility provisions of the International Building Code from review in Section 304. Act 1 of 2011 amended the PCCA to require that the Department regularly adopt updated accessibility standards for the construction, repair or alteration of buildings in the Commonwealth by December 31 of the year of issuance by ICC. The ICC issued new accessibility standards in 2015. These regulations will be effective upon publication in the *Pennsylvania Bulletin*. Adoption of the current accessibility standards will ensure that commercial buildings meet current standards for accessible and usable facilities.

The purpose of these regulations is to adopt recognized international standards for accessible and usable buildings and structures, as directed by Act 1 of 2011. The regulation brings Pennsylvania's standards for accessible and usable buildings to the current state of the art and conforms to standards issued by the United States Department of Justice under the Americans with Disabilities Act (42 U.S.C. §§12101-12213). Adopting Chapter 11 and Appendix E of the 2015 International Building Code will allow the Department to comply with the directive of the PCCA.

In addition, section 304 of the PCCA (35 P.S. § 7210.304) requires the Department to include the latest American National Standards Institute (ANSI) standards

applicable to the operation of ski lifts prescribed in the American National Standards for Passenger Tramways, Aerial Tramways, Aerial Lifts, Surface Lifts and Tows, ANSI B77.1. The current regulation recognizes ANSI B77.1-2006. However, the latest ANSI B77.1 standards are contained in ANSI B77.1-2011, *American National Standard for Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements*, as supplemented by ANSI B77.1a-2012 (collectively ANSI B77.1-2011). Accordingly, the Department must adopt ANSI B77.1-2011 to bring Pennsylvania's standards for the operation of ski lifts into compliance with the current state-of-the-art and recognized standards, as mandated by the PCCA.

### *Purpose and Explanation of this Final-Omitted Rulemaking*

The Department, under section 204 of the Act of July 31, 1968 (P. L. 769, No. 240) (45 P.S. § 1204(3)), known as the Commonwealth Documents Law (CDL), and 1 Pa. Code § 7.4(3) (relating to omission of notice of proposed rulemaking), finds that notice of proposed rulemaking under the circumstances is unnecessary and impractical, and therefore, may be omitted.

The Department's justification for utilizing the final-omitted rulemaking process is that the only changes being made are updates of the regulations to the latest standards as mandated by the PCCA. The Department has no discretion in the promulgation of these regulations. Section 304 of the act (35 P.S. § 7210.304) requires the Department, by December 31 of the year of the issuance of a new triennial International Building Code, or its successor building code, to promulgate regulations adopting the new accessibility standards code as the Uniform Construction Code (UCC). The ICC updated the international codes and issued 2015 editions. These regulations will be effective upon publication in the *Pennsylvania Bulletin*.

Similarly, section 302(a)(1), (2) of the PCCA (35 P.S. § 7210.302(a)(1), (2)) requires the inclusion of the latest ANSI standards applicable to the operation of ski lifts. The latest standards are ANSI B77.1-2011, which were issued in 2011 and supplemented in 2012.

Under section 204(3) of the CDL, the Department may omit the procedures for proposed rulemaking in sections 201 and 202 (45 P. S. §§ 1201 and 1202) if the specified procedures are impracticable, unnecessary or contrary to the public interest. Notice of this rulemaking is impracticable and unnecessary because the regulations are limited to implementing, without change, modification or interpretation, the regulations to include the latest versions of nationally recognized standards in the Pennsylvania UCC as mandated by the PCCA.

On September 30, 2015, the Department submitted the final-omitted rulemaking to the Office of Attorney General to conduct a pre-review of the Department's justification for submittal as a final-omitted rulemaking under section 204(3) of the CDL. On October 13, 2015, the Office of Attorney General notified the Department that it approved the submission of the updates to these regulations as final-omitted rulemaking.

