



Sheet Metal and Air Conditioning Contractors' National Association
Pennsylvania Chapter

John D. Wanner, CAE
Executive Vice President

August 13, 2013

John R. Gordner
Senate of Pennsylvania
P O Box 203027
Harrisburg, PA 17120

RECEIVED

AUG 16 2013

HARRISBURG OFFICE

Dear Senator John Gordner;

Recently the House Labor and Industry committee held a public hearing on House Bill 1209 which proposes to split the process by which Pennsylvania adopts updates to the Pennsylvania Uniform Construction Code (UCC). The bill amends the Uniform Construction Code by proposing a separate procedure for commercial codes than residential codes. This legislation rightly addresses a serious problem that impedes Pennsylvania's non-residential construction industry. Since the creation of the Uniform Construction Code Review and Advisory Council (RAC), that council has become a battleground for residential code disputes (first over sprinklers, now over energy efficiency). While the intent of creating the RAC was to have individuals knowledgeable about codes and construction involved in the triennial update process, the RAC has been politicized.

The RAC has effectively blocked the code update process and appears intent to continue to do so in the future. This situation is particularly irksome to the commercial construction industry because the underlying issues that politicize the RAC are few and all of them deal with proposed changes to the residential codes. The fallout is that Pennsylvania's commercial construction codes are not up to date even though there appears to be absolutely no controversy over adoption of those code updates. None of the groups testifying presented any examples of problems with adopting the current versions of the International Building Code in so far as non-residential codes are concerned. Despite that, several opposed House Bill 1209 even though those organizations have no involvement in non-residential construction. Their comments lead me to believe that their objections have more to do with process than codes.

One issue that was made clear by any number of testifiers is that the composition of the RAC is a fundamental problem. I would go further and suggest that recent RAC actions have undermined the original intent of the UCC and usurp legislative authority by locking Pennsylvania into outdated building codes. In particular, the idea that a full review of the updates take place only every 6 years would be detrimental to the commercial construction industry. If the residential construction community feels that is appropriate for residential building, I have no objection. However, I urge you to enact legislation like House Bill 1209, so that non-residential construction is not held hostage because of residential disputes. Likewise, the current requirement that a 2/3 majority is required to adopt changes should be reversed and applied to exclusions. This is another example of how the current RAC structure is designed to thwart code updates.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "John D. Wanner", is written over a light blue horizontal line.

John D. Wanner, CAE
Executive Vice President