



October 1, 2009

Honorable John Gordner - Majority Chair
Honorable Tina Tartaglione - Minority Chair
Distinguished Members of the Pennsylvania Senate Labor & Industry Committee 2009

I am Donald C. Forry and I am the Vice Chairman of the Pennsylvania Uniform Construction Code Review and Advisory Council, the Director of Code Compliance for Manheim Township and the president of Lancaster County Code Association. Thank you for the opportunity to speak before you this morning.

The purpose of my testimony is to overview the duties and the responsibilities of the Review and Advisory Council (RAC), including a summary of its meetings.

House Bill 1096 amended the UCC by establishing the RAC, which was passed by the Senate (50-0) and House (188-0) on October 8, 2008, and was approved by Governor Rendell as Act 106 on October 9, 2008. Representative Ronald Buxton spearheaded the house bill. The primary purpose of RAC is to provide the members of the legislature and their staff with a technical resource which they could turn to in order to make recommendations on issues involving codes and standards.


Governor Rendell appointed the 19 RAC members on February 10, 2009. These members are a collective group of technical experts who work with and are impacted by the UCC on a daily basis. These experts include licensed design professionals, contractors, UCC certified building code officials, representatives from municipal government and representatives from the manufactured and modular housing industries.

RAC is charged with "gathering information" about the administration and enforcement of the UCC from municipal officers, building code officials, building and property owners, concerning issues raised by RAC members, or changes proposed by members of the General Assembly. It is presumed that this information gathering will take place in regards to "problematic issues" related to the UCC, but the scope of what RAC may consider is not specifically limited.

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While not specifically stated, RAC can receive information about the UCC from stakeholders and affected parties, including the general public. This will be considered part of the "gathering" process. All meetings of RAC are advertised, open to the general public and conducted under the PA Sunshine Law.

Based on information received or gathered, RAC will evaluate that information and make recommendations on legislative or regulatory changes related to the UCC to the Governor; Secretary of Labor and Industry; members of any legislative committee considering amendment to the Act, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, and the Code Development Councils of the International Codes Council (ICC).

Members of the legislature, committee chairs and leadership may use the RAC to investigate, research and comment on potential legislation or introduced legislation that would amend the UCC. The legislature may do as it wishes with the recommendation of RAC. The legislature is not bound to follow the recommendations.

RAC may also voluntarily provide input and recommendations to members of the legislature, committee chairs and leadership regarding potential legislation or introduced legislation even if the RAC has not been asked to provide that input.

RAC is also responsible for reviewing any additions or revisions of code provisions in the newly published triennial ICC codes (beginning with 2009 and every 3 years thereafter) and determining if any of the new or revised provisions should not be adopted in Pennsylvania. If the Council determines that any of the new or revised provisions should be rejected for adoption in Pennsylvania, the RAC would be required to advise the Department of Labor and Industry that such provisions should be excluded from the UCC.

Upon receiving such notification from RAC, the Department of Labor and Industry is required to promulgate proposed regulations adopting the latest triennial ICC codes, minus RAC's deletions, within 90 days following the RAC's notification to the Department.

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RAC cannot reject any code provisions which appeared in prior editions (i.e. 2006) and which have not be revised in a subsequent edition like 2009. It has no authority to write or modify code, only reject additions and revision to the published ICC Codes.

The initial RAC meeting was on March 9, 2000 and organizational and procedural matters were discussed and future code review meetings were scheduled. During the month of April four code review meetings along with public testimony were held to consider 14 proposed submittals from the 2009 ICC codes. On May 1, 2009, as required in the act, RAC submitted its recommendation that nothing be excluded from the 2009 International Codes.

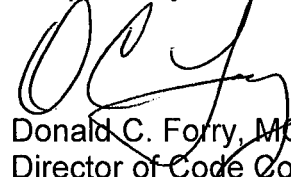
RAC also made application to the ICC as a governmental member and was approved as such. Consequently, all members may now participate and vote as part of the ICC code change process.

On August 27, RAC met to resolve procedural and participation rules, hear a report on Department of Labor and Industry accessibility audits, and hear reports from the Regulation Work Group headed by Don Forry and the Legislation Work Group headed by John Kampmeyer. The purpose of the work groups is to identify and make recommendations to the Department Of Labor and Industry concerning UCC Chapter 401, Training and Certification of Code Administrators, and UCC Chapter 403, Administration.

The next quarterly meeting is scheduled for November 12.

In closing, thank you Mr. Chairman and members of the committee for your time and consideration. I will be pleased to respond to any questions you may have.

Respectfully submitted,



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