



**PENNSYLVANIA ASSOCIATION OF
BUILDING CODE OFFICIALS**

"Helping to Build a Safer Pennsylvania"

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Good afternoon, Mr. Chairman and Members of the Senate Labor & Industry Committee:

My name is Bob Heil. I am the President of PABCO, the Pennsylvania Association of Building Code Officials, Inc., the Pennsylvania State Professional Chapter of the International Code Council (ICC).

A non-profit association, PABCO represents more than 1000 UCC certified code officials as well as municipal code enforcement officials in the Commonwealth. Its membership consists of both municipal and third party agency officials, from urban, suburban and rural areas of the Commonwealth. Its membership represents all geographic regions of the Commonwealth. PABCO's municipal, third party agency and COG members serve over 1750 municipalities throughout the state.

I appreciate the opportunity to share a few comments with you today about SB 1023.

The Board of Directors and members of PABCO very much appreciate that there is a growing number of members of the legislature, including Senator McIlhinney and the co-sponsors of SB 1023, who recognize that the code adoption process in Pennsylvania, as currently stipulated in the Pennsylvania Construction Code Act, is in need of some repair. Some would argue that a complete overhaul is needed. On the contrary, we believe that a few, properly-placed surgical incisions into the Act will accomplish what is needed to restore proper order in the code adoption process in the Commonwealth.

A few things that PABCO believes are needed to "fix" the current flaws with the code adoption process:

1. ***Act 1 of 2011 created a problem with the language regarding automatic adoption of accessibility provisions*** with the publication of each triennial code.

PABCO has put forward sample language that could easily fix this problem. The same language that PABCO has advanced is included in the recommendations of the UCC Review and Advisory Council.

The RAC's recommendations are attached to this testimony.

2. ***Act 1, coupled with the decision of the RAC to not adopt the 2012 codes, has created a dilemma based on the language in the PA Construction Code Act, as amended by Act 1.*** Revised language needs to be adopted before the 2015 code review cycle to clarify "which" code changes will be reviewed in 2015. Changes in the 2015 codes compared to what? The unadopted 2012 codes? The adopted 2009 codes? Both 2009 and 2012?

Again, PABCO has put forward sample language that could easily fix this problem. Again the same language that PABCO has advanced is included in the recommendations of the UCC Review and Advisory Council.

3. ***The RAC needs additional time to review the published codes and prepare its report for the Secretary of Labor and Industry.*** PABCO believes that a report submitted by September 1st of the second year following official publication would be adequate for proper review and allow the Department to promulgate regulations to put the adopted codes into effect by December 31st of the second year following publication.

So, if the codes are officially published in 2014, the RAC would have until September 1, 2016 to submit its report and the Department would have until December 31, 2016 to finalize the regulations, making an effective adoption date of January 1, 2017 for the 2015 codes.

This is fair and adequate time for everyone to get up to speed on the changes that would take effect with the codes to be adopted. Adequate time for design professionals, contractors and code officials to become familiar and to obtain any necessary training or continuing education.

4. *Act 1 requires the council to approve all changes by a 2/3 majority. PABCO supports this provision as opposed to reverting to a “rejection action” on the part of the RAC, as stipulated in the current printer’s number for SB1023. The UCC Review and Advisory Council language adequately addresses this issue.*
5. *SB1023 proposes the addition of two seats on the Review and Advisory Council dealing with energy conservation and energy code issues. PABCO believes that this is an unnecessary and burdensome proposal, especially since residential building and commercial building plans examiners and inspectors are required to understand how energy code requirements “fit in” with mainstreamed building and mechanical codes, not to mention that design professionals are required to design to the energy conservation code requirements.*

The architects, engineers, code officials and builders on the RAC have more than adequate knowledge of and understanding of the interrelationship of and importance of the adopted energy conservation code. Additional seats on the RAC are not needed or helpful in our estimation.

6. *The UCC Review and Advisory Council is recommending a six year comprehensive code review process with a minor three year review as an interim measure, in the event that very important changes are made in the published ICC codes that would benefit the health, welfare and safety of all Pennsylvanians – or which would result in a positive economic impact if adopted at the three year interval, rather than waiting for the full six year review.*

PABCO has examined this recommendation carefully and thoroughly and has decided that it will fully support the UCC Review and Advisory Council’s recommendation on this issue.

7. *The UCC Review and Advisory Council is also recommending that it be given the authority to direct the Department of Labor and Industry to promulgate, by regulation, any “modifications” to ICC code provisions as part of its six year comprehensive and three year interim published code reviews.*

Up until now, Pennsylvania has either adopted everything published by the ICC or rejected everything published by the ICC. That must change. To our knowledge, there are no other states besides Pennsylvania that adopt ICC codes without state amendments or modifications – or at the very least – procedures are in place to amend or modify the ICC codes at the state adoption level elsewhere.

Pennsylvania should keep step with other states that have been adopting and enforcing codes a lot longer than Pennsylvania has – remember, we were the 49th state to adopt a statewide code – so pretty much everyone else has more experience at this than we do.

PABCO has examined this recommendation to allow the RAC to adopt modifications carefully and thoroughly and has decided that it will fully support the UCC Review and Advisory Council’s recommendation on this issue, provided language is included that would guarantee public input into all RAC modifications before being forwarded to the Secretary of Labor and Industry for the promulgation of regulations adopting those modifications.

8. *SB1023 contains a provision that would provide the RAC members with a \$60 per diem plus state-regulated travel reimbursement. PABCO fully supports this provision, but not from the revenue source stipulated in SB1023.*

9. ***SB1023 also contains a provision that would provide the RAC with a dedicated fund to provide administrative and technical support. PABCO also fully supports this provision, but not from the revenue source stipulated in SB1023.***
10. ***PABCO is very much opposed to diluting the \$4 UCC permit fee currently collected and split 50-50 between the Pennsylvania Construction Code Academy (for training of code officials) and the Pennsylvania Housing Research Center (for training of the industry, including builders, remodelers, subcontractors and design professionals).***

The training and continuing education of those who must design to and comply with the codes and those who must review them, inspect for them and administer them is extremely important and should not be diminished in any way. SB1023 would substantially diminish those training funds. This must be avoided at all costs.

Instead, PABCO is recommending that the current \$4 fee be raised to \$5 for each UCC permit issued and that the additional \$1 would be to fund the per diem and travel expenses for RAC members as well as for the administrative and technical support provided to the RAC.

It should be the decision of the legislature as to the details of how to establish this designated fund and under the auspices of which state cabinet agency.

11. ***PABCO also supports the recommendation of the UCC Review and Advisory Council that the terms of ALL RAC members be changed to three years and that the date of appointment be changed to September 1st or until a successor is appointed by the Governor.***

PABCO believes that SB1023 could effectively serve as the vehicle to resolve the code adoption, code review and RAC operation issues that absolutely must need to be “fixed” before the 2014 ICC codes are published next spring/early summer.

Again, our thanks to Senator McIlhinney and the co-sponsors for recognizing that there are problems that need to be fixed with the code adoption process and we look forward to being an integral part of fixing that process.

PABCO stands ready to provide the leadership and the committee with any language or additional input needed to address the problems with the code adoption and review process – rapidly speeding towards a wall called the “publication of the 2015 ICC Codes”.

Respectfully submitted,

Bob Heil, President
PABCO