

RULES AND REGULATIONS

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CHS. 401 AND 403]

Uniform Construction Code

In accordance with section 304 of the Pennsylvania Construction Code Act (PCCA) (35 P.S. § 7210.304) the Department of Labor and Industry (Department) amends Chapters 401 and 403 (relating to Uniform Construction Code (UCC) training and certification of code administrators; and administration) to read as set forth in Annex A.

Statutory Authority

This final-omitted rulemaking is issued under the authority provided in section 304(a)(1)(i) and (2) of the PCCA. Section 304(a)(1)(i) provides that, within 33 months after commencement of the review process, the Department “shall promulgate final-omitted regulations” adopting the revisions provided in a report issued by the Uniform Construction Code Review and Advisory Council (RAC) to the Secretary of Labor and Industry (Secretary) specifying the 2018 code revisions of the International Code Council (ICC) codes. The Department must adopt the RAC’s revisions “without change.” Section 304(a)(2) exempts the regulations from section 205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1205), referred to as the Commonwealth Documents Law and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)).

Background

In 1999, the Legislature established the PCCA (35 P.S. §§ 7210.101—7210.1103) and directed the Department to promulgate regulations adopting certain building codes as the UCC. See 35 P.S. §§ 7210.102(a)(3) and 7210.301. Since then, various codes issued by the ICC, including the International Building Code (IBC), the International Energy Conservation Code (IECC), the International Existing Building Code (IEBC), the International Fire Code (IFC), the International Fuel Gas Code (IFGC), International Mechanical Code (IMC), International Performance Code (IPFC), International Plumbing Code (IPC), International Residential Code (IRC), International Swimming Pool and Spa Code (ISPSC) and International Wildland-Urban Interface Code (IWUIC) have been adopted, in whole or in part, by reference into the UCC. See §§ 401.1 and 403.21 (relating to definitions; and Uniform Construction Code). Every 3 years, the ICC publishes revisions to these codes.

Under the act of October 9, 2008, (P.L. 1386, No. 106) the General Assembly established the RAC whose members represent industry sectors that participate in the various aspects relating to building construction including building component design, construction, building code enforcement and local government representation. The RAC is charged to review the periodic changes to the revised ICC codes prior to adoption into the UCC. See 35 P.S. § 7210.107.

The UCC requires the RAC to begin its review 21 months following the publication of a new edition of the ICC Codes. 35 P.S. § 7210.108(a)(1)(i). The ICC published the 2018 ICC codes on August 31, 2017. In accordance with the PCCA, the RAC began its review of the new ICC codes on May 14, 2019.

In its review, the RAC was required to consider: 1) the impact that the section may have upon the health, safety and welfare of the public; 2) the economic and financial impact of the section, including impact on the end consumer; and 3) the technical feasibility of the section. 35 P.S. § 7210.108(a)(2).

For the 2018 code review, the RAC was required to submit a report to the Secretary outlining the ICC codes that the RAC was adopting or modifying. 35 P.S. § 7210.108(b). The recommendations of the RAC must be adopted by the Department “without change,” under section 304(a)(1) of the PCCA, and are to be effective 33 months after the commencement of the code review. 35 P.S. §§ 7210.108(a)(1)(i) and 7210.304(a)(1)(i).

After its review of the 2018 ICC codes was complete, the RAC submitted its report to the Secretary on April 29, 2021, outlining its decisions on which ICC codes must be incorporated into the UCC. Under section 304(a)(1) of the PCCA the Department is required to promulgate final-omitted regulations adopting, “without change” the provisions of the ICC Codes outlined in the RAC’s April 29, 2021, report. These regulations will be effective February 14, 2022.

Compliance with Executive Order 1996-1, Regulatory Review and Promulgation

On June 13, 2019, the RAC opened public comment on the 2018 ICC Codes. This public comment period remained open for 120 days. The RAC received 128 individual comments which, in accordance with section 108(a)(3)(iii) of the PCCA (35 P.S. § 7210.108(a)(3)(iii)) it assigned to the chairs of the Technical Advisory Committees in charge of the ICC codes that received the comments.

The RAC held three public hearings on these regulations on December 15, 16 and 17, 2020. In addition to the public hearings, the RAC debated and adopted portions of the 2018 ICC codes at public meetings held on January 7, 2021, January 21, 2021, February 4, 2021, February 18, 2021, March 11, 2021, and April 22, 2021.

Purpose

The purpose of this final-omitted rulemaking is to amend §§ 401.1, 403.1, 403.21, 403.23, 403.26—403.28, 403.42, 403.42a, 403.44—403.46 and 403.103 to adopt the revisions specified in the RAC’s April 29, 2021, report, as required by section 304(a)(1) of the PCCA.

Summary of Proposed Rulemaking

§ 401.1. Definitions

The Department amends this section to add a definition for The American Society of Testing and Materials (ASTM). The Department is doing this because this regulation is incorporating a standard that the ASTM publishes.

§ 403.1. Scope

The Department amends subsection (g) to reflect that coal-fired boilers are subject to the IRC of 2018. This is being done in accordance with the RAC’s vote and report.

§ 403.21. Uniform Construction Code

International Building Code (IBC)

The RAC voted to adopt Chapters 2—10, 12—29 and 31—35 of the IBC of 2018 with some exclusions and modifications and memorialized this vote in their report.

As such, the Department amends subsection (a)(1) to indicate these chapters of the IBC of 2018 are adopted with some exclusions and modifications.

The RAC voted to adopt section 3002.1 (relating to hoistway enclosure protection) of the IBC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(1)(ii)(A) to incorporate this addition.

The RAC voted to adopt section 3002.2 (relating to number of elevator cars in a hoistway) of the IBC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(1)(ii)(B) to incorporate this addition.

The RAC voted to adopt section 3002.4 (relating to elevator car to accommodate ambulance stretcher) of the IBC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(1)(ii)(C) to incorporate this addition.

The RAC voted to adopt section 3002.7 (relating to common enclosure with stairway) of the IBC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(1)(ii)(D) to incorporate this addition.

The RAC voted to adopt section 3004.2.1 (relating to enclosure) of the IBC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(1)(ii)(E) to incorporate this addition.

The RAC voted to adopt section 3004.3.1 (relating to enclosure) of the IBC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(1)(ii)(F) to incorporate this addition.

The RAC voted to adopt section 3005.4 (relating to machine rooms, control rooms, machinery spaces, and control spaces) of the IBC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(1)(ii)(G) to incorporate this addition.

The RAC voted to adopt section 3006 (relating to elevator lobbies and hoistway opening protection) of the IBC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(1)(ii)(H) to incorporate this addition.

The RAC voted to adopt section 3007 (relating to fire service access elevators) of the IBC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(1)(ii)(I) to incorporate this addition.

The RAC voted to adopt section 3008 (relating to occupant evacuation elevators) of the IBC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(1)(ii)(J) to incorporate this addition.

The RAC voted to modify section 803.3 (relating to heavy-timber exemption) of the IBC of 2018 to add the phrase: "In buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3" before the word exposed and memorialized this vote in their report. As such, the Department modifies subsection (a)(1)(iii) to incorporate this modification.

The RAC voted to exclude section 704.2 (relating to column protection) of the IBC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(1)(iv)(A) to incorporate this exclusion.

The RAC voted to exclude section 704.4.1 (relating to light frame construction) of the IBC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(1)(iv)(B) to incorporate this exclusion.

The RAC voted to adopt section 704.2 of the IBC of 2015 and memorialized this vote in their report. As such, the Department adds subsection (a)(1)(v)(A) to incorporate this adoption.

The RAC voted to adopt section 704.4.1 of the IBC of 2015 and memorialized this vote in their report. As such, the Department adds subsection (a)(1)(v)(B) to incorporate this adoption.

