

RULES AND REGULATIONS

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CHS. 401 AND 403]

Uniform Construction Code

Under section 304 of the Pennsylvania Construction Code Act (act) (35 P.S. § 7210.304), the Department of Labor and Industry (Department) amends §§ 401.1 and 403.21 (relating to definitions; and Uniform Construction Code) to read as set forth in Annex A.

Statutory Authority

This final-omitted rulemaking is issued under the authority of section 304(a)(1) of the act, which provides that, within 3 months of receiving the report from the Uniform Construction Code Review and Advisory Council (RAC) specifying the triennial code revisions of the International Code Council (ICC) codes that are to be adopted into the Commonwealth's Uniform Construction Code (UCC), the Department "shall promulgate final-omitted regulations" adopting the revisions listed in the report "without change."

Background

In 1999, the General Assembly established the UCC and directed the Department to promulgate regulations adopting certain building codes as the UCC. See sections 102(a)(3) and 301 of the act (35 P.S. §§ 7210.102(a)(3) and 7210.301). The Department did so and, currently, the UCC adopts, by reference, various codes issued by the ICC, including the International Building Code (IBC), the International Mechanical Code (IMC), the International Fire Code (IFC), the International Fuel Gas Code, the International Residential Code (IRC), the International Plumbing Code, the International Existing Building Code (IEBC) and the International Energy Conservation Code (IECC). See §§ 403.1 and 403.21. Every 3 years, the ICC publishes revisions to these codes.

The act of October 9, 2008 (P.L. 1386, No. 106) established the RAC and charged it with the duty to review the periodic changes to the codes prior to adoption into the UCC. See section 107 of the act (35 P.S. § 7210.107). At that time, the RAC reviewed "new and amended provisions contained in triennial revisions" to the ICC codes and directed the Department which sections should be excluded.

For the 2009 review cycle, the RAC reviewed the revisions to the 2006 codes and advised the Department that it was not directing exclusion of any revised provisions. The Department then promulgated the necessary regulations, as required under the act, and the 2009 edition of the ICC codes were adopted, in their entirety, into the UCC.

The act of April 25, 2011 (P.L. 1, No. 1) amended the procedure by which the triennial revisions to the ICC codes would be reviewed and adopted into the UCC. See sections 107 and 304 of the act. Beginning with the 2012 revisions, the RAC was directed under section 107(b.1) of the act to review only the "latest triennial code revisions" of the new codes and to vote on what provisions should be added to the UCC. For each review, the RAC must hold public hearings and perform a review utilizing the crite-

ria in section 107(b.1)(2) and (4) of the act. To approve a revision for adoption into the UCC, the RAC is required under section 107(b.1)(5) of the act to approve that revision by a "two-thirds vote of council membership." Under section 107(b.1)(3) of the act, the RAC then submits a report to the Secretary of the Department identifying every provision that the RAC approved for adoption into the UCC. The Department is required under section 304(a)(1) of the act to "promulgate final-omitted regulations . . . to adopt the triennial code revisions made in the report without change."

Following the 2012 review cycle, the RAC did not adopt new revisions to the ICC codes and changes were not made to the Commonwealth's existing UCC.

In May 2014, the ICC published the 2015 triennial revisions to the ICC codes, involving over 1,900 revisions. The RAC formed subcommittees for each ICC code category to review the revisions. Each subcommittee reviewed and gave recommendations on their respective revisions. The RAC held three public hearings on November 19, 2014, in Youngwood, on January 11, 2015, in Harrisburg, and on February 11, 2015, in Allentown. On May 20, 2015, the RAC held a meeting to discuss and vote on the 2015 triennial building code revisions. The RAC voted to adopt 16 revisions. On May 29, 2015, Thomas McCosby, Chairperson of the RAC, sent a final report to the Department Secretary Kathy M. Manderino listing the revisions that were "specified for adoption." On June 17, 2015, Thomas McCosby sent a clarification letter identifying the actual ICC code sections impacted by the adopted revisions.

Under section 304(a)(1) of the act, the Department is required to promulgate final-omitted regulations adopting, "without change," the provisions outlined in the RAC's report and as clarified in the RAC's June 17, 2015, letter.