### *Statutory Authority*

This final-omitted rulemaking is issued under the authority of Section 304(a)(3) of PCCA, which provides that the Department shall promulgate regulations updating accessibility standards by adopting Chapter 11 and Appendix E of the International Building Code of 2012, or its successor, by December 31 of the year of issuance of the new code. The latest successor to the 2012 Code is the International Building Code of 2015. These regulations will be effective upon publication in the *Pennsylvania Bulletin*.

Section 302(a)(1), (2) of the PCCA (35 P.S. § 7210.302(a)(1), (2)) requires the promulgation of the latest ANSI standards applicable to the operation of ski lifts, which is ANSI B77.1-2011.

### *Affected Persons*

These regulations affect owners of new commercial buildings or commercial buildings undergoing addition, renovation or repair. They also ensure that persons with physical disabilities will be able to access and use commercial buildings in the Commonwealth. These regulations also affect operators, designers, and manufacturers of ski lifts and ensure compliance with the latest standards.

### *Fiscal Impact*

The Commonwealth will incur minimal additional costs under these regulations. Such costs are related to the purchase of updated code books for Commonwealth personnel. The cost to enforce the regulation will be the same as the current regulations. These regulations will not increase administrative, enforcement or legal activity.

### *Reporting, Recordkeeping and Paperwork Requirements*

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

### *Sunset Date*

A sunset date is not appropriate for these regulations. The PCCA directs the Department to update these regulations with each new successor code edition.

### *Effective Date*

These regulations will be effective upon publication in the *Pennsylvania Bulletin*.

### *Contact Person*

The contact person is Jennifer L. Berrier, Director, Bureau of Occupational and Industrial Safety, Department of Labor & Industry, 16<sup>th</sup> Floor, Labor & Industry Building, 651 Boas Street, Harrisburg, Pennsylvania, 17121, [jeberrier@pa.gov](mailto:jeberrier@pa.gov).

### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on 12/18/15, the Department submitted a copy of the final-omitted regulations to the Independent Regulatory Review Commission (IRRC) and the Senate Committee on Labor and Industry and the House Labor Relations Committee (Committees). In addition to submitting the final-omitted regulations, the Department also provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department.

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

## *Findings*

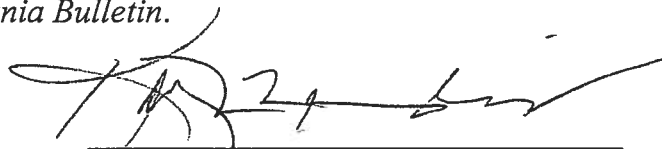
The Department finds that:

- (a) Notice of proposed rulemaking under the circumstances is impractical and unnecessary and therefore notice of proposed rulemaking may be omitted under section 204(3) of the CDL.
- (b) The regulations of the Department, 34 Pa. Code, Chapters 401, 403, and 405, are amended by revising §§ 401.1, 403.21, and 405.2.

## *Order*

The Department, acting under authorizing statute, orders that:

- (a) The regulations of the Department, 34 Pa. Code, Chapters 401, 403, and 405, are amended by revising §§ 401.1, 403.21 and 405.2 to read as set forth in Annex A.
- (b) The Secretary of the Department shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to legality and form as required by law.
- (c) The Secretary of the Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (d) This order shall become effective effect upon publication of the final-omitted regulations in the *Pennsylvania Bulletin*.



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KATHY M. MANDERINO  
Secretary

**Annex "A"**

**TITLE 34. LABOR AND INDUSTRY**

**PART XIV. UNIFORM CONSTRUCTION CODE**

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

**§ 401.1. Definitions.**

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

\* \* \* \* \*

*International Building Code*—Chapters 2—10, 12—29 and 31—35 of the “International Building Code 2009” (first printing) issued by the ICC. Chapter 11 and Appendix E of the “International Building Code [2012] 2015” issued by the ICC. The term includes all errata issued by the ICC.