International Mechanical Code (IMC)

The RAC voted to adopt the International Mechanical Code of 2018 in its entirety and memorialized this vote in their report. As such, the Department amends subsection (a)(3) to incorporate the entirety of the IMC of 2018.

International Fuel Gas Code (IFGC)

The RAC voted to adopt the International Fuel Gas Code of 2018 in its entirety and memorialized this vote in their report. As such, the Department amends subsection (a)(4) to incorporate the entirety of the IFGC of 2018.

International Performance Code (IPFC)

The RAC voted to adopt the International Performance Code of 2018 in its entirety and memorialized this vote in their report. As such, the Department amends subsection (a)(5) to incorporate the entirety of the IPFC of 2018.

International Plumbing Code (IPC)

The RAC voted to adopt the International Plumbing Code of 2018 in its entirety and memorialized this vote in their report. As such, the Department amends subsection (a)(6) to incorporate the entirety of the IPC of 2018 with the exception of the provisions regarding accessibility. Section 304(a)(3) of the PCCA grants the Department the sole authority to regulate the accessibility of structures.

International Residential Code (IRC)

The RAC voted to adopt the IRC of 2018 with some exclusions and modifications and memorialized this vote in their report. As such, the Department amends subsection (a)(7) to indicate the IRC of 2018 was adopted with some exceptions and modifications.

The RAC voted to exclude Exception 2 of section R325.5 (relating to openness) of the IRC of 2018 and memorialized this vote in their report. As such, the Department amends subsection (a)(7)(iii)(D) to incorporate this exclusion.

The RAC voted to exclude section R703.7.1 (relating to lath) of the IRC of 2018 and memorialized this vote in their report. As such, the Department amends subsection (a)(7)(iii)(E) to incorporate this exclusion.

The RAC voted to exclude section R703.7.2 (relating to plaster) of the IRC of 2018 and memorialized this vote in their report. As such, the Department amends subsection (a)(7)(iii)(F) to incorporate this exclusion.

The RAC voted to exclude section R703.7.3 (relating to water-resistive barriers) of the IRC of 2018 and memorialized this vote in their report. As such, the Department amends subsection (a)(7)(iii)(G) to incorporate this exclusion.

The RAC voted to exclude section R806.2 (relating to minimum vent area) of the IRC of 2018 and memorialized this vote in their report. As such, the Department amends subsection (a)(7)(iii)(H) to incorporate this exclusion.

The RAC voted to exclude section R1005.8 (relating to insulation shield) of the IRC of 2018 and memorialized this vote in their report. As such, the Department amends subsection (a)(7)(iii)(I) to incorporate this exclusion.

The RAC voted to exclude section N1101.4 (relating to above code programs) of the IRC of 2018 and memorialized this vote in their report. As such, the Department amends subsection (a)(7)(iii)(J) to incorporate this exclusion.

The RAC voted to exclude section N1103.3.5 (relating to building cavities) of the IRC of 2018 and memorialized this vote in their report. As such, the Department amends subsection (a)(7)(iii)(K) to incorporate this exclusion.

The RAC voted to exclude section N1105.4.2 (relating to compliance report) of the IRC of 2018 and memorialized this vote in their report. As such, the Department amends subsection (a)(7)(iii)(L) to incorporate this exclusion.

The RAC voted to exclude section N1106.3 (relating to energy rating index) of the IRC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(iii)(M) to incorporate this exclusion.

The RAC voted to exclude section N1106.6.1 (relating to compliance software tools) of the IRC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(iii)(N) to incorporate this exclusion.

The RAC voted to exclude section N1106.6.4 (relating to specific approval) of the IRC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(iii)(O) to incorporate this exclusion.

The RAC voted to exclude section N1106.6.5 (relating to input values) of the IRC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(iii)(P) to incorporate this exclusion.

The RAC voted to exclude N1108.1.1.2 (relating to heating and cooling systems) of the IRC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(iii)(Q) to incorporate this exclusion.

The RAC voted to exclude section N1109.1.2 (relating to heating and cooling systems) of the IRC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(iii)(R) to incorporate this exclusion.

The RAC voted to exclude section M1305.1.3.2 (relating to pit locations) of the IRC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(iii)(S) to incorporate this exclusion.

The RAC voted to exclude section M1502.3.1 (relating to exhaust termination outlet and passageway size) of the IRC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(iii)(T) to incorporate this exclusion.

The RAC voted to exclude section P2503.5.1 (relating to rough plumbing) of the IRC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(iii)(U) to incorporate this exclusion.

The RAC voted to exclude section P2903.5 (relating to water hammer) of the IRC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(iii)(V) to incorporate this exclusion.

The RAC voted to exclude section P2906.6.1 (relating to saddle tap fittings) of the IRC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(iii)(W) to incorporate this exclusion.

The RAC modified section R311.7.4 (relating to walkline) of the IRC of 2018 to add a figure that was proposed to be part of the IRC of 2018 but did not make the final edition. The RAC memorialized this vote in their

report. As such, the Department amends subsection (a)(7)(iv)(A) to include this figure.

The RAC voted to modify section R325.6 (relating to habitable attic) of the IRC of 2018 to delete subsection 4 and memorialized this vote in their report. As such, the Department amends subsection (a)(7)(iv)(B) to incorporate this modification.

The RAC voted to modify subsection 2.4 of section R408.3 (relating to unvented crawl space) of the IRC of 2018 as follows: “Dehumidification sized in accordance with manufacturer’s specifications” and memorialized this vote in their report. As such, the Department amends subsection (a)(7)(iv)(C) to incorporate this modification.

The RAC voted to modify subsection 1 of section R702.7.3 (relating to minimum clear airspaces and vented openings for vented cladding) of the IRC of 2018 as follows: “Vinyl, polypropylene or horizontal aluminum siding applied over a weather-resistive barrier as specified in Table R703.3(1)” and memorialized this vote in their report. As such, the Department amends subsection (a)(7)(iv)(D) to incorporate this modification.

The RAC voted to modify section R703.7 (relating to exterior plaster (stucco)) of the IRC of 2018 by requiring compliance with ASTM standards C926-2018B and C1063-2018B and memorialized this vote in their report. As such, the Department amends subsection (a)(7)(iv)(E) to incorporate this modification.

The RAC voted to modify section R806.1 of 2018 (relating to ventilation required) by amending it to read as follows: “required ventilation openings shall open directly to the outside air” and memorialized this vote in their report. As such, the Department amends subsection (a)(7)(iv)(F) to incorporate this modification.

The RAC voted to modify the first sentence of section R806.3 of the IRC of 2018 (relating to vent and insulation clearance) to read as follows: “Where eave or cornice vents are installed nothing shall block the free flow of air” and memorialized this vote in their report. As such, the Department amends subsection (a)(7)(iv)(G) to incorporate this modification.

The RAC voted to modify the Fenestration *U*-Factor in Climate Zone 3 for table N1102.1.2 (relating to insulation and fenestration requirements by component) of the IRC of 2018 to 0.35 and memorialized this vote in their report. As such, the Department amends subsection (a)(7)(iv)(H) to incorporate this modification.

The RAC voted to modify section N1105.2 (relating to mandatory requirements) of the IRC of 2018 to require compliance with the mandatory provisions of section N1102.4.1.2 (relating to testing) of the IRC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(iv)(I) to incorporate this modification.

The RAC voted to modify section E3901.11 (relating to foyers) of the IRC of 2018 by replacing 3 feet (914 mm) with 6 feet (1829 mm) and a minimum of one receptacle. As such, the Department adds subsection (a)(7)(iv)(J) to incorporate this modification.

The RAC voted to adopt section E3901.7 (relating to outdoor outlets) of the IRC of 2018 and memorialized this vote in their report. As such, the Department deletes subsection (a)(7)(v)(G).