Purpose

The purpose of this final-omitted rulemaking is to amend §§ 401.1 and 403.21 to adopt the revisions specified in the RAC's report as required by section 304(a)(1) of the act.

Summary of Revisions Adopted by the RAC

The 16 revisions in the RAC's May 29, 2015, report impacted multiple sections of the ICC codes. The June 17, 2015, clarification letter identified specific code sections impacted. The Department drafted these regulations incorporating these sections into the UCC. For ease of use and clarity, changes to each section are listed separately in the amended regulations.

The RAC approved the following:

IBC G28-12 revising sections 304.1, 306.2, 2902.3 of the 2015 IBC and section 202 of the 2015 IFC.

IBC G30-12 revising section 304.1 of the 2015 IBC and the definition of "Business Group B" in section 202 of the 2015 IFC.

IBC G227-12 revising section 406.3 of the 2015 IEBC.

IECC RE6-13 revising the definition of "Insulated Siding" in section R202 of the 2015 IECC and section N1101.6 of the 2015 IRC.

IECC RE58-13 revising section 402.2.4 of the 2015 IECC and section N1102.2.4 of the 2015 IRC.

IECC RE60-13 revising section R402.2.8 of the 2015 IECC and section N1102.2.8 of the 2015 IRC. This revision also amended the criteria for air barriers and insulation installation for “floors” in Table R402.4.1.1 of the 2015 IECC and Table N1102.4.1.1 of the 2015 IRC.

IECC RE195-13 Part1 revising section 402.1.3 of the 2015 IECC and section N1102.1.3 of the 2015 IRC-2015.

IFC F144-13 revising sections 904.2, 904.2.1, 904.11, 904.11.1, 904.11.1.1, 904.11.1.2, 904.11.1.3, 904.11.1.4, 904.11.2, 904.11.2.1, 904.11.2.2, 904.11.2.3 and 904.11.3 of the 2015 IBC and sections 904.2, 904.2.1, 904.11, 904.11.1, 904.11.1.1, 904.11.1.2, 904.11.1.3, 904.11.1.4, 904.11.2, 904.11.2.1, 904.11.2.2, 904.11.2.3 and 904.11.3 of the 2015 IFC. This revision also added “Automatic Water Mist System” to the definitions in section 902.1 of the 2015 IBC and sections 202 and 902.1 of the 2015 IFC.

IFC F359-13 revising sections 907.2.11.3 and 907.2.11.4 of the 2015 IFC and sections 907.2.11.3 and 907.2.11.4 of the 2015 IBC.

IMC M106-12 revising section 507.2 of the 2015 IMC.

IRC RB68-13 revising Table R302.1(1) of the 2015 IRC.

IRC RB172-13 revising section R316.5.11 of the 2015 IRC.

IRC RB262-13 revising section R507.2.4 and Figure R507.2.3(2) of the 2015 IRC.

IRC RB264-13 revising the following of the 2015 IRC-2015: sections R317.1.4, R507.1, R507.4, R507.5, R507.5.1, R507.6, R507.7, R507.7.1, R507.8 and R507.8.1; Tables R507.4, R507.5 and R507.8; and Figures R507.5, R507.6, R507.7.1 and R507.8.1.

IRC RM34-13 revising section M1503.4 of the 2015 IRC.

IRC RM53-13 revising section M1601.4.1, Exception 3, of the 2015 IRC.

Fiscal Impact

The Commonwealth will incur additional costs under this final-omitted rulemaking. The costs are related to the purchase of the 2015 editions of code books and training for Commonwealth personnel.

Compliance with updated building codes will have some fiscal impact on the regulated community.

Reporting, Recordkeeping and Paperwork Requirements

This final-omitted rulemaking will not require the creation of new forms or reporting requirements. Current forms may be updated.

Sunset Date

There is no a sunset date for these regulations. Under the current statutory scheme, the referenced standards in these regulations are reviewed every 3 years following publication of the triennial revisions to the ICC Codes.

Effective Date

This final-omitted rulemaking will take effect on December 31, 2015.

