

3127

Kathy Cooper

From: IRRC
Subject: FW: Department of Labor and Industry Proposed Regulation (#12-101 / IRRC # 3127)

From: rbuddenbohn1@gmail.com [mailto:rbuddenbohn1@gmail.com]
Sent: Wednesday, January 13, 2016 11:18 AM
To: James Smith
Cc: Gingrich Rep. Mauree; Gergely Rep; lbaker@pasen.gov; tartaglione@pasenate.com; Manderino Kathy; Berrier Jennifer L.; Bhanson@pahousegop.com; Karn Noah; Cortez Mike; petgetzie@pa.gov; msajer@pa.gov; robrien@pa.gov; sramaley@pa.gov; mstefan@pa.gov; jrapach@pa.gov; jseville@pa.gov
Subject: Department of Labor and Industry Proposed Regulation (#12-101 / IRRC # 3127)

January 13, 2016

Mr. James M. Smith
Regulatory Analyst
Independent Regulatory Review Commission

2016 JAN 13 PM 12:56

RECEIVED
IRRC

Re: Department of Labor and Industry Proposed Regulation (#12-101 / IRRC # 3127).

Dear Mr. Smith:

I am writing on behalf of the Pennsylvania Association of Building Code Officials (PABCO), the Pennsylvania Statewide Professional Chapter of the International Code Council.

Having reviewed the proposed regulation thoroughly and carefully, it is the opinion of the Board of Directors and myself that this proposed regulation is seriously flawed and should be disapproved as such.

Our comments apply specifically to the issue of handicapped accessibility as it relates to "existing buildings", including additions, alterations, and changes of occupancy, both partial and complete.

The Department has promulgated a proposed regulation that mirrors its adoption of the 2012 accessibility provisions in Chapter 11 and Appendix E of the 2012 International Building Code. The Department is proposing to once again adopt Chapter 11 and Appendix E of the 2015 International Building Code.

Here is the problem:

Chapter 11 of the 2012 IBC includes this provision:

1103.2.2 Existing buildings.
Existing buildings shall comply with Section 3411 (Accessibility for existing buildings)

Chapter 11 of the 2015 IBC does not contain this provision or any reference to Section 3411 --- because all of Chapter 34 (the existing buildings chapter) has been ELIMINATED in the 2015 International Building Code.....and has been replaced in its entirety by a reference to use of the International Existing Building Code for all provisions related to existing buildings, including accessibility.

There is NO REFERENCE or LEGAL PATH to accessibility for existing buildings in the regulation that has been proposed by the Department. There is nothing in Chapter 11 or Appendix E that addresses accessibility for existing buildings or provides a reference to an adopted portion of the code that addresses accessibility for existing buildings.

This constitutes a massive hole in the scope of code enforcement for accessibility, as permits for existing buildings represents a major portion of the volume of annual permit activity in Pennsylvania – and also leaves the “disabled community” without any enforceable code for existing buildings moving forward into the 2015 code adoption cycle.

PABCO is quite willing to assist the Department and other concerned parties with developing language that could address the serious deficiency contained in the current, proposed regulation.

In the meantime, PABCO urges the IRRC to disapprove this regulation until a satisfactory solution is proposed.

Sincerely,

Robert W. Buddenbohn, Jr.
Executive Officer

cc: Senator Lisa Baker
Senator Tina Tartaglione
Representative Mauree Gingrich
Representative Marc Gergeley
Secretary Kathy Manderino
Marsha Sajer
Robert O'Brien
Sean Ramaley
Michael Stefan
Jennifer Buchanan Rapach
Jennifer Berrier
Peter Von Getzie
Michael Cortez
Bruce Hanson
Noah Karn
Jerry Seville