The RAC voted to adopt section R806.2 (relating to minimum vent area) of the IRC of 2015 and memorialized

this vote in their report. As such, the Department modifies subsection (a)(7)(vi)(A) to incorporate this adoption.

The RAC voted to adopt section N1105.4.2 (relating to compliance report) of the IRC of 2015 and memorialized this vote in their report. As such, the Department modifies subsection (a)(7)(vi)(B) to incorporate this adoption.

The RAC voted to adopt section N1106.3 (relating to energy rating index) of the IRC of 2015 and memorialized this vote in their report. As such, the Department modifies subsection (a)(7)(vi)(C) to incorporate this adoption.

The RAC voted to adopt section N1106.3.1 (relating to ERI reference design) of the IRC of 2015 and memorialized this vote in their report. As such, the Department modifies subsection (a)(7)(vi)(D) to incorporate this adoption.

The RAC voted to adopt section N1106.6.1 (relating to compliance software tools) of the IRC of 2015 and memorialized this vote in their report. As such, the Department modifies subsection (a)(7)(vi)(E) to incorporate this adoption.

The RAC voted to adopt section N1106.7 (relating to calculation software tools) of the IRC of 2015 and memorialized this vote in their report. As such, the Department modifies subsection (a)(7)(vi)(F) to incorporate this adoption.

The RAC voted to adopt section N1106.7.1 (relating to minimum capabilities) of the IRC of 2015 and memorialized this vote in their report. As such, the Department modifies subsection (a)(7)(vi)(G) to incorporate this adoption.

The RAC voted to adopt section N1106.7.2 (relating to specific approval) of the IRC of 2015 and memorialized this vote in their report. As such, the Department modifies subsection (a)(7)(vi)(H) to incorporate this adoption.

The RAC voted to adopt section N1106.7.3 (relating to input values) of the IRC of 2015 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(vi)(I) to incorporate this adoption.

The RAC voted to adopt section N1108.1.1.2 (relating to heating and cooling systems) of the IRC of 2015 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(vi)(J) to incorporate this adoption.

The RAC voted to adopt section N1109.1.2 (relating to heating and cooling systems) of the IRC of 2015 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(vi)(K) to incorporate this adoption.

The RAC voted to adopt section M1305.1.4.2 (relating to excavations) of the IRC of 2015 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(vi)(L) to incorporate this adoption.

The RAC voted to adopt section P2903.5 (relating to water hammer) of the IRC of 2015 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(vi)(M) to incorporate this adoption.

The RAC voted to adopt section R703.7.1 (relating to lath) of the IRC of 2021 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(vii)(A) to incorporate this adoption.

The RAC voted to adopt section R703.7.1.1 (relating to furring) of the IRC of 2021 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(vii)(B) to incorporate this adoption.

The RAC voted to adopt section R703.7.2 (relating to plaster) of the IRC of 2021 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(vii)(C) to incorporate this adoption.

The RAC voted to adopt section R703.7.3 (relating to water-resistive barriers) of the IRC of 2021 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(vii)(D) to incorporate this adoption.

The RAC voted to adopt section R703.7.3.1 (relating to dry climates) of the IRC of 2021 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(vii)(E) to incorporate this adoption.

The RAC voted to adopt section R703.7.3.2 (relating to moist or marine climates) of the IRC of 2021 and memorialized this vote in their report. As such, the Department adds subsection (a)(7)(vii)(F) to incorporate this adoption.

The RAC voted to adopt section M1411.6.1 (relating to refrigerant line insulation protection) of the IRC of 2021 and memorialized this vote in their report. As such, the Department is adding subsection (a)(7)(vii)(G) to incorporate this adoption.

International Fire Code (IFC)

The RAC voted to adopt the IFC of 2018 to the extent it is referenced by other ICC codes adopted in Chapter 403 and memorialized this vote in their report. As such, the Department amends subsection (a)(8) to incorporate this adoption.

International Energy Conservation Code (IECC)

The RAC voted to adopt the IECC of 2018 with some exclusions and modifications and memorialized this vote in their report. As such, the Department amends subsection (a)(9) to indicate the IECC of 2018 was adopted with some exceptions and modifications.

The RAC voted to exclude section C105.2.6 (relating to final inspection) of the IECC of 2018 and memorialized this vote in their report. This section of the IECC was designated as section C104.2.6 in the IECC of 2015. As such, the Department amends subsection (a)(9)(i)(B) to incorporate this exclusion.

The RAC voted to exclude section C402.2.1 (relating to roof assembly) of the IECC of 2018 and memorialized this vote in their report. As such, the Department amends subsection (a)(9)(i)(D) to incorporate this exclusion.

The RAC voted to exclude section R405.4.2 (relating to compliance report) of the IECC of 2018 and memorialized this vote in their report. As such, the Department amends subsection (a)(9)(i)(E) to incorporate this exclusion.

The RAC voted to exclude section R406.3 (relating to energy rating index) of the IECC of 2018 and memorialized this vote in their report. As such, the Department amends subsection (a)(9)(i)(F) to incorporate this exclusion.

The RAC voted to exclude section R406.6.1 (relating to compliance software tools) of the IECC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(9)(i)(G) to incorporate this exclusion.

The RAC voted to exclude section R406.6.4 (relating to specific approval) of the IECC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(9)(i)(H) to incorporate this exclusion.

The RAC voted to exclude section R406.6.5 (relating to input values) of the IECC of 2018 and memorialized this

vote in their report. As such, the Department adds subsection (a)(9)(i)(I) to incorporate this exclusion.

The RAC voted to exclude section R502.1.1.2 (relating to heating and cooling systems) of the IECC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(9)(i)(J) to incorporate this exclusion.

The RAC voted to exclude section R503.1.2 (relating to heating and cooling systems) of the IECC of 2018 and memorialized this vote in their report. As such, the Department adds subsection (a)(9)(i)(K) to incorporate this exclusion.

The RAC voted to modify table R402.1.2 of IECC of 2018 by changing the Fenestration *U*-Factor in Climate Zone 3 to 0.35 and memorialized this vote in their report. As such, the Department amends subsection (a)(9)(ii)(B) to incorporate this modification.

The RAC voted to modify section R405.2 (relating to mandatory requirements) of the IECC of 2018 by requiring compliance with the mandatory provisions of section R402.4.1.2 (relating to testing) and memorialized this vote in their report. As such, the Department amends subsection (a)(9)(ii)(C) to incorporate this modification.

The Department deletes subsection (a)(9)(ii)(D) and (E) in accordance with the RAC's vote and report.

The Department adds quotations in subsection (a)(9)(iii) and (iv) to indicate the title of the ICC codes.

The RAC voted to adopt section C402.2.2 (relating to roof assembly) of the IECC of 2015 and memorialized this vote in their report. As such, the Department amends subsection (a)(9)(iv)(A) to incorporate this adoption.

The RAC voted to adopt exception 1 of section C402.5.3 (relating to rooms containing fuel-burning appliances) of the IECC of 2015 and memorialized this vote in their report. As such, the Department amends subsection (a)(9)(iv)(B) to incorporate this adoption.

The RAC voted to adopt section R405.4.2 (relating to compliance report) of the IECC of 2015 and memorialized this vote in their report. As such, the Department amends subsection (a)(9)(iv)(C) to incorporate this adoption.

The RAC voted to adopt section R406.3 (relating to energy rating index) of the IECC of 2015 and memorialized this vote in their report. As such, the Department adds subsection (a)(9)(iv)(D) to incorporate this adoption.

The RAC voted to adopt section R406.3.1 (relating to ERI reference design) of the IECC of 2015 and memorialized this vote in their report. As such, the Department adds subsection (a)(9)(iv)(E) to incorporate this adoption.

The RAC voted to adopt section R406.6.1 (relating to compliance software tools) of the IECC of 2015 and memorialized this vote in their report. As such, the Department adds subsection (a)(9)(iv)(F) to incorporate this adoption.

