



Local Union No. 98

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

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**Testimony of James T. Dollard, Jr.
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**Senate Labor and Industry Committee
Senate Bill 1023 Public Hearing
September 24, 2013**

Chairmembers Gordner, Tartaglione, and Members of the Committee:

My name is Jim Dollard, and I am the Safety Coordinator at International Brotherhood of Electrical Workers (IBEW) Local Union 98 in Philadelphia. I have more than 32 years of experience in the electrical industry, and have served as Local 98's Safety Coordinator since 2001.

Thank you for convening this hearing to discuss Senate Bill 1023, and for allowing me to submit written testimony on behalf of IBEW Local 98 **in support** of this legislation.

My job as Safety Coordinator is to make sure our members are working in the safest manner possible and that all job sites observe and implement all OSHA requirements. I work closely with our apprenticeship program to train our apprentices and journeymen to make sure that every one of our members has a thorough understanding of the latest OSHA requirements and best practices to stay safe on the job.

In addition to my duties as Safety Coordinator, I also sit on numerous national technical committees with significant input into writing national codes. I presently serve on Code Making Panel 10, Code Making Panel 13 and the Correlating Committee for NFPA 70, the National Electrical Code (NEC). Recently, I attended the NEC Correlating Committee meeting and the NFPA Standards Council Hearings in the final stage for issuance of the 2014 National Electrical Code. Additionally, I serve on NFPA 70E, the Standard for Electrical Safety in the Workplace, NFPA 90A the Standard for the Installation of Air-Conditioning and Ventilating Systems, and the Underwriters Laboratories Electrical Council.

IBEW Local 98 proudly represents approximately 4,500 members working in the construction, sound and communication, broadcasting, and other major industries. Our members are highly skilled, thoroughly trained, and work for licensed, legitimate contractors. These contractors observe all applicable codes and construction regulations. Our members are trained in all applicable codes and standards and receive training on code changes that occur on a three-year cycle.

I applaud and thank Senator McIlhinney for introducing Senate Bill 1023. This legislation, however, would not be necessary if the Uniform Construction Code Review and Advisory Council, more commonly known as the RAC, had acted responsibly and fulfilled their obligations. The RAC is charged with reviewing and adopting all statewide building codes every three years concurrent with the publication of the triennial revisions of the building codes developed by the International Code Council, known as the ICC. The RAC decided not to do anything, and informed the Department of Labor and Industry that no ICC 2012 triennial code revisions would be adopted. Therefore, the 2009 edition of the ICC codes, including the 2008 National Electrical Code (NEC) will remain in effect until at least 2016.

The RAC based this action to adopt no newly revised codes of any type on 140 responses that came primarily from home-builders and their suppliers. A basic review of these responses portrays a clear and unmistakable pattern—this was an organized letter writing campaign by home-builders in Pennsylvania. In the code development process it is no secret that home-builders do not like revisions in codes. These home-builder responses to not adopt 2012 codes were primarily cost driven and many provided no substantiation whatsoever. Many came in groups of five or more, some handwritten exactly the same, the only difference was a different name working for the same home-builder.

The decision by RAC to not adopt any codes, based largely on a letter writing campaign by home-builders, was irresponsible and arrogant. The RAC knowingly and willfully ignored their responsibilities as imposed on them by the legislature. They based their decisions on all code revisions on a letter writing campaign of home-builders. There were obviously new requirements that the home-builders did not want adopted. The prudent course of action would have been to identify those specific sections and suggest amendments. However, the RAC irresponsibly decided to kill all code revisions in Pennsylvania. The negative impact on the residential, commercial, institutional and industrial sectors in Pennsylvania will be felt for years to come because revisions that impact energy management and life safety requirements were ignored to appease home builders. Code revisions were ignored in the: International Building Code (IBC), National Electrical Code (NEC), International Energy Conservation Code (IECC), International Existing Building Code (IEBC), International Fire Code (IFC), International Fuel Gas Code (IFGC), International Mechanical Code (IMC), ICC Performance Code for Buildings and Facilities (ICCPC), International Plumbing Code (IPC), International Residential Code for One- and Two-Family Dwellings (IRC), and the International Wildland-Urban Interface Code (IWUIC).

The revision process of installation codes for buildings and structures in the United States is on a three-year cycle. This time frame has been in effect for decades and works extremely well. This three-year cycle is necessary to continuously evaluate existing requirements, new products, new installation methods, emerging technologies, along with more efficient products and materials. The home-builders were unhappy with the new revisions for individual homes so they decided to reject newly revised codes and standards for every building and structure in Pennsylvania, not just homes.