Contact Person

The contact person is Jennifer Berrier, Director, Bureau of Occupational and Industrial Safety, Department of Labor and Industry, 16th Floor, 651 Boas Street, Harrisburg, PA 17121, jerberrier@pa.gov.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on September 22, 2015, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Committee on Labor and Industry and the House Labor Relations Committee. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on November 10, 2015, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 12, 2015, and approved the final-omitted rulemaking.

Findings

The Department finds that this final-omitted rulemaking is authorized by section 304(a)(i) of the act.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 34 Pa. Code Chapters 401 and 403, are amended by amending §§ 401.1 and 403.21 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel for approval as to legality and form as required by law.

(c) The Secretary of the Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall become effective effect on December 31, 2015.

KATHY M. MANDERINO,
Secretary

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 45 Pa.B. 6862 (November 28, 2015).)

Fiscal Note: 12-100. (1) General Fund; (2) Implementing Year 2015-16 is \$89,500; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$5,059,710; 2013-14 Program—\$5,020,524; 2012-13 Program—\$4,868,273; (7) Occupational and Industrial Safety; (8) recommends adoption. The Occupational and Industrial Safety appropriation is able to absorb the increased cost.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART XIV. UNIFORM CONSTRUCTION CODE

CHAPTER 401. UNIFORM CONSTRUCTION CODE TRAINING AND CERTIFICATION OF CODE ADMINISTRATORS

§ 401.1. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Uniform Construction Code—This part, “The International Building Code 2009” (first printing) and the “International Residential Code for One- and Two-Family Dwellings 2009” (first printing), available from the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795, (888) 422-7233; and any standards adopted by the Department in this part under sections 301 and 304 of the act (35 P. S. §§ 7210.301 and 7210.304).

* * * * *

**CHAPTER 403. ADMINISTRATION
STANDARDS**

§ 403.21. Uniform Construction Code.

(a) The Department adopts and incorporates by reference the following codes as the Uniform Construction Code:

(1) The provisions of Chapters 2—10, 12—29 and 31—35 of the “International Building Code,” except that in occupancies in Use Group R-3 and within dwelling units in occupancies in Use Group R-2 the maximum riser height shall be 8 1/4 inches (210 mm) and the minimum tread depth shall be 9 inches (229 mm). A 1-inch (25 mm) nosing shall be provided on stairways with solid risers. The following provisions of the “International Building Code of 2015” are adopted:

- (i) Section 304.1 concerning “Business Group B” uses and occupancies.
- (ii) Section 306.2 concerning “moderate-hazard factory industrial, Group F-1” uses and occupancies.
- (iii) Section 2902.3 concerning exceptions for “employee and public toilet facilities.”
- (iv) Section 902.1 (relating to definitions) to the extent that “Automatic Water Mist System” was added.
- (v) Section 904.2 (relating to installation of automatic fire-extinguishing systems).
- (vi) Section 904.2.1 (relating to restrictions on using automatic sprinkler system exceptions or reductions).
- (vii) Section 904.11 (relating to automatic water mist systems).
- (viii) Section 904.11.1 (relating to design and installation requirements).
- (ix) Section 904.11.1.1 (relating to general requirements for design and installation).
- (x) Section 904.11.1.2 (relating to actuation).
- (xi) Section 904.11.1.3 (relating to water supply protection).
- (xii) Section 904.11.1.4 (relating to secondary water supply).
- (xiii) Section 904.11.2 (relating to water mist system supervision and alarms).
- (xiv) Section 904.11.2.1 (relating to monitoring).
- (xv) Section 904.11.2.2 (relating to alarms).
- (xvi) Section 904.11.2.3 (relating to floor control valves).
- (xvii) Section 904.11.3 (relating to testing and maintenance).
- (xviii) Section 907.2.11.3 (relating to installation of smoke alarms near cooking appliances).

(xix) Section 907.2.11.4 (relating to installation of smoke alarms near bathrooms).

(2) Chapter 11 of the “International Building Code of 2012.”

(3) The “International Mechanical Code.” Section 507.2 of the International Mechanical Code of 2015 (relating to commercial kitchen hoods, “Type 1”) is also adopted.