The RAC voted to adopt section R406.7 (relating to calculation software tools) of the IECC of 2015 and memorialized this vote in their report. As such, the Department adds subsection (a)(9)(iv)(G) to incorporate this adoption.

The RAC voted to adopt section R406.7.1 (relating to minimum capabilities) of the IECC of 2015 and memorialized this vote in their report. As such, the Department adds subsection (a)(9)(iv)(H) to incorporate this adoption.

The RAC voted to adopt section R406.7.2 (relating to specific approval) of the IECC of 2015 and memorialized

this vote in their report. As such, the Department adds subsection (a)(9)(iv)(I) to incorporate this adoption.

The RAC voted to adopt section R406.7.3 (relating to input values) of the IECC of 2015 and memorialized this vote in their report. As such, the Department adds subsection (a)(9)(iv)(J) to incorporate this adoption.

The RAC voted to adopt section R502.1.1.2 (relating to heating and cooling systems) of the IECC of 2015 and memorialized this vote in their report. As such, the Department adds subsection (a)(9)(iv)(K) to incorporate this adoption.

The RAC voted to adopt section R503.1.2 (relating to heating and cooling systems) of the IECC of 2015 and memorialized this vote in their report. As such, the Department adds subsection (a)(9)(iv)(L) to incorporate this adoption.

International Existing Building Code (IEBC)

The RAC voted to adopt the IEBC of 2018 with some exclusions and modifications and memorialized this vote in their report. As such, the Department amends subsection (a)(10) to indicate the IRC of 2018 was adopted with some exceptions and modifications. This does not include the accessibility provisions of the IEBC of 2018. Section 304(a)(3) of the PCCA grants the Department the sole authority to regulate the accessibility of structures.

The RAC voted to exclude section 1106 (relating to storm shelters) of the IEBC of 2018 and memorialized this vote in their report. As such, the Department adds subparagraph (ii) to incorporate this exclusion.

The RAC voted to modify the second sentence in section 106.2.5 (relating to exterior balconies and elevated walking surfaces) of the IEBC of 2018 to read as follows: "The manufacturer's installation instructions shall be available to the code official during inspection as a deferred submittal" and memorialized this vote in their report. As such, the RAC voted to add subparagraph (iii) to incorporate this modification.

International Wildland-Urban Interface Code (IWUIC)

The RAC voted to adopt the IWUIC of 2018 in its entirety and memorialized this vote in their report. As such, the Department amends subsection (a)(11) to incorporate the entirety of the IWUIC of 2018.

International Swimming Pool and Spa Code (ISPSC)

The RAC voted to adopt the ISPSC of 2018 in its entirety and memorialized this vote in their report. As such, the Department adds subsection (a)(14) to incorporate the entirety of the ISPSC of 2018. This does not include the accessibility provisions of the ISPSC of 2018. Section 304(a)(3) of the PCCA grants the Department the sole authority to regulate the accessibility of structures.

The Department amends subsection (b) to reflect the RAC's vote and report to adopt the entirety of the IBC of 2018 with some exclusions and modifications.

The Department amends subsection (c) to reflect the RAC's vote and report to adopt the entirety of the IEBC of 2018 with some exclusions and modifications.

The Department amends subsection (d)(1) and (2) to reflect the RAC's vote and report to adopt the entirety of the IECC of 2018 with some exclusions and modifications.

The Department amends subsection (f) to reflect the RAC's vote and report to adopt the entirety of the IBC of 2018 and IECC of 2018 with some exclusions and modifications.

§ 403.23. *Child day care facilities*

The Department amends subsection (d) to reflect the RAC's vote and report to adopt the entirety of the IBC of 2018 with some exclusions and modifications.

§ 403.26. *Swimming pools*

The Department amends subsections (a) and (b) to reflect the RAC's vote and report to adopt the entirety of the ISPSC of 2018.

§ 403.27. *Applicability and use of standards*

The Department amends subsection (a)(1) to reflect the RAC's vote and report to adopt the entirety of the IBC of 2018 with some exclusions and modifications.

The Department amends subsection (a)(2) to reflect the RAC's vote and report to adopt the entirety of the IRC of 2018 with some exclusions and modifications.

The Department amends subsection (a)(3) to reflect the RAC's vote and report to adopt the entirety of the IPC of 2018.

The Department amends subsection (a)(4) to reflect the RAC's vote and report to adopt the entirety of the IMC of 2018.

The Department amends subsection (b) to reflect the RAC's vote and report to adopt the entirety of the IEBC with some exclusions and modifications and the IRC of 2018 with some exclusions and modifications.

The Department amends subsection (f) to reflect the RAC's vote and report to adopt the entirety of the IMC.

§ 403.28. *Uncertified buildings*

The Department amends subsection (b)(1) to reflect the RAC's vote and report to adopt the entirety of the IBC of 2018 with some exclusions and modifications.

The Department amends subsection (b)(2) to reflect the RAC's vote and report to adopt the entirety of the IBC of 2018 with some exclusions and modifications.

The Department amends subsection (b)(4) to reflect the RAC's vote and report to adopt the entirety of the IEBC of 2018 with some exclusions and modifications.

The Department amends subsection (c)(1) to reflect the RAC's vote and report to adopt the entirety of the IBC of 2018 with some exclusions and modifications and the IEBC of 2018 with some exclusions and modifications.

§ 403.42. *Permit requirements and exemptions*

The Department amends subsection (c)(1)(xi) to reflect the RAC's vote and report to adopt the entirety of the IBC of 2018 with some exclusions and modifications.

§ 403.42a. *Permit application*

The Department amends subsection (f)(3)(ii) to reflect the RAC's vote and report to adopt the entirety of the IBC of 2018 with some exclusions and modifications.

The Department amends subsection (i) to reflect the RAC's vote and report to adopt the entirety of the IBC of 2018 with some exclusions and modifications.

The Department amends subsection (k) to reflect the RAC's vote and report to adopt the entirety of the IBC of 2018 with some exclusions and modifications.

§ 403.44. *Alternative construction materials and methods*

The Department amends subsection (c) to reflect the RAC's vote and report to adopt the entirety of the IPFC of

2018 with some exclusions and modifications. The Department adds quotation marks to indicate the title of the ICC code.

§ 403.45. *Inspections*

The Department amends subsection (f) to reflect the RAC's vote and report to adopt the entirety of the IBC of 2018 with some exclusions and modifications.

§ 403.46. *Certificate of occupancy*

The Department amends subsection (b)(6) and (7) to reflect the RAC's vote and report to adopt the entirety of the IBC of 2018 with some exclusions and modifications.

§ 403.103. *Municipalities electing not to enforce the Uniform Construction Code*

The Department amends subsection (c) to reflect the RAC's vote and report to adopt the entirety of the IPFC of 2018.

The Department amends subsection (d) to reflect the RAC's vote and report to adopt the entirety of the IRC of 2018 with some exclusions and modifications.

Affected Persons

This final-omitted rulemaking will affect all builders and contractors in the construction industry and all building code officials who enforce the regulations.

Fiscal Impact

All building code officials, including the Department, will need to own the applicable 2009, 2015, 2018 and 2021 ICC code books to enforce these regulations. The Department already possesses all applicable 2009, 2015, 2018 and 2021 ICC code books to enforce the current regulations and presumably building code officials will possess some of those same ICC code books.

Builders and contractors will have to absorb some costs to comply with the updated standards. The Department does not possess specific data on any increase of costs to builders or contractors.

Reporting, Recordkeeping and Paperwork Requirements

The Department will update the following forms: Accessibility Advisory Board Petition, Application for Building Permit, and Special Inspections and Observation Statement. There are no additional reporting, record keeping or paperwork requirements.