\* \* \* \* \*

**Chapter 403. ADMINISTRATION STANDARDS**

**§ 403.21. Uniform Construction Code.**

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

\* \* \* \* \*

(2) Chapter 11 of the “International Building Code of [2012] 2015.”

\* \* \* \* \*

(12) Appendix E of the “International Building Code of [2012] 2015.”

\* \* \* \* \*



## CHAPTER 405. ELEVATORS AND OTHER LIFTING DEVICES

\* \* \* \* \*

### § 405.2. Standards.

- (a) The following standards are adopted as part of the Uniform Construction Code and apply to the listed type of elevator or other lifting device. Other authorities referenced in the standards are adopted if the authority is not excluded in subsection (b):

\* \* \* \* \*

- (4) “ANSI B77.1-[2006] 2011 and supplement ANSI B77.1a-2012” for passenger ropeways, aerial tramways, aerial lifts, surface lifts, tows and conveyors.

\* \* \* \* \*



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

THE SECRETARY

December 18, 2015

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

**RE: Notice of Proposed Rulemaking  
FINAL-OMITTED REGULATIONS  
Title 34: LABOR AND INDUSTRY  
DEPARTMENT OF LABOR AND INDUSTRY  
34 Pa. Code, Chap. 401,  
Uniform Construction Code Training  
and Certification of Code Administrators  
34 Pa. Code, Chap. 403, Administration  
34 Pa. Code, Chap. 405,  
Elevators and Other Lifting Devices**

Dear Chairman Mizner:

Enclosed is a final-omitted rulemaking package consisting of a face sheet, preamble, annex A and regulatory analysis form. The Department of Labor and 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 adopt the latest versions of the recognized industry standards for building accessibility and the operation of ski lifts in the Uniform Construction Code, as mandated by sections 304(a)(3) and 302(a) of the PCCA, 35 P.S. §§ 7210.304(a)(3), 7210.302(a). The final-omitted rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

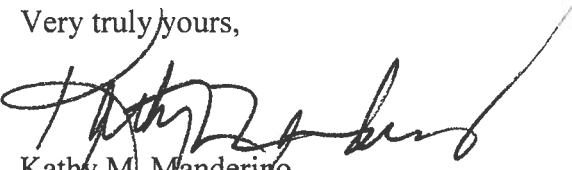
The Department received pre-approval from the Office of Attorney General to utilize the final-omitted rulemaking process for promulgating regulations on October 13, 2015.

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

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

December 18, 2015  
Final Omitted Regulation 12-101  
Page 2

Very truly yours,



Kathy M. Manderino  
Secretary

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

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

**I.D. NUMBER:** 12-101  
**SUBJECT:** Pennsylvania Construction Code, Administration, Elevators and Other Lifting Devices  
**AGENCY:** DEPARTMENT OF LABOR & INDUSTRY

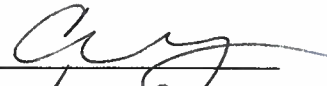


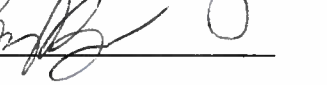

**TYPE OF REGULATION**

- 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

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**FILING OF REGULATION**

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
		<i>HOUSE COMMITTEE ON LABOR &amp; INDUSTRY</i>
12/18/15		MAJORITY CHAIR <u>Maureen Gingrich</u>
12-18-15		MINORITY CHAIR Marc J. Gergely
		<i>SENATE COMMITTEE ON LABOR &amp; INDUSTRY</i>
12/18/15		MAJORITY CHAIR <u>Lisa Baker</u>
12/18		MINORITY CHAIR Christine Tartaglione
12/18/15		
		<i>INDEPENDENT REGULATORY REVIEW COMMISSION</i>
		<i>ATTORNEY GENERAL</i> (for Final Omitted only)
		<i>LEGISLATIVE REFERENCE BUREAU</i> (for Proposed only)

**RECEIVED**  
Office of Attorney General

**DEC 18 2015**