

**PennFuture \* Clean Air Council \* Green Building Alliance  
Delaware Valley Green Building Council \* Sustainable Business Network  
Sierra Club \* Natural Resources Defense Council \* Conservation Consultants Inc.  
Clean Water Action \* PennEnvironment \* BlueGreen Alliance  
Environmental Justice Center at Chestnut Hill United Church \* Conservation Voters of PA  
American Council for an Energy Efficient Economy \* Mom's Clean Air Force**

September 22, 2016

Re: Opposition to House Bill 568

The undersigned environmental, clean energy business, labor, and conservation organizations respectfully ask for your opposition to House Bill 568 (Rep. Evankovich, R-Allegheny), which is currently under consideration for amendment in House Rules and then a concurrence vote by the full House.

House Bill 568 and the proposed amendment by Rep. Evankovich (A09736) would amend the Uniform Construction Code to change the process by which Pennsylvania updates its building codes – the standards that keep our homes, office buildings, and commercial structures safe, healthy and energy efficient. **We believe the legislative changes contained in House Bill 568, amended or not, would worsen an already broken system that has resulted in Pennsylvania failing to update its codes since 2009 for key building characteristics like fire safety, electrical components, and energy conservation products.**

The root cause of this broken system is Act 1 of 2011, which requires that a two-third majority vote (changed from a majority vote) of the UCC RAC is needed to adopt each provision of the ICC building code update. As a result of this legislative change, the UCC RAC has not been able to meet the super-majority requirement to adopt the 2012 and 2015 building codes.

House Bill 568 was initially conceived as an attempt to “fix” this broken process. Unfortunately, the bill is far from a solution and would instead make the building code adoption process worse in a number of key ways. Specifically, House Bill 568:

- **Ensures that Pennsylvania will continue to build within 2009 codes through 2018.** House Bill 568 legislates that a modified version of the 2015 ICC codes won't be adopted until at least June 1, 2018, meaning Pennsylvania wouldn't have updated its codes in nearly 10 years.
- **Delays future code adoption from 1 year to at least 4.5 years.** House Bill 568 ensures that Pennsylvania will always be at least one code update cycle behind the rest of the country by implementing a 21-month delay period following the release of updated ICC codes. Following this delay period, the UCC RAC would have up to 24 months to submit a report to the Department of Labor and Industry with its review of the code updates. The Department then has 9 months to adopt the UCC RAC recommendations, which are then promulgated to municipalities.
- **Continue to make it increasingly impossible to adopt new codes in the future.** House Bill 568 mandates that the UCC RAC categorize code provisions as either “opposed” or “unopposed.” While it takes a simple majority to adopt unopposed provisions, it only takes a motion from one

member of the RAC and a one-third vote to remove any unopposed provision prior to a final vote. Opposed provisions (and previously flagged unopposed provisions) require a two-thirds majority vote to adopt. Any provision is deemed “opposed” if any RAC committee member or member of the public objects and requests additional review by the RAC. This simple process to force a two-thirds majority vote ensures that any meaningful code changes will be in the “opposed” category, requiring the same supermajority vote that currently cripples the system.

- **Politicizes the UCC RAC.** UCC RAC members are selected by the Governor from names nominated by the associations representing each of the various building community stakeholders, ensuring industry representation and a minimum level of competence and expertise. House Bill 568 adds six new appointments, four made by leadership members of the General Assembly, which increases the politicized nature of the UCC RAC deliberations rather than being founded in science and technical expertise.
- **Does not allow the RAC to assess previously unadopted provisions.** The Department of Labor and Industry offered the RAC an interpretation of Act 1 of 2011 that forbid the RAC from re-reviewing any code provisions that the RAC had previously considered. The effect of this interpretation meant that, during its review of the 2015 codes, the RAC could not review code changes proposed in 2009 and 2012. The Department of Labor and Industry recently rescinded this interpretation after a legal challenge, but House Bill 568 will reinstate this “no look-back” interpretation by only allowing the RAC to review previous provisions that are deemed necessary for code consistency and effectiveness. Adopting these codes requires a two-thirds supermajority vote.

It’s clear that Pennsylvania’s building code process is broken and House Bill 568 does not fix the problems caused by Act 1 of 2011. In fact, House Bill 568 will weaken the code adoption process even further by politicizing the UCC RAC and significantly delaying the review and adoption period for new codes.

Any legislator need only look to the increase in building activity occurring throughout the Commonwealth to understand the missed opportunities created by Pennsylvania’s broken building code process. Our new buildings are not being constructed to the most modern standards and House Bill 568 ensures that will continue to be an unfortunate fact into the future.

Given the current state of Pennsylvania’s building code process, we urge members of the House to oppose House Bill 568 and work on a real fix to its building codes process.

Sincerely,

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