Sunset Date

There is no sunset date for these regulations. The PCCA requires referenced standards to be reviewed every 3 years following publication of the triennial revisions to the ICC codes.

Effective Date

This final-omitted rulemaking will take effect on February 14, 2022.

Contact Person

The contact person is Matthew W. Kegg, Director, Bureau of Occupational and Industrial Safety, Department of Labor and Industry, 651 Boas Street, Room 1613, Harrisburg, PA 17121, (717) 783-6304, mkegg@pa.gov.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on December 15, 2021, the Department submitted a copy of this final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent

Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Labor and Industry.

Under section 5.1(j.2) of the Regulatory Review Act, on January 25, 2022, 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 January 26, 2022, and approved the final-omitted rulemaking.

Findings

The Department finds that:

(a) This final-omitted rulemaking is authorized by section 304(a)(1) and (2) of the PCCA.

Order

The Department, acting under authorizing statute, orders that:

(a) The regulations of the Department, 34 Pa. Code, Chapters 401 and 403, are amended by amending §§ 401.1, 403.1, 403.21, 403.23, 403.26—403.28, 403.42, 403.42a, 403.44—403.46 and 403.103 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Department submitted these regulations to the Independent Regulatory Review Commission and the Senate and House Labor and Industry Committees.

(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 on February 14, 2022.

JENNIFER BERRIER, Secretary

(Editor’s Note: See 52 Pa.B. 1079 (February 12, 2022) for IRRC’s approval order.)

Fiscal Note: Fiscal Note 12-116 remains valid for the final adoption of the subject regulations.

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:

* * * * *

ASME—The American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016-5990.

ASTM—The American Society of Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959.

Accessibility Advisory Board—The Department’s Accessibility Advisory Board created under section 106 of the act (35 P.S. § 7210.106).

* * * * *

CHAPTER 403. ADMINISTRATION

GENERALLY

§ 403.1. Scope.

* * * * *

(f) The electrical, plumbing and lumber and wood provisions, except for the wood provisions related to pressure treatment, of the Uniform Construction Code do not apply to a dwelling unit or one-room school house utilized by a member or members of a recognized religious sect if a code administrator grants an exemption under section 901(b) of the act (35 P.S. § 7210.901(b)) as follows:

(1) The permit applicant shall file an application with the code administrator stating the manner in which an electrical provision, a plumbing provision or a lumber and wood provision of the Uniform Construction Code conflicts with the applicant’s religious beliefs. The application must also contain an affidavit by the applicant stating:

(i) The permit applicant is a member of a religious sect.

(ii) The religious sect has established tenets or teachings which conflict with an electrical, a plumbing or a lumber and wood provision of the Uniform Construction Code.

(iii) The permit applicant adheres to the established tenets or teachings of the sect.

(A) For a dwelling unit, the dwelling will be used solely as a residence for the permit applicant and the applicant’s household.

(B) For a one-room school house, the school house will be used solely by members of the religious sect.

(2) The code administrator shall grant the application for the exemption if made in accordance with paragraph (1).

(3) If the permit applicant receives an exemption for a building under section 901(b) of the act and the applicant subsequently sells or leases the building, the applicant shall bring the building into compliance with the provision of the Uniform Construction Code from which it was exempted prior to the sale or lease of the building unless the prospective subsequent owner or lessee files an affidavit in compliance with paragraph (1).

(g) Coal-fired boilers installed in residential buildings must be designed, constructed and tested in accordance with the requirements of Chapter 20, section M2001.1.1 of the “International Residential Code of 2018,” except for the ASME stamping requirement.

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 of 2018,” except:

(i) 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.

(ii) The following provisions of Chapter 30 are adopted:

(A) Section 3002.1 (relating to hoistway enclosure protection).

(B) Section 3002.2 (relating to number of elevator cars in a hoistway).

(C) Section 3002.4 (relating to elevator car to accommodate ambulance stretcher).

(D) Section 3002.7 (relating to common enclosure with stairway).

(E) Section 3004.2.1 (relating to enclosure).

(F) Section 3004.3.1 (relating to enclosure).

(G) Section 3005.4 (relating to machine rooms, control rooms, machinery spaces, and control spaces).

(H) Section 3006 (relating to elevator lobbies and hoistway opening protection).

(I) Section 3007 (relating to fire service access elevators).

(J) Section 3008 (relating to occupant evacuation elevators).

(iii) Section 803.3 (relating to heavy-timber exemption) is modified to add the phrase: "In buildings equipped throughout with an automatic sprinkler system installed in accordance with section 903.3" before the word exposed.

(iv) The following provisions are excluded:

(A) Section 704.2 (relating to column protection).

(B) Section 704.4.1 (relating to light frame construction).

(v) The following provisions of the "International Building Code of 2015" are adopted:

(A) Section 704.2 (related to column protection).

(B) Section 704.4.1 (relating to light-frame construction).

(2) Chapter 11 of the "International Building Code of 2018."

(3) The "International Mechanical Code of 2018."

(4) The "International Fuel Gas Code of 2018."

(5) The "International Performance Code for Buildings and Facilities of 2018."

(6) The "International Plumbing Code of 2018" except:

(i) 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.

(iii) The accessibility provisions contained in the following sections of the "International Plumbing Code of 2018" are adopted:

(A) Section 403.4 (relating to signage).

(B) Section 403.5 (relating to drinking fountain location).

(C) Section 404 (relating to accessible plumbing facilities).

(D) Section 405.3.1 (relating to water closets, urinals, lavatories and bidets).

(7) The "International Residential Code of 2018," 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 are excluded:

(A) Section R302.5.1 (relating to opening protection).

(B) Section R322.2.1 (relating to elevation requirements for flood hazard areas).

(C) Section R322.3.2 (relating to elevation requirements for coastal high hazard areas).

(D) Exception 2 of section R325.5 (relating to openness).

(E) Section R703.7.1 (relating to lath).

(F) Section R703.7.2 (relating to plaster).

(G) Section R703.7.3 (relating to water-resistive barriers).

(H) Section R806.2 (relating to minimum vent area).

(I) Section R1005.8 (relating to insulation shield).

(J) Section N1101.4 (relating to above code programs).

(K) Section N1103.3.5 (relating to building cavities).

(L) Section N1105.4.2 (relating to compliance report).

(M) Section N1106.3 (relating to energy rating index).

(N) Section N1106.6.1 (relating to compliance software tools).

(O) Section N1106.6.4 (relating to specific approval).

(P) Section N1106.6.5 (relating to input values).

(Q) Section N1108.1.1.2 (relating to heating and cooling systems).

(R) Section N1109.1.2 (relating to heating and cooling systems).

(S) Section M1305.1.3.2 (relating to pit locations).

(T) Section M1502.3.1 (relating to exhaust termination outlet and passageway size).

(U) Section P2503.5.1 (relating to rough plumbing).

(V) Section P2903.5 (relating to water hammer).

(W) Section P2906.6.1 (relating to saddle tap fittings).

(iv) The following provisions are modified:

(A) Section R311.7.4 (relating to walkline) is amended by adding figure R311.7.4 (relating to winder tread and landing detail).

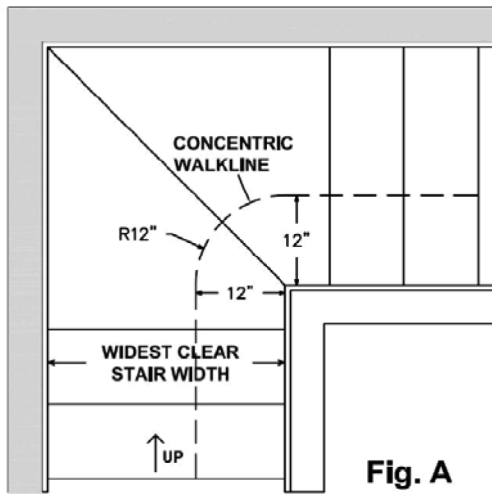


Fig. A

(B) Section R325.6 (relating to habitable attic) is amended by removing subsection 4.