(4) The “International Fuel Gas Code.”

(5) The “International Performance Code.”

(6) The “International Plumbing Code.”

(i) Except that a municipality within a county of the second class may not administer and enforce the “International Plumbing Code” adopted under this chapter.

(ii) A municipality within a county of the second class that has adopted a plumbing code and accompanying rules and regulations under the Local Health Administration Law (16 P. S. §§ 12001—12028), shall retain the authority to promulgate and enforce this plumbing code and to make any changes it deems necessary if the changes meet the Uniform Construction Code’s minimum requirements.

(7) The “International Residential Code,” except that:

(i) The provisions of R314.4 requiring interconnected smoke alarms do not apply to one-family and two-family dwellings undergoing alterations, repairs or additions. Noninterconnected battery operated smoke alarms shall be installed in these dwellings.

(ii) The following specifications apply to residential stairway treads and risers.

(A) The maximum riser height is 8 1/4 inches. There may be no more than a 3/8-inch variation in riser height within a flight of stairs. The riser height is to be measured vertically between leading edges of the adjacent treads.

(B) The minimum tread depth is 9 inches measured from tread nosing to tread nosing.

(C) The greatest tread depth within any flight of stairs may not exceed the smallest by more than 3/8 inch.

(D) Treads may have a uniform projection of not more than 1 1/2 inches when solid risers are used.

(E) Stairways may not be less than 3 feet in clear width and clear headroom of 6 feet 8 inches shall be maintained for the entire run of the stair.

(F) Handrails may project from each side of a stairway a distance of 3 1/2 inches into the required width of the stair.

(iii) The following provisions of the “International Residential Code of 2015” are adopted:

(A) Section N1101.6 only to the extent that this section contains the definition of “insulated siding.”

(B) Section N1102.2.4 (relating to access hatches and doors).

(C) Section N1102.2.8 (relating to floors).

(D) Table N1102.4.1.1 only to the extent that amendments were made to the “Floors” row of this table.

(E) Section N1102.1.3 (relating to r-value computation).

(F) Table R302.1(1) (relating to requirements for exterior walls).

(G) Section R316.5.11 (relating to sill plates and headers).