The development of codes requires broad based participation from all interested and affected parties and decisions made by a committee that is also well balanced to represent a consensus process. The codes adopted in Pennsylvania are developed by the ICC and NFPA, both of which follow strict guidelines, with balanced committees and a formal public input and public comment process to ensure that all interested parties have input in the entire code revision process. The home-builders play a very active role in the development of all codes that impact the construction of homes. They have a seat at the table. Home-builders did not like requirements that would make homes more efficient. For that reason, the Uniform Construction Code adoption process was literally hijacked by the home-builders in Pennsylvania. All code revisions were ignored, not just those impacting the energy efficiency of homes, revisions designed to improve life safety were ignored as well. It is interesting to note that the Chairman of the RAC himself, Frank Thompson, is a home-builder—he is a residential general contractor.

The RAC agreed with the letter writing campaign by the home-builders and literally took Pennsylvania off the map with respect to staying current in the United States with code adoption. The home builders do not want to implement energy codes that require homes be more efficient. They claim the increased costs will be unbearable. They are incorrect. For example, when a home-owner buys a new refrigerator, they know to look at the yellow energy guide labels, to determine the yearly operating cost. In most cases, the home-owner will buy a more expensive refrigerator knowing that they will save a significant amount of money in reduced energy costs over the life of the appliance. The same holds true for more efficient homes. The RAC did not hear from home-buyers, home-owners, owners of commercial buildings/structures, industrials, or many other interested parties—instead, they received input primarily from a letter writing campaign from home builders.

To some degree, all revisions in codes and standards are met with resistance from some interested party in a similar fashion to new laws imposed by legislators. It is easy to just maintain status quo and never take steps to change for the better. Imagine what would happen if the Pennsylvania General Assembly were to take a similar action and decide no laws or amendments would be enacted and the legislature would just sit back and take another look at new laws and amendments to existing law in 2016. I am hopeful that members of this committee understand and appreciate the need to continuously move forward, to improve life safety along with all installation codes. Pennsylvania needs to maintain a three-year revision cycle for all codes and standards under the UCC. We must continue to stay in step with code revisions that increase life safety and energy efficiency in all buildings and structures in Pennsylvania.

The 2011 National Electrical Code is just one of the installation codes passed over by the RAC. There are significant revisions in this code that increase life safety in homes, commercial occupancies, and in all venues. Additionally there are significant revisions for emerging technologies including but not limited to solar photovoltaic and wind energy systems that do not apply in Pennsylvania today because the RAC irresponsibly chose to ignore the 2012 revisions. In the National Electrical Code, home-builders oppose any revision that they perceive will increase cost. There are many examples of their

opposition within the NEC. Home-builders oppose arc fault circuit interrupters. These devices will sense an arcing fault and open the circuit before enough energy is created to start a fire. They are lifesavers. Many years ago, home-builders opposed ground fault circuit interrupters (GFCI). These life saving devices open the circuit when a low level of current leaves the circuit path. For example, they exist today in bathrooms, kitchen counters, outdoors, garages, and unfinished basements of homes because they save lives. We cannot ignore code revisions that impact life safety and improve energy efficiency because one interest group has an upper hand and the ability to hijack the system.

Senate Bill 1023 is a meaningful step forward toward correcting the dysfunction in the RAC process. Unfortunately, Act 1 of 2011 created a bias toward inaction and the status quo by requiring a two-thirds vote of the RAC to adopt any new codes. This allows a small minority of members to effectively veto any changes or new code adoptions. Senate Bill 1023 corrects this problem by requiring a two-thirds vote to reject specific provisions the RAC deems problematic for Pennsylvania.

Senate Bill 1023 also makes meaningful positive changes to diversify the composition of the RAC by including representatives of other important interests affected by building codes. The RAC is currently dominated by industry representatives with a vested economic interest in keeping building codes as low-cost as possible *at the time of initial construction*. Unfortunately, there are presently no representatives of the consumer or the end user who is most directly impacted by building codes after construction is completed. Including professionals who specialize in energy efficiency is a meaningful way to make sure the economic interests of building occupants, residents, and end users are considered, as well.

This committee, along with the entire Pennsylvania General Assembly, will determine how Pennsylvania moves forward with respect to installation codes for all buildings and structures. I have confidence that once this issue is fully understood by all legislators the outcome will be clear and unambiguous. I believe that all state legislators will recognize the importance of regularly adopting current codes and standards, and I hope you will support Senate Bill 1023 to restore some functionality to the RAC code review process.

Thank you again for convening this hearing and for considering this important legislation. I appreciate the opportunity to offer testimony on this matter.

Sincerely,

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