(C) Subsection 2.4 of section R408.3 (relating to unvented crawl space) is amended to read as follows: “Dehumidification sized in accordance with manufacturer’s specifications.”

(D) Section R702.7.3 (relating to minimum clear air-spaces and vented openings for vented cladding) is amended by adding a comma after the word “vinyl” in subsection 1.

(E) Section R703.7 (relating to exterior plaster (stucco)) is amended by requiring compliance with ASTM standards C926-2018B and C1063-2018B.

(F) The last sentence of section R806.1 (relating to ventilation required) is amended to read as follows: “Required ventilation openings shall open directly to the outside air.”

(G) The first sentence of section R806.3 (relating to vent and insulation clearance) is amended to read as follows: “Where eave or cornice vents are installed, nothing shall block the free flow of air.”

(H) The Fenestration *U*-Factor in Climate Zone 3 for Table N1102.1.2 (relating to insulation and fenestration requirements by Component) is amended to 0.35.

(I) Section N1105.2 (relating to mandatory requirements) is amended to require compliance with the mandatory provisions of section N1102.4.1.2 (relating to testing).

(J) Section E3901.11 (relating to foyers) is amended by replacing 3 feet (914 mm) with 6 feet (1829 mm) and a minimum of one receptacle.

(v) The following provisions of the International Residential Code of 2009 are adopted:

* * * * *

(F) Section P2503.5.1 (relating to rough plumbing).

(G) (Reserved).

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

(A) Section R806.2 (relating to minimum vent area).

(B) Section N1105.4.2 (relating to compliance report).

(C) Section N1106.3 (relating to energy rating index).

(D) Section N1106.3.1 (relating to ERI reference design).

(E) Section N1106.6.1 (relating to compliance software tools).

(F) Section N1106.7 (relating to calculation software tools).

(G) Section N1106.7.1 (relating to minimum capabilities).

(H) Section N1106.7.2 (relating to specific approval).

(I) Section N1106.7.3 (relating to input values).

(J) Section N1108.1.1.2 (relating to heating and cooling systems).

(K) Section N1109.1.2 (relating to heating and cooling systems).

(L) Section M1305.1.4.2 (relating to excavations).

(M) Section P2903.5 (relating to water hammer).

(vii) The following provisions of the “International Residential Code of 2021” are adopted:

(A) Section R703.7.1 (relating to lath).

(B) Section R703.7.1.1 (relating to furring).

(C) Section R703.7.2 (relating to plaster).

(D) Section R703.7.3 (relating to water-resistive barriers).

(E) Section R703.7.3.1 (relating to dry climates).

(F) Section R703.7.3.2 (relating moist or marine climates).

(G) Section M1411.6.1 (relating to refrigerant line insulation protection).

(8) The “International Fire Code of 2018” to the extent it is referenced by other ICC codes adopted in this chapter.

(9) The “International Energy Conservation Code of 2018” except that:

(i) The following provisions are excluded:

(A) Section R102.1.1 (relating to above code programs)

(B) Section C105.2.6 (relating to final inspection).

(C) Section R403.3.5 (relating to building cavities (mandatory)).

(D) Section C402.2.1 (relating to roof assembly).

(E) Section R405.4.2 (relating to compliance report).

(F) Section R406.3 (relating to energy rating index).

(G) Section R406.6.1 (relating to compliance software tools).

(H) Section R406.6.4 (relating to specific approval).

(I) Section R406.6.5 (relating to input values).

(J) Section R502.1.1.2 (relating to heating and cooling systems).

(K) Section R503.1.2 (relating to heating and cooling systems).

(ii) The following provisions are modified:

(A) Chapter RE 2 is amended by adding the definition of “framing factor” as the fraction of the total building component area that is structural framing.

(B) Table R402.1.2 (relating to insulation and fenestration requirements by component) is amended by modifying the Fenestration *U*-Factor in Climate Zone 3 to 0.35.

(C) Section R405.2 (relating to mandatory requirements) is amended to require compliance with the mandatory provisions of section R402.4.1.2 (relating to testing).

(D) (Reserved).

(E) (Reserved).

(iii) The following provisions of the “International Energy Conservation Code of 2009” are adopted:

(A) Section 102.1.1 (relating to above code programs).

(B) Section 104.3 (relating to final inspection).

(C) Section 403.2.3 (relating to building cavities).

(iv) The following provisions of the “International Energy Conservation Code of 2015” are adopted:

(A) Section C402.2.2 (relating to roof assembly).

(B) Exception 1 of section C402.5.3 (relating to rooms containing fuel-burning appliances).

(C) Section R405.4.2 (relating to compliance report).

(D) Section R406.3 (relating to energy rating index).

(E) Section R406.3.1 (relating to ERI reference design).

(F) Section R406.6.1 (relating to compliance software tools).

(G) Section R406.7 (relating to calculation software tools).

(H) Section R406.7.1 (relating to minimum capabilities).

(I) Section R406.7.2 (relating to specific approval).

(J) Section R406.7.3 (relating to input values).

(K) Section R502.1.1.2 (relating to heating and cooling systems).

(L) Section R503.1.2 (relating to heating and cooling systems).

(10) The “International Existing Building Code of 2018” except:

(i) The accessibility provisions contained in the following sections of the “International Existing Building Code of 2018” are adopted:

(A) Section 301.5 (relating to compliance with accessibility).

(B) Section 305 (relating to accessibility for existing buildings).

(C) Section 1101.2 (relating to creation or extension of nonconformity).

(D) Appendix “B” (relating to supplementary accessibility requirements for existing buildings and facilities).

(ii) Section 1106 (relating to storm shelters) is excluded.

(iii) The second sentence in section 106.2.5 is modified to read as follows: “The manufacturer’s installation instructions shall be available to the code official during inspection as a deferred submittal.”

(11) The “International Wildland-Urban Interface Code of 2018.”

(12) Appendix E of the “International Building Code of 2018.”

(13) Appendix H of the “International Building Code of 2009.”

(14) The “International Swimming Pool and Spa Code of 2018.”

(b) The code adopted under subsection (a)(8) is part of the Uniform Construction Code to the extent that it is referenced in Chapter 35 of the “International Building Code of 2018” 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 of 2018” and the appendices found in subsection (a)(12) and (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 “International Energy Conservation Code of 2018” 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 “International Energy Conservation Code of 2018” 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 of 2018” or with the “International Existing Building Code of 2018.”

§ 403.23. Child day care facilities.

* * * * *

(c) A day care facility that is an R-3 occupancy under subsection (a) which provides day care services to 7–12 children shall comply with all of the following:

(1) Have an interconnected smoke detector system.

(2) Have a fire extinguisher rated for Class B fires in the kitchen and other cooking areas.

(3) Meet the exiting requirements for an R-3 occupancy and licensure under 55 Pa. Code Chapter 3280 (relating to group child day care homes).

(d) All other child day care facilities shall be classified under Chapter 3 of the “International Building Code of 2018.” The facilities shall meet all Uniform Construction Code standards for these occupancy classifications.

§ 403.26. Swimming pools.

(a) A swimming pool, hot tub and spa which is accessory to a one-family or two-family dwelling must comply with the “International Swimming Pool and Spa Code of 2018.”

(b) A swimming pool, hot tub or spa that is not accessory to a one-family or two-family dwelling must comply with the Public Bathing Law (35 P.S. §§ 672—680d) and the “International Swimming Pool and Spa Code of 2018.” The accessibility provisions contained in section 307.1.4 (relating to general design requirements) of the “International Swimming Pool and Spa Code of 2018” are adopted.

§ 403.27. Applicability and use of standards.

