

Testimony of Andrew Sharp
Director of Outreach for Citizens for Pennsylvania's Future (PennFuture)
Pennsylvania Senate
Labor and Industry Committee
September 24, 2010

Thank you for the opportunity to provide written testimony on behalf of Citizens for Pennsylvania's Future (PennFuture) on Pennsylvania's building code update process and Senate Bill 1023. PennFuture is a non-profit environmental advocacy organization that focuses on land, air, water and energy issues that impact Pennsylvania. PennFuture works to create a just future where nature, communities and the economy thrive. We enforce environmental laws and advocate for the transformation of public policy, public opinion and the marketplace to restore and protect the environment and safeguard public health.

I would like to thank the members of the Labor and Industry Committee for holding this hearing on such a critical issue. In particular, we thank Senator McIlhinney and Senator Gordner for making today's hearing possible and shedding light on Pennsylvania's broken code adoption process. We share Senator McIlhinney's concerns about building safety and the inefficient, ineffective way we go about updating Pennsylvania's codes. By returning Pennsylvania to a process whereby modern codes are adopted automatically unless two-thirds of the members of the Uniform Construction Code Review and Advisory Council (RAC) vote to reject them, and forcing the RAC to re-review their decision to reject *all* of the 2012 International Construction Code updates, this bill represents a huge step forward for Pennsylvania's code adoption process and the safety and well-being of all Pennsylvanians.

Why Pennsylvania needs up-to-date building codes

One of the best guarantees we have to ensure safe, well-constructed buildings is up-to-date state building codes. The codes contain minimum requirements for mechanical and electrical systems, plumbing, fire prevention, structural soundness and accessibility. Updated codes protect homeowners, workers, first responders and innocent civilians.

Modern building codes also deliver economic and environmental benefits. Building codes contain a set of standards called the International Energy Conservation Code (IECC) that help reduce energy usage and costs. The codes contain a set of minimum requirements for energy-efficient design and construction for new buildings. For example, the 2012 code requires more insulation, a tighter total building enclosure (or envelope), tighter ducts, better windows, and more efficient lighting than the 2009 energy code it replaced. In fact, the 2012 energy code saves 15 percent more energy than the 2009 code, creating big savings for residents and businesses alike.

To illustrate the point, a Pennsylvanian buying a new single family home that meets the 2012 IECC would realize between \$7,623 and \$19,191 in net energy savings over the

life of their 30-year mortgage, according to an analysis by the Building Codes Assistance Project and ICF International.

Concerns over RAC and Act 1

Unfortunately, changes to the building code update process made in Act 1 of 2011 have had a chilling effect on code adoption and the ability of our state to maintain safe, modern, energy efficient building codes.

Pennsylvania previously automatically adopted nearly all changes to its statewide building code every three years, as recommended by the International Code Council (ICC). The model codes adopted by the ICC promote safe, sustainable, and resilient structures across most of the U.S.

Prior to the passage of Act 1, new codes were automatically adopted and it was up to the RAC to recommend any specific provisions that should be excluded. Act 1 changed that process by preventing the adoption of new codes unless the RAC evaluates each code change based on their impact on the health, safety and welfare of the public, economic and financial impact, and technical feasibility, and can reach a two-thirds vote to adopt them.

In 2012, the RAC failed to perform the required analysis for code changes, and, inconsistent with the law, arbitrarily voted not to adopt any of the 2012 codes. Hundreds of changes to the building codes recommended by the ICC were all rejected. These rejected changes include building and safety improvements in addition to updated energy efficiency standards. Pennsylvania is now building to the 2009, not the 2012 codes. The current process gives little hope that the RAC will update building codes during the next review cycle in 2015. This means that cost-effective industry best practices are being rejected at the expense of health, safety and energy efficiency. Even worse, the RAC is now discussing further changes that would make it even harder to update building codes and could even result in rolling back previous code adoption decisions, enabling codes to revert to much older standards.

Returning to automatic updates is the answer

We're grateful that many Committee members understand the deficiencies of the existing RAC process, and the potentially harmful real-world implications of sub-standard building codes.

Pennsylvania needs a predictable, transparent approach to guarantee that all of our structures are built in accordance with the newest and best building codes. SB 1023 would restore efficiency and transparency to the RAC process by returning Pennsylvania to a system whereby codes are adopted automatically unless two-thirds of the RAC votes them out. This would allow for hundreds of common-sense code changes to take effect, while allowing for substantive analysis on proposed changes that merit debate. Additionally, the bill compels the RAC to re-review the 2012 code

decision after the RAC decided not to review or vote on ANY of the 2012 code changes as they are now required to do.

SB 1023 would provide badly needed balance to the composition of the RAC by adding two members to the RAC with expertise in energy efficiency. Absent retrofits and upgrades, buildings lock in energy use for their 30 to 50 year average life spans – so buildings should maximize energy efficiency at initial construction. Investments in energy efficiency continue to be far less expensive than the cost of electricity. It is vital that energy efficiency experts have a seat at the table when code updates are being decided.

For these reasons, we urge the Committee to support this comprehensive bill that addresses both commercial and residential adoption processes, returns Pennsylvania to a process where modern codes are adopted automatically, and enforces requirements for analysis prior to forgoing the 2012 code changes.

On behalf of PennFuture, I appreciate the opportunity to share our perspective on Senate Bill 1023 and the need to amend the process by which Pennsylvania updates its building codes.

Andrew Sharp
PennFuture
1500 Walnut Street, Suite 502
Philadelphia, PA 19102
sharp@pennfuture.org
215.545.9692