- (H) Section R317.1.4 (relating to wood columns).
- (I) Section R507.1 (relating to decks).
- (J) Section R507.2.4 (relating to deck lateral load connection).
- (K) Section R507.4 (relating to decking).
- (L) Section R507.5 (relating to deck joists).
- (M) Section R507.5.1 (relating to lateral restraint at supports).
- (N) Section R507.6 (relating to deck beams).
- (O) Section R507.7 (relating to deck joist and deck beam bearing).
- (P) Section R507.7.1 (relating to deck post to deck beam).
- (Q) Section R507.8 (relating to deck posts).
- (R) Section R507.8.1 (relating to deck post to deck footing).
- (S) Table R507.4 (relating to maximum joist spacing).
- (T) Table R507.5 (relating to deck joist spans for common lumber species).
- (U) Table R507.8 (relating to deck post height).
- (V) Figure R507.2.3(2) (relating to deck attachment for lateral loads).
- (W) Figure R507.5 (relating to typical deck joist spans).
- (X) Figure R507.6 (relating to deck beam span lengths).
- (Y) Figure R507.7.1 (relating to deck beam to deck post).
- (Z) Figure R507.8.1 (relating to typical deck posts to deck footings).
- (AA) Section M1503.4 (relating to “make-up air required” for range hoods).
- (BB) Section M1601.4.1 (relating to “joints, seams, and connections” for duct construction) is adopted only with regards to Exception No. 3.
- (8) The “International Fire Code.”
- (i) Section 806.1.1 of the International Fire Code (relating to natural cut trees) is not adopted under this chapter. A municipality that elects to adopt an ordinance for the administration and enforcement of the Uniform Construction Code may, by ordinance, restrict the placement of natural cut trees in an occupancy group. The ordinance restricting the placement of natural cut trees is not subject to section 503(b)—(k) of the act (35 P. S. § 7210.503(b)—(k)) and § 403.102(i)—(k) (relating to municipalities electing to enforce the Uniform Construction Code).
- (ii) The following portions of the “International Fire Code of 2015” are adopted:
- (A) Section 202 limited to changes to definitions for “Business Group B” and “Automatic Water Mist System.”
- (B) Section 902.1 (relating to definitions) to the extent that “Automatic Water Mist System” was added.
- (C) Section 904.2 (relating to relating to installation of automatic fire-extinguishing systems).
- (D) Section 904.2.1 (relating to restrictions on using automatic fire extinguisher systems exceptions or reductions).
- (E) Section 904.11 (relating to automatic water mist systems).
- (F) Section 904.11.1 (relating to design and installation requirements).
- (G) Section 904.11.1.1 (relating to general requirements for design and installation).
- (H) Section 904.11.1.2 (relating to actuation).
- (I) Section 904.11.1.3 (relating to water supply protection).
- (J) Section 904.11.1.4 (relating to secondary water supply).
- (K) Section 904.11.2 (relating to water mist system supervision and alarms).
- (L) Section 904.11.2.1 (relating to monitoring).
- (M) Section 904.11.2.2 (relating to alarms).
- (N) Section 904.11.2.3 (relating to floor control valves).
- (O) Section 904.11.3 (relating to testing and maintenance).
- (P) Section 907.2.11.3 (relating to installation of smoke alarms near cooking appliances).
- (Q) Section 907.2.11.4 (relating to installation of smoke alarms near bathrooms).
- (9) The “International Energy Conservation Code.” The following portions of the International Energy Conservation Code of 2015 are adopted:
- (i) Section R202 only to the extent that this section contains the definition of “insulated siding.”
- (ii) Section R402.2.4 (relating to access hatches and doors).
- (iii) Section R402.2.8 (relating to floors).
- (iv) Table R402.4.1.1 only to the extent the row for “floors” was amended.
- (v) Section 402.1.3 (relating to r-value computation).
- (10) The “International Existing Building Code.” Section 406.3 of the International Existing Building Code of 2015 (relating to replacement window emergency escape and rescue openings) is also adopted.
- (11) The “International Wildland-Urban Interface Code.”
- (12) Appendix E of the “International Building Code of 2012.”
- (13) Appendix H of the “International Building Code.”
- (14) Appendix G of the “International Residential Code.”
- (b) The code adopted under subsection (a)(7) is part of the Uniform Construction Code to the extent that it is referenced in Chapter 35 of the “International Building Code” under section 302(a)(1) of the act (35 P. S. § 7210.302(a)(1)). The provisions of the Uniform Construction Code apply if there is a difference between the Uniform Construction Code and the codes or standards adopted in subsection (a). This chapter’s administrative provisions govern under § 403.27(e) (relating to applicability and use of standards) if there is a conflict with the provisions of the codes relating to administration incorporated under subsection (a).
- (c) Appendices to a code or standard listed in subsection (a) are not adopted in the Uniform Construction Code except for the appendices and resource information found

in the “International Existing Building Code” and the appendices found in subsection (a)(11)—(13).

(d) A permit applicant may utilize one of the following prescriptive methods to demonstrate compliance with the energy conservation requirements of the Uniform Construction Code. The standards are those listed for the climatic zone of this Commonwealth where the building or structure is located:

(1) The prescriptive methods for detached residential buildings contained in the current version of the “International Energy Conservation Code” compliance guide containing State maps, prescriptive energy packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (REScheck™) or “Pennsylvania’s Alternative Residential Energy Provisions.”

(2) The prescriptive methods for all other buildings or structures contained in the current version of the “International Energy Conservation Code” compliance guide containing State maps, prescriptive packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (COMcheck™).

(e) Construction of individual sewage disposal systems is governed under 25 Pa. Code Chapter 73 (relating to standards for onlot sewage treatment facilities).

(f) The repair, alteration, change of occupancy, addition and relocation of existing buildings must comply with Chapter 34 of the “International Building Code” or with the “International Existing Building Code.”

[Pa.B. Doc. No. 15-2101. Filed for public inspection November 25, 2015, 9:00 a.m.]