(a) Portions of this chapter designate and incorporate portions of the following ICC copyrighted works:

- (1) The “International Building Code of 2018.”
- (2) The “International Residential Code of 2018.”
- (3) The “International Plumbing Code of 2018.”
- (4) The “International Mechanical Code of 2018.”

(b) The “International Residential Code of 2018” and the “International Existing Building Code of 2018” apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one-family and two-family dwellings and multiple single-family dwellings no more than three stories in height with a separate means of egress and their accessory structures.

(c) The ICC owns the copyrighted works in subsection (a). Reproduced with permission. All rights reserved.

(d) If different sections of this chapter specify different materials, method of construction or other requirements, the most restrictive material, method of construction or other requirement shall govern. The specific requirement of this part applies if there is a conflict between a general requirement and a specific requirement.

(e) This chapter governs if there is a conflict between this chapter and the provisions of the codes relating to administration incorporated under § 403.21(a) (relating to Uniform Construction Code).

(f) A provision of the “International Mechanical Code of 2018” does not apply if the provision conflicts with the Boiler and Unfired Pressure Vessel Law (35 P.S. §§ 1331.1—1331.18).

§ 403.28. Uncertified buildings.

(a) Under section 902(b)(6) of the act (35 P.S. § 7210.902(b)(6)), an uncertified building that was built before April 27, 1927, is deemed to be legally occupied until the owner proposes to renovate, add an addition, alter or change the occupancy of the building. The renovation, addition, alteration or change in occupancy must comply with the Uniform Construction Code.

(b) Under section 902(b) of the act, uncertified buildings within the Department’s jurisdiction must meet the following requirements which do not apply to uncertified buildings under subsection (a):

(1) Maximum story height, minimum allowable construction type based on floor area, vertical opening and shaft protection requirements, means of egress requirements pertaining to minimum number of exits, maximum travel distances to exits, means of egress illumination, minimum egress widths and heights for exit doors, exit

stairs, exit ramps and exit corridors requirements under the “International Building Code of 2018.”

(2) Fire safety requirements in the “International Building Code of 2018” for fire alarms, fire extinguishers, heat and smoke detectors, automatic sprinkler systems and occupancy and incidental use separations. The following also apply:

(i) If construction began on a building before May 19, 1984, the installation of automatic sprinkler systems is not required.

(ii) If construction began on a building after May 19, 1984, automatic sprinklers are only required if the building is classified in use groups E (educational), H (high-hazard), I (institutional), or R-1 or R-2 (residential) or if the building has occupied floors more than 75 feet above lowest level of fire department access. Buildings in use groups R-1 and R-2 which do not have occupied floors more than 75 feet above lowest level of fire department access may, instead of installing automatic sprinkler systems, install hard-wired interconnected heat and smoke detectors in all rooms or spaces, whether they are occupied or unoccupied.

(iii) If construction of a building began after May 18, 1984, automatic sprinkler installation shall be completed by December 22, 2010, or any certificate of occupancy issued shall be invalid.

(3) Accessibility requirements are applicable as follows:

(i) If construction of an uncertified building began before September 1, 1965, accessibility requirements will not be imposed by the Department.

(ii) If construction of a building began after August 31, 1965, and before February 18, 1989, and if the building is a State-owned building, a restaurant or a retail commercial establishment, the building must have at least one accessible main entrance, an accessible route from the accessible entrance to any public spaces on the same level as the accessible entrance and, if toilet rooms are provided, the building must have at least one toilet room for each sex or a unisex toilet room complying with the accessibility requirements of the “International Building Code of 2018.”

(iii) If construction of the building began after February 17, 1989, all accessibility requirements of the “International Building Code of 2018” shall be met.

(4) Structural requirements will not be imposed unless the Department determines that the building or a portion of the building has defects that are defined as dangerous in section 202 of the “International Existing Building Code of 2018.” If the building is dangerous, the Department may impose only those requirements minimally necessary to remove danger to the building’s occupants.

(5) A construction code official may deny the issuance of a certificate of occupancy if the official deems that a building is unsafe because of inadequate means of egress, inadequate lighting and ventilation, fire hazards or other dangers to human life or to public welfare.

(c) The following apply to uncertified buildings where the Department does not have jurisdiction and which are not governed under subsection (a):

(1) A construction code official shall issue a certificate of occupancy to an uncertified building if it meets the requirements of the latest version of the “International Existing Building Code of 2018” or Chapter 34 of the “International Building Code of 2018.” The construction

code official shall utilize the code for the municipality which best applies, in the official’s professional judgment.

(2) A construction code official may deny the issuance of a certificate of occupancy if the official deems that a building is unsafe because of inadequate means of egress, inadequate lighting and ventilation, fire hazards or other dangers to human life or to public welfare.

(3) A municipality governed under this subsection may utilize the standards of subsection (b) for the issuance of certificates of occupancy to uncertified buildings if the municipality adopts an ordinance.

PERMIT AND INSPECTION PROCESS FOR COMMERCIAL CONSTRUCTION

§ 403.42. Permit requirements and exemptions.

* * * * *

(b) Emergency repairs or replacement of equipment may be made without first applying for a permit if a permit application is submitted to the building code official within 3 business days of the repair or replacement.

(c) A permit is not required for the exceptions listed in § 403.1(b) (relating to scope) and the following construction as long as the work does not violate a law or ordinance:

- (1) Building construction for the following:

* * * * *

(x) Swings and other playground equipment accessory to one- or two-family dwellings.

(xi) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support of group R-3 as applicable in the “International Building Code of 2018,” and Group U occupancies.

(xii) Movable cases, counters and partitions that are not over 5 feet 9 inches in height.

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§ 403.42a. Permit application.

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(e) The permit applicant shall submit construction documents in a format approved by the building code official. Construction documents shall be clear, indicate the location, nature and extent of the work proposed, and show in detail that the work will conform to the Uniform Construction Code.

(f) All of the following fire egress and occupancy requirements apply to construction documents:

(1) The permit applicant shall submit construction documents that show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the Uniform Construction Code.

(2) The construction documents for occupancies other than Groups R-2 and R-3 shall contain designation of the number of occupants to be accommodated on every floor and in all rooms and spaces.

(3) The permit applicant shall submit shop drawings for a fire protection system that indicates conformance with the Uniform Construction Code in accordance with the following:

(i) The shop drawings shall be approved by the building code official before the start of the system installation.

(ii) The shop drawings must contain the information required by the referenced installation standards contained in Chapter 9 of the “International Building Code of 2018.”

(g) Construction documents shall contain the following information related to the exterior wall envelope:

(1) Description of the exterior wall envelope indicating compliance with the Uniform Construction Code.

(2) Flashing details.

(3) Details relating to intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane and details around openings.

(h) Construction documents shall contain a site plan that is drawn to scale. The building code official may waive or modify the following site plan requirements if the permit application is for an alteration or repair or if waiver or modification is warranted. Site plan requirements include all of the following:

(1) The size and location of new construction and existing structures on the site.

(2) Accurate boundary lines.

(3) Distances from lot lines.

(4) The established street grades and the proposed finished grades.

(5) If the construction involves demolition, the site plan shall indicate construction that is to be demolished and the size and location of existing structures and construction that will remain on the site or plot.

(6) Location of parking spaces, accessible routes, public transportation stops and other required accessibility features.

(i) A permit applicant shall submit certifications required in the “International Building Code of 2018” for construction in a flood hazard area to the building code official.

(j) A permit applicant shall identify, on the application, the name and address of the licensed architect or engineer in responsible charge. The permit applicant shall notify the building code official in writing if another licensed architect or engineer assumes responsible charge.

(k) The permit applicant shall describe an inspection program, identify a person or firm who will perform special inspections and structural observations if section 1704 and 1705 of the “International Building Code of 2018” requires special inspections or structural observations for the construction.

(l) A building code official may waive or modify the submission of construction documents, that are not required to be prepared by a licensed architect or engineer, or other data if the nature of the work applied for does not require review of construction documents or other data to obtain compliance with the Uniform Construction Code. The building code official may not waive the submission of site plans that relate to accessibility requirements.

* * * * *

§ 403.44. Alternative construction materials and methods.

* * * * *

(b) Materials, equipment and devices bearing the label or listed by a testing laboratory or quality assurance agency accredited by the International Accreditation Ser-

vice, Inc. or another agency accredited under the “Calibration and Testing Laboratory Accreditation Systems-General Requirements for Operation and Recognition” issued by ISO (ISO Guide 58) are approved for use if:

(1) The testing laboratory or quality assurance agency deemed the material as meeting Uniform Construction Code-required standards.

(2) The scope of accreditation is applicable to Uniform Construction Code-required standards.

(c) A new building or remodeling, alteration, addition or change of use and occupancy of an existing building which complies with the “International Performance Code of 2018” shall also be in compliance with the Uniform Construction Code.

§ 403.45. Inspections.

* * * * *

(e) A construction code official shall conduct a final inspection of the completed construction work and file a final inspection report, which indicates that all of the following areas met Uniform Construction Code requirements after a final inspection of the completed construction work:

- (1) General building under § 401.7(6) (relating to certification category specification).
- (2) Electrical under § 401.7(7).
- (3) Plumbing under § 401.7(9).
- (4) Accessibility under § 401.7(11).
- (5) Fire protection under § 401.7(6).
- (6) Mechanical under § 401.7(8).
- (7) Energy conservation under § 401.7(10)

(f) A code administrator may act in place of a lumber grading or inspection agency to satisfy the requirements under section 2303.1.1 of the “International Building Code of 2018” or its successor code.

§ 403.46. Certificate of occupancy.

(a) A building, structure or facility may not be used or occupied without a certificate of occupancy issued by a building code official.

(b) A building code official shall issue a certificate of occupancy within 5 business days after receipt of a final inspection report that indicates compliance with the Uniform Construction Code. The certificate of occupancy shall contain the following information:

* * * * *

(6) The use and occupancy classification under Chapter 3 (Use and Occupancy Classification) of the “International Building Code of 2018,” when designated.

(7) The type of construction defined in Chapter 6 (Types of Construction) of the “International Building Code of 2018,” when designated.

(8) Special stipulations and conditions relating to the permit and board of appeals’ decisions and variances for accessibility requirements granted by the Secretary.

(9) The date of the final inspection.

(c) A building code official may issue a certificate of occupancy for a portion of a building, structure or facility if the portion independently meets the Uniform Construction Code.

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MUNICIPAL ELECTION

§ 403.103. Municipalities electing not to enforce the Uniform Construction Code.

(a) A municipality shall provide written notification to the Department before August 7, 2004, if it elects not to administer and enforce the Uniform Construction Code.

(b) An applicant for a residential building permit shall obtain the services of a third-party agency certified in the appropriate categories to conduct the plan review and inspections under §§ 403.61—403.66 (relating to permit and inspection process for residential buildings).

(c) A building code official shall approve an alternative material, design or method of construction if the proposed design is satisfactory and complies with the intent of the Uniform Construction Code and the offered material, method or work is equivalent to Uniform Construction Code requirements for its intended purpose. The building code official shall accept compliance with the “International Performance Code of 2018” as an alternative to compliance with the Uniform Construction Code.

(d) A building code official shall determine the climatic and geographic design criteria contained in Table R301.2(1) of the “International Residential Code of 2018” for residential construction.

(e) A third-party agency which conducts plan review and inspection of residential buildings and utility and miscellaneous use structures shall retain copies of all final inspection reports relating to Uniform Construction Code compliance.

* * * * *

[Pa.B. Doc. No. 22-230. Filed for public inspection February 11, 2022, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 113]

Boating; Aids to Navigation and Obstructions to Navigation

The Fish and Boat Commission (Commission) amends Chapter 113 (relating to aids to navigation and obstructions to navigation). The Commission is publishing this final-omitted rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) and other authorities described as follows.

A. Effective Date

This final-omitted rulemaking will go into effect immediately upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this final-omitted rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-omitted rulemaking is available on the Commission’s web site at www.fishandboat.com.

C. Statutory Authority

These amendments are published under the statutory authority of section 506 of The Administrative Code of 1929 (71 P.S. § 186). These amendments also are published in accordance with section 204 of the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Common-

wealth Documents Law (CDL) (45 P.S. § 1204), which provides that an agency may omit or modify the procedures specified in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) if, among other things, the administrative regulation or change relates to agency organization, management or personnel; agency procedure or practice; or Commonwealth property or the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the order adopting the administrative regulation or change therein) that the procedures specified in sections 201 and 202 of the CDL are under the circumstances impracticable, unnecessary or contrary to the public interest.

D. Purpose and Background

Under § 51.5 (relating to correction of regulations), the Executive Director is authorized to take immediate corrective action on the Commission's behalf if the Executive Director or the Commission's staff discovers an error or omission in the text of a Commission regulation as published in the *Pennsylvania Code* or *Pennsylvania Bulletin*. The purpose of this final-omitted rulemaking is to update the Commission's regulations with current agency contact information.

E. Summary of Changes

The Commission amends § 113.4 (relating to permits) because a recent review of the Commission's regulations by staff revealed that some of the information in the current regulation is inaccurate or no longer current and needs updating. The Commission therefore amends this section to read as set forth in Annex A.

F. Paperwork

This final-omitted rulemaking will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

This final-omitted rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. This final-omitted rulemaking will impose no new costs on the private sector or the general public.

H. Public Involvement

Under section 204 of the CDL, an agency may omit the procedures specified in sections 201 and 202 of the CDL if the administrative regulation or change relates to agency organization, management or personnel or agency procedure or practice. The Commission, therefore, did not publish these amendments as a notice of proposed rulemaking or solicit public comment.

Findings

The Commission finds:

(1) Inaccurate or outdated contact information was discovered in the text of § 113.4 as published in the *Pennsylvania Code*.

(2) Under § 51.5, the Executive Director is authorized to take immediate corrective action on behalf of the

Commission, including, if necessary, the issuance of an order to make the necessary correction, if the Executive Director or the Commission's staff discovers an error in the text of a Commission regulation as published in the *Pennsylvania Code*.

(3) Because the nature of the amendments is minor and designed to correct errors or update agency contact information, the Commission finds that the procedures of sections 201 and 202 of the CDL are unnecessary.

Order

The Commission, acting under the authorizing statutes, orders that:

(A) The regulations of the Commission in 58 Pa. Code Chapter 113 are amended by amending § 113.4 to read as set forth at Annex A.

(B) The Executive Director will submit this order and Annex A to the Attorney General for approval as to legality as required by law.

(C) The Executive Director shall certify this order and Annex A and deposit the same with the Legislative Reference Bureau as required by law.

(D) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-322. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 113. AIDS TO NAVIGATION AND OBSTRUCTIONS TO NAVIGATION

§ 113.4. Permits.

(a) Persons, including clubs, individuals, State agencies, municipalities and other groups, wishing to establish an aid shall apply for permission from the Commission on Form PFBC-277 at least 30 days prior to the intended date of installation. Application forms are available from and should be submitted to:

Aids to Navigation
Bureau of Boating
Pennsylvania Fish and Boat Commission
Post Office Box 67000
Harrisburg, Pennsylvania 17106-7000

(b) The authorization of the placement of a private aid to navigation does not grant exclusive privileges nor does it eliminate the necessity to comply with other Federal or state permitting requirements.

[Pa.B. Doc. No. 22-231. Filed for public inspection February 11, 2022, 9:00 a.m.]